

1 A bill to be entitled
2 An act relating to proceedings relating to
3 children; amending s. 39.01, F.S.; revising
4 definition of the term "other person
5 responsible for a child's welfare" to include
6 employees of, and volunteers at, specified
7 institutions; including public schools and
8 religious organizations among specified
9 institutions; amending s. 39.205, F.S.;
10 increasing penalties relating to reporting of
11 the sexual abuse of a child; creating s.
12 39.00145, F.S.; permitting municipalities to
13 require certain municipal employees to be drug
14 tested; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Subsection (47) of section 39.01, Florida
19 Statutes, is amended to read:

20 39.01 Definitions.--When used in this chapter, unless
21 the context otherwise requires:

22 (47) "Other person responsible for a child's welfare"
23 includes the child's legal guardian, legal custodian, or
24 foster parent; an employee of, or a volunteer at, a public or
25 private school, religious organization, public or private
26 child day care center, residential home, institution,
27 facility, or agency; or any other person legally responsible
28 for the child's welfare in a residential setting; and also
29 includes an adult sitter or relative entrusted with a child's
30 care. For the purpose of departmental investigative
31 jurisdiction, this definition does not include law enforcement

1 officers, or employees of municipal or county detention
2 facilities or the Department of Corrections, while acting in
3 an official capacity.

4 Section 2. Subsection (1) of section 39.205, Florida
5 Statutes, is amended to read:

6 39.205 Penalties relating to reporting of child abuse,
7 abandonment, or neglect.--

8 (1) A person who is required to report known or
9 suspected child abuse, abandonment, or neglect and who
10 knowingly and willfully fails to do so, or who knowingly and
11 willfully prevents another person from doing so, is guilty of
12 a misdemeanor of the first degree, punishable as provided in
13 s. 775.082 or s. 775.083, provided that, in the case of known
14 or suspected sexual abuse of a child, a person who is required
15 to report such abuse and who knowingly and willfully fails to
16 do so, or who knowingly and willfully prevents another person
17 from doing so, commits a felony of the third degree,
18 punishable as provided in s. 775.082 or s. 775.083. A judge
19 subject to discipline pursuant to s. 12, Art. V of the Florida
20 Constitution shall not be subject to criminal prosecution when
21 the information was received in the course of official duties.

22 Section 3. Section 39.00145, Florida Statutes, is
23 created to read:

24 39.00145 Municipal employees responsible for child's
25 welfare.--Any municipality may require by ordinance that any
26 municipal employee whose job description includes
27 responsibility for a child's welfare or child's care be drug
28 tested pursuant to the procedures and requirements of s.
29 112.0455, the Drug-Free Workplace Act.

30 Section 4. This act shall take effect October 1, 2003.

31