

By Representative Murman

1 A bill to be entitled
2 An act relating to the crime of contributing to
3 the delinquency or dependency of a child;
4 amending s. 827.04, F.S.; defining the terms
5 "child in need of services," "delinquent
6 child," and "dependent child"; amending ss.
7 27.365, 39.201, 90.4025, 382.356, 742.107, and
8 921.0022, F.S.; conforming cross references;
9 reenacting ss. 409.2355 and 921.0012(3)(g),
10 F.S., relating to programs for prosecution of
11 males over age 21 who commit certain offenses
12 involving girls under age 16 and the sentencing
13 guidelines offense severity ranking chart, to
14 incorporate the amendment to s. 827.04, F.S.,
15 in references thereto; providing an effective
16 date.

17

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

19

20 Section 1. Section 827.04, Florida Statutes, is
21 amended to read:22 827.04 Contributing to the delinquency or dependency
23 of a child; penalty.--24 (1) As used in this section, the term:25 (a) "Child in need of services" has the meaning
26 assigned to that term in s. 984.03.27 (b) "Delinquent child" has the meaning assigned to the
28 term "child who has been found to have committed a delinquent
29 act" in s. 985.03.30 (c) "Dependent child" has the meaning assigned to the
31 term "child who is found to be dependent" in s. 39.01.

1 (2)~~(1)~~ Any person who:

2 (a) Commits any act which causes, tends to cause,
3 encourages, or contributes to a child becoming a delinquent or
4 dependent child or a child in need of services; or

5 (b) Induces or endeavors to induce, by act, threat,
6 command, or persuasion, a child to commit or perform any act,
7 follow any course of conduct, or live in a manner that causes
8 or tends to cause such child to become or to remain a
9 dependent or delinquent child or a child in need of services,
10
11 commits a misdemeanor of the first degree, punishable as
12 provided in s. 775.082 or s. 775.083.

13 (3)~~(2)~~ It is not necessary for any court exercising
14 juvenile jurisdiction to make an adjudication that any child
15 is delinquent or dependent or a child in need of services in
16 order to prosecute a violation of this section. An
17 adjudication that a child is delinquent or dependent or a
18 child in need of services shall not preclude a subsequent
19 prosecution of a violation of this section.

20 (4)~~(3)~~ A person 21 years of age or older who
21 impregnates a child under 16 years of age commits an act of
22 child abuse which constitutes a felony of the third degree,
23 punishable as provided in s. 775.082, s. 775.083, or s.
24 775.084. A person who impregnates a child in violation of this
25 subsection commits an offense under this subsection regardless
26 of whether the person is found to have committed, or has been
27 charged with or prosecuted for, any other offense committed
28 during the course of the same criminal transaction or episode,
29 including, but not limited to, an offense proscribed under s.
30 800.04, relating to lewd, lascivious, or indecent assault or
31 act upon any person under 16 years of age. Neither the

1 victim's lack of chastity nor the victim's consent is a
2 defense to the crime proscribed under this subsection.

3 Section 2. Section 27.365, Florida Statutes, is
4 amended to read:

5 27.365 Florida Prosecuting Attorneys Association;
6 annual report regarding prosecutions.--By February 1st of each
7 year, the Florida Prosecuting Attorneys Association shall
8 report to the President and Minority Leader of the Senate, the
9 Speaker and Minority Leader of the House of Representatives,
10 and to the appropriate substantive committees of each chamber
11 regarding prosecutions for offenses during the previous
12 calendar year under ss. 794.011, 794.05, 800.04, and
13 827.04(4)~~(3)~~when the victim of the offense was less than 18
14 years of age. This report must include, by judicial circuit,
15 the following information in summary format for each offense:
16 the initial charge in each case; the age of the victim and the
17 age of the offender; the charge ultimately prosecuted, if any;
18 whether the case went to trial or was resolved by plea
19 agreement; and either the sentence imposed in each case, or
20 the status of each case on December 31st of the previous year.
21 The names of sexual offense victims shall not be included in
22 the report.

23 Section 3. Paragraph (a) of subsection (2) of section
24 39.201, Florida Statutes, is amended to read:

25 39.201 Mandatory reports of child abuse, abandonment,
26 or neglect; mandatory reports of death; central abuse
27 hotline.--

28 (2)(a) Each report of known or suspected child abuse,
29 abandonment, or neglect pursuant to this section, except those
30 solely under s. 827.04(4)~~(3)~~, shall be made immediately to the
31 department's central abuse hotline on the single statewide

1 toll-free telephone number, and, if the report is of an
2 instance of known or suspected child abuse by a noncaretaker,
3 the call shall be immediately electronically transferred to
4 the appropriate county sheriff's office by the central abuse
5 hotline. If the report is of an instance of known or
6 suspected child abuse involving impregnation of a child under
7 16 years of age by a person 21 years of age or older solely
8 under s. 827.04(4)~~(3)~~, the report shall be made immediately to
9 the appropriate county sheriff's office or other appropriate
10 law enforcement agency. If the report is of an instance of
11 known or suspected child abuse solely under s. 827.04(4)~~(3)~~,
12 the reporting provisions of this subsection do not apply to
13 health care professionals or other persons who provide medical
14 or counseling services to pregnant children when such
15 reporting would interfere with the provision of medical
16 services.

17 Section 4. Section 90.4025, Florida Statutes, is
18 amended to read:

19 90.4025 Admissibility of paternity determination in
20 certain criminal prosecutions.--If a person less than 18 years
21 of age gives birth to a child and the paternity of that child
22 is established under chapter 742, such evidence of paternity
23 is admissible in a criminal prosecution under ss. 794.011,
24 794.05, 800.04, and 827.04(4)~~(3)~~.

25 Section 5. Section 382.356, Florida Statutes, is
26 amended to read:

27 382.356 Protocol for sharing certain birth certificate
28 information.--In order to facilitate the prosecution of
29 offenses under s. 794.011, s. 794.05, s. 800.04, or s.
30 827.04(4)~~(3)~~, the Department of Health, the Department of
31 Revenue, and the Florida Prosecuting Attorneys Association

1 shall develop a protocol for sharing birth certificate
2 information for all children born to unmarried mothers who are
3 less than 17 years of age at the time of the child's birth.

4 Section 6. Subsection (4) of section 742.107, Florida
5 Statutes, is amended to read:

6 742.107 Determining paternity of child with mother
7 under 16 years of age when impregnated.--

8 (4) When the information provided by the applicant or
9 recipient who was impregnated while under age 16 indicates
10 that such person is the victim of child abuse as provided in
11 s. 827.04(4)(~~3~~), the Department of Revenue or the Department
12 of Children and Family Services shall notify the county
13 sheriff's office or other appropriate agency or official and
14 provide information needed to protect the child's health or
15 welfare.

16 Section 7. Paragraph (g) of subsection (3) of section
17 921.0022, Florida Statutes, is amended to read:

18 921.0022 Criminal Punishment Code; offense severity
19 ranking chart.--

20 (3) OFFENSE SEVERITY RANKING CHART

21	22	23	24
25	Florida	Felony	
26	Statute	Degree	Description
27			(g) LEVEL 7
28	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
29			injury.
30	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
31			bodily injury.

1	402.319(2)	2nd	Misrepresentation and negligence
2			or intentional act resulting in
3			great bodily harm, permanent
4			disfiguration, permanent
5			disability, or death.
6	409.920(2)	3rd	Medicaid provider fraud.
7	494.0018(2)	1st	Conviction of any violation of
8			ss. 494.001-494.0077 in which the
9			total money and property
10			unlawfully obtained exceeded
11			\$50,000 and there were five or
12			more victims.
13	782.051(3)	2nd	Attempted felony murder of a
14			person by a person other than the
15			perpetrator or the perpetrator of
16			an attempted felony.
17	782.07(1)	2nd	Killing of a human being by the
18			act, procurement, or culpable
19			negligence of another
20			(manslaughter).
21	782.071	2nd	Killing of human being or viable
22			fetus by the operation of a motor
23			vehicle in a reckless manner
24			(vehicular homicide).
25	782.072	2nd	Killing of a human being by the
26			operation of a vessel in a
27			reckless manner (vessel
28			homicide).
29	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
30			causing great bodily harm or
31			disfigurement.

1	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
2			weapon.
3	784.045(1)(b)	2nd	Aggravated battery; perpetrator
4			aware victim pregnant.
5	784.048(4)	3rd	Aggravated stalking; violation of
6			injunction or court order.
7	784.07(2)(d)	1st	Aggravated battery on law
8			enforcement officer.
9	784.08(2)(a)	1st	Aggravated battery on a person 65
10			years of age or older.
11	784.081(1)	1st	Aggravated battery on specified
12			official or employee.
13	784.082(1)	1st	Aggravated battery by detained
14			person on visitor or other
15			detainee.
16	784.083(1)	1st	Aggravated battery on code
17			inspector.
18	790.07(4)	1st	Specified weapons violation
19			subsequent to previous conviction
20			of s. 790.07(1) or (2).
21	790.16(1)	1st	Discharge of a machine gun under
22			specified circumstances.
23	796.03	2nd	Procuring any person under 16
24			years for prostitution.
25	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
26			victim less than 12 years of age;
27			offender less than 18 years.
28	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
29			victim 12 years of age or older
30			but less than 16 years; offender
31			18 years or older.

1	806.01(2)	2nd	Maliciously damage structure by
2			fire or explosive.
3	810.02(3)(a)	2nd	Burglary of occupied dwelling;
4			unarmed; no assault or battery.
5	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
6			unarmed; no assault or battery.
7	810.02(3)(d)	2nd	Burglary of occupied conveyance;
8			unarmed; no assault or battery.
9	812.014(2)(a)	1st	Property stolen, valued at
10			\$100,000 or more; property stolen
11			while causing other property
12			damage; 1st degree grand theft.
13	812.019(2)	1st	Stolen property; initiates,
14			organizes, plans, etc., the theft
15			of property and traffics in
16			stolen property.
17	812.131(2)(a)	2nd	Robbery by sudden snatching.
18	812.133(2)(b)	1st	Carjacking; no firearm, deadly
19			weapon, or other weapon.
20	825.102(3)(b)	2nd	Neglecting an elderly person or
21			disabled adult causing great
22			bodily harm, disability, or
23			disfigurement.
24	825.1025(2)	2nd	Lewd or lascivious battery upon
25			an elderly person or disabled
26			adult.
27	825.103(2)(b)	2nd	Exploiting an elderly person or
28			disabled adult and property is
29			valued at \$20,000 or more, but
30			less than \$100,000.
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1	827.03(3)(b)	2nd	Neglect of a child causing great
2			bodily harm, disability, or
3			disfigurement.
4	827.04 <u>(4)</u> (3)	3rd	Impregnation of a child under 16
5			years of age by person 21 years
6			of age or older.
7	837.05(2)	3rd	Giving false information about
8			alleged capital felony to a law
9			enforcement officer.
10	872.06	2nd	Abuse of a dead human body.
11	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
12			cocaine (or other drug prohibited
13			under s. 893.03(1)(a), (1)(b),
14			(1)(d), (2)(a), or (2)(b)) within
15			1,000 feet of a child care
16			facility or school.
17	893.13(1)(e)	1st	Sell, manufacture, or deliver
18			cocaine or other drug prohibited
19			under s. 893.03(1)(a), (1)(b),
20			(1)(d), (2)(a), or (2)(b), within
21			1,000 feet of property used for
22			religious services or a specified
23			business site.
24	893.13(4)(a)	1st	Deliver to minor cocaine (or
25			other s. 893.03(1)(a), (1)(b),
26			(1)(d), (2)(a), or (2)(b) drugs).
27	893.135(1)(a)1.	1st	Trafficking in cannabis, more
28			than 50 lbs., less than 2,000
29			lbs.
30			
31			

1 893.135
2 (1)(b)1.a. 1st Trafficking in cocaine, more than
3 28 grams, less than 200 grams.
4 893.135
5 (1)(c)1.a. 1st Trafficking in illegal drugs,
6 more than 4 grams, less than 14
7 grams.
8 893.135
9 (1)(d)1. 1st Trafficking in phencyclidine,
10 more than 28 grams, less than 200
11 grams.
12 893.135(1)(e)1. 1st Trafficking in methaqualone, more
13 than 200 grams, less than 5
14 kilograms.
15 893.135(1)(f)1. 1st Trafficking in amphetamine, more
16 than 14 grams, less than 28
17 grams.
18 893.135
19 (1)(g)1.a. 1st Trafficking in flunitrazepam, 4
20 grams or more, less than 14
21 grams.

22 Section 8. For the purpose of incorporating the
23 amendment to section 827.04, Florida Statutes, in references
24 thereto, the sections or subdivisions of Florida Statutes set
25 forth below are reenacted to read:

26 409.2355 Programs for prosecution of males over age 21
27 who commit certain offenses involving girls under age
28 16.--Subject to specific appropriated funds, the Department of
29 Children and Family Services is directed to establish a
30 program by which local communities, through the state
31 attorney's office of each judicial circuit, may apply for

1 grants to fund innovative programs for the prosecution of
2 males over the age of 21 who victimize girls under the age of
3 16 in violation of s. 794.011, s. 794.05, s. 800.04, or s.
4 827.04(4).

5 921.0012 Sentencing guidelines offense levels; offense
6 severity ranking chart.--

7 (3) OFFENSE SEVERITY RANKING CHART

8 Florida	Felony	
9 Statute	Degree	Description
		(g) LEVEL 7
12 316.193(3)(c)2.	3rd	DUI resulting in serious bodily 13 injury.
14 327.35(3)(c)2.	3rd	Vessel BUI resulting in serious 15 bodily injury.
16 409.920(2)	3rd	Medicaid provider fraud.
17 494.0018(2)	1st	Conviction of any violation of 18 ss. 494.001-494.0077 in which the 19 total money and property 20 unlawfully obtained exceeded 21 \$50,000 and there were five or 22 more victims.
23 782.07(1)	2nd	Killing of a human being by the 24 act, procurement, or culpable 25 negligence of another 26 (manslaughter).
27 782.071(1)	3rd	Killing of human being by the 28 operation of a motor vehicle in a 29 reckless manner (vehicular 30 homicide).
31		

1	782.072(1)	3rd	Killing of a human being by the
2			operation of a vessel in a
3			reckless manner (vessel
4			homicide).
5	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
6			causing great bodily harm or
7			disfigurement.
8	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
9			weapon.
10	784.045(1)(b)	2nd	Aggravated battery; perpetrator
11			aware victim pregnant.
12	784.048(4)	3rd	Aggravated stalking; violation of
13			injunction or court order.
14	784.07(2)(d)	1st	Aggravated battery on law
15			enforcement officer.
16	784.08(2)(a)	1st	Aggravated battery on a person 65
17			years of age or older.
18	784.081(1)	1st	Aggravated battery on specified
19			official or employee.
20	784.082(1)	1st	Aggravated battery by detained
21			person on visitor or other
22			detainee.
23	790.07(4)	1st	Specified weapons violation
24			subsequent to previous conviction
25			of s. 790.07(1) or (2).
26	790.16(1)	1st	Discharge of a machine gun under
27			specified circumstances.
28	796.03	2nd	Procuring any person under 16
29			years for prostitution.
30			
31			

1	800.04	2nd	Handle, fondle, or assault child
2			under 16 years in lewd,
3			lascivious, or indecent manner.
4	806.01(2)	2nd	Maliciously damage structure by
5			fire or explosive.
6	810.02(3)(a)	2nd	Burglary of occupied dwelling;
7			unarmed; no assault or battery.
8	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
9			unarmed; no assault or battery.
10	810.02(3)(d)	2nd	Burglary of occupied conveyance;
11			unarmed; no assault or battery.
12	812.014(2)(a)	1st	Property stolen, valued at
13			\$100,000 or more; property stolen
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15			damage; 1st degree grand theft.
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17			organizes, plans, etc., the theft
18			of property and traffics in
19			stolen property.
20	812.133(2)(b)	1st	Carjacking; no firearm, deadly
21			weapon, or other weapon.
22	825.102(3)(b)	2nd	Neglecting an elderly person or
23			disabled adult causing great
24			bodily harm, disability, or
25			disfigurement.
26	825.1025(2)	2nd	Lewd or lascivious battery upon
27			an elderly person or disabled
28			adult.
29			
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1	825.103(2)(b)	2nd	Exploiting an elderly person or
2			disabled adult and property is
3			valued at \$20,000 or more, but
4			less than \$100,000.
5	827.03(3)(b)	2nd	Neglect of a child causing great
6			bodily harm, disability, or
7			disfigurement.
8	827.04(4)	3rd	Impregnation of a child under 16
9			years of age by person 21 years
10			of age or older.
11	837.05(2)	3rd	Giving false information about
12			alleged capital felony to a law
13			enforcement officer.
14	872.06	2nd	Abuse of a dead human body.
15	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
16			cocaine (or other s.
17			893.03(1)(a), (1)(b), (1)(d),
18			(2)(a), or (2)(b) drugs) within
19			1,000 feet of a child care
20			facility or school.
21	893.13(1)(e)	1st	Sell, manufacture, or deliver
22			cocaine (or other s.
23			893.03(1)(a), (1)(b), (1)(d),
24			(2)(a), or (2)(b) drugs) within
25			1,000 feet of property used for
26			religious services or a specified
27			business site.
28	893.13(4)(a)	1st	Deliver to minor cocaine (or
29			other s. 893.03(1)(a), (1)(b),
30			(1)(d), (2)(a), or (2)(b) drugs).
31			

1 893.135(1)(a)1. 1st Trafficking in cannabis, more
2 than 50 lbs., less than 2,000
3 lbs.
4 893.135
5 (1)(b)1.a. 1st Trafficking in cocaine, more than
6 28 grams, less than 200 grams.
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8 (1)(c)1.a. 1st Trafficking in illegal drugs,
9 more than 4 grams, less than 14
10 grams.
11 893.135
12 (1)(d)1. 1st Trafficking in phencyclidine,
13 more than 28 grams, less than 200
14 grams.
15 893.135(1)(e)1. 1st Trafficking in methaqualone, more
16 than 200 grams, less than 5
17 kilograms.
18 893.135(1)(f)1. 1st Trafficking in amphetamine, more
19 than 14 grams, less than 28
20 grams.
21 893.135
22 (1)(g)1.a. 1st Trafficking in flunitrazepam, 4
23 grams or more, less than 14
24 grams.
25 Section 9. This act shall take effect July 1, 2000.
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28 HOUSE SUMMARY

29
30 With respect to the crime of contributing to the
31 delinquency or dependency of a child, defines the terms
"child in need of services," "delinquent child," and
"dependent child."