

By Representative Effman

1 A bill to be entitled
2 An act relating to cross-reporting of family
3 violence; amending ss. 39.201, 415.1034, and
4 828.073, F.S.; requiring animal control
5 officers or other agents appointed under s.
6 828.03, F.S., to report known or suspected
7 child abuse, abandonment, or neglect or abuse,
8 neglect, or exploitation of a disabled adult or
9 elderly person; providing a penalty; creating
10 s. 39.208, F.S.; requiring persons who are
11 required to report or investigate child abuse,
12 abandonment, or neglect under ch. 39, F.S., to
13 report known or suspected animal abuse,
14 neglect, cruelty, or abandonment; creating s.
15 415.1114, F.S.; requiring persons who are
16 required to report or investigate abuse,
17 neglect, or exploitation of a disabled adult or
18 elderly person to report known or suspected
19 animal abuse, neglect, cruelty, or abandonment;
20 specifying information to be reported;
21 providing a penalty; providing an effective
22 date.

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

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26 Section 1. Subsection (1) of section 39.201, Florida
27 Statutes, 1998 Supplement, is amended to read:

28 39.201 Mandatory reports of child abuse, abandonment,
29 or neglect; mandatory reports of death; central abuse
30 hotline.--

31 (1) Any person, including, but not limited to, any:

1 (a) Physician, osteopathic physician, medical
2 examiner, chiropractic physician, nurse, or hospital personnel
3 engaged in the admission, examination, care, or treatment of
4 persons;
5 (b) Health or mental health professional other than
6 one listed in paragraph (a);
7 (c) Practitioner who relies solely on spiritual means
8 for healing;
9 (d) School teacher or other school official or
10 personnel;
11 (e) Social worker, day care center worker, or other
12 professional child care, foster care, residential, or
13 institutional worker; ~~or~~
14 (f) Animal control officer or other agent appointed
15 pursuant to s. 828.03; or
16 (g)~~(f)~~ Law enforcement officer,
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18 who knows, or has reasonable cause to suspect, that a child is
19 an abused, abandoned, or neglected child shall report such
20 knowledge or suspicion to the department in the manner
21 prescribed in subsection (2).
22 Section 2. Subsection (1) of section 39.205, Florida
23 Statutes, 1998 Supplement, reads:
24 39.205 Penalties relating to reporting of child abuse,
25 abandonment, or neglect.--
26 (1) A person who is required to report known or
27 suspected child abuse, abandonment, or neglect and who
28 knowingly and willfully fails to do so, or who knowingly and
29 willfully prevents another person from doing so, is guilty of
30 a misdemeanor of the second degree, punishable as provided in
31 s. 775.082 or s. 775.083.

1 Section 3. Section 39.208, Florida Statutes, is
2 created to read:

3 39.208 Reports of abuse, neglect, cruelty, or
4 abandonment of an animal required.--

5 (1) Any person required to report or investigate child
6 abuse, abandonment, or neglect who knows or has reasonable
7 cause to suspect that abuse, neglect, cruelty, or abandonment
8 of an animal has occurred shall report such knowledge or
9 suspicion, within 24 hours, to the local animal control
10 officer or other agent appointed pursuant to s. 828.03. Where
11 no such local officer or agent exists, the report shall be
12 made to the law enforcement agency with jurisdictional
13 responsibility.

14 (2) The report shall include the following
15 information:

16 (a) A description of the animal.

17 (b) A description of any injury, cruelty, or abuse of
18 the animal, including any evidence of prior injury, cruelty,
19 or abuse of the animal or of other animals.

20 (c) Any evidence of neglect or abandonment of the
21 animal, including any evidence of prior neglect or abandonment
22 of the animal or of other animals.

23 (d) The name and address of the person or persons
24 alleged to be responsible for causing the injury, abuse,
25 neglect, cruelty, or abandonment of the animal.

26 (e) The source of the report.

27 (f) Any action taken by the reporting source with
28 regard to the injury, abuse, neglect, cruelty, or abandonment
29 of the animal.

30 (g) The name, address, and telephone number of the
31 person making the report.

1 (3) A person who is required to report known or
2 suspected abuse, neglect, cruelty, or abandonment of an animal
3 and who knowingly and willfully fails to do so commits a
4 misdemeanor of the second degree, punishable as provided in s.
5 775.082 or s. 775.083.

6 Section 4. Subsection (1) of section 415.1034, Florida
7 Statutes, 1998 Supplement, is amended to read:

8 415.1034 Mandatory reporting of abuse, neglect, or
9 exploitation of disabled adults or elderly persons; mandatory
10 reports of death.--

11 (1) MANDATORY REPORTING.--

12 (a) Any person, including, but not limited to, any:

13 1. Physician, osteopathic physician, medical examiner,
14 chiropractic physician, nurse, or hospital personnel engaged
15 in the admission, examination, care, or treatment of disabled
16 adults or elderly persons;

17 2. Health professional or mental health professional
18 other than one listed in subparagraph 1.;

19 3. Practitioner who relies solely on spiritual means
20 for healing;

21 4. Nursing home staff; assisted living facility staff;
22 adult day care center staff; adult family-care home staff;
23 social worker; or other professional adult care, residential,
24 or institutional staff;

25 5. State, county, or municipal criminal justice
26 employee or law enforcement officer;

27 6. Animal control officer or other agent appointed
28 pursuant to s. 828.03;

29 ~~7.6.~~ Human rights advocacy committee or long-term care
30 ombudsman council member; or

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1 ~~8.7.~~ Bank, savings and loan, or credit union officer,
2 trustee, or employee,
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4 who knows, or has reasonable cause to suspect, that a disabled
5 adult or an elderly person has been or is being abused,
6 neglected, or exploited shall immediately report such
7 knowledge or suspicion to the central abuse registry and
8 tracking system on the single statewide toll-free telephone
9 number.

10 Section 5. Subsection (1) of section 415.111, Florida
11 Statutes, 1998 Supplement, reads:

12 415.111 Criminal penalties.--

13 (1) A person who knowingly and willfully fails to
14 report a case of known or suspected abuse, neglect, or
15 exploitation of a disabled adult or an elderly person, or who
16 knowingly and willfully prevents another person from doing so,
17 commits a misdemeanor of the second degree, punishable as
18 provided in s. 775.082 or s. 775.083.

19 Section 6. Section 415.1114, Florida Statutes, is
20 created to read:

21 415.1114 Reports of abuse, neglect, cruelty, or
22 abandonment of an animal required.--

23 (1) Any person required to report or investigate
24 abuse, neglect, or exploitation of a disabled adult or elderly
25 person who knows or has reasonable cause to suspect that
26 abuse, neglect, cruelty, or abandonment of an animal has
27 occurred shall report such knowledge or suspicion, within 24
28 hours, to the local animal control officer or other agent
29 appointed pursuant to s. 828.03. Where no such local officer
30 or agent exists, the report shall be made to the law
31 enforcement agency with jurisdictional responsibility.

1 (2) The report shall include the following
2 information:
3 (a) A description of the animal.
4 (b) A description of any injury, cruelty, or abuse of
5 the animal, including any evidence of prior injury, cruelty,
6 or abuse of the animal or of other animals.
7 (c) Any evidence of neglect or abandonment of the
8 animal, including any evidence of prior neglect or abandonment
9 of the animal or of other animals.
10 (d) The name and address of the person or persons
11 alleged to be responsible for causing the injury, abuse,
12 neglect, cruelty, or abandonment of the animal.
13 (e) The source of the report.
14 (f) Any action taken by the reporting source with
15 regard to the injury, abuse, neglect, cruelty, or abandonment
16 of the animal.
17 (g) The name, address, and telephone number of the
18 person making the report.
19 (3) A person who is required to report known or
20 suspected abuse, neglect, cruelty, or abandonment of an animal
21 and who knowingly and willfully fails to do so commits a
22 misdemeanor of the second degree, punishable as provided in s.
23 775.082 or s. 775.083.
24 Section 7. Subsection (8) is added to section 828.073,
25 Florida Statutes, to read:
26 828.073 Animals found in distress; when agent may take
27 charge; hearing; disposition; sale.--
28 (8)(a) Any person authorized to enforce the provisions
29 of this section who knows, or has reasonable cause to suspect,
30 that a child is or has been a victim of abuse, abandonment,
31 neglect, or domestic violence shall immediately report such

1 knowledge or suspicion to the Department of Children and
2 Family Services as provided in s. 39.201.

3 (b) Any person authorized to enforce the provisions of
4 this section who knows, or has reasonable cause to suspect,
5 that a disabled adult or an elderly person is or has been a
6 victim of abuse, abandonment, exploitation, or domestic
7 violence shall immediately report such knowledge or suspicion
8 to the Department of Children and Family Services as provided
9 in s. 415.1034.

10 Section 8. This act shall take effect October 1, 1999.

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12 HOUSE SUMMARY

13 Provides cross-reporting requirements for persons who are
14 required to report or investigate child abuse,
15 abandonment, or neglect, or report or investigate abuse,
16 neglect, or exploitation of a disabled adult or elderly
17 person, and animal control officers or others authorized
18 to enforce laws relating to animal cruelty, abuse,
19 abandonment, and neglect. Provides a second degree
20 misdemeanor penalty for knowingly and willfully failing
21 to make such report or preventing another from doing so.
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