

By Senator Torres

15-01484-19

20191166\_\_

1                   A bill to be entitled  
2       An act relating to missing persons; amending s.  
3       937.0201, F.S.; defining the term "at-risk veteran";  
4       redefining the term "missing adult"; amending s.  
5       937.021, F.S.; providing that the Department of Law  
6       Enforcement, as the state Camo Alert coordinator, and  
7       certain agencies, employees, individuals, and entities  
8       are immune from civil liability for damages for  
9       performing certain actions in good faith; providing  
10      that the presumption of good faith is not overcome  
11      under certain circumstances; providing construction;  
12      amending s. 937.022, F.S.; authorizing only the law  
13      enforcement agency having jurisdiction over a case to  
14      make a request to the clearinghouse for the activation  
15      of a state Camo Alert involving a missing adult under  
16      certain circumstances; amending s. 937.023, F.S.;  
17      providing that the term "missing Florida school child"  
18      does not include an at-risk veteran; providing an  
19      effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23       Section 1. Present subsections (1) through (5) of section  
24       937.0201, Florida Statutes, are renumbered as subsections (2)  
25       through (6), respectively, present subsection (2) of that  
26       section is amended, and a new subsection (1) is added to that  
27       section, to read:

28       937.0201 Definitions.—As used in this chapter, the term:  
29       (1) "At-risk veteran" means a veteran of or an active duty

15-01484-19

20191166\_\_

30 member of the United States Armed Forces, the National Guard, or  
31 the United States Reserve Forces, regardless of age, who is  
32 known to suffer from a mental illness, including post-traumatic  
33 stress disorder (PTSD), or a traumatic brain injury, and his or  
34 her disappearance poses a credible threat to his or her own  
35 health and safety or the health and safety of another.

36 (3)-(2) "Missing adult" means a person 18 years of age or  
37 older whose temporary or permanent residence is in, or is  
38 believed to be in, this state, whose location has not been  
39 determined, and who has been reported as missing to a law  
40 enforcement agency. The term includes an at-risk veteran.

41 Section 2. Paragraphs (c), (d), and (e) of subsection (5)  
42 of section 937.021, Florida Statutes, are amended to read:

43 937.021 Missing child and missing adult reports.-

44 (5)

45 (c) Upon receiving a request to record, report, transmit,  
46 display, or release Silver Alert or Camo Alert information from  
47 the law enforcement agency having jurisdiction over the missing  
48 adult, the Department of Law Enforcement as the state Silver  
49 Alert or state Camo Alert coordinator, any state or local law  
50 enforcement agency, and the personnel of these agencies; any  
51 radio or television network, broadcaster, or other media  
52 representative; any dealer of communications services as defined  
53 in s. 202.11; or any agency, employee, individual, or entity is  
54 immune from civil liability for damages for complying in good  
55 faith with the request and is presumed to have acted in good  
56 faith in recording, reporting, transmitting, displaying, or  
57 releasing Silver Alert or Camo Alert information pertaining to  
58 the missing adult.

15-01484-19

20191166\_\_

59 (d) The presumption of good faith is not overcome if a  
60 technical or clerical error is made by any agency, employee,  
61 individual, or entity acting at the request of the local law  
62 enforcement agency having jurisdiction, or if the Amber Alert,  
63 Missing Child Alert, missing child ~~information~~, missing adult  
64 ~~information~~, ~~or Silver Alert~~, or Camo Alert information is  
65 incomplete or incorrect because the information received from  
66 the local law enforcement agency was incomplete or incorrect.

67 (e) Neither this subsection nor any other provision of law  
68 creates a duty of the agency, employee, individual, or entity to  
69 record, report, transmit, display, or release the Amber Alert,  
70 Missing Child Alert, missing child ~~information~~, missing adult  
71 ~~information~~, ~~or Silver Alert~~, or Camo Alert information received  
72 from the local law enforcement agency having jurisdiction. The  
73 decision to record, report, transmit, display, or release  
74 information is discretionary with the agency, employee,  
75 individual, or entity receiving the information.

76 Section 3. Paragraph (b) of subsection (3) of section  
77 937.022, Florida Statutes, is amended to read:

78 937.022 Missing Endangered Persons Information  
79 Clearinghouse.—

80 (3) The clearinghouse shall:

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

83 1. Every state, county, or municipal law enforcement agency  
84 shall submit to the clearinghouse information concerning missing  
85 endangered persons.

86 2. Any person having knowledge may submit a missing  
87 endangered person report to the clearinghouse concerning a child

15-01484-19

20191166\_\_

88 or adult younger than 26 years of age whose whereabouts is  
89 unknown, regardless of the circumstances, subsequent to  
90 reporting such child or adult missing to the appropriate law  
91 enforcement agency within the county in which the child or adult  
92 became missing, and subsequent to entry by the law enforcement  
93 agency of the child or person into the Florida Crime Information  
94 Center and the National Crime Information Center databases. The  
95 missing endangered person report shall be included in the  
96 clearinghouse database.

97 3. Only the law enforcement agency having jurisdiction over  
98 the case may submit a missing endangered person report to the  
99 clearinghouse involving a missing adult age 26 years or older  
100 who is suspected by a law enforcement agency of being endangered  
101 or the victim of criminal activity.

102 4. 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 Silver Alert or state Camo Alert involving  
105 a missing adult if circumstances regarding the disappearance  
106 have met the criteria for activation of the Silver Alert Plan or  
107 the Camo Alert Plan.

108 Section 4. Subsection (1) of section 937.023, Florida  
109 Statutes, is amended to read:

110 937.023 Department of Education to compile list of missing  
111 Florida school children; forms; notification.-

112 (1) The Department of Education shall provide by rule for a  
113 program to identify and locate missing Florida school children  
114 who are enrolled in Florida public school districts in  
115 kindergarten through grade 12. A "missing Florida school child"  
116 is defined for the purposes of this section as a child 18 years

15-01484-19

20191166\_\_

117 of age or younger whose whereabouts are unknown. The term does  
118 not include an at-risk veteran as defined in s. 937.0201.

119 Pursuant to such program, the department shall:

120 (a) Collect each month a list of missing Florida school  
121 children as provided by the Florida Crime Information Center.  
122 The list shall be designed to include such information as the  
123 department deems necessary for the identification of the missing  
124 school child.

125 (b) Compile from the information collected pursuant to  
126 paragraph (a) a list of missing Florida school children, which  
127 list shall be distributed monthly to all public school districts  
128 admitting children to kindergarten through grade 12. The list  
129 shall include the names of all such missing children, together  
130 with such other information as the department deems necessary.  
131 Each school district shall distribute this information to the  
132 public schools in the district by whatever manner it deems  
133 appropriate.

134 (c) Notify the appropriate local, state, or federal law  
135 enforcement authority as soon as any additional information is  
136 obtained or contact is made with respect to a missing Florida  
137 school child.

138 Section 5. This act shall take effect upon becoming a law.