

By Senator Campbell

33-513-00

See HB 327

1 A bill to be entitled

2 An act relating to cross-reporting of family

3 violence; amending ss. 39.201 and 828.073,

4 F.S.; requiring animal control officers or

5 other agents appointed under s. 828.03, F.S.,

6 to report known or suspected child abuse,

7 abandonment, or neglect or abuse, neglect;

8 providing a penalty; creating s. 39.208, F.S.;

9 requiring persons who are required to report or

10 investigate child abuse, abandonment, or

11 neglect under ch. 39, F.S., to report known or

12 suspected animal abuse, neglect, cruelty, or

13 abandonment; specifying information to be

14 reported; providing a penalty; providing an

15 effective date.

16

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

18

19 Section 1. Subsection (1) and paragraph (b) of

20 subsection (2) of section 39.201, Florida Statutes, are

21 amended to read:

22 39.201 Mandatory reports of child abuse, abandonment,

23 or neglect; mandatory reports of death; central abuse

24 hotline.--

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

26 (a) Physician, osteopathic physician, medical

27 examiner, chiropractic physician, nurse, or hospital personnel

28 engaged in the admission, examination, care, or treatment of

29 persons;

30 (b) Health or mental health professional other than

31 one listed in paragraph (a);

1 (c) Practitioner who relies solely on spiritual means
2 for healing;

3 (d) School teacher or other school official or
4 personnel;

5 (e) Social worker, day care center worker, or other
6 professional child care, foster care, residential, or
7 institutional worker;

8 (f) Animal control officer or other agent appointed
9 pursuant to s. 828.03;

10 (g)~~(f)~~ Law enforcement officer; or

11 (h)~~(g)~~ Judge,

12

13 who knows, or has reasonable cause to suspect, that a child is
14 abused, abandoned, or neglected by a parent, legal custodian,
15 caregiver, or other person responsible for the child's welfare
16 shall report such knowledge or suspicion to the department in
17 the manner prescribed in subsection (2).

18 (2)

19 (b) The department must consider valid and accept for
20 investigation any report received by the central abuse hotline
21 from a judge, teacher or other professional school official,
22 or physician, as specified in paragraph (1)(a), paragraph
23 (1)(d), or paragraph (1)(h)~~(g)~~, who is acting in his or her
24 professional capacity, alleging harm as defined in s. 39.01.

25 Section 2. Subsection (1) of section 39.205, Florida
26 Statutes, reads:

27 39.205 Penalties relating to reporting of child abuse,
28 abandonment, or neglect.--

29 (1) A person who is required to report known or
30 suspected child abuse, abandonment, or neglect and who
31 knowingly and willfully fails to do so, or who knowingly and

1 willfully prevents another person from doing so, is guilty of
2 a misdemeanor of the first degree, punishable as provided in
3 s. 775.082 or s. 775.083.

4 Section 3. Section 39.208, Florida Statutes, is
5 created to read:

6 39.208 Reports of abuse, neglect, cruelty, or
7 abandonment of an animal required.--

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

17 (2) The report shall include the following
18 information:

19 (a) A description of the animal.

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

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

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

29 (e) The source of the report.

30
31

1 (f) Any action taken by the reporting source with
2 regard to the injury, abuse, neglect, cruelty, or abandonment
3 of the animal.

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

6 (3) A person who is required to report known or
7 suspected abuse, neglect, cruelty, or abandonment of an animal
8 and who knowingly and willfully fails to do so commits a
9 misdemeanor of the second degree, punishable as provided in s.
10 775.082 or s. 775.083.

11 Section 4. Subsection (8) is added to section 828.073,
12 Florida Statutes, to read:

13 828.073 Animals found in distress; when agent may take
14 charge; hearing; disposition; sale.--

15 (8) Any person authorized to enforce the provisions of
16 this section who knows, or has reasonable cause to suspect,
17 that a child is or has been a victim of abuse, abandonment,
18 neglect, or domestic violence shall immediately report such
19 knowledge or suspicion to the Department of Children and
20 Family Services as provided in s. 39.201.

21 Section 5. This act shall take effect October 1, 2000.

22
23 *****

24 LEGISLATIVE SUMMARY

25 Provides cross-reporting requirements for persons who are
26 required to report or investigate child abuse,
27 abandonment, or neglect, and animal control officers or
28 others authorized to enforce laws relating to animal
29 cruelty, abuse, abandonment, or neglect. Provides
30 penalties for knowingly and willfully failing to make
31 such reports.