1	A bill to be entitled
2	An act relating to missing persons with special needs;
3	amending s. 937.0201, F.S.; revising the definition of
4	the term "missing endangered person" to include
5	certain persons with special needs; amending s.
6	937.021, F.S.; providing immunity from civil liability
7	for certain persons who comply with a request to
8	release information concerning missing persons with
9	special needs to appropriate agencies; providing a
10	presumption that a person recording, reporting,
11	transmitting, displaying, or releasing such
12	information acted in good faith; amending s. 937.022,
13	F.S.; specifying who may submit a report concerning a
14	missing person with special needs; providing an
15	effective date.
16	
17	Be It Enacted by the Legislature of the State of Florida:
18	
19	Section 1. Paragraphs (c) and (d) of subsection (4) of
20	section 937.0201, Florida Statutes, are amended, and paragraph
21	(e) is added to that subsection, to read:
22	937.0201 Definitions.—As used in this chapter, the term:
23	(4) "Missing endangered person" means:
24	(c) A missing adult 26 years of age or older who is
25	suspected by a law enforcement agency of being endangered or the
26	victim of criminal activity; <del>or</del>
ļ	Page 1 of 5

CODING: Words stricken are deletions; words underlined are additions.

27	(d) A missing adult who meets the criteria for activation
28	of the Silver Alert Plan of the Department of Law Enforcement <u>;</u>
29	or
30	(e) A missing person with special needs who is at risk of
31	becoming lost or is prone to wander due to autism spectrum
32	disorder, a developmental disability, or any other disease or
33	condition.
34	Section 2. Paragraphs (d) and (e) of subsection (5) of
35	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 information about a missing person with
41	special needs, as described in s. 937.0201(4)(e), from the law
42	enforcement agency having jurisdiction over the missing person,
43	the Department of Law Enforcement, any state or local law
44	enforcement agency, and the personnel of these agencies; any
45	radio or television network, broadcaster, or other media
46	representative; any dealer of communications services as defined
47	in s. 202.11; or any agency, employee, individual, or entity is
48	immune from civil liability for damages for complying in good
49	faith with the request and is presumed to have acted in good
50	faith in recording, reporting, transmitting, displaying, or
51	releasing information pertaining to the missing person with
52	special needs.

# Page 2 of 5

CODING: Words stricken are deletions; words underlined are additions.

53 (e) (d) The presumption of good faith is not overcome if a technical or clerical error is made by any agency, employee, 54 55 individual, or entity acting at the request of the local law 56 enforcement agency having jurisdiction  $\tau$  or if the information 57 regarding an Amber Alert, Missing Child Alert, Silver Alert, 58 missing child information, missing adult information, or missing 59 person with special needs Silver Alert information is incomplete or incorrect because the information received from the local law 60 enforcement agency was incomplete or incorrect. 61

62 (f) (e) Neither this subsection nor any other provision of 63 law creates a duty of the agency, employee, individual, or 64 entity to record, report, transmit, display, or release the 65 information regarding an Amber Alert, Missing Child Alert, 66 Silver Alert, missing child information, missing adult 67 information, or missing person with special needs Silver Alert 68 information received from the local law enforcement agency 69 having jurisdiction. The decision to record, report, transmit, 70 display, or release information is discretionary with the 71 agency, employee, individual, or entity receiving the 72 information.

73 Section 3. Paragraph (b) of subsection (3) of section 74 937.022, Florida Statutes, is amended to read:

937.022 Missing Endangered Persons Information
Clearinghouse.-

- (3) The clearinghouse shall:
- 78 (b) Provide a centralized file for the exchange of

### Page 3 of 5

CODING: Words stricken are deletions; words underlined are additions.

79 information on missing endangered persons.

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

83 2. Any person having knowledge may submit a missing 84 endangered person report to the clearinghouse concerning a 85 child, an or adult younger than 26 years of age, or a person with special needs, as described in s. 937.0201(4)(e), whose 86 87 whereabouts are is unknown, regardless of the circumstances, 88 subsequent to reporting such child, or adult, or person with 89 special needs missing to the appropriate law enforcement agency 90 within the county in which the child, or adult, or person with special needs went became missing, and subsequent to entry by 91 92 the law enforcement agency of the child or person into the Florida Crime Information Center and the National Crime 93 94 Information Center databases. The missing endangered person 95 report shall be included in the clearinghouse database.

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

101 4. Only the law enforcement agency having jurisdiction 102 over the case may make a request to the clearinghouse for the 103 activation of a state Silver Alert involving a missing adult if 104 circumstances regarding the disappearance have met the criteria

## Page 4 of 5

CODING: Words stricken are deletions; words underlined are additions.

105 for activation of the Silver Alert Plan.106 Section 4. This act shall take effect July 1, 2015.

Page 5 of 5

CODING: Words stricken are deletions; words underlined are additions.