

By Representative Dockery

1 A bill to be entitled
2 An act relating to false reports of abuse or
3 neglect of a child or of abuse, neglect, or
4 exploitation of a disabled adult or elderly
5 person; amending s. 415.111, F.S.; providing
6 for investigation by the Department of Law
7 Enforcement of possible false reports;
8 providing for law enforcement entities to
9 handle certain reports of abuse, neglect, or
10 exploitation during the pendency of such an
11 investigation; providing procedures; making the
12 offense of knowingly and willfully making, or
13 advising another to make, a false report a
14 third degree felony; providing penalties;
15 providing for state attorneys to publish
16 certain procedures and to report annually to
17 the Legislature the number of complaints that
18 have resulted in informations or indictments;
19 amending s. 415.1113, F.S.; increasing the
20 maximum amount of the administrative fine that
21 may be imposed for knowingly and willfully
22 making or counseling another to make a false
23 report; amending s. 415.513, F.S.; providing
24 for investigation by the Department of Law
25 Enforcement of possible false reports;
26 providing for law enforcement entities to
27 handle certain reports of abuse or neglect
28 during the pendency of such an investigation;
29 providing procedures; making the offense of
30 knowingly and willfully making, or advising
31 another to make, a false report a third degree

1 felony; providing penalties; providing for
2 state attorneys to publish certain procedures
3 and to report annually to the Legislature the
4 number of complaints that have resulted in
5 informations or indictments; amending s.
6 415.5131, F.S.; increasing the maximum amount
7 of the administrative fine that may be imposed
8 for knowingly and willfully making, or
9 counseling another to make, a false report;
10 providing an effective date.

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

13
14 Section 1. Present subsections (4) and (5) of section
15 415.111, Florida Statutes, are redesignated as subsections (5)
16 and (6), respectively, and amended, and a new subsection (4)
17 is added to that section, to read:

18 415.111 Criminal penalties.--

19 (4) If the department or its authorized agent has
20 received and investigated two reports of abuse or neglect of a
21 disabled adult or elderly person and has determined after its
22 investigation that the reports are false, or has received and
23 investigated three reports of abuse, neglect, or exploitation
24 of a disabled adult or an elderly person and has determined
25 after its investigation that the reports were unfounded, the
26 department shall refer the reports to the Department of Law
27 Enforcement for an investigation to determine whether evidence
28 exists that the reporter has filed a false report as defined
29 in s. 415.102. During the pendency of the investigation by the
30 Department of Law Enforcement all subsequent reports
31 concerning the same disabled adult or elderly person must be

1 handled by the Department of Law Enforcement and local law
2 enforcement agencies. Upon completing its investigation to
3 determine whether any of the reports is a false report, the
4 Department of Law Enforcement shall either refer the case to
5 the appropriate state attorney for prosecution or shall return
6 the case to the department.

7 (5)~~(4)~~ A person who knowingly and willfully makes a
8 false report of abuse, neglect, or exploitation of a disabled
9 adult or an elderly person, or a person who advises another to
10 make a false report, commits a felony of the third ~~misdemeanor~~
11 ~~of the second~~ degree, punishable as provided in s. 775.082 or
12 s. 775.083.

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

18 Section 2. Subsection (1) of section 415.1113, Florida
19 Statutes, is amended to read:

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

23 (1) In addition to any other penalty authorized by
24 this section, chapter 120, or other law, the department may
25 impose a fine, not to exceed \$10,000~~\$1,000~~ for each
26 violation, upon 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 counsels another
29 to make a false report.

30 Section 3. Present subsections (4) and (5) of section
31 415.513, Florida Statutes, are redesignated as subsections (5)

1 and (6), respectively, and amended, and a new subsection (4)
2 is added to that section, to read:

3 415.513 Penalties relating to abuse reporting.--

4 (4) If the department or its authorized agent has
5 received and investigated two reports of abuse or neglect of
6 children in the same family and has determined after its
7 investigation that the reports are false, or has received and
8 investigated three reports of abuse or neglect of children
9 from the same family and has determined after its
10 investigation that there are no indications of maltreatment,
11 the department shall refer the reports to the Department of
12 Law Enforcement for an investigation to determine whether
13 evidence exists that the reporter has filed a false report as
14 defined in s. 415.503. During the pendency of the
15 investigation by the Department of Law Enforcement all
16 subsequent reports concerning children in that same family
17 must be handled by the Department of Law Enforcement and local
18 law enforcement agencies. Upon completing its investigation to
19 determine whether any of the reports is a false report, the
20 Department of Law Enforcement shall either refer the case to
21 the appropriate state attorney for prosecution or shall return
22 the case to the department.

23 (5)(4) A person who knowingly and willfully makes a
24 false report of child abuse or neglect, or who advises another
25 to make a false report, is guilty of a felony of the third
26 ~~misdemeanor of the second~~ degree, punishable as provided in s.
27 775.082 or s. 775.083. Anyone making a report who is acting in
28 good faith is immune from any liability under this subsection.

29 (6)(5) Each state attorney shall establish and publish
30 procedures to facilitate the prosecution of persons under this
31 section, and shall report to the Legislature annually the

1 number of complaints that have resulted in the filing of an
2 information or indictment under this section.

3 Section 4. Subsection (1) of section 415.5131, Florida
4 Statutes, is amended to read:

5 415.5131 Administrative fines for false report of
6 abuse or neglect of a child.--

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

13 Section 5. This act shall take effect July 1 of the
14 year in which enacted.

15 *****

16 HOUSE SUMMARY

17
18 Provides for investigation by the Department of Law
19 Enforcement of possible false reports of abuse or neglect
20 of a child or of abuse, neglect, or exploitation of a
21 disabled adult or elderly person. Provides for law
22 enforcement entities to handle certain reports of abuse,
23 neglect, or exploitation during the pendency of such an
24 investigation. Provides for procedures upon completion of
25 the investigation. Makes the offense of knowingly and
26 willfully making or advising another to make a false
27 report a third degree felony instead of a second degree
28 misdemeanor, and provides penalties. Provides for state
29 attorneys to publish certain procedures facilitating
30 prosecution and to report annually to the Legislature the
31 number of complaints that have resulted in informations
or indictments. Increases to \$10,000 the maximum amount
of the administrative fine that may be imposed for
knowingly and willfully making or counseling another to
make a false report.