

By Senator Campbell

32-165-03

1 A bill to be entitled
2 An act relating to cross-reporting of violence;
3 amending ss. 39.201 and 828.073, F.S.;
4 requiring animal control officers or other
5 agents appointed under s. 828.03, F.S., to
6 report known or suspected child abuse,
7 abandonment, or neglect; requiring a training
8 component; reenacting ss. 39.202(4) and
9 39.205(1), F.S., relating to reporting child
10 abuse, to incorporate the amendment to s.
11 39.201, F.S., in references thereto; providing
12 a penalty; creating s. 39.208, F.S.; requiring
13 persons who are required to report or
14 investigate child abuse, abandonment, or
15 neglect under ch. 39, F.S., to report known or
16 suspected animal abuse, neglect, cruelty, or
17 abandonment; specifying information to be
18 reported; providing a penalty; requiring a
19 training component; providing an effective
20 date.

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

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24 Section 1. Subsection (1) and paragraph (b) of
25 subsection (2) of section 39.201, Florida Statutes, are
26 amended to read:

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

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

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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;

14 (f) Animal control officer or other agent appointed
15 under s. 828.03;

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

17 (h)~~(g)~~ Judge,

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

24 (2)

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

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1 Section 2. For the purpose of incorporating the
2 amendment to section 39.201, Florida Statutes, in a reference
3 thereto, subsection (4) of section 39.202, Florida Statutes,
4 is reenacted to read:

5 39.202 Confidentiality of reports and records in cases
6 of child abuse or neglect.--

7 (4) The name of any person reporting child abuse,
8 abandonment, or neglect may not be released to any person
9 other than employees of the department responsible for child
10 protective services, the central abuse hotline, law
11 enforcement, the child protection team, or the appropriate
12 state attorney, without the written consent of the person
13 reporting. This does not prohibit the subpoenaing of a person
14 reporting child abuse, abandonment, or neglect when deemed
15 necessary by the court, the state attorney, or the department,
16 provided the fact that such person made the report is not
17 disclosed. Any person who reports a case of child abuse or
18 neglect may, at the time he or she makes the report, request
19 that the department notify him or her that a child protective
20 investigation occurred as a result of the report. Any person
21 specifically listed in s. 39.201(1) who makes a report in his
22 or her official capacity may also request a written summary of
23 the outcome of the investigation. The department shall mail
24 such a notice to the reporter within 10 days after completing
25 the child protective investigation.

26 Section 3. For the purpose of incorporating the
27 amendment to section 39.201, Florida Statutes, in a reference
28 thereto, subsection (1) of section 39.205, Florida Statutes,
29 is reenacted to read:

30 39.205 Penalties relating to reporting of child abuse,
31 abandonment, or neglect.--

1 (1) A person who is required to report known or
2 suspected child abuse, abandonment, or neglect and who
3 knowingly and willfully fails to do so, or who knowingly and
4 willfully prevents another person from doing so, is guilty of
5 a misdemeanor of the first degree, punishable as provided in
6 s. 775.082 or s. 775.083. A judge subject to discipline
7 pursuant to s. 12, Art. V of the Florida Constitution shall
8 not be subject to criminal prosecution when the information
9 was received in the course of official duties.

10 Section 4. Section 39.208, Florida Statutes, is
11 created to read:

12 39.208 Reports of abuse, neglect, cruelty, or
13 abandonment of an animal required.--

14 (1) Any person who is required to report or
15 investigate child abuse, abandonment, or neglect, except
16 judges, who in the course of his or her job knows or has
17 reasonable cause to suspect that abuse, neglect, cruelty, or
18 abandonment of an animal has occurred shall report such
19 knowledge or suspicion, within 24 hours, to the local animal
20 control officer or other agent appointed under s. 828.03. If
21 no such local officer or agent exists, the report shall be
22 made to the law enforcement agency that has jurisdictional
23 responsibility.

24 (2) The report must include the following information:

25 (a) A description of the animal.

26 (b) A description of any injury, cruelty, or abuse of
27 the animal, including any evidence of prior injury, cruelty,
28 or abuse of the animal or of other animals.

29 (c) Any evidence of neglect or abandonment of the
30 animal, including any evidence of prior neglect or abandonment
31 of the animal or of other animals.

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

4 (e) The source of the report.

5 (f) Any action taken by the reporting source with
6 regard to the injury, abuse, neglect, cruelty, or abandonment
7 of the animal.

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

10 (3) A person who is required to report known or
11 suspected abuse, neglect, cruelty, or abandonment of an animal
12 and who knowingly and willfully fails to do so commits a
13 misdemeanor of the second degree, punishable as provided in s.
14 775.082 or s. 775.083.

15 (4) The department's training program for persons who
16 are required to investigate child abuse, abandonment, or
17 neglect shall include training in the detection of animal
18 abuse, neglect, cruelty, and abandonment.

19 Section 5. Subsection (8) is added to section 828.073,
20 Florida Statutes, to read:

21 828.073 Animals found in distress; when agent may take
22 charge; hearing; disposition; sale.--

23 (8) Any person authorized to enforce the provisions of
24 this section who knows, or has reasonable cause to suspect,
25 that a child is or has been a victim of abuse, abandonment,
26 neglect, or domestic violence shall immediately report such
27 knowledge or suspicion to the Department of Children and
28 Family Services as provided in s. 39.201. The training course
29 required for county-employed animal control officers and
30 municipal-employed animal control officers, pursuant to s.

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1 828.27(4), shall include training in the detection of child
2 abuse, neglect, and abandonment.

3 Section 6. This act shall take effect October 1, 2003.

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6 SENATE SUMMARY

7 Adds animal-control officers and other agents appointed
8 under s. 828.03, F.S., to the list of those who must
9 report known or suspected child abuse, abandonment, or
10 neglect under ch. 39, F.S., to report known or suspected
11 animal abuse, neglect, cruelty, or abandonment. Specifies
12 information to be reported. Provides a penalty. Requires
13 training.

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