



HB 0541

2003

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A bill to be entitled  
 An act relating to proceedings relating to children;  
 amending s. 39.01, F.S.; revising definition of the term  
 "other person responsible for a child's welfare" to  
 include employees of, and volunteers at, specified  
 institutions; including public schools and religious  
 organizations among specified institutions; amending s.  
 39.205, F.S.; increasing penalties relating to reporting  
 of the sexual abuse of a child; providing an effective  
 date.

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

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

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

(47) "Other person responsible for a child's welfare"  
 includes the child's legal guardian, legal custodian, or foster  
 parent; an employee of, or a volunteer at, a public or private  
school, religious organization, public or private child day care  
 center, residential home, institution, facility, or agency; or  
 any other person legally responsible for the child's welfare in  
 a residential setting; and also includes an adult sitter or  
 relative entrusted with a child's care. For the purpose of  
 departmental investigative jurisdiction, this definition does  
 not include law enforcement officers, or employees of municipal  
 or county detention facilities or the Department of Corrections,  
 while acting in an official capacity.



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

32 39.205 Penalties relating to reporting of child abuse,  
33 abandonment, or neglect.--

34 (1) A person who is required to report known or suspected  
35 child abuse, abandonment, or neglect and who knowingly and  
36 willfully fails to do so, or who knowingly and willfully  
37 prevents another person from doing so, is guilty of a  
38 misdemeanor of the first degree, punishable as provided in s.  
39 775.082 or s. 775.083, provided that in the case of known or  
40 suspected sexual abuse of a child, a person who is required to  
41 report such abuse and who knowingly and willfully fails to do  
42 so, or who knowingly and willfully prevents another person from  
43 doing so, is guilty of a felony of the third degree, punishable  
44 as provided in s. 775.082 or s. 775.083. A judge subject to  
45 discipline pursuant to s. 12, Art. V of the Florida Constitution  
46 shall not be subject to criminal prosecution when the  
47 information was received in the course of official duties.

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