

By the Committee on Children and Families; and Senator Forman

300-2201-99

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A bill to be entitled  
An act relating to cross-reporting of family violence; amending ss. 39.201, 415.1034, and 828.073, F.S.; requiring animal control officers or other agents appointed under s. 828.03, F.S., to report known or suspected child abuse, abandonment, or neglect or abuse, neglect, or exploitation of a disabled adult or elderly person; providing a penalty; creating s. 39.208, F.S.; requiring persons who are required to report or investigate child abuse, abandonment, or neglect under ch. 39, F.S., to report known or suspected animal abuse, neglect, cruelty, or abandonment; creating s. 415.1114, F.S.; requiring persons who are required to report or investigate abuse, neglect, or exploitation of a disabled adult or elderly person to report known or suspected animal abuse, neglect, cruelty, or abandonment; specifying information to be reported; providing a penalty; providing an effective date.

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

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

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

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

15           (2) The report shall, if available, include the  
16 following information:

17           (a) A description of the animal.

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

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

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

27           (e) The source of the report.

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

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

3           (3) A person who is required to report known or  
4 suspected abuse, neglect, cruelty, or abandonment of an animal  
5 and who knowingly and willfully fails to do so commits a  
6 misdemeanor of the second degree, punishable as provided in s.  
7 775.082 or s. 775.083.

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

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

13           (1) MANDATORY REPORTING.--

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

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

19           2. Health professional or mental health professional  
20 other than one listed in subparagraph 1.;

21           3. Practitioner who relies solely on spiritual means  
22 for healing;

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

27           5. State, county, or municipal criminal justice  
28 employee or law enforcement officer;

29           6. Animal control officer or other agent appointed  
30 pursuant to s. 828.03;

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1           ~~7.6.~~ Human rights advocacy committee or long-term care  
2 ombudsman council member; or

3           ~~8.7.~~ Bank, savings and loan, or credit union officer,  
4 trustee, or employee,

5  
6 who knows, or has reasonable cause to suspect, that a disabled  
7 adult or an elderly person has been or is being abused,  
8 neglected, or exploited shall immediately report such  
9 knowledge or suspicion to the central abuse registry and  
10 tracking system on the single statewide toll-free telephone  
11 number.

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

14           415.111 Criminal penalties.--

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

21           Section 6. Section 415.1114, Florida Statutes, is  
22 created to read:

23           415.1114 Reports of abuse, neglect, cruelty, or  
24 abandonment of an animal required.--

25           (1) Any person required to report abuse, neglect, or  
26 exploitation of a disabled adult or elderly person, and any  
27 person who, in the course of investigating abuse, neglect or  
28 exploitation of a disabled adult or elderly person, knows or  
29 has reasonable cause to suspect that abuse, neglect, cruelty,  
30 or abandonment of an animal has occurred shall report such  
31 knowledge or suspicion, within 24 hours, to the local animal

1 control officer or other agent appointed pursuant to s.  
2 828.03. Where no such local officer or agent exists, the  
3 report shall be made to the law enforcement agency with  
4 jurisdictional responsibility.

5 (2) The report shall, if available, include the  
6 following information:

7 (a) A description of the animal.

8 (b) A description of any injury, cruelty, or abuse of  
9 the animal, including any evidence of prior injury, cruelty,  
10 or abuse of the animal or of other animals.

11 (c) Any evidence of neglect or abandonment of the  
12 animal, including any evidence of prior neglect or abandonment  
13 of the animal or of other animals.

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

17 (e) The source of the report.

18 (f) Any action taken by the reporting source with  
19 regard to the injury, abuse, neglect, cruelty, or abandonment  
20 of the animal.

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

23 (3) A person who is required to report known or  
24 suspected abuse, neglect, cruelty, or abandonment of an animal  
25 and who knowingly and willfully fails to do so commits a  
26 misdemeanor of the second degree, punishable as provided in s.  
27 775.082 or s. 775.083.

28 Section 7. Subsection (8) is added to section 828.073,  
29 Florida Statutes, to read:

30 828.073 Animals found in distress; when agent may take  
31 charge; hearing; disposition; sale.--

