

By Senator Evers

2-00885-13

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1 A bill to be entitled
2 An act relating to malicious battery and infliction of
3 cruel or inhuman treatment on a juvenile offender;
4 creating s. 985.7015, F.S.; defining terms; providing
5 that it is unlawful for an employee of the Department
6 of Juvenile Justice to commit a battery or to inflict
7 cruel or inhuman treatment on a juvenile offender;
8 providing criminal penalties; providing that battery
9 or the infliction of cruel or inhuman treatment on a
10 juvenile offender constitutes sufficient cause to
11 dismiss the employee from employment with the
12 department and to prohibit such employee from being
13 employed again in any capacity with the juvenile
14 justice system; requiring each employee to immediately
15 report such injurious behavior to the department's
16 incident hotline and to deliver a report to his or her
17 supervisor; providing criminal penalties for failing
18 to report an incident to a supervisor, for knowingly
19 or willfully submitting inaccurate, incomplete, or
20 untruthful information, or for coercing or threatening
21 another to alter testimony or the written report;
22 repealing s. 945.75, F.S., relating to tours of state
23 correctional facilities for juveniles; providing an
24 effective date.

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

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28 Section 1. Section 985.7015, Florida Statutes, is created
29 to read:

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30 985.7015 Malicious battery; infliction of cruel or inhuman
31 treatment prohibited; reporting required; penalties.-

32 (1) As used in this section, the term:

33 (a) "Employee" means a paid staff member, volunteer, or
34 intern who works in a department program or a program operated
35 by a provider under a contract with the department.

36 (b) "Juvenile offender" means a person younger than 18
37 years of age who is detained or supervised by, or committed to
38 the custody of, the department.

39 (2) An employee who, with malicious intent, commits a
40 battery upon a juvenile offender, commits a misdemeanor of the
41 first degree, punishable as provided in s. 775.082 or s.
42 775.083.

43 (3) An employee who, with malicious intent, commits a
44 battery or inflicts cruel or inhuman treatment by neglect or
45 otherwise, and in so doing causes great bodily harm, permanent
46 disability, or permanent disfigurement to a juvenile offender,
47 commits a felony of the third degree, punishable as provided in
48 s. 775.082, s. 775.083, or s. 775.084.

49 (4) Notwithstanding any other prosecution, a violation of
50 subsection (2) or subsection (3), as determined by the Public
51 Employees Relations Commission, constitutes sufficient cause
52 under s. 110.227 for dismissal from employment with the
53 department, and such person may not be employed again in any
54 capacity in connection with the juvenile justice system.

55 (5) An employee who witnesses malicious battery or the
56 infliction of cruel or inhuman treatment against a juvenile
57 offender shall immediately report the incident to the
58 department's incident hotline and prepare, date, and sign an

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59 independent report that specifically describes the nature of the
60 incident, the location and time of the incident, and the persons
61 involved. The employee shall deliver the report to his or her
62 supervisor or program director, and the supervisor or director
63 shall provide copies of the report to the department's inspector
64 general and the circuit juvenile justice manager. The inspector
65 general shall immediately conduct an appropriate administrative
66 investigation, and if there is probable cause to believe that a
67 violation of subsection (2) or subsection (3) has occurred, the
68 inspector general shall notify the state attorney in the circuit
69 in which the incident occurred.

70 (6) (a) A person who is required to prepare a report under
71 this section and who knowingly or willfully fails to do so, or
72 who knowingly or willfully prevents another person from doing
73 so, commits a misdemeanor of the first degree, punishable as
74 provided in s. 775.082 or s. 775.083.

75 (b) A person who knowingly or willfully submits inaccurate,
76 incomplete, or untruthful information with respect to a report
77 required under this section commits a misdemeanor of the first
78 degree, punishable as provided in s. 775.082 or s. 775.083.

79 (c) A person who knowingly or willfully coerces or
80 threatens any other person with the intent to alter testimony or
81 a written report regarding an incident of malicious battery or
82 the infliction of cruel or inhuman treatment commits a felony of
83 the third degree, punishable as provided in s. 775.082, s.
84 775.083, or s. 775.084.

85 Section 2. Section 945.75, Florida Statutes, is repealed.

86 Section 3. This act shall take effect upon becoming a law.