

HB 259

2012

1 A bill to be entitled  
2 An act relating to offenses by caregivers of minor  
3 children; creating s. 827.10, F.S.; penalizing the  
4 failure of a caregiver, by culpable negligence, to  
5 make contact with a child under a specified age in his  
6 or her care for a certain period and to immediately  
7 report the child as missing to law enforcement after  
8 that period expires without contact in certain  
9 circumstances; providing that the time period does not  
10 run in certain circumstances; providing criminal  
11 penalties; providing enhanced criminal penalties in  
12 certain circumstances; creating s. 827.11, F.S.;  
13 requiring the caregiver of a minor child to report the  
14 child's death or the location of the child's corpse to  
15 a law enforcement agency within a specified period in  
16 certain circumstances; providing that the time period  
17 does not run in certain circumstances; providing  
18 criminal penalties; amending s. 837.055, F.S.;  
19 prohibiting knowingly making a false report under s.  
20 827.10 or s. 827.11, F.S.; providing criminal  
21 penalties; providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. Section 827.10, Florida Statutes, is created to  
26 read:

27 827.10 Missing child; duty to report.—

28           (1) A caregiver who by culpable negligence fails to make  
 29 contact with or otherwise verify the whereabouts and safety of a  
 30 child in his or her care who is 6 years of age or younger for a  
 31 period of 48 hours and to immediately report the child as  
 32 missing to law enforcement after this 48-hour period expires  
 33 without contact commits:

34           (a) A felony of the second degree if the child suffers  
 35 death, great bodily harm, permanent disability, or permanent  
 36 disfigurement while missing; or

37           (b) A felony of the third degree in any other  
 38 circumstance,

39  
 40 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

41           (2) The reporting time period required by this section  
 42 does not run while the caregiver is unable to make a report due  
 43 to circumstances beyond his or her control.

44           Section 2. Section 827.11, Florida Statutes, is created to  
 45 read:

46           827.11 Death of a child or location of a child's corpse;  
 47 reporting requirements.—

48           (1) A caregiver of a minor child must:

49           (a) Report the child's death to a law enforcement agency  
 50 within 2 hours after learning about the child's death; or

51           (b) Report the location of the child's corpse to a law  
 52 enforcement agency within 2 hours after learning the location of  
 53 the corpse,

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55 if the child's death appears to have been one described in s.  
56 406.11(1)(a), other than a death described in s. 406.11(1)(a)6.,  
57 7., or 9.

58 (2) The reporting time period required by this section  
59 does not run while the caregiver is unable to make a report due  
60 to circumstances beyond his or her control.

61 (3) A person who violates this section commits a felony of  
62 the second degree, punishable as provided in s. 775.082, s.  
63 775.083, or s. 775.084.

64 Section 3. Section 837.055, Florida Statutes, is amended  
65 to read:

66 837.055 False information to law enforcement during  
67 investigation.—

68 (1) Except as provided in subsection (2), whoever  
69 knowingly and willfully gives false information to a law  
70 enforcement officer who is conducting a missing person  
71 investigation or a felony criminal investigation with the intent  
72 to mislead the officer or impede the investigation commits a  
73 misdemeanor of the first degree, punishable as provided in s.  
74 775.082 or s. 775.083.

75 (2) A person who knowingly makes a false report under s.  
76 827.10 or s. 827.11 commits a felony of the third degree,  
77 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

78 Section 4. This act shall take effect July 1, 2012.