

By the Committee on Law Enforcement & Public Safety and
Representatives Dockery and Kelly

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. 415.107, F.S.; authorizing
6 the Department of Children and Family Services
7 to provide the identity of a person reporting
8 adult abuse, neglect, or exploitation to a law
9 enforcement agency; amending s. 415.111, F.S.;
10 providing for investigation by local law
11 enforcement agencies of possible false reports
12 if the alleged perpetrator consents; providing
13 for the law enforcement agencies to handle
14 certain reports of abuse, neglect, or
15 exploitation during the pendency of such an
16 investigation; providing duties of the
17 department and procedures; providing for the
18 law enforcement agencies to refer certain
19 reports to the state attorney for prosecution;
20 making the offense of knowingly and willfully
21 making or advising another to make a false
22 report a third degree felony; providing
23 penalties; providing for the Department of
24 Children and Family Services to report annually
25 to the Legislature the number of reports
26 referred to law enforcement agencies for
27 investigation of possible false reports;
28 providing for state attorneys to establish
29 written procedures and report annually to the
30 Legislature the number of complaints that have
31 resulted in informations or indictments;

1 amending s. 415.1113, F.S.; increasing tenfold
2 the maximum amount of the administrative fine
3 that may be imposed for knowingly and willfully
4 making or counseling another to make a false
5 report; amending s. 415.513, F.S.; deleting the
6 requirement for the Department of Children and
7 Family Services to provide certain information
8 on false reports to the state attorney;
9 providing for the Department of Children and
10 Family Services to report annually to the
11 Legislature the number of reports referred to
12 law enforcement agencies; providing for
13 investigation by local law enforcement agencies
14 of possible false reports if the alleged
15 perpetrator consents; providing for the law
16 enforcement agencies to refer certain reports
17 to the state attorney for prosecution;
18 providing for the law enforcement agencies to
19 handle certain reports of abuse or neglect
20 during the pendency of such an investigation;
21 providing duties of the department and
22 procedures; making the offense of knowingly and
23 willfully making, or advising another to make,
24 a false report a third degree felony; providing
25 penalties; providing for state attorneys to
26 establish written procedures and report
27 annually to the Legislature the number of
28 complaints that have resulted in informations
29 or indictments; amending s. 415.5131, F.S.;
30 increasing tenfold the maximum amount of the
31 administrative fine that may be imposed for

1 knowingly and willfully making, or counseling
2 another to make, a false report; providing an
3 effective date.

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

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

9 415.107 Confidentiality of reports and records.--

10 (6) The identity of any person reporting adult abuse,
11 neglect, or exploitation may not be released, without that
12 person's written consent, to any person other than employees
13 of the department responsible for adult protective services,
14 the central abuse registry and tracking system, or the
15 appropriate state attorney or law enforcement agency. This
16 subsection grants protection only for the person who reported
17 the adult abuse, neglect, or exploitation and protects only
18 the fact that the person is the reporter. This subsection does
19 not prohibit the subpoena of a person reporting adult abuse,
20 neglect, or exploitation when deemed necessary by the state
21 attorney or the department to protect a disabled adult or an
22 elderly person who is the subject of a report, if the fact
23 that the person made the report is not disclosed.

24 Section 2. Present subsections (4) and (5) of section
25 415.111, Florida Statutes, are redesignated as subsections (5)
26 and (6), respectively, and amended, and a new subsection (4)
27 is added to that section, to read:

28 415.111 Criminal penalties.--

29 (4) If the department or its authorized agent has
30 determined after its investigation that a report is false, the
31 department shall, with the consent of the alleged perpetrator,

1 refer the report to the local law enforcement agency having
2 jurisdiction for an investigation to determine whether
3 sufficient evidence exists to refer the case for prosecution
4 for filing a false report as defined in s. 415.102. During the
5 pendency of the investigation by the local law enforcement
6 agency, the local law enforcement agency must respond to all
7 subsequent reports concerning the same disabled adult or
8 elderly person in accordance with s. 415.104 or s. 415.1045.
9 If the law enforcement agency believes that there are
10 indicators of abuse, neglect, or exploitation, it must
11 immediately notify the department, which must assure the
12 safety of the disabled adult or elderly person. If the law
13 enforcement agency finds sufficient evidence for prosecution
14 for filing a false report, it must refer the case to the
15 appropriate state attorney for prosecution.

16 ~~(5)(4)~~ A person who knowingly and willfully makes a
17 false report of abuse, neglect, or exploitation of a disabled
18 adult or an elderly person, or a person who advises another to
19 make a false report, commits a felony of the third ~~misdemeanor~~
20 ~~of the second~~ degree, punishable as provided in s. 775.082 or
21 s. 775.083.

22 (a) The department shall establish procedures for
23 determining whether a false report of abuse, neglect, or
24 exploitation of a disabled adult or an elderly person has been
25 made and for submitting all identifying information relating
26 to such a false report to the local law enforcement agency as
27 provided in this section and shall report annually to the
28 Legislature the number of reports referred ~~state attorney for~~
29 ~~prosecution.~~

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

1 ~~(6)~~⁽⁵⁾ Each state attorney shall establish written
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 3. Subsection (1) of section 415.1113, Florida
7 Statutes, is amended to read:

8 415.1113 Administrative fines for false report of
9 abuse, neglect, or exploitation of a disabled adult or an
10 elderly person.--

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

18 Section 4. Subsection (3) of section 415.513, Florida
19 Statutes, is amended, and present subsections (4) and (5) of
20 that section are redesignated as subsections (5) and (6),
21 respectively, and amended, and a new subsection (4) is added
22 to that section, to read:

23 415.513 Penalties relating to abuse reporting.--

24 (3) The department shall establish procedures for
25 determining whether a false report of child abuse or neglect
26 has been made and for submitting all identifying information
27 relating to such a report to the appropriate law enforcement
28 agency and shall report annually to the Legislature the number
29 of reports referred ~~the state attorney for prosecution.~~

30 (4) If the department or its authorized agent has
31 determined after its investigation that a report is false, the

1 department shall, with the consent of the alleged perpetrator,
2 refer the report to the local law enforcement agency having
3 jurisdiction for an investigation to determine whether
4 sufficient evidence exists to refer the case for prosecution
5 for filing a false report as defined in s. 415.503. During the
6 pendency of the investigation by the local law enforcement
7 agency, the local law enforcement agency must respond to all
8 subsequent reports concerning children in that same family in
9 accordance with s. 415.505. If the law enforcement agency
10 believes that there are indicators of abuse or neglect, it
11 must immediately notify the department, which must assure the
12 safety of the children. If the law enforcement agency finds
13 sufficient evidence for prosecution for filing a false report,
14 it must refer the case to the appropriate state attorney for
15 prosecution.

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

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

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

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

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

7 Section 6. This act shall take effect July 1 of the
8 year in which enacted.

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