

Bill No. CS for CS for SB 1308

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Hargrett moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 1, line 11,

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16 insert:

17 Section 1. Subsection (6) of section 415.107, Florida
18 Statutes, is amended to read:

19 415.107 Confidentiality of reports and records.--

20 (6) The identity of any person reporting adult abuse,
21 neglect, or exploitation may not be released, without that
22 person's written consent, to any person other than employees
23 of the department responsible for adult protective services,
24 the central abuse registry and tracking system, or the
25 appropriate state attorney or law enforcement agency. This
26 subsection grants protection only for the person who reported
27 the adult abuse, neglect, or exploitation and protects only
28 the fact that the person is the reporter. This subsection does
29 not prohibit the subpoena of a person reporting adult abuse,
30 neglect, or exploitation when deemed necessary by the state
31 attorney or the department to protect a disabled adult or an

Bill No. CS for CS for SB 1308

Amendment No. ____

1 elderly person who is the subject of a report, if the fact
2 that the person made the report is not disclosed.

3 Section 2. Present subsections (4) and (5) of section
4 415.111, Florida Statutes, are redesignated as subsections (5)
5 and (6), respectively, and amended, and a new subsection (4)
6 is added to that section, to read:

7 415.111 Criminal penalties.--

8 (4) If the department or its authorized agent has
9 determined after its investigation that a report is false, the
10 department shall, with the consent of the alleged perpetrator,
11 refer the reports to the local law enforcement agency having
12 jurisdiction for an investigation to determine whether
13 sufficient evidence exists to refer the case for prosecution
14 for filing a false report as defined in s. 415.102. During the
15 pendency of the investigation by the local law enforcement
16 agency, the local law enforcement agency must respond to all
17 subsequent reports concerning the same disabled adult or
18 elderly person in accordance with s. 415.104 or s. 415.1045.
19 If the law enforcement agency believes that there are
20 indicators of abuse, neglect, or exploitation, it must
21 immediately notify the department, which must assure the
22 safety of the disabled adult or elderly person. If the law
23 enforcement agency finds sufficient evidence for prosecution
24 for filing a false report, it must refer the case to the
25 appropriate state attorney for prosecution.

26 (5)(4) A person who knowingly and willfully makes a
27 false report of abuse, neglect, or exploitation of a disabled
28 adult or an elderly person, or a person who advises another to
29 make a false report, commits a ~~felony of the third~~ misdemeanor
30 of the ~~second~~ degree, punishable as provided in s. 775.082 or
31 s. 775.083.

Bill No. CS for CS for SB 1308

Amendment No. ____

1 (a) The department shall establish procedures for
 2 determining whether a false report of abuse, neglect, or
 3 exploitation of a disabled adult or an elderly person has been
 4 made and for submitting all identifying information relating
 5 to such a false report to the local law enforcement agency as
 6 provided in this subsection and shall report annually to the
 7 Legislature the number of reports referred ~~state attorney for~~
 8 prosecution.

9 (b) Anyone making a report who is acting in good faith
 10 is immune from any liability under this subsection.

11 ~~(6)(5)~~ Each state attorney shall establish and publish
 12 procedures to facilitate the prosecution of persons under this
 13 section and shall report to the Legislature annually the
 14 number of complaints that have resulted in the filing of an
 15 information or indictment under this section.

16 Section 3. Subsection (1) of section 415.1113, Florida
 17 Statutes, is amended to read:

18 415.1113 Administrative fines for false report of
 19 abuse, neglect, or exploitation of a disabled adult or an
 20 elderly person.--

21 (1) In addition to any other penalty authorized by
 22 this section, chapter 120, or other law, the department may
 23 impose a fine, not to exceed ~~\$10,000~~\$1,000 for each
 24 violation, upon a person who knowingly and willfully makes a
 25 false report of abuse, neglect, or exploitation of a disabled
 26 adult or an elderly person, or a person who counsels another
 27 to make a false report.

28 Section 4. Subsection (3) of section 415.513, Florida
 29 Statutes, is amended, and present subsections (4) and (5) of
 30 that section are redesignated as subsections (5) and (6),
 31 respectively, and amended, and a new subsection (4) is added

Bill No. CS for CS for SB 1308

Amendment No. ____

1 to that section, to read:

2 415.513 Penalties relating to abuse reporting.--

3 (3) The department shall establish procedures for
4 determining whether a false report of child abuse or neglect
5 has been made and for submitting all identifying information
6 relating to such a report to the appropriate law enforcement
7 agency and shall report annually to the Legislature the number
8 of reports referred the state attorney for prosecution.

9 (4) If the department or its authorized agent has
10 determined after its investigation that a report is false, the
11 department shall, with the consent of the alleged perpetrator,
12 refer the report to the local law enforcement agency having
13 jurisdiction for an investigation to determine whether
14 sufficient evidence exists to refer the case for prosecution
15 for filing a false report as defined in s. 415.503. During the
16 pendency of the investigation by the local law enforcement
17 agency, the local law enforcement agency must respond to all
18 subsequent reports concerning children in that same family in
19 accordance with s. 415.505. If the law enforcement agency
20 believes that there are indicators of abuse or neglect, it
21 must immediately notify the department, which must assure the
22 safety of the children. If the law enforcement agency finds
23 sufficient evidence for prosecution for filing a false report,
24 it must refer the case to the appropriate state attorney for
25 prosecution.

26 (5)(4) A person who knowingly and willfully makes a
27 false report of child abuse or neglect, or who advises another
28 to make a false report, is guilty of a felony of the third
29 misdemeanor of the second degree, punishable as provided in s.
30 775.082 or s. 775.083. Anyone making a report who is acting in
31 good faith is immune from any liability under this subsection.

Bill No. CS for CS for SB 1308

Amendment No. ____

1 ~~(6)~~(5) Each state attorney shall establish and publish
2 procedures to facilitate the prosecution of persons under this
3 section, and shall report to the Legislature annually the
4 number of complaints that have resulted in the filing of an
5 information or indictment under this section.

6 Section 5. Subsection (1) of section 415.5131, Florida
7 Statutes, is amended to read:

8 415.5131 Administrative fines for false report of
9 abuse or neglect of a child.--

10 (1) In addition to any other penalty authorized by
11 this section, chapter 120, or other law, the department may
12 impose a fine, not to exceed ~~\$10,000~~~~\$1,000~~ for each
13 violation, upon a person who knowingly and willfully makes a
14 false report of abuse or neglect of a child, or a person who
15 counsels another to make a false report.

16
17 (Redesignate subsequent sections.)

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19

20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 On page 1, line 2, delete that line

23

24 and insert:

25 An act relating to false reports of abuse or
26 neglect of a child or of abuse, neglect, or
27 exploitation of a disabled adult or elderly
28 person; amending s. 415.107, F.S.; authorizing
29 the Department of Children and Family Services
30 to provide the identity of a person reporting
31 adult abuse, neglect, or exploitation to a law

Bill No. CS for CS for SB 1308

Amendment No. ____

1 enforcement agency; amending s. 415.111, F.S.;
2 providing for investigation by local law
3 enforcement agencies of possible false reports;
4 providing for law enforcement entities to
5 handle certain reports of abuse, neglect, or
6 exploitation during the pendency of such an
7 investigation; providing procedures; providing
8 for law enforcement agencies to refer certain
9 reports to the state attorney for prosecution;
10 specifying the penalty for knowingly and
11 willfully making or advising another to make a
12 false report; providing for the Department of
13 Children and Family Services to report annually
14 to the Legislature the number of reports
15 referred to law enforcement agencies for
16 investigation of possible false reports;
17 providing for state attorneys to report
18 annually to the Legislature the number of
19 complaints that have resulted in informations
20 or indictments; amending s. 415.1113, F.S.;
21 increasing the maximum amount of the
22 administrative fine that may be imposed for
23 knowingly and willfully making or counseling
24 another to make a false report; amending s.
25 415.513, F.S.; deleting the requirement for the
26 Department of Children and Family Services to
27 provide information to the state attorney;
28 providing for the Department of Children and
29 Family Services to report annually to the
30 Legislature the number of reports referred to
31 law enforcement agencies; providing for

Bill No. CS for CS for SB 1308

Amendment No. ____

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

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