

HB 1515

2004

1 A bill to be entitled
 2 An act relating to immunity from liability; amending s.
 3 39.203, F.S.; providing that a person is immune from civil
 4 and criminal liability for reporting child pornography to
 5 the Department of Children and Family Services or to a law
 6 enforcement agency; providing that any person suspected of
 7 being involved in the production, distribution, or
 8 possession of child pornography may not be granted
 9 immunity from liability; amending s. 847.0139, F.S.;
 10 providing that a person is immune from criminal liability
 11 for reporting child pornography to a law enforcement
 12 officer; providing an effective date.

13

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

15

16 Section 1. Section 39.203, Florida Statutes, is amended to
 17 read:

18 39.203 Immunity from liability in cases involving ~~of~~ child
 19 abuse, abandonment, or neglect or reports of child
 20 pornography.--

21 (1)(a) Any person, official, or institution participating
 22 in good faith in any act authorized or required by this chapter,
 23 or reporting in good faith any instance of child abuse,
 24 abandonment, or neglect or any incident involving child
 25 pornography to the department or any law enforcement agency, is
 26 ~~shall be~~ immune from any civil or criminal liability that ~~which~~
 27 might otherwise result by reason of the ~~such~~ action.

28 (b) Except as provided in this chapter, nothing contained
 29 in this section shall be deemed to grant immunity, civil or

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

HB 1515

2004

30 criminal, to any person suspected of having abused, abandoned,
 31 or neglected a child, or having committed any illegal act upon
 32 or against a child, including the production, distribution, or
 33 possession of child pornography.

34 (2)(a) A ~~No~~ resident or employee of a facility serving
 35 children may not be subjected to reprisal or discharge because
 36 of his or her actions in reporting abuse, abandonment, or
 37 neglect pursuant to the requirements of this section.

38 (b) Any person making a report under this section shall
 39 have a civil cause of action for appropriate compensatory and
 40 punitive damages against any person who causes detrimental
 41 changes in the employment status of the ~~such~~ reporting party by
 42 reason of his or her making a ~~such~~ report. Any detrimental
 43 change made in the residency or employment status of the ~~such~~
 44 person, including, but not limited to, discharge, termination,
 45 demotion, transfer, or reduction in pay or benefits or work
 46 privileges, or negative evaluations within a prescribed period
 47 of time shall establish a rebuttable presumption that the ~~such~~
 48 action was retaliatory.

49 Section 2. Section 847.0139, Florida Statutes, is amended
 50 to read:

51 847.0139 Immunity from civil and criminal liability for
 52 reporting child pornography, transmission of child pornography,
 53 or any image, information, or data harmful to minors to a minor
 54 in this state.--Any person who reports to a law enforcement
 55 officer what the person reasonably believes to be child
 56 pornography, transmission of child pornography, or any image,
 57 information, or data that is harmful to minors to a minor in
 58 this state may not be held civilly or criminally liable for the

HB 1515

2004

59 ~~such~~ reporting. For purposes of this section, the ~~such~~ reporting
60 may include furnishing the law enforcement officer with any
61 image, information, or data that the person reasonably believes
62 to be evidence of child pornography, transmission of child
63 pornography, or an image, information, or data that is harmful
64 to minors to a minor in this state.

65 Section 3. This act shall take effect July 1, 2004.