

1 investigate reports of missing persons. The policies adopted
2 must ensure that cases involving reported missing persons,
3 including cases involving minor children, are investigated
4 promptly using appropriate resources. The adopted policies
5 must include:

6 (a) Requirements for accepting missing person reports;

7 (b) Procedures for initiating, maintaining, closing,
8 or referring a missing person investigation; and

9 (c) Standards for maintaining and clearing computer
10 data of missing person information that is stored in the
11 Florida Crime Information Center and the National Crime
12 Information Center. The standards shall require, at a minimum,
13 a monthly review of each case and a determination of whether
14 the case should be maintained in the database.

15 (2)(1) Upon the filing of a credible police report
16 that a child is missing by the parent or guardian, the law
17 enforcement agency receiving the report shall immediately
18 inform all on-duty law enforcement officers of the existence
19 of the missing child report, communicate the report to every
20 other law enforcement agency having jurisdiction in the
21 county, and within 2 hours transmit the report for inclusion
22 within the Florida Crime Information Center and the National
23 Crime Information Center databases ~~computer~~.

24 (3) A law enforcement agency may not adopt a policy
25 requiring the removal of a missing child or missing person
26 entry from the Florida Crime Information Center or the
27 National Crime Information Center databases based solely on
28 the age of the missing person.

29 (4)(2) If a law enforcement agency has a reasonable
30 belief that a person is missing, a police report ~~that a child~~
31 ~~is missing~~ may be filed with the law enforcement agency having

1 jurisdiction in the county or municipality in which the person
2 ~~child~~ was last seen shall be accepted by that agency ~~prior to~~
3 ~~the filing of the report, without regard to whether the child~~
4 ~~resides in or has any significant contacts with that county or~~
5 ~~municipality~~. The filing and acceptance of such a report
6 imposes ~~shall impose~~ the duties specified in this section
7 ~~subsection (1)~~ upon the ~~that~~ law enforcement agency receiving
8 the missing person report. This subsection does not preclude a
9 law enforcement agency from filing or accepting a missing
10 person report when agency jurisdiction cannot be determined.

11 (5) If an adult files a credible police report that an
12 adult person is missing, the law enforcement agency receiving
13 the report must, within 2 hours after receiving the missing
14 person information, transmit the report for entry into the
15 Florida Crime Information Center and the National Crime
16 Information Center databases.

17 (6)(3)(a) Upon receiving a request to record, report,
18 transmit, display, or release Amber Alert or Missing Child
19 Alert information from the law enforcement agency having
20 jurisdiction over the missing or endangered child younger than
21 18 years of age, the Department of Law Enforcement as the
22 state Amber Alert coordinator; any state or local law
23 enforcement agency and the personnel of these agencies; any
24 radio or television network, broadcaster, or other media
25 representative; any dealer of communications services as
26 defined in s. 202.11; or any agency, employee, individual, or
27 entity is immune from civil liability for damages for
28 complying in good faith with the request and is presumed to
29 have acted in good faith in recording, reporting,
30 transmitting, displaying, or releasing Amber Alert or Missing
31 Child Alert information pertaining to such child.

1 (b) After receiving a request to record, report,
2 transmit, display, or release information and photographs
3 pertaining to a missing person from the law enforcement agency
4 having jurisdiction over the missing person, the Department of
5 Law Enforcement; a state or local law enforcement agency and
6 the personnel of these agencies; any radio or television
7 network, broadcaster, or other media representative; any
8 dealer of communications services as defined in s. 202.11; or
9 any agency, employee, individual, or person is immune from
10 civil liability for damages for complying in good faith with
11 the request to provide information and is presumed to have
12 acted in good faith in recording, reporting, transmitting,
13 displaying, or releasing information or photographs pertaining
14 to the missing person.

15 ~~(c)(b)~~ The presumption of good faith is not overcome
16 if a technical or clerical error is made by any such agency,
17 employee, individual, or entity acting at the request of the
18 local law enforcement agency having jurisdiction or if the
19 Amber Alert, ~~or~~ Missing Child Alert, or missing person
20 information is incomplete or incorrect because the information
21 received from the local law enforcement agency was incomplete
22 or incorrect.

23 ~~(d)(e)~~ Neither this subsection nor any other provision
24 of law creates a duty of the agency, employee, individual, or
25 entity to record, report, transmit, display, or release the
26 Amber Alert, ~~or~~ Missing Child Alert, or other missing person
27 information received from the local law enforcement agency
28 having jurisdiction. The decision to record, report, transmit,
29 display, or release information is discretionary with the
30 agency, employee, individual, or entity receiving that
31

1 information from the local law enforcement agency having
2 jurisdiction.

3 (7) If a person who has been reported as missing has
4 not been located within 90 days after the missing person
5 report is filed, the law enforcement agency that accepted the
6 missing person report shall attempt to obtain a biological
7 specimen approved by the Department of Law Enforcement for DNA
8 analysis from the missing person or from appropriate family
9 members of the missing person in addition to any documentation
10 necessary to enable the agency to use the specimens in
11 conducting searches of DNA databases.

12 (8) The Department of Law Enforcement shall adopt
13 rules establishing procedures for:

14 (a) The submission of biological specimens approved by
15 the department for DNA analysis in a missing person case.

16 (b) The forwarding of approved biological specimens by
17 law enforcement agencies for DNA analysis in a missing person
18 case.

19 (9) Subsections (7) and (8) are contingent upon the
20 availability of an appropriation of federal funds for the
21 submission and processing of approved biological specimens for
22 DNA analysis.

23 (10) Subsection (7) does not prevent a law enforcement
24 agency from attempting to obtain information or approved
25 biological specimens for DNA analysis before the expiration of
26 the 90-day period.

27 Section 2. Section 937.022, Florida Statutes, is
28 amended to read:

29 937.022 Missing Person and Children Information
30 Clearinghouse.--
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1 (1) There is created a Missing Person and Children
2 Information Clearinghouse within the Department of Law
3 Enforcement. The clearinghouse is established as a central
4 repository of information regarding missing children and
5 certain missing persons. Such information shall be collected
6 and disseminated to assist in the location of missing
7 children, missing persons younger than 26 years of age, or
8 missing persons suspected by a law enforcement agency of being
9 endangered or the victim of criminal activity.

10 (2) The clearinghouse shall be supervised by a
11 director who shall be employed upon the recommendation of the
12 executive director. The executive director shall establish
13 services deemed appropriate by the department to aid in the
14 location of missing children, missing persons younger than 26
15 years of age, or missing persons suspected by a law
16 enforcement agency of being endangered or the victim of
17 criminal activity.

18 (3) The clearinghouse shall:

19 (a) Establish a system of intrastate communication of
20 information relating to missing children, missing persons
21 younger than 26 years of age, or missing persons suspected by
22 a law enforcement agency of being endangered or the victim of
23 criminal activity ~~determined to be missing by their parents,~~
24 ~~guardians, or legal custodians or by law enforcement agencies.~~

25 (b) Provide a centralized file for the exchange of
26 information concerning ~~on~~ missing children, missing persons
27 younger than 26 years of age, or missing persons suspected by
28 a law enforcement agency of being endangered or the victim of
29 criminal activity ~~within the state.~~

30 1. Every state, county, or municipal law enforcement
31 agency shall submit to the clearinghouse information

1 concerning persons who meet the criteria set forth in this
2 section received by it pursuant to s. 937.021.

3 2. Any person having knowledge ~~parent, guardian, or~~
4 ~~legal custodian~~ may submit a missing person child report to
5 the clearinghouse concerning about a person younger than 26
6 years of age child whose whereabouts is unknown, regardless of
7 the circumstances, subsequent to reporting such person child
8 missing to the appropriate law enforcement agency within the
9 county in which the person child became missing and subsequent
10 to the law enforcement agency entering the person into the
11 Florida Crime Information Center and the National Crime
12 Information Center. The, ~~which~~ missing person child report
13 shall be included in the clearinghouse database.

14 ~~(c) Interface with the National Crime Information~~
15 ~~Center for the exchange of information on children suspected~~
16 ~~of interstate travel.~~

17 ~~(c)(d)~~ Collect, process, maintain, and disseminate
18 information concerning ~~on~~ missing children and strive to
19 maintain or disseminate only accurate and complete
20 information.

21 (4) Requests to the Missing Persons and Children
22 Information Clearinghouse to accept reports of missing persons
23 who are 26 years of age or older and who are suspected by a
24 law enforcement agency of being endangered or the victim of
25 criminal activity must be made by the law enforcement agency
26 having jurisdiction.

27 ~~(5)(4)~~ The parent, guardian, ~~or~~ legal custodian, or
28 other person who is responsible for notifying the
29 clearinghouse or a law enforcement agency about a missing
30 child or missing person shall immediately notify the
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1 clearinghouse or the agency of any missing child or missing
2 person whose location has been determined.

3 ~~(6)(5)~~ Information received pursuant to s. 937.021
4 about a missing person or child, which information has been
5 included in the clearinghouse database and in the Florida
6 Crime Information Center and the National Crime Information
7 Center database, shall be purged by the appropriate law
8 enforcement agency and the clearinghouse shall be notified
9 immediately upon location of the person ~~such child~~.

10 ~~(7)(6)~~ As used in this section, the term:

11 (a) "Missing child" means a person who is younger than
12 ~~under the age of~~ 18 years of age; whose temporary or permanent
13 residence is in, or is believed to be in, this state; whose
14 location has not been determined; and who has been reported as
15 missing to a law enforcement agency.

16 (b) "Missing child or missing person report" means a
17 report prepared on a form designed by the Department of Law
18 Enforcement for ~~the~~ use by the public ~~private citizens~~ and law
19 enforcement agencies in reporting to the Missing Persons and
20 Children Information Clearinghouse ~~to report~~ information about
21 missing children, missing persons who were younger than 26
22 years of age at the time they were reported missing, or
23 missing persons 26 or older who are suspected by the law
24 enforcement agency having jurisdiction of being endangered or
25 the victim of criminal activity ~~to the Missing Children~~
26 ~~Information Clearinghouse~~.

27 (c) "Missing person" means a person who has been
28 reported as missing to a local law enforcement agency under
29 this section.

30 Section 3. This act shall take effect July 1, 2008.

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