

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

SELECT COMMITTEE ON PROTECTING FLORIDA'S CHILDREN

Senator Negron, Chair
Senator Joyner, Vice Chair

MEETING DATE: Monday, October 3, 2011
TIME: 9:30 —11:00 a.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Office Building*

MEMBERS: Senator Negron, Chair; Senator Joyner, Vice Chair; Senators Evers, Flores, and Smith

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Chairman's opening comments		Discussed
2	Presentations by the following criminal justice representatives regarding the proposed 2012 legislation filed which criminalizes failure to report a missing child, as well as the adequacy of current laws and criminal penalties to protect Florida's children: Florida Sheriffs Association Florida Police Chiefs Association Florida Department of Law Enforcement (FDLE) Florida Prosecuting Attorneys Association Florida Public Defender Association		Presented
3	An overview by the FDLE on statistics relating to missing children		Presented
4	Presentation on the Child Abuse Hotline by the Department of Children and Families		Presented
5	Public testimony		
	Other related meeting documents		

**Florida Statutes Relating to:
Duty to Report, Abuse of Children, and False Information
(with Staff Summaries)**

Duty to Report:

406.12 Duty to report; prohibited acts.—It is the duty of any person in the district where a death occurs, including all municipalities and unincorporated and federal areas, who becomes aware of the death of any person occurring under the circumstances described in s. 406.11 to report such death and circumstances forthwith to the district medical examiner. Any person who knowingly fails or refuses to report such death and circumstances, who refuses to make available prior medical or other information pertinent to the death investigation, or who, without an order from the office of the district medical examiner, willfully touches, removes, or disturbs the body, clothing, or any article upon or near the body, with the intent to alter the evidence or circumstances surrounding the death, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 7, ch. 70-232; s. 353, ch. 71-136.

Summary:

- Provides that it is the duty of any person, if aware of a death occurring under the circumstances described in s. 406.11, F.S. (including, but not limited to, death by accident or criminal violence), to report the death to the district medical examiner.
- Provides that it is a first degree misdemeanor to knowingly fail or refuse to report such death and circumstances, refuse to make available prior medical or other information pertinent to the death investigation, or, without an order from the office of the district medical examiner, willfully touch, remove, or disturb the body, clothing, or any article upon or near the body, with the intent to alter the evidence or circumstances surrounding the death.

Abuse of Children:

Chapter 827, Abuse of Children

827.01 Definitions.—As used in this chapter:

- (1) “Caregiver” means a parent, adult household member, or other person responsible for a child’s welfare.
- (2) “Child” means any person under the age of 18 years.
- (3) “Placement” means the giving or transferring of possession or custody of a child by any person to another person for adoption or with the intent or purpose of surrendering the control of the child.

History.—s. 48, ch. 74-383; s. 1, ch. 77-174; s. 7, ch. 96-322.

Summary:

- Provides definitions for “caregiver” (parent or other person responsible for child’s welfare), “child” (person under 18 years), and “placement” (giving up custody of child by adoption or surrendering control of child).

827.03 Abuse, aggravated abuse, and neglect of a child; penalties.—

(1) “Child abuse” means:

- (a) Intentional infliction of physical or mental injury upon a child;
- (b) An intentional act that could reasonably be expected to result in physical or mental injury to a child; or
- (c) Active encouragement of any person to commit an act that results or could reasonably be expected to result in physical or mental injury to a child.

A person who knowingly or willfully abuses a child without causing great bodily harm, permanent disability, or permanent disfigurement to the child commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) “Aggravated child abuse” occurs when a person:

- (a) Commits aggravated battery on a child;
- (b) Willfully tortures, maliciously punishes, or willfully and unlawfully cages a child; or
- (c) Knowingly or willfully abuses a child and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to the child.

A person who commits aggravated child abuse commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(a) “Neglect of a child” means:

- 1. A caregiver’s failure or omission to provide a child with the care, supervision, and services necessary to maintain the child’s physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child; or
- 2. A caregiver’s failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

Neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

(b) A person who willfully or by culpable negligence neglects a child and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to the child commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A person who willfully or by culpable negligence neglects a child without causing great bodily harm, permanent disability, or permanent disfigurement to the child commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) For purposes of this section, “maliciously” means wrongfully, intentionally, and without legal justification or excuse. Maliciousness may be established by circumstances from which one could conclude that a reasonable parent would not have engaged in the damaging acts toward the child for any valid reason and that the primary purpose of the acts was to cause the victim unjustifiable pain or injury.

History.—s. 1, ch. 4721, 1899; s. 1, ch. 4971, 1901; GS 3236, 3238; RGS 5069, 5071; s. 1, ch. 9331, 1923; CGL 7171, 7173; s. 1, ch. 65-113; s. 1, ch. 70-8; s. 940, ch. 71-136; s. 49, ch. 74-383; s. 30, ch. 75-298; s. 1, ch. 84-238; s. 8, ch. 96-322; s. 16, ch. 99-168; s. 1, ch. 2003-130.

Note.—Former s. 828.04.

Summary:

Child Abuse [See (1)]:

- Defines “child abuse” as intentionally inflicting physical or mental injury on a child; committing an intentional act reasonably expected to result in physical or mental injury to a child; or actively encouraging the commission of an act resulting in physical or mental injury to a child.
- Provides that it is a third degree felony offense to knowingly or willfully abuse a child without causing great bodily harm, permanent disability, or permanent disfigurement.

Aggravated Child Abuse [See (2)]:

- Defines “aggravated child abuse” as committing aggravated battery on a child; willfully torturing, maliciously punishing, or willfully and unlawfully caging a child; or knowingly or willfully abusing a child, thereby causing great bodily harm, permanent disability, or permanent disfigurement.
- Defines “maliciously” as wrongfully, intentionally, and without legal justification or excuse. May be established by circumstances suggesting that a reasonable parent would not engage in such acts for any valid reason and that the acts purposefully caused the child unjustified pain or injury.
- Provides that it is a first degree felony offense to commit aggravated child abuse.

Neglect [See (3)]:

- Defines “neglect” as a caregiver’s failure or omission to provide a child with care and supervision necessary to maintain the child’s physical and mental health (such as food, shelter, clothing, and medical services) that a prudent person would consider essential for the well-being of the child; or a caregiver’s failure to make reasonable efforts to protect a child from abuse, neglect, or exploitation by another person.
- Provides that neglect may be based on a single incident or repeated conduct resulting in or reasonably expected to result in serious physical or mental injury, or substantial risk of death to a child.
- Provides that it is a second degree felony offense to willfully or by culpable negligence neglect a child, thereby causing great bodily harm, permanent disability, or permanent disfigurement.
- Provides that it is a third degree felony offense to willfully or by culpable negligence neglect a child without causing any great bodily harm, permanent disability, or permanent disfigurement.

827.035 Newborn infants.—It shall not constitute neglect of a child pursuant to s. 827.03 or contributing to the dependency of a child pursuant to s. 827.04, if a parent leaves a newborn infant at a hospital, emergency medical services station, or fire station or brings a newborn infant to an emergency room and expresses an intent to leave the infant and not return, in compliance with s. 383.50.

History.—s. 8, ch. 2000-188; s. 24, ch. 2001-53.

Summary:

- Provides that it is not neglect if a parent drops off a newborn at certain authorized places with the intent to permanently leave it there pursuant to s. 383.50, F.S.

827.04 Contributing to the delinquency or dependency of a child; penalty.—

(1) Any person who:

(a) Commits any act which causes, tends to cause, encourages, or contributes to a child becoming a delinquent or dependent child or a child in need of services; or

(b) Induces or endeavors to induce, by act, threat, command, or persuasion, a child to commit or perform any act, follow any course of conduct, or live in a manner that causes or tends to cause such child to become or to remain a dependent or delinquent child or a child in need of services,

commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) It is not necessary for any court exercising juvenile jurisdiction to make an adjudication that any child is delinquent or dependent or a child in need of services in order to prosecute a violation of this section. An adjudication that a child is delinquent or dependent or a child in need of services shall not preclude a subsequent prosecution of a violation of this section.

(3) A person 21 years of age or older who impregnates a child under 16 years of age commits an act of child abuse which constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person who impregnates a child in violation of this subsection commits an offense under this subsection regardless of whether the person is found to have committed, or has been charged with or prosecuted for, any other offense committed during the course of the same criminal transaction or episode, including, but not limited to, an offense proscribed under s. 800.04, relating to lewd, lascivious, or indecent assault or act upon any person under 16 years of age. Neither the victim's lack of chastity nor the victim's consent is a defense to the crime proscribed under this subsection.

History.—s. 50, ch. 74-383; s. 30, ch. 75-298; s. 1, ch. 77-73; s. 1, ch. 77-429; s. 4, ch. 88-151; s. 8, ch. 90-53; s. 2, ch. 96-215; s. 10, ch. 96-322.

Summary:

- Provides that it is a first degree misdemeanor offense to commit (or induce a child to commit) any act causing or contributing to a child becoming a delinquent, a dependant, or a child in need of services.
- Provides that it is third degree felony child abuse for a person at least 21 years of age to impregnate a child under 16 years of age.

827.06 Nonsupport of dependents.—

(1) The Legislature finds that most parents want to support their children and remain connected to their families. The Legislature also finds that while many parents lack the financial resources and other skills necessary to provide that support, some parents willfully fail to provide support to their children even when they are aware of the obligation and have the ability to do so. The Legislature further finds that existing statutory provisions for civil enforcement of support have not proven sufficiently effective or efficient in gaining adequate support for all children.

Recognizing that it is the public policy of this state that children shall be maintained primarily from the resources of their parents, thereby relieving, at least in part, the burden presently borne by the general citizenry through public assistance programs, it is the intent of the Legislature that the criminal penalties provided for in this section are to be pursued in all appropriate cases where civil enforcement has not resulted in payment.

(2) Any person who willfully fails to provide support which he or she has the ability to provide to a child or a spouse whom the person knows he or she is legally obligated to support commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) Any person who is convicted of a fourth or subsequent violation of subsection (2) or who violates subsection (2) and who has owed to that child or spouse for more than 1 year support in an amount equal to or greater than \$5,000 commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Upon a conviction under this section, the court shall order restitution in an amount equal to the total unpaid support obligation as it exists at the time of sentencing.

(5)(a) Evidence that the defendant willfully failed to make sufficient good faith efforts to legally acquire the resources to pay legally ordered support may be sufficient to prove that he or she had the ability to provide support but willfully failed to do so, in violation of this section.

[1](b) The element of knowledge may be proven by evidence that a court or tribunal as defined by s. 88.1011(22) has entered an order that obligates the defendant to provide the support.

(6) It is the intent of the Legislature for the state attorneys, the Florida Prosecuting Attorneys Association, and the Department of Revenue to work collaboratively to identify strategies that allow the criminal penalties provided for in this section to be pursued in all appropriate cases, including, but not limited to, strategies that would assist the state attorneys in obtaining additional resources from available federal Title IV-D funds to initiate prosecution pursuant to this section.

History.—s. 52, ch. 74-383; s. 31, ch. 75-298; s. 200, ch. 91-224; s. 1282, ch. 97-102; s. 1, ch. 2001-51; s. 14, ch. 2002-173; s. 41, ch. 2005-39; s. 153, ch. 2007-5; s. 38, ch. 2008-61; s. 77, ch. 2011-92.

[1]Note.—Section 81, ch. 2011-92, provides that “[e]xcept as otherwise expressly provided in this act, this act shall take effect upon the earlier of 90 days following Congress amending 42 U.S.C. s. 666(f) to allow or require states to adopt the 2008 version of the Uniform Interstate Family Support Act, or 90 days following the state obtaining a waiver of its state plan requirement under Title IV-D of the Social Security Act.” Section 77, ch. 2011-92, amended paragraph (5)(b), to read:

(b) The element of knowledge may be proven by evidence that a court or tribunal as defined by s. 88.1011 has entered an order that obligates the defendant to provide the support.

Summary:

- Provides that it is a first degree misdemeanor offense to willfully fail to provide support to a child or spouse when the person has the ability to pay and knows of his or her legal obligation to do so.
- Provides that a fourth or subsequent conviction, or the first conviction if the amount of support owed is at least \$5,000 and has been owed for at least one year, is a third degree felony.

827.071 Sexual performance by a child; penalties.—

(1) As used in this section, the following definitions shall apply:

(a) “Deviate sexual intercourse” means sexual conduct between persons not married to each other consisting of contact between the penis and the anus, the mouth and the penis, or the mouth and the vulva.

(b) “Intentionally view” means to deliberately, purposefully, and voluntarily view. Proof of intentional viewing requires establishing more than a single image, motion picture, exhibition, show, image, data, computer depiction, representation, or other presentation over any period of time.

(c) “Performance” means any play, motion picture, photograph, or dance or any other visual representation exhibited before an audience.

(d) “Promote” means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise or to offer or agree to do the same.

(e) “Sadomasochistic abuse” means flagellation or torture by or upon a person, or the condition of being fettered, bound, or otherwise physically restrained, for the purpose of deriving sexual satisfaction from inflicting harm on another or receiving such harm oneself.

(f) “Sexual battery” means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, “sexual battery” does not include an act done for a bona fide medical purpose.

(g) “Sexual bestiality” means any sexual act between a person and an animal involving the sex organ of the one and the mouth, anus, or vagina of the other.

(h) “Sexual conduct” means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual lewd exhibition of the genitals; actual physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother’s breastfeeding of her baby does not under any circumstance constitute “sexual conduct.”

(i) “Sexual performance” means any performance or part thereof which includes sexual conduct by a child of less than 18 years of age.

(j) “Simulated” means the explicit depiction of conduct set forth in paragraph (h) which creates the appearance of such conduct and which exhibits any uncovered portion of the breasts, genitals, or buttocks.

(2) A person is guilty of the use of a child in a sexual performance if, knowing the character and content thereof, he or she employs, authorizes, or induces a child less than 18 years of age to engage in a sexual performance or, being a parent, legal guardian, or custodian of such child, consents to the participation by such child in a sexual performance. Whoever violates this subsection is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person is guilty of promoting a sexual performance by a child when, knowing the character and content thereof, he or she produces, directs, or promotes any performance which includes sexual conduct by a child less than 18 years of age. Whoever violates this subsection is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) It is unlawful for any person to possess with the intent to promote any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, includes any sexual conduct by a child. The possession of three or more copies of such photograph, motion picture, representation, or presentation is prima facie evidence of an intent to promote. Whoever violates this subsection is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5)(a) It is unlawful for any person to knowingly possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation which, in whole or in part, he or she knows to include any sexual conduct by a child. The possession, control, or intentional viewing of each such photograph, motion picture, exhibition, show, image, data, computer depiction, representation, or presentation is a separate offense. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) This subsection does not apply to material possessed, controlled, or intentionally viewed as part of a law enforcement investigation.

(6) Prosecution of any person for an offense under this section shall not prohibit prosecution of that person in this state for a violation of any law of this state, including a law providing for greater penalties than prescribed in this section or any other crime punishing the sexual performance or the sexual exploitation of children.

History.—s. 4, ch. 83-75; s. 1, ch. 85-273; s. 1, ch. 86-38; s. 1, ch. 91-33; s. 1, ch. 92-83; s. 1283, ch. 97-102; s. 1, ch. 2001-54; s. 4, ch. 2007-143; s. 15, ch. 2011-220.

Summary:

- Provides three separate second degree felony offenses for knowingly using a child in a sexual performance [see (2)], knowingly promoting a sexual performance by a child [see (3)], or for possessing with intent to promote a picture or other representation that includes sexual conduct by a child [see (4)].
- Provides that it is a third degree felony offense to knowingly possess or view a picture or other representation which includes sexual conduct by a child [see (5)].

827.08 Misuse of child support money.—Any person who willfully misapplies funds paid by another or by any governmental agency for the purpose of support of a child shall, for the first offense, be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and for a second or subsequent conviction under this section, be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person shall be deemed to have misapplied child support funds when such funds are spent for any purpose other than for necessary and proper home, food, clothing, and the necessities of life, which expenditure results in depriving the child of the above named necessities. All public welfare agencies shall give notice of the provisions of this section at least once to each payee of any public grant made for the benefit of any child and shall report violations of this section to the proper prosecuting officer.

History.—s. 1, ch. 61-216; s. 956, ch. 71-136; s. 65, ch. 74-383.

Note.—Former s. 828.201.

Summary:

- Provides that it is a first degree misdemeanor to commit willful misapplication of child support funds paid by another or any governmental agency.
- Provides that a second or subsequent conviction is a third degree felony.

False Information:

837.055 False information to law enforcement during investigation.—Whoever knowingly and willfully gives false information to a law enforcement officer who is conducting a missing person investigation or a felony criminal investigation with the intent to mislead the officer or impede the investigation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 1, ch. 2006-142

Summary:

- Provides that it is a first degree misdemeanor to knowingly and willfully give false information to a law enforcement officer who is conducting a missing person investigation or a felony criminal investigation with the intent to mislead the officer or impede the investigation.

**Side by Side Comparison of Relevant Senate Bills Filed
(as of September 26, 2011)
Prepared by Committee Staff**

	SB 84 (Fasano)	SB 86 (Sobel)	SB 128 (Altman)	SB 130 (Altman)	SB 146 (Flores)	SB 302 (Dean)
“Caylee’s Law”	Yes	Yes	No	No	Yes	No
Creates duty to report missing child and provides penalty	Yes. Creates s. 827.10. Duty on caregiver. Child 12 years or younger. Must be willful failure or failure by culpable negligence. Must report to law enforcement within 48 hours of caregiver’s failure to make contact or verify. Second degree felony if child is harmed. Otherwise, third degree felony.	Yes. Somewhat similar to SB 84. Bill refers to 48 hour period and 24 hour period.	Yes. Applies to parent, legal guardian, caretaker. Applies to minor. Requires reasonable effort to notify law enforcement within 12 hours after discovery that minor has disappeared. Third degree felony.	No	Yes. Same as SB 84.	No
Creates duty to report death of child and provides penalty	Yes. Caregiver must report child’s death to law enforcement within 2 hrs. after learning about death or report location of child’s corpse within 2 hrs. after learning location. Second degree felony.	Yes. Similar to SB 84, but requires reporting location within 1 hr. after learning location.	No	Yes. Applies to parent, legal guardian, caretaker. Must make reasonable efforts to notify law enforcement within 1 hr. after discovery of death. Third degree felony.	Yes. Same as SB 84.	No

**Side by Side Comparison of Relevant Senate Bills Filed
(as of September 26, 2011)
Prepared by Committee Staff**

	SB 84 (Fasano)	SB 86 (Sobel)	SB 128 (Altman)	SB 130 (Altman)	SB 146 (Flores)	SB 302 (Dean)
Enhances penalty for false information to law enforcement during investigation	Yes. Provides it is a second degree felony for caregiver to knowingly and willfully give false information to law enforcement officer who is conducting missing person investigation or felony criminal investigation involving minor in caregiver's care with intent to mislead law enforcement officer or impede investigation.	Same as SB 84.	No	No	Yes. Same as SB 84.	Increases criminal penalties (third degree felony) for a second or subsequent conviction of providing false information to a law enforcement officer concerning the alleged commission of a crime.
Effective date	July 1, 2012	July 1, 2012	October 1, 2012	October 1, 2012	July 1, 2012	October 1, 2012

By Senator Fasano

11-00115-12

201284__

1 A bill to be entitled
2 An act relating to offenses by caregivers of minor
3 children; providing a short title; creating s. 827.10,
4 F.S.; penalizing a caregiver who willfully or by
5 culpable negligence fails to make contact with a child
6 under a specified age in his or her care for a certain
7 period and to immediately report the child as missing
8 to a law enforcement agency after that period expires
9 without contact in certain circumstances; providing
10 criminal penalties; providing enhanced criminal
11 penalties in certain circumstances; creating s.
12 827.11, F.S.; requiring the caregiver of a minor child
13 to report the child's death to a law enforcement
14 agency within a specified period in certain
15 circumstances; requiring the caregiver of a minor
16 child to report the location of a child's corpse to a
17 law enforcement agency within a specified period in
18 certain circumstances; providing criminal penalties;
19 amending s. 837.055, F.S.; providing enhanced criminal
20 penalties for a caregiver of a minor child who
21 knowingly and willfully gives false information, with
22 specified intent, to a law enforcement officer
23 conducting a missing person investigation or a felony
24 criminal investigation involving the child; providing
25 an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. This act may be cited as "Caylee's Law."

11-00115-12

201284

30 Section 2. Section 827.10, Florida Statutes, is created to
31 read:

32 827.10 Missing child; duty to report.—A caregiver who
33 willfully or by culpable negligence fails to make contact with
34 or otherwise verify the whereabouts and safety of a child in his
35 or her care who is 12 years of age or younger for a period of 48
36 hours and to immediately report the child as missing to a law
37 enforcement agency after this 48-hour period expires without
38 contact commits:

39 (1) A felony of the second degree if the child suffers
40 great bodily harm, permanent disability, or permanent
41 disfigurement while missing; or

42 (2) A felony of the third degree in any other circumstance,
43
44 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

45 Section 3. Section 827.11, Florida Statutes, is created to
46 read:

47 827.11 Death of a child or location of a child's corpse;
48 reporting requirements.—

49 (1) A caregiver of a minor child must:

50 (a) Report the child's death to a law enforcement agency
51 within 2 hours after learning about the child's death; or

52 (b) Report the location of the child's corpse to a law
53 enforcement agency within 2 hours after learning the location of
54 the corpse,

55
56 if the child's death appears to have been one described in s.
57 406.11(1)(a) other than a death described in s. 406.11(1)(a)6.,
58 7., or 9.

11-00115-12

201284__

59 (2) A person who violates this section commits a felony of
60 the second degree, punishable as provided in s. 775.082, s.
61 775.083, or s. 775.084.

62 Section 4. Section 837.055, Florida Statutes, is amended to
63 read:

64 837.055 False information to law enforcement during
65 investigation.—

66 (1) Except as provided in subsection (2), a person who
67 ~~whoever~~ knowingly and willfully gives false information to a law
68 enforcement officer who is conducting a missing person
69 investigation or a felony criminal investigation with the intent
70 to mislead the officer or impede the investigation commits a
71 misdemeanor of the first degree, punishable as provided in s.
72 775.082 or s. 775.083.

73 (2) A caregiver, as defined in s. 827.01, who knowingly and
74 willfully gives false information to a law enforcement officer
75 who is conducting a missing person investigation or a felony
76 criminal investigation involving a minor child in his or her
77 care with the intent to mislead the officer or impede the
78 investigation commits a felony of the second degree, punishable
79 as provided in s. 775.082, s. 775.083, or s. 775.084.

80 Section 5. This act shall take effect July 1, 2012.

By Senator Sobel

31-00119A-12

201286__

1 A bill to be entitled
2 An act relating to offenses by caregivers of minor
3 children; providing a short title; creating s. 827.10,
4 F.S.; penalizing a caregiver who willfully or by
5 culpable negligence fails to make contact with a child
6 under a specified age in his or her care for a certain
7 period and to immediately report the child as missing
8 to a law enforcement agency after that period expires
9 without contact in certain circumstances; providing
10 criminal penalties; providing enhanced criminal
11 penalties in certain circumstances; creating s.
12 827.11, F.S.; requiring the caregiver of a minor child
13 to report the child's death to a law enforcement
14 agency within a specified period in certain
15 circumstances; requiring the caregiver of a minor
16 child to report the location of a child's corpse to a
17 law enforcement agency within a specified period in
18 certain circumstances; providing criminal penalties;
19 amending s. 837.055, F.S.; providing enhanced criminal
20 penalties for a caregiver of a minor child who
21 knowingly and willfully gives false information, with
22 specified intent, to a law enforcement officer
23 conducting a missing person investigation or a felony
24 criminal investigation involving the child; providing
25 an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. This act may be cited as "Caylee's Law."

31-00119A-12

201286__

30 Section 2. Section 827.10, Florida Statutes, is created to
31 read:

32 827.10 Missing child; duty to report.—A caregiver who
33 willfully or by culpable negligence fails to make contact with
34 or otherwise verify the whereabouts and safety of a child in his
35 or her care who is 12 years of age or younger for a period of 48
36 hours and to immediately report the child as missing to a law
37 enforcement agency after this 24-hour period expires without
38 contact commits:

39 (1) A felony of the second degree if the child suffers
40 great bodily harm, permanent disability, or permanent
41 disfigurement while missing; or

42 (2) A felony of the third degree in any other circumstance,
43
44 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

45 Section 3. Section 827.11, Florida Statutes, is created to
46 read:

47 827.11 Death of a child or location of a child's corpse;
48 reporting requirements.—

49 (1) A caregiver of a minor child must:

50 (a) Report the child's death to a law enforcement agency
51 within 2 hours after learning about the child's death; or

52 (b) Report the location of the child's corpse to a law
53 enforcement agency within 1 hour after learning the location of
54 the corpse,

55
56 if the child's death appears to have been one described in s.
57 406.11(1)(a) other than a death described in s. 406.11(1)(a)6.,
58 7., or 9.

31-00119A-12

201286__

59 (2) A person who violates this section commits a felony of
60 the second degree, punishable as provided in s. 775.082, s.
61 775.083, or s. 775.084.

62 Section 4. Section 837.055, Florida Statutes, is amended to
63 read:

64 837.055 False information to law enforcement during
65 investigation.—

66 (1) Except as provided in subsection (2), a person who
67 ~~whoever~~ knowingly and willfully gives false information to a law
68 enforcement officer who is conducting a missing person
69 investigation or a felony criminal investigation with the intent
70 to mislead the officer or impede the investigation commits a
71 misdemeanor of the first degree, punishable as provided in s.
72 775.082 or s. 775.083.

73 (2) A caregiver, as defined in s. 827.01, who knowingly and
74 willfully gives false information to a law enforcement officer
75 who is conducting a missing person investigation or a felony
76 criminal investigation involving a minor child in his or her
77 care with the intent to mislead the officer or impede the
78 investigation commits a felony of the second degree, punishable
79 as provided in s. 775.082, s. 775.083, or s. 775.084.

80 Section 5. This act shall take effect July 1, 2012.

By Senator Altman

24-00112-12

2012128__

1 A bill to be entitled

2 An act relating to minors; requiring a parent, legal
3 guardian, or caretaker of a minor to make reasonable
4 efforts to notify a law enforcement agency of the
5 disappearance of the minor within a specified period
6 of time after the discovery that the minor has
7 disappeared; providing criminal penalties for failing
8 to make reasonable efforts to notify a law enforcement
9 agency of the disappearance of the minor; providing an
10 effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Disappearance of a minor; notification
15 requirement.—A parent, legal guardian, or caretaker of a minor
16 must make reasonable efforts to notify a law enforcement agency
17 of the disappearance of the minor within 12 hours after the
18 discovery that the minor has disappeared. A person who violates
19 this section commits a felony of the third degree, punishable as
20 provided in s. 775.082, s. 775.083, or s. 775.084, Florida
21 Statutes.

22 Section 2. This act shall take effect October 1, 2012.

By Senator Altman

24-00111-12

2012130__

1 A bill to be entitled

2 An act relating to minors; requiring a parent, legal
3 guardian, or caretaker of a minor to make reasonable
4 efforts to notify a law enforcement agency of the
5 death of the minor within a specified period of time
6 after the discovery of the death of the minor;
7 providing criminal penalties for failing to make
8 reasonable efforts to notify a law enforcement agency
9 of the death of the minor; providing an effective
10 date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Death of a minor; notification requirement.—A
15 parent, legal guardian, or caretaker of a minor must make
16 reasonable efforts to notify a law enforcement agency of the
17 death of the minor within 1 hour after the discovery of the
18 death. A person who violates this section commits a felony of
19 the third degree, punishable as provided in s. 775.082, s.
20 775.083, or s. 775.084, Florida Statutes.

21 Section 2. This act shall take effect October 1, 2012.

By Senator Flores

38-00130-12

2012146__

1 A bill to be entitled

2 An act relating to offenses by caregivers of minor
3 children; providing a short title; creating s. 827.10,
4 F.S.; penalizing the failure of a caregiver, willfully
5 or by culpable negligence, to make contact with a
6 child under a specified age in his or her care for a
7 certain period and to immediately report the child as
8 missing to a law enforcement agency after that period
9 expires without contact in certain circumstances;
10 providing criminal penalties; providing enhanced
11 criminal penalties in certain circumstances; creating
12 s. 827.11, F.S.; requiring the caregiver of a minor
13 child to report the child's death to a law enforcement
14 agency within a specified period in certain
15 circumstances; requiring the caregiver of a minor
16 child to report the location of a child's corpse to a
17 law enforcement agency within a specified period in
18 certain circumstances; providing criminal penalties;
19 amending s. 837.055, F.S.; providing enhanced criminal
20 penalties for a caregiver of a minor child who
21 knowingly and willfully gives false information with
22 specified intent to a law enforcement officer
23 conducting a missing person investigation or a felony
24 criminal investigation involving a child; providing an
25 effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. This act may be cited as "Caylee's Law."

38-00130-12

2012146__

30 Section 2. Section 827.10, Florida Statutes, is created to
31 read:

32 827.10 Missing child; duty to report.—A caregiver who
33 willfully or by culpable negligence fails to make contact with
34 or otherwise verify the whereabouts and safety of a child in his
35 or her care who is 12 years of age or younger for a period of 48
36 hours and to immediately report the child as missing to a law
37 enforcement agency after this 48-hour period expires without
38 contact commits:

39 (1) A felony of the second degree if the child suffers
40 great bodily harm, permanent disability, or permanent
41 disfigurement while missing; or

42 (2) A felony of the third degree in any other circumstance,
43
44 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

45 Section 3. Section 827.11, Florida Statutes, is created to
46 read:

47 827.11 Death of a child or location of a child's corpse;
48 reporting requirements.—

49 (1) A caregiver of a minor child must:

50 (a) Report the child's death to a law enforcement agency
51 within 2 hours after learning about the child's death; or

52 (b) Report the location of the child's corpse to a law
53 enforcement agency within 2 hours after learning the location of
54 the corpse,

55
56 if the child's death appears to have been one described in s.
57 406.11(1)(a) other than a death described in s. 406.11(1)(a)6.,
58 7., or 9.

38-00130-12

2012146__

59 (2) A person who violates this section commits a felony of
60 the second degree, punishable as provided in s. 775.082, s.
61 775.083, or s. 775.084.

62 Section 4. Section 837.055, Florida Statutes, is amended to
63 read:

64 837.055 False information to law enforcement during
65 investigation.—

66 (1) Except as provided in subsection (2), a person who
67 ~~whoever~~ knowingly and willfully gives false information to a law
68 enforcement officer who is conducting a missing person
69 investigation or a felony criminal investigation with the intent
70 to mislead the officer or impede the investigation commits a
71 misdemeanor of the first degree, punishable as provided in s.
72 775.082 or s. 775.083.

73 (2) A caregiver, as defined in s. 827.01, who knowingly and
74 willfully gives false information to a law enforcement officer
75 who is conducting a missing person investigation or a felony
76 criminal investigation involving a minor child in his or her
77 care with the intent to mislead the officer or impede the
78 investigation commits a felony of the second degree, punishable
79 as provided in s. 775.082, s. 775.083, or s. 775.084.

80 Section 5. This act shall take effect July 1, 2012.

By Senator Dean

3-00131-12

2012302__

1 A bill to be entitled
 2 An act relating to false reports to law enforcement
 3 officers; amending s. 837.05, F.S.; increasing
 4 criminal penalties for a second or subsequent
 5 conviction of providing false information to a law
 6 enforcement officer concerning the alleged commission
 7 of a crime; providing an effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Section 837.05, Florida Statutes, is amended to
 12 read:

13 837.05 False reports to law enforcement authorities.—

14 (1) A person who ~~Except as provided in subsection (2),~~
 15 ~~whoever~~ knowingly gives false information to a any law
 16 enforcement officer concerning the alleged commission of any
 17 crime, commits:

18 (a) For a first offense resulting in conviction, a
 19 misdemeanor of the first degree, punishable as provided in s.
 20 775.082 or s. 775.083.

21 (b) For a second or subsequent offense resulting in
 22 conviction, a felony of the third degree, punishable as provided
 23 in s. 775.082, s. 775.083, or s. 775.084.

24 (2) Except as provided in subsection (1), a person who
 25 ~~whoever~~ knowingly gives false information to a law enforcement
 26 officer concerning the alleged commission of a capital felony,
 27 commits a felony of the third degree, punishable as provided in
 28 s. 775.082, s. 775.083, or s. 775.084.

29 Section 2. This act shall take effect October 1, 2012.

Spoke

COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

10-3-11

Date

Bill Number

Barcode

Name Sheriff Jeff Dawsey ✓

Phone 352-726-4486

Address 1 South MLK Jr Ave

E-mail Jdawsey@ShondaC.Bois.com

Street

TAVOLACROSS

FL

State

32650

Zip

Job Title Sheriff

Speaking: For Against Information Appearing at request of Chair

Subject Child Protection

Representing Florida Sheriffs Assoc

Lobbyist registered with Legislature: Yes No

Pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.
If designated employee: Time: from _____ .m. to _____ .m.

Spoke

COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

10/3/11

Date

Bill Number

Barcode

Name CONNIE SHINGLEDUCKER ✓

Phone 941-747-3011

Address MANATEE COUNTY SHERIFF'S OFFICE

E-mail _____

Street

BRADWATER

FLORIDA

City

State

Zip

Job Title MAJOR

Speaking: For Against Information Appearing at request of Chair

Subject CHILD PROTECTION

Representing INFORMATION

Lobbyist registered with Legislature: Yes No

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If designated employee: Time: from _____ .m. to _____ .m.

Spoke

Various "CAYLE'S LAW" proposals: SB 84, SB 146, SB 86, SB 302, SB 128, etc., SB 130

THE FLORIDA SENATE

COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

10/3/11

Date

Bill Number

Barcode

Name MICHAEL RAMAGE

Phone 410-7676

Address PO Box 1489

E-mail michaelramage@fdle.state.fl.us

Street

Tallahassee

FL

32312

City

State

Zip

Job Title General Counsel

Speaking: For Against Information

Appearing at request of Chair

Subject Child protection

Representing FDLE

Lobbyist registered with Legislature: Yes No

Pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from _____ .m. to _____ .m.

S-001 (04/14/10)

Spoke

THE FLORIDA SENATE

COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

10/3/11

Date

Bill Number

Barcode

Name Nancy Daniels

Phone 850 606-1010

Address Leon County Courthouse, # 401

E-mail nancydaniels@flda2.com

Street

Tallahassee

FL

32301

City

State

Zip

Job Title Public

Defender Assoc

Speaking: For Against Information

Appearing at request of Chair

Subject

Representing Florida Public Defender Assoc.

Lobbyist registered with Legislature: Yes No

Pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from _____ .m. to _____ .m.

S-001 (04/14/10)

Spoke

COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

10/3/11

Date

Bill Number

Barcode

Name BRAD KING ✓

Phone 352-371-5914

Address 110 NW 1st Ave Suite 5000

E-mail

Street

OCALA

FL

34475

Job Title STATE ATTORNEY

City

State

Zip

Speaking: For Against Information Appearing at request of Chair

Subject Child Safety

Representing Florida Prosecuting Attorneys Assoc.

Lobbyist registered with Legislature: Yes No

Pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.
If designated employee: Time: from _____ .m. to _____ .m.

S-001 (04/14/10)

Did not speak

COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

Date

Bill Number

Barcode

Name Jack Campbell ✓

Phone 850-606-6013

Address 361 South Monroe St

Campbell 361 South Monroe St Tallahassee

Street

Tallahassee, FL 32399

State

Zip

Job Title Assistant State Attorney

Speaking: For Against Information Appearing at request of Chair

Subject Child Safety

Representing Florida Prosecuting Attorneys Association

Lobbyist registered with Legislature: Yes No

Pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.
If designated employee: Time: from _____ .m. to _____ .m.

S-001 (04/14/10)



Rick Scott, Governor
David E. Wilkins, Secretary

Overview of DCF Hotline and Missing Children Unit

**Presentation to the Senate Select Committee on
Protecting Florida's Children
October 3, 2011**

**Mission: Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families,
and Advance Personal and Family Recovery and Resiliency.**

Florida Abuse Hotline



- F/Y 2010-2011 the Hotline received 407,000 contacts via telephone, fax and web reporting.
- Approximately 291,000 reports were referred to the field for follow up by investigative staff:
 - Approximately 237,000 reports involved children at risk (81%).
 - Approximately 54,000 reports involved vulnerable adults (19%).
- 820,000 criminal background checks were conducted on persons named in the reports as well as checks for planned and emergency placement of children.

Florida Abuse Hotline – Top Reporters



Law Enforcement	15%	Relative	10%
Social Services	11%	Anonymous	10%
School Personnel	10%	Neighbor/Friend	5%
Medical/Mental Health	10%	Victim	5%
Parent/Caregiver	10%	Court Personnel	3%
		Other	11%

Approximately 50% of all reports are from professionals

Florida Abuse Hotline – Maltreatments Reported



Children

Substance Misuse	25%
Family Violence	21%
Physical Injury	16%
Inadequate Supervision	16%
Environmental Hazards	12%
Sexual Abuse	5%
Other	5%

Adult

Self Neglect	26%
Inadequate Supervision	20%
Exploitation	15%
Physical Injury	14%
Mental/Medical Neglect	13%
Environmental Hazards	8%
Sexual Abuse	2%
Other	2%

**Percent of all maltreatments reported

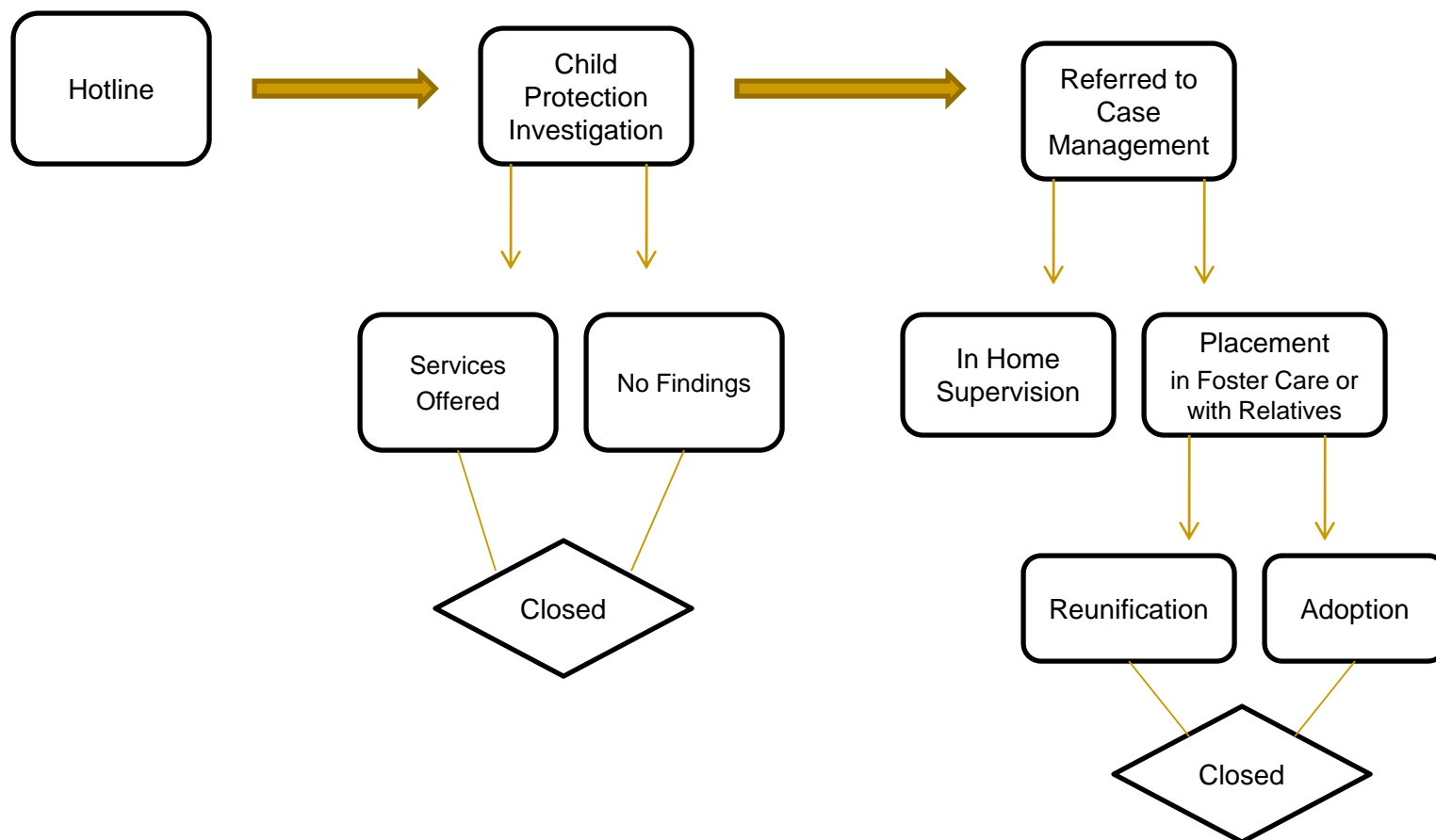
Florida Abuse Hotline



- Call meets statutorily mandated criteria to initiate investigation if:
 - 1) Reasonable cause to suspect abuse, neglect, abandonment, vulnerable adult.
 - 2) Relationship between the victim and caregiver is established to address jurisdiction requirements.
 - 3) A means to locate victim is established.

- Prior to transmittal for local investigation, background checks are conducted in the case:
 - All prior reports received on victim/family
 - FCIC/NCIC
 - Florida Registered Sexual Offenders database
 - Department of Corrections
 - Department of Juvenile Justice

Path of a Case



DCF Missing Children Unit



- ❑ When Rilya Wilson went missing in the summer of 2002, the Department had not formalized policy for reporting a missing child or documenting/tracking children classified as missing.
- ❑ The Department partnered with Florida Department of Law Enforcement to develop a standardized missing child reporting and documentation process.
- ❑ Today, the National Center for Missing and Exploited Children has identified Florida as an “example” of how other states should treat cases of missing foster children.

DCF Missing Children Unit



- ❑ Caregivers and case managers must immediately report children ages 0-11 as missing to local law enforcement.
- ❑ Caregivers and case managers can take up to four hours to locate a teen between ages 12-17 prior to reporting him/her as missing.
- ❑ Missing child information is cross referenced against the FCIC/NCIC every work day to ensure proper reporting and accuracy of information with local law enforcement.
- ❑ All confirmed active missing child entries are electronically transmitted to the National Center for Missing and Exploited Children.

Child Protection Transformation Project



□ **Command Center**

- Web self service for mandated professional reporters.
- Enhanced search capabilities with other data sources.
- Summary of family profile to better assess response.

□ **Child Protection Investigation Redesign**

- Dispatch is properly prioritized and situational awareness complete.
- Remote access to case information and community services.
- Standardized safety assessment and decision supports.

□ **Case Accountability and Information Management**

- Alert systems to elevate safety issues.
- Automated data sharing with stakeholders.
- Ongoing records checks and remote access to case information.

COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

Oct 3, 2011
Date

Bill Number

Barcode

Name Jamie Self

Phone 8504888762

Address 1317 Winewood Blvd

E-mail jamie-self@dcf.state.fl.us

Tallahassee FL 32399
City State Zip

Job Title Director of Family & Community Services

Speaking: For Against Information

Appearing at request of Chair

Subject Hotline Abuse reporting & Missing Children

Representing Dept. of Children & Families

Lobbyist registered with Legislature: Yes No

Pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.
If designated employee: Time: from .m. to .m.

CourtSmart Tag Report

Room: LL 37

Case:

Type:

Caption: Select Committee on Protecting Florida's Children 9:30 a.m.-11:00a.m.

Judge:

Started: 10/3/2011 9:33:08 AM

Ends: 10/3/2011 11:00:42 AM **Length:** 01:27:35

9:33:17 AM Meeting to order
9:33:49 AM Chairman comments
9:37:15 AM Sherriff Jeff Dawsy, Citrus County
9:46:28 AM
9:58:28 AM Connie Shingledecker, Manatee County Sheriff's Office
10:25:50 AM Chief Dennis Jones, Tallahassee Police Dept.
10:27:52 AM Mike Ramage, FDLE
10:36:14 AM Brad King, State Attorney, 5th Judicial Circuit
10:45:45 AM Nancy Daniels, Public Defender, 2nd Judicial Circuit
10:52:14 AM Jamie Self, Exec. Director of Family and Community Services, DCF
10:56:33 AM Kim Barrett, Director of Florida Abuse Hotline
11:00:21 AM Move to rise



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Judiciary, *Chair*
Budget
Budget - Subcommittee on Education Pre-K - 12
Appropriations
Commerce and Tourism
Communications, Energy, and Public Utilities
Governmental Oversight and Accountability
Reapportionment
Rules

SENATOR ANITERE FLORES

Majority Whip
38th District

September 1, 2011

The Honorable Joe Negron
Chair of Committee on Protecting Florida's Children
510 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Negron:

I respectfully request to be excused from the Committee on Protecting Florida's Children during the months of September, October and November. I have been informed by my doctor that I should refrain from travel until after I have given birth which is expected to be at the end of October.

Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Anitere Flores".

Anitere Flores

CC: Ms. Amanda Cannon, Staff Director, Committee on Protecting Florida's Children

REPLY TO:

☐ 10691 North Kendall Drive, Suite 309, Miami, Florida 33176 (305) 270-6550
☐ 316 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5130

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore