

By the Committee on Children, Families, and Elder Affairs

586-02885-08

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1 A bill to be entitled

2 An act relating to the reporting of child abuse,
3 abandonment, or neglect; amending s. 39.205, F.S.;
4 requiring the Department of Children and Family Services
5 to annually report to the Legislature information
6 concerning reports, investigations, and prosecutions
7 involving child abuse, abandonment, or neglect,
8 investigations and fines imposed for false reports, and
9 reports resulting in prosecution; providing an effective
10 date.

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

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14 Section 1. Section 39.205, Florida Statutes, is amended to
15 read:

16 39.205 Penalties relating to reporting of child abuse,
17 abandonment, or neglect.--

18 (1) A person who is required to report known or suspected
19 child abuse, abandonment, or neglect and who knowingly and
20 willfully fails to do so, or who knowingly and willfully prevents
21 another person from doing so, commits ~~is guilty of~~ a misdemeanor
22 of the first degree, punishable as provided in s. 775.082 or s.
23 775.083. A judge subject to discipline pursuant to s. 12, Art. V
24 of the Florida Constitution is ~~shall~~ not ~~be~~ subject to criminal
25 prosecution when the information was received in the course of
26 official duties.

27 (2) Unless the court finds that the person is a victim of
28 domestic violence or that other mitigating circumstances exist, a
29 person who is 18 years of age or older and lives in the same

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30 | house or living unit as a child who is known or suspected to be a
31 | victim of child abuse, neglect of a child, or aggravated child
32 | abuse, and knowingly and willfully fails to report the child
33 | abuse commits a felony of the third degree, punishable as
34 | provided in s. 775.082, s. 775.083, or s. 775.084.

35 | (3) A person who knowingly and willfully makes public or
36 | discloses any confidential information contained in the central
37 | abuse hotline or in the records of any child abuse, abandonment,
38 | or neglect case, except as provided in this chapter, commits is
39 | ~~guilty of~~ a misdemeanor of the second degree, punishable as
40 | provided in s. 775.082 or s. 775.083.

41 | (4) The department shall establish procedures for
42 | determining whether a false report of child abuse, abandonment,
43 | or neglect has been made and for submitting all identifying
44 | information relating to such a report to the appropriate law
45 | enforcement agency ~~and shall report annually to the Legislature~~
46 | ~~the number of reports referred.~~

47 | (5) The department shall provide an annual report to the
48 | Legislature which includes, but need not be limited to, the
49 | number of:

50 | (a) Suspected false reports of child abuse, abandonment, or
51 | neglect;

52 | (b) False reports that are referred to a law enforcement
53 | agency for investigation;

54 | (c) False reports that are reviewed by the department for
55 | potential administrative fines;

56 | (d) Investigations that are conducted by the department or
57 | its authorized agent as a result of a report of child abuse,
58 | abandonment, or neglect;

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59 (e) Reports that are closed with no findings of alleged
60 maltreatment;

61 (f) Administrative fines that are levied and collected
62 pursuant to s. 39.206(1); and

63 (g) False reports of child abuse, abandonment, or neglect
64 which result in prosecution.

65 (6)~~(5)~~ If the department or its authorized agent has
66 determined after its investigation that a report is false, the
67 department shall, with the consent of the alleged perpetrator,
68 refer the report to the local law enforcement agency having
69 jurisdiction for an investigation to determine whether sufficient
70 evidence exists to refer the case for prosecution for filing a
71 false report as defined in s. 39.01(28). During the pendency of
72 the investigation by the local law enforcement agency, the
73 department must notify the local law enforcement agency of, and
74 the local law enforcement agency must respond to, all subsequent
75 reports concerning children in that same family in accordance
76 with s. 39.301. If the law enforcement agency believes that there
77 are indicators of abuse, abandonment, or neglect, it must
78 immediately notify the department, which must assure the safety
79 of the children. If the law enforcement agency finds sufficient
80 evidence for prosecution for filing a false report, it must refer
81 the case to the appropriate state attorney for prosecution.

82 (7)~~(6)~~ A person who knowingly and willfully makes a false
83 report of child abuse, abandonment, or neglect, or who advises
84 another to make a false report, commits ~~is guilty of~~ a felony of
85 the third degree, punishable as provided in s. 775.082 or s.
86 775.083. Anyone making a report who is acting in good faith is
87 immune from any liability under this subsection.

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Section 2. This act shall take effect July 1, 2008.