

By Senator Powell

30-01162-17

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1                   A bill to be entitled  
 2           An act relating to missing person investigations;  
 3           amending s. 937.0201, F.S.; revising the definition of  
 4           the term "missing endangered person"; amending s.  
 5           937.021, F.S.; providing that certain persons are  
 6           immune from civil liability for damages for complying  
 7           with the request to release TJ Alert information to  
 8           appropriate agencies; providing a presumption of good  
 9           faith for specified actions concerning TJ alerts;  
 10          amending s. 937.022, F.S.; authorizing only the law  
 11          enforcement agency having jurisdiction over a case to  
 12          request that the Missing Endangered Persons  
 13          Information Clearinghouse activate a TJ Alert  
 14          involving a missing person who is suspected by the law  
 15          enforcement agency of meeting the criteria for  
 16          activation of the TJ Alert Plan; providing an  
 17          effective date.

18  
 19 Be It Enacted by the Legislature of the State of Florida:

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 21           Section 1. Paragraphs (c) and (d) of subsection (4) of  
 22           section 937.0201, Florida Statutes, are amended, and paragraph  
 23           (e) is added to that subsection, to read:

24           937.0201 Definitions.—As used in this chapter, the term:

25           (4) "Missing endangered person" means:

26           (c) A missing adult 26 years of age or older who is  
 27           suspected by a law enforcement agency of being endangered or the  
 28           victim of criminal activity; ~~or~~

29           (d) A missing adult who meets the criteria for activation  
 30           of the Silver Alert Plan of the department ~~of Law Enforcement;~~  
 31           or

32           (e) A missing person who meets the criteria for activation

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33 of the TJ Alert Plan of the department.

34 Section 2. Present paragraphs (d) and (e) of subsection (5)  
35 of section 937.021, Florida Statutes, are amended, and a new  
36 paragraph (d) is added to that subsection, to read:

37 937.021 Missing child and missing adult reports.—

38 (5)

39 (d) Upon receiving a request to record, report, transmit,  
40 display, or release TJ Alert information from the law  
41 enforcement agency having jurisdiction over the missing person,  
42 the department as the state TJ Alert coordinator, any state or  
43 local law enforcement agency, and the personnel of these  
44 agencies; any radio or television network, broadcaster, or other  
45 media representative; any dealer of communications services as  
46 defined in s. 202.11; or any agency, employee, individual, or  
47 entity is immune from civil liability for damages for complying  
48 in good faith with the request and is presumed to have acted in  
49 good faith in recording, reporting, transmitting, displaying, or  
50 releasing TJ Alert information pertaining to the missing person.

51 (e) ~~(d)~~ The presumption of good faith is not overcome if a  
52 technical or clerical error is made by any agency, employee,  
53 individual, or entity acting at the request of the local law  
54 enforcement agency having jurisdiction, or if the Amber Alert,  
55 Missing Child Alert, missing child ~~information~~, missing adult  
56 ~~information~~, or Silver Alert, or TJ Alert information is  
57 incomplete or incorrect because the information received from  
58 the local law enforcement agency was incomplete or incorrect.

59 (f) ~~(e)~~ Neither this subsection nor any other provision of  
60 law creates a duty of the agency, employee, individual, or  
61 entity to record, report, transmit, display, or release the

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62 Amber Alert, Missing Child Alert, missing child ~~information~~,  
63 missing adult ~~information~~, ~~or~~ Silver Alert, or TJ Alert  
64 information received from the local law enforcement agency  
65 having jurisdiction. The decision to record, report, transmit,  
66 display, or release information is discretionary with the  
67 agency, employee, individual, or entity receiving the  
68 information.

69 Section 3. Subsection (3) of section 937.022, Florida  
70 Statutes, is amended to read:

71 937.022 Missing Endangered Persons Information  
72 Clearinghouse.—

73 (3) The clearinghouse shall:

74 (a) Establish a system of intrastate communication of  
75 information relating to missing endangered persons.

76 (b) Provide a centralized file for the exchange of  
77 information on missing endangered persons.

78 1. Every state, county, or municipal law enforcement agency  
79 shall submit to the clearinghouse information concerning missing  
80 endangered persons.

81 2. Any person having knowledge may submit a missing  
82 endangered person report to the clearinghouse concerning a child  
83 or adult younger than 26 years of age whose whereabouts is  
84 unknown, regardless of the circumstances, subsequent to  
85 reporting such child or adult missing to the appropriate law  
86 enforcement agency within the county in which the child or adult  
87 became missing, and subsequent to entry by the law enforcement  
88 agency of the child or person into the Florida Crime Information  
89 Center and the National Crime Information Center databases. The  
90 missing endangered person report shall be included in the

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91 clearinghouse database.

92 3. Only the law enforcement agency having jurisdiction over  
93 the case may submit a missing endangered person report to the  
94 clearinghouse involving a missing adult age 26 years or older  
95 who is suspected by a law enforcement agency of being endangered  
96 or the victim of criminal activity.

97 4. Only the law enforcement agency having jurisdiction over  
98 the case may make a request to the clearinghouse for the  
99 activation of a state Silver Alert involving a missing adult if  
100 circumstances regarding the disappearance have met the criteria  
101 for activation of the Silver Alert Plan.

102 5. Only the law enforcement agency having jurisdiction over  
103 the case may make a request to the clearinghouse for the  
104 activation of a state TJ Alert involving a missing person if  
105 circumstances regarding the disappearance have met the criteria  
106 for activation of the TJ Alert Plan.

107 (c) Collect, process, maintain, and disseminate information  
108 on missing endangered persons and strive to maintain or  
109 disseminate only accurate and complete information.

110 Section 4. This act shall take effect July 1, 2017.