

1 A bill to be entitled
2 An act relating to protection of vulnerable persons;
3 amending s. 39.01, F.S.; deleting the definition of
4 the term "other person responsible for a child's
5 welfare"; conforming provisions; amending s. 39.201,
6 F.S.; revising language concerning child abuse
7 reporting; amending s. 39.205, F.S.; requiring
8 specified educational institutions and their law
9 enforcement agencies to report known or suspected
10 child abuse, abandonment, or neglect in certain
11 circumstances; providing financial penalties for
12 violations; amending s. 39.302, F.S.; correcting a
13 cross-reference; creating s. 796.036, F.S.; providing
14 for upward reclassification of certain prostitution
15 offenses involving minors; amending s. 960.198, F.S.;
16 providing for denial of relocation payment for a
17 domestic violence claim if the Department of Legal
18 Affairs has previously paid a sexual battery
19 relocation claim to the same victim for the same
20 incident; creating s. 960.199, F.S.; providing for
21 relocation assistance payments to victims of sexual
22 battery; providing criteria for awards; providing for
23 denial of relocation payment for a sexual battery
24 claim if the department has previously paid a domestic
25 violence relocation claim to the same victim for the
26 same incident; providing an appropriation; providing
27 an effective date.
28

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

30
 31 Section 1. Subsections (48) through (76) of section 39.01,
 32 Florida Statutes, are renumbered as subsections (47) through
 33 (75), respectively, and present subsections (10) and (47) of
 34 that section are amended to read:

35 39.01 Definitions.—When used in this chapter, unless the
 36 context otherwise requires:

37 (10) "Caregiver" means the parent, legal custodian,
 38 permanent guardian, adult household member, or other person
 39 responsible for a child's welfare ~~as defined in subsection (47).~~

40 ~~(47) "Other person responsible for a child's welfare"~~
 41 ~~includes the child's legal guardian or foster parent; an~~
 42 ~~employee of any school, public or private child day care center,~~
 43 ~~residential home, institution, facility, or agency; a law~~
 44 ~~enforcement officer employed in any facility, service, or~~
 45 ~~program for children that is operated or contracted by the~~
 46 ~~Department of Juvenile Justice; or any other person legally~~
 47 ~~responsible for the child's welfare in a residential setting;~~
 48 ~~and also includes an adult sitter or relative entrusted with a~~
 49 ~~child's care. For the purpose of departmental investigative~~
 50 ~~jurisdiction, this definition does not include the following~~
 51 ~~persons when they are acting in an official capacity: law~~
 52 ~~enforcement officers, except as otherwise provided in this~~
 53 ~~subsection; employees of municipal or county detention~~
 54 ~~facilities; or employees of the Department of Corrections.~~

55 Section 2. Paragraph (a) of subsection (1) and paragraph
 56 (a) of subsection (2) of section 39.201, Florida Statutes, are
 57 amended to read:

58 39.201 Mandatory reports of child abuse, abandonment, or
 59 neglect; mandatory reports of death; central abuse hotline.—

60 (1) (a) Any person who knows, or has reasonable cause to
 61 suspect, that a child is abused, abandoned, or neglected by any
 62 person ~~a parent, legal custodian, caregiver, or other person~~
 63 ~~responsible for the child's welfare, as defined in this chapter,~~
 64 or that a child is in need of supervision and care and has no
 65 parent, legal custodian, or responsible adult relative
 66 immediately known and available to provide supervision and care
 67 shall report such knowledge or suspicion to the department in
 68 the manner prescribed in subsection (2).

69 (2) (a) Each report of known or suspected child abuse,
 70 abandonment, or neglect by any person ~~a parent, legal custodian,~~
 71 ~~caregiver, or other person responsible for the child's welfare~~
 72 ~~as defined in this chapter,~~ except those solely under s.
 73 827.04(3), and each report that a child is in need of
 74 supervision and care and has no parent, legal custodian, or
 75 responsible adult relative immediately known and available to
 76 provide supervision and care shall be made immediately to the
 77 department's central abuse hotline. Such reports may be made on
 78 the single statewide toll-free telephone number or via fax or
 79 web-based report. Personnel at the department's central abuse
 80 hotline shall determine if the report received meets the
 81 statutory definition of child abuse, abandonment, or neglect.
 82 Any report meeting one of these definitions shall be accepted

83 for the protective investigation pursuant to part III of this
 84 chapter.

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

89 39.205 Penalties relating to reporting of child abuse,
 90 abandonment, or neglect.—

91 (3) Any Florida College System institution, state
 92 university, or nonpublic college, university, or school, as
 93 defined in s. 1000.21 or s. 1005.02 whose administrators,
 94 faculty, or staff knowingly and willfully fail to report known
 95 or suspected child abuse, abandonment, or neglect committed on
 96 the property of the institution, university, college, or school,
 97 or during an event or function sponsored by the institution,
 98 university, college, or school, or who knowingly and willfully
 99 prevent another person from doing so, shall be subject to fines
 100 of \$1 million for each such failure and the loss of all state
 101 funding, including the funds under the Florida Resident Access
 102 Grant Program, for a period of 2 years.

103 (4) Any Florida College System institution, state
 104 university, or nonpublic college, university, or school, as
 105 defined in s. 1000.21 or s. 1005.02 whose law enforcement agency
 106 fails to transmit to prosecutorial authorities any report of
 107 known or suspected child abuse, abandonment, or neglect
 108 committed on the property of the institution, university,
 109 college, or school, or during an event or function sponsored by
 110 the institution, university, college, or school, shall be

111 subject to fines of \$1 million for each such failure and the
112 loss of all state funding, including the funds under the Florida
113 Resident Access Grant Program, for a period of 2 years.

114 Section 4. Subsection (1) of section 39.302, Florida
115 Statutes, is amended to read:

116 39.302 Protective investigations of institutional child
117 abuse, abandonment, or neglect.—

118 (1) The department shall conduct a child protective
119 investigation of each report of institutional child abuse,
120 abandonment, or neglect. Upon receipt of a report that alleges
121 that an employee or agent of the department, or any other entity
122 or person covered by s. 39.01(33) ~~or (47)~~, acting in an official
123 capacity, has committed an act of child abuse, abandonment, or
124 neglect, the department shall initiate a child protective
125 investigation within the timeframe established under s.
126 39.201(5) and orally notify the appropriate state attorney, law
127 enforcement agency, and licensing agency, which shall
128 immediately conduct a joint investigation, unless independent
129 investigations are more feasible. When conducting investigations
130 onsite or having face-to-face interviews with the child,
131 investigation visits shall be unannounced unless it is
132 determined by the department or its agent that unannounced
133 visits threaten the safety of the child. If a facility is exempt
134 from licensing, the department shall inform the owner or
135 operator of the facility of the report. Each agency conducting a
136 joint investigation is entitled to full access to the
137 information gathered by the department in the course of the
138 investigation. A protective investigation must include an onsite

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139 visit of the child's place of residence. The department shall
140 make a full written report to the state attorney within 3
141 working days after making the oral report. A criminal
142 investigation shall be coordinated, whenever possible, with the
143 child protective investigation of the department. Any interested
144 person who has information regarding the offenses described in
145 this subsection may forward a statement to the state attorney as
146 to whether prosecution is warranted and appropriate. Within 15
147 days after the completion of the investigation, the state
148 attorney shall report the findings to the department and shall
149 include in the report a determination of whether or not
150 prosecution is justified and appropriate in view of the
151 circumstances of the specific case.

152 Section 5. Section 796.036, Florida Statutes, is created
153 to read:

154 796.036 Violations involving minors; reclassification.—

155 (1) The felony or misdemeanor degree of any violation of
156 this chapter, other than s. 796.03 or s. 796.035, in which a
157 minor engages in prostitution, lewdness, assignation, sexual
158 conduct, or other conduct as defined in or prohibited by this
159 chapter, but the minor is not the person charged with the
160 violation, is reclassified as provided in this section.

161 (2) Offenses shall be reclassified as follows:

162 (a) A misdemeanor of the second degree is reclassified to
163 a misdemeanor of the first degree.

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

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166 (c) A felony of the third degree is reclassified to a
167 felony of the second degree.

168 (d) A felony of the second degree is reclassified to a
169 felony of the first degree.

170 (e) A felony of the first degree is reclassified to a life
171 felony.

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

174 960.198 Relocation assistance for victims of domestic
175 violence.—

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

180 Section 7. Section 960.199, Florida Statutes, is created
181 to read:

182 960.199 Relocation assistance for victims of sexual
183 battery.—

184 (1) The department may award a one-time payment of up to
185 \$1,500 on any one claim and a lifetime maximum of \$3,000 to a
186 victim of sexual battery as defined in s. 794.011 who needs
187 relocation assistance.

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

190 (a) There must be proof that a sexual battery offense was
191 committed.

192 (b) The sexual battery offense must be reported to the
193 proper authorities.

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

196 (d) The center certification must assert that the victim
197 is cooperating with law enforcement officials, if applicable,
198 and must include documentation that the victim has developed a
199 safety plan.

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

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

208 Section 8. For the 2012-2013 state fiscal year, the sum of
209 \$1.5 million in nonrecurring funds is appropriated from the
210 General Revenue Fund to the Department of Legal Affairs, Office
211 of the Attorney General, for the relocation of victims of sexual
212 battery as provided in s. 960.199, Florida Statutes, as created
213 by this act.

214 Section 9. This act shall take effect October 1, 2012.