

By the Committee on Criminal Justice; and Senator Dean

591-01821-15

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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; ~~or~~

27 (d) A missing adult who meets the criteria for activation
28 of the Silver Alert Plan of the Department of Law Enforcement;
29 or

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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. Present paragraphs (d) and (e) of subsection (5)
35 of 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.

53 (e)~~(d)~~ The presumption of good faith is not overcome if a
54 technical or clerical error is made by any agency, employee,
55 individual, or entity acting at the request of the local law
56 enforcement agency having jurisdiction, or if the information
57 regarding an Amber Alert, Missing Child Alert, Silver Alert,
58 missing child information, missing adult information, or missing

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59 person with special needs ~~Silver Alert information~~ is incomplete
60 or incorrect because the information received from the local law
61 enforcement agency was incomplete or incorrect.

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:

75 937.022 Missing Endangered Persons Information
76 Clearinghouse.—

77 (3) The clearinghouse shall:

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

80 1. Every state, county, or municipal law enforcement agency
81 shall submit to the clearinghouse information concerning missing
82 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
86 with special needs, as described in s. 937.0201(4)(e), whose
87 whereabouts are ~~is~~ unknown, regardless of the circumstances,

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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
91 special needs went ~~became~~ missing, and subsequent to entry by
92 the law enforcement agency of the child or person into the
93 Florida Crime Information Center and the National Crime
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 over
97 the case may submit a missing endangered person report to the
98 clearinghouse involving a missing adult age 26 years or older
99 who is suspected by a law enforcement agency of being endangered
100 or the victim of criminal activity.

101 4. Only the law enforcement agency having jurisdiction over
102 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
105 for activation of the Silver Alert Plan.

106 Section 4. This act shall take effect July 1, 2015.