

Committee on Criminal Justice

CS/SB 664 — Missing Person Investigations/Silver Alert

by Judiciary Committee and Senators Benacquisto, Negron, Margolis, Smith, Dockery, Evers, and Dean

The bill amends ss. 937.0201, 937.02, and 937.022, F.S., to codify Florida's Silver Alert Plan, which was created by a 2008 executive order. This plan provides for alerts regarding a missing person age 60 or older where there is a clear indication that the person has an irreversible deterioration of intellectual faculties and a missing person age 18 to 59 who has irreversible deterioration of intellectual faculties and law enforcement has determined the person lacks the capacity to consent.

Under the bill, upon receiving a request from the law enforcement agency having jurisdiction over the missing person, the Florida Department of Law Enforcement, other agencies, and specified entities who are responsible for complying with the request are immune from civil liability for damages for complying in good faith with the request and are presumed to have acted in good faith in recording, reporting, transmitting, displaying, or releasing Silver Alert information pertaining to the missing person.

The bill also makes clarifying definitional and referencing changes to effectuate Florida's Silver Alert Plan and specifies that only a law enforcement agency having jurisdiction over the case may make a request to the Missing Endangered Persons Information Clearinghouse for the activation of a state Silver Alert involving a missing adult if circumstances regarding the disappearance have met the criteria for activation.

If approved by the Governor, these provisions take effect July 1, 2011.

Vote: Senate 37-0; House 118-0