

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Dorworth offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (1) (2) and (4) of section 39.201,
8 Florida Statutes, are amended to read:

9 39.201 Mandatory reports of child abuse, abandonment, or
10 neglect; mandatory reports of death; central abuse hotline.—

11 (1) (a) Any person who knows, or has reasonable cause to
12 suspect, that a child is physically, or emotionally abused,
13 abandoned, or neglected by an adult person, or sexually abused
14 by any person ~~a parent, legal custodian, caregiver, or other~~
15 ~~person responsible for the child's welfare, as defined in this~~
16 ~~chapter,~~ or that a child is in need of supervision and care and
17 has no parent, legal custodian, or responsible adult relative
18 immediately known and available to provide supervision and care

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19 shall report such knowledge or suspicion to the department in
20 the manner prescribed in subsection (2).

21 (2) (a) Each report of known or suspected child abuse,
22 abandonment, or neglect by an adult person ~~a parent, legal~~
23 ~~eustodian, caregiver, or other person responsible for the~~
24 ~~child's welfare as defined in this chapter~~, except those solely
25 under s. 827.04(3), and each report that a child is in need of
26 supervision and care and has no parent, legal custodian, or
27 responsible adult relative immediately known and available to
28 provide supervision and care shall be made immediately to the
29 department's central abuse hotline. Such reports may be made on
30 the single statewide toll-free telephone number or via fax, web
31 based chat or web-based report. Personnel at the department's
32 central abuse hotline shall determine if the report received
33 meets the statutory definition of child abuse, abandonment, or
34 neglect. Any report meeting one of these definitions shall be
35 accepted for the protective investigation pursuant to part III
36 of this chapter. Any report of child abuse, abandonment, or
37 neglect by a person other than the child's caregiver as defined
38 in s. 39.01(10), shall be taken by the central abuse hotline and
39 forwarded to the appropriate county sheriff's office pursuant to
40 paragraph (b).

41 (g) Reports involving surrendered newborn infants as
42 described in s. 383.50 shall be made and received by the
43 department.

44 2. If the call, fax, web based chat or web-based report
45 includes indications of abuse or neglect beyond that necessarily

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46 entailed in the infant having been left at a hospital, emergency
47 medical services station, or fire station, the report shall be
48 considered as a report of abuse, neglect, or abandonment and
49 shall be subject to the requirements of s. 39.395 and all other
50 relevant provisions of this chapter, notwithstanding any
51 provisions of chapter 383.

52 (j) (a) The department shall update the web form used for
53 reporting child abuse, abandonment or neglect to:

54 1. Include qualifying questions in order to obtain
55 necessary information required to assess need and a response.

56 2. Indicate which fields are required to submit the report.

57 3. Allow a reporter to save their report and return to it a
58 later time.

59 (b) The report shall be made available to the counselors in
60 its entirety as needed to update the Florida Safe Families
61 Network or other similar systems.

62 (k) The department shall conduct a study to determine the
63 feasibility of using text and short message service formats to
64 receive and process reports of child abuse, abandonment, or
65 neglect to the central abuse hotline.

66 (4) The department shall establish and maintain a central
67 abuse hotline to receive all reports made pursuant to this
68 section in writing, via fax, via web-based reporting, via web
69 based chat, or through a single statewide toll-free telephone
70 number, which any person may use to report known or suspected
71 child abuse, abandonment, or neglect at any hour of the day or
72 night, any day of the week. The department shall promote public

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73 awareness of the central abuse hotline through community based
74 partner organizations and public service campaigns. The central
75 abuse hotline shall be operated in such a manner as to enable
76 the department to:

77 (d) Maintain and produce aggregate statistical reports
78 monitoring patterns of child abuse, child abandonment, and child
79 neglect. The department shall collect and analyze child-on-child
80 sexual abuse reports and include the information in aggregate
81 statistical reports. The department shall collect and analyze in
82 separate statistical reports, those reports of abuse and sexual
83 abuse which are reported from or occurred on the campus of any
84 Florida College System institution, state university, or
85 nonpublic college, university, or school, as defined in s,
86 1000.21 or s. 1005.02.

87 Section 2. Subsections (3) through (6) of section 39.205,
88 Florida Statutes, are renumbered as subsections (5) through (8),
89 respectively, and new subsections (3) and (4) are added to that
90 section to read:

91 39.205 Penalties relating to reporting of child abuse,
92 abandonment, or neglect.—

93 (1) A person who is required to report known or suspected
94 child abuse, abandonment, or neglect and who knowingly and
95 willfully fails to do so, or who knowingly and willfully
96 prevents another person from doing so, is guilty of a
97 ~~misdemeanor~~ felony of the ~~first~~ third degree, punishable as
98 provided in s. 775.082 or s. 775.083. A judge subject to
99 discipline pursuant to s. 12, Art. V of the Florida Constitution

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100 shall not be subject to criminal prosecution when the
101 information was received in the course of official duties.

102 (2) Unless the court finds that the person is a victim of
103 domestic violence or that other mitigating circumstances exist,
104 a person who is 18 years of age or older and lives in the same
105 house or living unit as a child who is known or suspected to be
106 a victim of child abuse, neglect of a child, or aggravated child
107 abuse, and knowingly and willfully fails to report the child
108 abuse commits a felony of the third degree, punishable as
109 provided in s. 775.082, s. 775.083, or s. 775.084.

110 (3) Any Florida College System institution, state
111 university, or nonpublic college, university, or school, as
112 defined in s. 1000.21 or s. 1005.02 whose administrators
113 knowingly and willfully, upon receiving information from
114 faculty, staff or other institution employees, fail to report
115 known or suspected child abuse, abandonment, or neglect
116 committed on the property of the institution, university,
117 college, or school, or during an event or function sponsored by
118 the institution, university, college, or school, or who
119 knowingly and willfully prevent another person from doing so,
120 shall be subject to fines, by the Board of Governors, of \$1
121 million for each such failure.

122 (4) Any Florida College System institution, state
123 university, or nonpublic college, university, or school, as
124 defined in s. 1000.21 or s. 1005.02 whose law enforcement agency
125 fails to report known or suspected child abuse, abandonment, or
126 neglect committed on the property of the institution,

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127 university, college, or school, or during an event or function
128 sponsored by the institution, university, college, or school,
129 shall be subject to fines, imposed by the Board of Governors, of
130 \$1 million for each such failure.

131 (5) Any Florida College System institution, state
132 university, or nonpublic college, university or school, as
133 defined in s. 1000.21 or s. 1005.02, shall have the right to
134 challenge the Board of Governor's determination that the
135 institution acted knowingly and willfully under subsections (3)
136 and (4), in an administrative hearing pursuant to s. 120.57,
137 however if it is found that actual knowledge and information was
138 in fact received by the institution's administrators, of known
139 or suspected child abuse and such information was not reported a
140 presumption of a knowing and willful act will be established.

141 Section 3. Section 39.309, Florida Statutes is created to
142 read:

143 39.309 Alternative Response to Protective Investigation

144 (1) The department shall:

145 (a) Develop and implement a program of social services and
146 other supportive and rehabilitative services to be made
147 available to the parent or legal custodian of a child seeking
148 assistance pursuant to 39.201(2)(a). The social services and
149 other supportive and rehabilitative services shall promote the
150 child's physical, mental, and emotional health, provide a safe,
151 stable, living environment, and promote family autonomy, and
152 strengthen family life, whenever possible.

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153 (b) Ensure that services are targeted to prevent or
154 mitigate the possibility of a child being referred to the
155 Hotline as an alleged victim of abuse, neglect or abandonment,
156 or to reduce the incidents of abuse.

157 (c) Coordinate with community based care lead agencies
158 pursuant to 409.1671, or other agencies to implement the
159 alternative response to protective investigations program.

160 Section 4: Paragraph 10 of subsection (e) of section
161 409.1671, Florida Statutes is created to read:

162 409.1671 Foster care and related services; outsourcing.—

163 (e) As used in this section, the term “eligible lead
164 community-based provider” means a single agency with which the
165 department shall contract for the provision of child protective
166 services in a community that is no smaller than a county. The
167 secretary of the department may authorize more than one eligible
168 lead community-based provider within a single county when to do
169 so will result in more effective delivery of foster care and
170 related services. To compete for an outsourcing project, such
171 agency must have:

172 10. An alternative response to protective investigations
173 program pursuant to 39.309.

174 Section 5. Section 796.036, Florida Statutes, is created
175 to read:

176 796.036 Violations involving minors; reclassification.—

177 (1) The felony or misdemeanor degree of any violation of
178 this chapter, other than s. 796.03 or s. 796.035, in which a
179 minor engages in prostitution, lewdness, assignation, sexual

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180 conduct, or other conduct as defined in or prohibited by this
181 chapter, but the minor is not the person charged with the
182 violation, is reclassified as provided in this section.

183 (2) Offenses shall be reclassified as follows:

184 (a) A misdemeanor of the second degree is reclassified to
185 a misdemeanor of the first degree.

186 (b) A misdemeanor of the first degree is reclassified to a
187 felony of the third degree.

188 (c) A felony of the third degree is reclassified to a
189 felony of the second degree.

190 (d) A felony of the second degree is reclassified to a
191 felony of the first degree.

192 (e) A felony of the first degree is reclassified to a life
193 felony.

194 Section 6. Subsection (3) is added to section 960.198,
195 Florida Statutes, to read:

196 960.198 Relocation assistance for victims of domestic
197 violence.—

198 (3) Relocation payments for a domestic violence claim
199 shall be denied if the department has previously approved or
200 paid out a sexual battery relocation claim under s. 960.199 to
201 the same victim regarding the same incident.

202 Section 7. Section 960.199, Florida Statutes, is created
203 to read:

204 960.199 Relocation assistance for victims of sexual
205 battery.—

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206 (1) The department may award a one-time payment of up to
207 \$1,500 on any one claim and a lifetime maximum of \$3,000 to a
208 victim of sexual battery as defined in s. 794.011 who needs
209 relocation assistance.

210 (2) In order for an award to be granted to a victim for
211 relocation assistance:

212 (a) There must be proof that a sexual battery offense was
213 committed.

214 (b) The sexual battery offense must be reported to the
215 proper authorities.

216 (c) The victim's need for assistance must be certified by
217 a certified rape crisis center in this state.

218 (d) The center certification must assert that the victim
219 is cooperating with law enforcement officials, if applicable,
220 and must include documentation that the victim has developed a
221 safety plan.

222 (e) The act of sexual battery must be committed in the
223 victim's place of residence or in a location that would lead the
224 victim to reasonably fear for his or her continued safety in the
225 place of residence.

226 (3) Relocation payments for a sexual battery claim shall
227 be denied if the department has previously approved or paid out
228 a domestic violence relocation claim under s. 960.198 to the
229 same victim regarding the same incident.

230 Section 8. For the 2012-2013 state fiscal year, the sum of
231 \$1.5 million in nonrecurring funds is appropriated from the
232 General Revenue Fund to the Department of Legal Affairs, Office

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233 of the Attorney General, for the relocation of victims of sexual
234 battery as provided in s. 960.199, Florida Statutes, as created
235 by this act.

236 Section 9 Subsection (12) of section 1012.98, Florida
237 Statutes, is created to read:

238 1012.98 School Community Professional Development Act.—

239 (12) The department shall require teachers in grades 1-12
240 to participate in continuing education training provided by the
241 Department of Children and Family Services on identifying and
242 reporting child abuse and neglect.

243 Section 10. This act shall take effect October 1, 2012.

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T I T L E A M E N D M E N T

248
249 Remove the entire title and insert:

250 An act relating to protection of vulnerable persons;
251 amending s. 39.01, F.S.; deleting the definition of the
252 term "other person responsible for a child's welfare";
253 conforming provisions; amending s. 39.201, F.S.; revising
254 language concerning child abuse reporting; providing the
255 Department of Children and Families to update web-chat and
256 web forms for reporting child abuse, abandonment or
257 neglect; requiring studies on the use of short message
258 format for the central abuse hotline; requiring the
259 development of a public awareness campaign on child abuse

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1355 (2012)

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260 and the central abuse hotline; requiring the collection of
261 statistical reports on child abuse and child sexual abuse
262 on campuses of colleges and universities; amending s.
263 39.205, F.S.; requiring specified educational institutions
264 and their law enforcement agencies to report known or
265 suspected child abuse, abandonment, or neglect in certain
266 circumstances; providing financial penalties for
267 violations; creating s. 39.309, F.S.; requiring the
268 department to develop and implement a program of social
269 services and rehabilitative services for the parent or
270 legal custodian of a child seeking assistance; creating s.
271 796.036, F.S.; providing for upward reclassification of
272 certain prostitution offenses involving minors; amending s.
273 960.198, F.S.; providing for denial of relocation payment
274 for a domestic violence claim if the Department of Legal
275 Affairs has previously paid a sexual battery relocation
276 claim to the same victim for the same incident; creating s.
277 960.199, F.S.; providing for relocation assistance payments
278 to victims of sexual battery; providing criteria for
279 awards; providing for denial of relocation payment for a
280 sexual battery claim if the department has previously paid
281 a domestic violence relocation claim to the same victim for
282 the same incident; providing an appropriation; amending s.
283 1012.98, F.S., providing continuing education requirements
284 for school age children; providing an effective date.

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