

By Senator Alexander

17-1670-06

1 A bill to be entitled
2 An act relating to contributing to the
3 delinquency of a child; amending s. 827.04,
4 F.S.; providing that a person who induces or
5 endeavors to induce a child to commit or
6 perform any act that would be a misdemeanor if
7 committed by an adult commits a misdemeanor of
8 the first degree; providing that a person who
9 induces or endeavors to induce a child to
10 commit or perform any act that would be a
11 felony if committed by an adult commits a
12 felony of the third degree; providing criminal
13 penalties; amending ss. 39.201, 90.4025,
14 382.356, 409.2355, 742.107, and 921.0022, F.S.;
15 conforming cross-references; providing an
16 effective date.

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

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20 Section 1. Section 827.04, Florida Statutes, is
21 amended to read:

22 827.04 Contributing to the delinquency or dependency
23 of a child; penalty.--

24 (1) Any person who:

25 (a) Commits any act that ~~which~~ causes, tends to cause,
26 encourages, or contributes to a child becoming a delinquent or
27 dependent child or a child in need of services; or

28 (b) Induces or endeavors to induce, by act, threat,
29 command, or persuasion, a child to commit or perform any act
30 that would be a misdemeanor if committed by an adult, follow
31 any course of conduct, or live in a manner that causes or

1 tends to cause ~~the~~ ~~such~~ child to become or to remain a
2 dependent or delinquent child or a child in need of services,
3
4 commits a misdemeanor of the first degree, punishable as
5 provided in s. 775.082 or s. 775.083.

6 (2) Any person who induces or endeavors to induce, by
7 act, threat, command, or persuasion, a child to commit or
8 perform any act that would be a felony if committed by an
9 adult commits a felony of the third degree, punishable as
10 provided in s. 775.082, S. 775.083, or s.775.084.

11 ~~(3)(2)~~ It is not necessary for any court exercising
12 juvenile jurisdiction to make an adjudication that any child
13 is delinquent or dependent or a child in need of services in
14 order to prosecute a violation of this section. An
15 adjudication that a child is delinquent or dependent or a
16 child in need of services shall not preclude a subsequent
17 prosecution of a violation of this section.

18 ~~(4)(3)~~ A person 21 years of age or older who
19 impregnates a child under 16 years of age commits an act of
20 child abuse which constitutes a felony of the third degree,
21 punishable as provided in s. 775.082, s. 775.083, or s.
22 775.084. A person who impregnates a child in violation of this
23 subsection commits an offense under this subsection regardless
24 of whether the person is found to have committed, or has been
25 charged with or prosecuted for, any other offense committed
26 during the course of the same criminal transaction or episode,
27 including, but not limited to, an offense proscribed under s.
28 800.04, relating to lewd, lascivious, or indecent assault or
29 act upon any person under 16 years of age. Neither the
30 victim's lack of chastity nor the victim's consent is a
31 defense to the crime proscribed under this subsection.

1 Section 2. Paragraphs (a) and (d) of subsection (2) of
2 section 39.201, Florida Statutes, are amended to read:

3 39.201 Mandatory reports of child abuse, abandonment,
4 or neglect; mandatory reports of death; central abuse
5 hotline.--

6 (2)(a) Each report of known or suspected child abuse,
7 abandonment, or neglect by a parent, legal custodian,
8 caregiver, or other person responsible for the child's welfare
9 as defined in this chapter, except those solely under s.

10 827.04(4) ~~s. 827.04(3)~~, shall be made immediately to the
11 department's central abuse hotline on the single statewide
12 toll-free telephone number. Personnel at the department's
13 central abuse hotline shall determine if the report received
14 meets the statutory definition of child abuse, abandonment, or
15 neglect. Any report meeting one of these definitions shall be
16 accepted for the protective investigation pursuant to part III
17 of this chapter.

18 (d) If the report is of an instance of known or
19 suspected child abuse involving impregnation of a child under
20 16 years of age by a person 21 years of age or older solely
21 under s. 827.04(4) ~~s. 827.04(3)~~, the report shall be made
22 immediately to the appropriate county sheriff's office or
23 other appropriate law enforcement agency. If the report is of
24 an instance of known or suspected child abuse solely under s.
25 827.04(4) ~~s. 827.04(3)~~, the reporting provisions of this
26 subsection do not apply to health care professionals or other
27 persons who provide medical or counseling services to pregnant
28 children when such reporting would interfere with the
29 provision of medical services.

30 Section 3. Section 90.4025, Florida Statutes, is
31 amended to read:

1 90.4025 Admissibility of paternity determination in
2 certain criminal prosecutions.--If a person less than 18 years
3 of age gives birth to a child and the paternity of that child
4 is established under chapter 742, such evidence of paternity
5 is admissible in a criminal prosecution under ss. 794.011,
6 794.05, 800.04, and 827.04(4) ~~827.04(3)~~.

7 Section 4. Section 382.356, Florida Statutes, is
8 amended to read:

9 382.356 Protocol for sharing certain birth certificate
10 information.--In order to facilitate the prosecution of
11 offenses under s. 794.011, s. 794.05, s. 800.04, or s.
12 827.04(4) ~~s. 827.04(3)~~, the Department of Health, the
13 Department of Revenue, and the Florida Prosecuting Attorneys
14 Association shall develop a protocol for sharing birth
15 certificate information for all children born to unmarried
16 mothers who are less than 17 years of age at the time of the
17 child's birth.

18 Section 5. Section 409.2355, Florida Statutes, is
19 amended to read:

20 409.2355 Programs for prosecution of males over age 21
21 who commit certain offenses involving girls under age
22 16.--Subject to specific appropriated funds, the Department of
23 Children and Family Services is directed to establish a
24 program by which local communities, through the state
25 attorney's office of each judicial circuit, may apply for
26 grants to fund innovative programs for the prosecution of
27 males over the age of 21 who victimize girls under the age of
28 16 in violation of s. 794.011, s. 794.05, s. 800.04, or s.
29 827.04(4) ~~s. 827.04(3)~~.

30 Section 6. Subsection (4) of section 742.107, Florida
31 Statutes, is amended to read:

1 742.107 Determining paternity of child with mother
2 under 16 years of age when impregnated.--

3 (4) When the information provided by the applicant or
4 recipient who was impregnated while under age 16 indicates
5 that such person is the victim of child abuse as provided in
6 s. 827.04(4) ~~s. 827.04(3)~~, the Department of Revenue or the
7 Department of Children and Family Services shall notify the
8 county sheriff's office or other appropriate agency or
9 official and provide information needed to protect the child's
10 health or welfare.

11 Section 7. Paragraph (g) of subsection (3) of section
12 921.0022, Florida Statutes, is amended to read:

13 921.0022 Criminal Punishment Code; offense severity
14 ranking chart.--

15 (3) OFFENSE SEVERITY RANKING CHART

16

17 Florida	Felony	
18 Statute	Degree	Description
		(g) LEVEL 7
22 316.027(1)(b)	2nd	Accident involving death, failure 23 to stop; leaving scene.
24 316.193(3)(c)2.	3rd	DUI resulting in serious bodily 25 injury.

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1	316.1935(3)(b)	1st	Causing serious bodily injury or
2			death to another person; driving
3			at high speed or with wanton
4			disregard for safety while
5			fleeing or attempting to elude
6			law enforcement officer who is in
7			a patrol vehicle with siren and
8			lights activated.
9	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
10			bodily injury.
11	402.319(2)	2nd	Misrepresentation and negligence
12			or intentional act resulting in
13			great bodily harm, permanent
14			disfiguration, permanent
15			disability, or death.
16	409.920(2)	3rd	Medicaid provider fraud.
17	456.065(2)	3rd	Practicing a health care
18			profession without a license.
19	456.065(2)	2nd	Practicing a health care
20			profession without a license
21			which results in serious bodily
22			injury.
23	458.327(1)	3rd	Practicing medicine without a
24			license.
25	459.013(1)	3rd	Practicing osteopathic medicine
26			without a license.
27	460.411(1)	3rd	Practicing chiropractic medicine
28			without a license.
29	461.012(1)	3rd	Practicing podiatric medicine
30			without a license.
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1	462.17	3rd	Practicing naturopathy without a
2			license.
3	463.015(1)	3rd	Practicing optometry without a
4			license.
5	464.016(1)	3rd	Practicing nursing without a
6			license.
7	465.015(2)	3rd	Practicing pharmacy without a
8			license.
9	466.026(1)	3rd	Practicing dentistry or dental
10			hygiene without a license.
11	467.201	3rd	Practicing midwifery without a
12			license.
13	468.366	3rd	Delivering respiratory care
14			services without a license.
15	483.828(1)	3rd	Practicing as clinical laboratory
16			personnel without a license.
17	483.901(9)	3rd	Practicing medical physics
18			without a license.
19	484.013(1)(c)	3rd	Preparing or dispensing optical
20			devices without a prescription.
21	484.053	3rd	Dispensing hearing aids without a
22			license.
23	494.0018(2)	1st	Conviction of any violation of
24			ss. 494.001-494.0077 in which the
25			total money and property
26			unlawfully obtained exceeded
27			\$50,000 and there were five or
28			more victims.
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1	560.123(8)(b)1.	3rd	Failure to report currency or
2			payment instruments exceeding
3			\$300 but less than \$20,000 by
4			money transmitter.
5	560.125(5)(a)	3rd	Money transmitter business by
6			unauthorized person, currency or
7			payment instruments exceeding
8			\$300 but less than \$20,000.
9	655.50(10)(b)1.	3rd	Failure to report financial
10			transactions exceeding \$300 but
11			less than \$20,000 by financial
12			institution.
13	775.21(10)(a)	3rd	Sexual predator; failure to
14			register; failure to renew
15			driver's license or
16			identification card; other
17			registration violations.
18	775.21(10)(b)	3rd	Sexual predator working where
19			children regularly congregate.
20	775.21(10)(g)	3rd	Failure to report or providing
21			false information about a sexual
22			predator; harbor or conceal a
23			sexual predator.
24	782.051(3)	2nd	Attempted felony murder of a
25			person by a person other than the
26			perpetrator or the perpetrator of
27			an attempted felony.
28	782.07(1)	2nd	Killing of a human being by the
29			act, procurement, or culpable
30			negligence of another
31			(manslaughter).

1	782.071	2nd	Killing of human being or viable
2			fetus by the operation of a motor
3			vehicle in a reckless manner
4			(vehicular homicide).
5	782.072	2nd	Killing of a human being by the
6			operation of a vessel in a
7			reckless manner (vessel
8			homicide).
9	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
10			causing great bodily harm or
11			disfigurement.
12	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
13			weapon.
14	784.045(1)(b)	2nd	Aggravated battery; perpetrator
15			aware victim pregnant.
16	784.048(4)	3rd	Aggravated stalking; violation of
17			injunction or court order.
18	784.048(7)	3rd	Aggravated stalking; violation of
19			court order.
20	784.07(2)(d)	1st	Aggravated battery on law
21			enforcement officer.
22	784.074(1)(a)	1st	Aggravated battery on sexually
23			violent predators facility staff.
24	784.08(2)(a)	1st	Aggravated battery on a person 65
25			years of age or older.
26	784.081(1)	1st	Aggravated battery on specified
27			official or employee.
28	784.082(1)	1st	Aggravated battery by detained
29			person on visitor or other
30			detainee.
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1	784.083(1)	1st	Aggravated battery on code
2			inspector.
3	790.07(4)	1st	Specified weapons violation
4			subsequent to previous conviction
5			of s. 790.07(1) or (2).
6	790.16(1)	1st	Discharge of a machine gun under
7			specified circumstances.
8	790.165(2)	2nd	Manufacture, sell, possess, or
9			deliver hoax bomb.
10	790.165(3)	2nd	Possessing, displaying, or
11			threatening to use any hoax bomb
12			while committing or attempting to
13			commit a felony.
14	790.166(3)	2nd	Possessing, selling, using, or
15			attempting to use a hoax weapon
16			of mass destruction.
17	790.166(4)	2nd	Possessing, displaying, or
18			threatening to use a hoax weapon
19			of mass destruction while
20			committing or attempting to
21			commit a felony.
22	796.03	2nd	Procuring any person under 16
23			years for prostitution.
24	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
25			victim less than 12 years of age;
26			offender less than 18 years.
27	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
28			victim 12 years of age or older
29			but less than 16 years; offender
30			18 years or older.
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1	806.01(2)	2nd	Maliciously damage structure by
2			fire or explosive.
3	810.02(3)(a)	2nd	Burglary of occupied dwelling;
4			unarmed; no assault or battery.
5	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
6			unarmed; no assault or battery.
7	810.02(3)(d)	2nd	Burglary of occupied conveyance;
8			unarmed; no assault or battery.
9	812.014(2)(a)1.	1st	Property stolen, valued at
10			\$100,000 or more; property stolen
11			while causing other property
12			damage; 1st degree grand theft.
13	812.014(2)(b)2.	2nd	Property stolen, cargo valued at
14			less than \$50,000, grand theft in
15			2nd degree.
16	812.014(2)(b)3.	2nd	Property stolen, emergency
17			medical equipment; 2nd degree
18			grand theft.
19	812.0145(2)(a)	1st	Theft from person 65 years of age
20			or older; \$50,000 or more.
21	812.019(2)	1st	Stolen property; initiates,
22			organizes, plans, etc., the theft
23			of property and traffics in
24			stolen property.
25	812.131(2)(a)	2nd	Robbery by sudden snatching.
26	812.133(2)(b)	1st	Carjacking; no firearm, deadly
27			weapon, or other weapon.
28	817.234(8)(a)	2nd	Solicitation of motor vehicle
29			accident victims with intent to
30			defraud.
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1	817.234(9)	2nd	Organizing, planning, or
2			participating in an intentional
3			motor vehicle collision.
4	817.234(11)(c)	1st	Insurance fraud; property value
5			\$100,000 or more.
6	817.2341(2)(b)&		
7	(3)(b)	1st	Making false entries of material
8			fact or false statements
9			regarding property values
10			relating to the solvency of an
11			insuring entity which are a
12			significant cause of the
13			insolvency of that entity.
14	825.102(3)(b)	2nd	Neglecting an elderly person or
15			disabled adult causing great
16			bodily harm, disability, or
17			disfigurement.
18	825.103(2)(b)	2nd	Exploiting an elderly person or
19			disabled adult and property is
20			valued at \$20,000 or more, but
21			less than \$100,000.
22	827.03(3)(b)	2nd	Neglect of a child causing great
23			bodily harm, disability, or
24			disfigurement.
25	827.04 <u>(4)</u> (3)	3rd	Impregnation of a child under 16
26			years of age by person 21 years
27			of age or older.
28	837.05(2)	3rd	Giving false information about
29			alleged capital felony to a law
30			enforcement officer.
31	838.015	2nd	Bribery.

1	838.016	2nd	Unlawful compensation or reward
2			for official behavior.
3	838.021(3)(a)	2nd	Unlawful harm to a public
4			servant.
5	838.22	2nd	Bid tampering.
6	847.0135(3)	3rd	Solicitation of a child, via a
7			computer service, to commit an
8			unlawful sex act.
9	872.06	2nd	Abuse of a dead human body.
10	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
11			cocaine (or other drug prohibited
12			under s. 893.03(1)(a), (1)(b),
13			(1)(d), (2)(a), (2)(b), or
14			(2)(c)4.) within 1,000 feet of a
15			child care facility, school, or
16			state, county, or municipal park
17			or publicly owned recreational
18			facility or community center.
19	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
20			cocaine or other drug prohibited
21			under s. 893.03(1)(a), (1)(b),
22			(1)(d), (2)(a), (2)(b), or
23			(2)(c)4., within 1,000 feet of
24			property used for religious
25			services or a specified business
26			site.
27	893.13(4)(a)	1st	Deliver to minor cocaine (or
28			other s. 893.03(1)(a), (1)(b),
29			(1)(d), (2)(a), (2)(b), or
30			(2)(c)4. drugs).
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1	893.135(1)(a)1.	1st	Trafficking in cannabis, more
2			than 25 lbs., less than 2,000
3			lbs.
4	893.135		
5	(1)(b)1.a.	1st	Trafficking in cocaine, more than
6			28 grams, less than 200 grams.
7	893.135		
8	(1)(c)1.a.	1st	Trafficking in illegal drugs,
9			more than 4 grams, less than 14
10			grams.
11	893.135		
12	(1)(d)1.	1st	Trafficking in phencyclidine,
13			more than 28 grams, less than 200
14			grams.
15	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
16			than 200 grams, less than 5
17			kilograms.
18	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
19			than 14 grams, less than 28
20			grams.
21	893.135		
22	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
23			grams or more, less than 14
24			grams.
25	893.135		
26	(1)(h)1.a.	1st	Trafficking in
27			gamma-hydroxybutyric acid (GHB),
28			1 kilogram or more, less than 5
29			kilograms.
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1	893.135		
2	(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1
3			kilogram or more, less than 5
4			kilograms.
5	893.135		
6	(1)(k)2.a.	1st	Trafficking in Phenethylamines,
7			10 grams or more, less than 200
8			grams.
9	896.101(5)(a)	3rd	Money laundering, financial
10			transactions exceeding \$300 but
11			less than \$20,000.
12	896.104(4)(a)1.	3rd	Structuring transactions to evade
13			reporting or registration
14			requirements, financial
15			transactions exceeding \$300 but
16			less than \$20,000.
17	943.0435(4)(c)	2nd	Sexual offender vacating
18			permanent residence; failure to
19			comply with reporting
20			requirements.
21	943.0435(8)	2nd	Sexual offender; remains in state
22			after indicating intent to leave;
23			failure to comply with reporting
24			requirements.
25	943.0435(9)(a)	3rd	Sexual offender; failure to
26			comply with reporting
27			requirements.
28	943.0435(13)	3rd	Failure to report or providing
29			false information about a sexual
30			offender; harbor or conceal a
31			sexual offender.

1 943.0435(14) 3rd Sexual offender; failure to
2 report and reregister; failure to
3 respond to address verification.
4 944.607(9) 3rd Sexual offender; failure to
5 comply with reporting
6 requirements.
7 944.607(10)(a) 3rd Sexual offender; failure to
8 submit to the taking of a
9 digitized photograph.
10 944.607(12) 3rd Failure to report or providing
11 false information about a sexual
12 offender; harbor or conceal a
13 sexual offender.
14 944.607(13) 3rd Sexual offender; failure to
15 report and reregister; failure to
16 respond to address verification.

17 Section 8. This act shall take effect July 1, 2006.

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20 SENATE SUMMARY

21 Provides that a person who induces or endeavors to induce
22 a child to commit or perform any act that would be a
23 misdemeanor if committed by an adult commits a
24 misdemeanor of the first degree. Provides that a person
25 who induces or endeavors to induce a child to commit or
26 perform any act that would be a felony if committed by an
27 adult commits a felony of the third degree. Provides
28 criminal penalties.
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