

1 A bill to be entitled
2 An act relating to missing persons; amending s.
3 937.0201, F.S.; providing a definition of the term
4 "at-risk veteran"; revising the definition of the term
5 "missing adult"; amending s. 937.021, F.S.; providing
6 that the Department of Law Enforcement, as the state
7 Camo Alert coordinator, and certain agencies,
8 employees, individuals, and entities are immune from
9 civil liability for damages for performing certain
10 actions in good faith; providing that the presumption
11 of good faith is not overcome under certain
12 circumstances; providing construction; creating s.
13 937.0215, F.S.; prohibiting a person from causing a
14 false Camo Alert to be issued; providing criminal
15 penalties; amending s. 937.022, F.S.; authorizing only
16 the law enforcement agency having jurisdiction over a
17 case to make a request to the clearinghouse for the
18 activation of a state Camo Alert involving a missing
19 adult under certain circumstances; providing that a
20 Camo Alert may only be issued for an at-risk veteran
21 included in the Camo Alert Voluntary Registry;
22 requiring the clearinghouse to establish and maintain
23 the Camo Alert Voluntary Registry within the Missing
24 Endangered Persons Information Clearinghouse;
25 providing for voluntary registration of an at-risk

26 | veteran; providing requirements for the removal and
 27 | expungement of an at-risk veteran's registration and
 28 | information; amending s. 937.023, F.S.; providing that
 29 | the term "missing Florida school child" does not
 30 | include an at-risk veteran; providing an effective
 31 | date.

32 |

33 | Be It Enacted by the Legislature of the State of Florida:

34 |

35 | Section 1. Subsections (1) through (5) of section
 36 | 937.0201, Florida Statutes, are renumbered as subsections (2)
 37 | through (6), respectively, present subsection (2) is amended,
 38 | and a new subsection (1) is added to that section, to read:

39 | 937.0201 Definitions.—As used in this chapter, the term:

40 | (1) "At-risk veteran" means veteran of or an active duty
 41 | member of the United States Armed Forces, the National Guard, or
 42 | the United States Reserve Forces, regardless of age, who is
 43 | known to suffer from a mental illness, including post-traumatic
 44 | stress disorder (PTSD), or a traumatic brain injury or is
 45 | concerned for his or her own mental stability, his or her
 46 | disappearance poses a credible threat to his or her own health
 47 | and safety or the health and safety of another, and he or she is
 48 | included as an at-risk veteran in the Missing Endangered Persons
 49 | Information Clearinghouse Camo Alert Voluntary Registry.

50 | ~~(3)~~ ~~(2)~~ "Missing adult" means a person 18 years of age or

51 | older whose temporary or permanent residence is in, or is
52 | believed to be in, this state, whose location has not been
53 | determined, and who has been reported as missing to a law
54 | enforcement agency. The term includes an at-risk veteran.

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

57 | 937.021 Missing child and missing adult reports.—

58 | (5)

59 | (c) Upon receiving a request to record, report, transmit,
60 | display, or release Silver Alert or Camo Alert information from
61 | the law enforcement agency having jurisdiction over the missing
62 | adult, the Department of Law Enforcement as the state Silver
63 | Alert or state Camo Alert coordinator, any state or local law
64 | enforcement agency, and the personnel of these agencies; any
65 | radio or television network, broadcaster, or other media
66 | representative; any dealer of communications services as defined
67 | in s. 202.11; or any agency, employee, individual, or entity is
68 | immune from civil liability for damages for complying in good
69 | faith with the request and is presumed to have acted in good
70 | faith in recording, reporting, transmitting, displaying, or
71 | releasing Silver Alert or Camo Alert information pertaining to
72 | the missing adult.

73 | (d) The presumption of good faith is not overcome if a
74 | technical or clerical error is made by any agency, employee,
75 | individual, or entity acting at the request of the local law

76 enforcement agency having jurisdiction, or if the Amber Alert,
 77 Missing Child Alert, missing child ~~information~~, missing adult
 78 ~~information~~, ~~or Silver Alert~~, or Camo Alert information is
 79 incomplete or incorrect because the information received from
 80 the local law enforcement agency was incomplete or incorrect.

81 (e) Neither this subsection nor any other provision of law
 82 creates a duty of the agency, employee, individual, or entity to
 83 record, report, transmit, display, or release the Amber Alert,
 84 Missing Child Alert, missing child ~~information~~, missing adult
 85 ~~information~~, ~~or Silver Alert~~, or Camo Alert information received
 86 from the local law enforcement agency having jurisdiction. The
 87 decision to record, report, transmit, display, or release
 88 information is discretionary with the agency, employee,
 89 individual, or entity receiving the information.

90 Section 3. Section 937.0215, Florida Statutes, is created
 91 to read:

92 937.0215 Intentionally causing a false Camo Alert;
 93 penalty.—A person who knowingly and intentionally causes a false
 94 Camo Alert to be issued under this chapter commits a misdemeanor
 95 of the first degree, punishable as provided in s. 775.082 or s.
 96 775.083.

97 Section 4. Paragraph (b) of subsection (3) of section
 98 937.022, Florida Statutes, is amended, and paragraph (d) is
 99 added to that subsection, to read:

100 937.022 Missing Endangered Persons Information

101 Clearinghouse.—

102 (3) The clearinghouse shall:

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

105 1. Every state, county, or municipal law enforcement
 106 agency shall submit to the clearinghouse information concerning
 107 missing endangered persons.

108 2. Any person having knowledge may submit a missing
 109 endangered person report to the clearinghouse concerning a child
 110 or adult younger than 26 years of age whose whereabouts is
 111 unknown, regardless of the circumstances, subsequent to
 112 reporting such child or adult missing to the appropriate law
 113 enforcement agency within the county in which the child or adult
 114 became missing, and subsequent to entry by the law enforcement
 115 agency of the child or person into the Florida Crime Information
 116 Center and the National Crime Information Center databases. The
 117 missing endangered person report shall be included in the
 118 clearinghouse database.

119 3. Only the law enforcement agency having jurisdiction
 120 over the case may submit a missing endangered person report to
 121 the clearinghouse involving a missing adult age 26 years or
 122 older who is suspected by a law enforcement agency of being
 123 endangered or the victim of criminal activity.

124 4. Only the law enforcement agency having jurisdiction
 125 over the case may make a request to the clearinghouse for the

126 activation of a state Silver Alert or state Camo Alert involving
127 a missing adult if circumstances regarding the disappearance
128 have met the criteria for activation of the Silver Alert Plan or
129 the Camo Alert Plan. The clearinghouse may only authorize the
130 issuance of a Camo Alert for those at-risk veterans who are
131 included in the Camo Alert Voluntary Registry.

132 (d) Establish and maintain the Camo Alert Voluntary
133 Registry, a voluntary registration system to manage the
134 voluntary registration of at-risk veterans by a veteran or his
135 or her legal guardian. Only those veterans who have voluntarily
136 requested to be included in the Camo Alert system shall be
137 included in the Camo Alert Voluntary Registry. The system shall
138 also provide for the removal and expungement of an at-risk
139 veteran's registration and information from the registry upon
140 written request from the veteran or his or her legal guardian
141 within 30 days after the clearinghouse receives the written
142 request.

143 Section 5. Subsection (1) of section 937.023, Florida
144 Statutes, is amended to read:

145 937.023 Department of Education to compile list of missing
146 Florida school children; forms; notification.-

147 (1) The Department of Education shall provide by rule for
148 a program to identify and locate missing Florida school children
149 who are enrolled in Florida public school districts in
150 kindergarten through grade 12. A "missing Florida school child"

151 is defined for the purposes of this section as a child 18 years
152 of age or younger whose whereabouts are unknown. The term does
153 not include an at-risk veteran as defined in s. 937.0201.

154 Pursuant to such program, the department shall:

155 (a) Collect each month a list of missing Florida school
156 children as provided by the Florida Crime Information Center.
157 The list shall be designed to include such information as the
158 department deems necessary for the identification of the missing
159 school child.

160 (b) Compile from the information collected pursuant to
161 paragraph (a) a list of missing Florida school children, which
162 list shall be distributed monthly to all public school districts
163 admitting children to kindergarten through grade 12. The list
164 shall include the names of all such missing children, together
165 with such other information as the department deems necessary.
166 Each school district shall distribute this information to the
167 public schools in the district by whatever manner it deems
168 appropriate.

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

173 Section 6. This act shall take effect upon becoming a law.