

By Senator Torres

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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       revising the definition of the term "missing adult";  
5       amending s. 937.021, F.S.; providing that the  
6       Department of Law Enforcement, as the state Camo Alert  
7       coordinator, and certain agencies, employees,  
8       individuals, and entities, are immune from civil  
9       liability for damages for performing certain actions  
10      in good faith; providing that the presumption of good  
11      faith is not overcome under certain circumstances;  
12      providing construction; creating s. 937.0215, F.S.;  
13      prohibiting a person from causing a false Camo Alert  
14      to be issued; providing criminal penalties; amending  
15      s. 937.022, F.S.; authorizing only the law enforcement  
16      agency having jurisdiction over a case to make a  
17      request to the clearinghouse for the activation of a  
18      state Camo Alert involving a missing adult under  
19      certain circumstances; providing that a Camo Alert may  
20      only be issued for an at-risk veteran included in the  
21      Camo Alert Voluntary Registry; requiring the  
22      clearinghouse to establish and maintain the Camo Alert  
23      Voluntary Registry within the Missing Endangered  
24      Persons Information Clearinghouse; providing for  
25      voluntary registration of an at-risk veteran;  
26      providing requirements for the removal and expungement  
27      of an at-risk veteran's registration and information;  
28      amending s. 937.023, F.S.; providing that the term  
29      "missing Florida school child" does not include an at-

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30 risk veteran; providing an effective date.

31  
32 Be It Enacted by the Legislature of the State of Florida:

33  
34 Section 1. Present subsections (1) through (5) of section  
35 937.0201, Florida Statutes, are renumbered as subsections (2)  
36 through (6), respectively, a new subsection (1) is added to that  
37 section, and present subsection (2) of that section is amended,  
38 to read:

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

40 (1) "At-risk veteran" means a 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 posttraumatic  
44 stress disorder (PTSD), or a traumatic brain injury or is  
45 concerned for his or her own mental stability, whose  
46 disappearance poses a credible threat to his or her own health  
47 and safety or the health and safety of another, and who 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)

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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

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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 agency  
106 shall submit to the clearinghouse information concerning missing  
107 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

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117 missing endangered person report shall be included in the  
118 clearinghouse database.

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

124 4. Only the law enforcement agency having jurisdiction over  
125 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

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146 Florida school children; forms; notification.—

147 (1) The Department of Education shall provide by rule for a  
148 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.