

By Senator Hargrett

21-741-98

1 A bill to be entitled
2 An act relating to false reports of abuse or
3 neglect of a child; amending s. 415.513, F.S.;
4 providing for investigation by the Department
5 of Law Enforcement of possible false reports;
6 providing for law enforcement entities to
7 handle certain reports of abuse or neglect
8 during the pendency of such an investigation;
9 providing procedures; specifying the penalty
10 for knowingly and willfully making, or advising
11 another to make, a false report; providing for
12 state attorneys to report annually to the
13 Legislature the number of complaints that have
14 resulted in informations or indictments;
15 amending s. 415.5131, F.S.; increasing the
16 maximum amount of the administrative fine that
17 may be imposed for knowingly and willfully
18 making, or counseling another to make, a false
19 report; providing an effective date.

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21 Be It Enacted by the Legislature of the State of Florida:

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23 Section 1. Present subsections (4) and (5) of section
24 415.513, Florida Statutes, are redesignated as subsections (5)
25 and (6), respectively, and amended, and a new subsection (4)
26 is added to that section, to read:

27 415.513 Penalties relating to abuse reporting.--
28 (4) If the department or its authorized agent has
29 received and investigated two reports of abuse or neglect of
30 children in the same family and has determined after its
31 investigation that the reports are false, or has received and

1 investigated three reports of abuse or neglect of children
2 from the same family and has determined after its
3 investigation that there are no indications of maltreatment,
4 the department shall refer the reports to the Department of
5 Law Enforcement for an investigation to determine if the
6 reporter is guilty of filing a false report as defined in s.
7 415.503. During the pendency of the investigation by the
8 Department of Law Enforcement, all subsequent reports on
9 children in that same family must be handled by the Department
10 of Law Enforcement and local law enforcement. Upon completing
11 its investigation to determine if any of the reports is a
12 false report, the Department of Law Enforcement shall either
13 refer the case to the appropriate state attorney for
14 prosecution or shall return the case to the department.

15 (5)(4) A person who knowingly and willfully makes a
16 false report of child abuse or neglect, or who advises another
17 to make a false report, is guilty of a felony of the third
18 ~~misdemeanor of the second~~ degree, punishable as provided in s.
19 775.082 or s. 775.083. Anyone making a report who is acting in
20 good faith is immune from any liability under this subsection.

21 (6)(5) Each state attorney shall establish and publish
22 procedures to facilitate the prosecution of persons under this
23 section, and shall report to the Legislature annually the
24 number of complaints that have resulted in the filing of an
25 information or indictment under this section.

26 Section 2. Subsection (1) of section 415.5131, Florida
27 Statutes, is amended to read:

28 415.5131 Administrative fines for false report of
29 abuse or neglect of a child.--

30 (1) In addition to any other penalty authorized by
31 this section, chapter 120, or other law, the department may

1 impose a fine, not to exceed \$10,000~~\$1,000~~ for each
2 violation, upon a person who knowingly and willfully makes a
3 false report of abuse or neglect of a child, or a person who
4 counsels another to make a false report.

5 Section 3. This act shall take effect July 1, 1998.

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SENATE SUMMARY

9 Provides for the Department of Law Enforcement to
10 investigate possible false reports of abuse or neglect of
11 a child. Provides for law enforcement entities to handle
12 certain reports of abuse or neglect during the pendency
13 of such an investigation. Provides procedures. Changes
14 the penalty for knowingly and willfully making, or
15 advising another to make, a false report, by classifying
16 the crime as a third-degree felony rather than as a
17 second-degree misdemeanor. Requires state attorneys to
18 report annually to the Legislature the number of
19 complaints that resulted in informations or indictments.
20 Increases from \$1,000 to \$10,000 the maximum amount of
21 the administrative fine that may be imposed for knowingly
22 and willfully making, or counseling another to make, a
23 false report.

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