

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [HB 373](#)

**TITLE:** Statute of Limitations Period for Violations Involving Required Reports Concerning Children

**SPONSOR(S):** Duggan

**COMPANION BILL:** [SB 590](#) (Bradley)

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Criminal Justice](#)

13 Y, 0 N



[Human Services](#)



[Judiciary](#)

## SUMMARY

### Effect of the Bill:

HB 373 tolls the statute of limitations for an offense of failing to make a mandatory report of known or suspected child abuse, including sexual abuse, neglect, and abandonment, until such time as a law enforcement agency or other governmental agency, excluding any institution where the violation occurs, is made aware of the violation.

### Fiscal or Economic Impact:

None.

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## ANALYSIS

### EFFECT OF THE BILL:

HB 373 tolls the [statute of limitations](#) for a third-degree felony offense of failing to make a [mandatory report](#) of known or suspected child abuse, including sexual abuse, neglect, and abandonment, to the [Department of Children and Families' central abuse hotline](#), until such time as a law enforcement agency or other governmental agency, excluding any institution where the violation occurs, is made aware of the violation. (Section [1](#))

The bill provides an effective date of July 1, 2026. (Section [2](#))

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### Mandatory Reporting of Child Abuse

#### Department of Children and Families' Central Abuse Hotline

The Department of Children and Families (DCF) is required to operate and maintain a central abuse hotline that accepts reports 24 hours a day, 7 days a week, of known or suspected child abuse, abandonment, or neglect, as well as, reports that a child needs supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide such supervision and care. A person reporting to the hotline may make a report in writing, through a statewide toll-free telephone number, or through electronic reporting.<sup>1</sup>

The central abuse hotline must be operated in a manner to enable DCF to, among other things:

- Accept reports for investigation when there is reasonable cause to suspect that a child has been or is being abused or neglected or has been abandoned.

<sup>1</sup> S. [39.101\(1\)\(a\), F.S.](#)

- Determine whether the allegations made by the reporter require an immediate response or a 24-hour response.
- Immediately identify and locate previous reports or cases of child abuse, abandonment, or neglect through the use of DCF's automated tracking system.
- Track critical steps in the investigative process to ensure compliance with all requirements for any report or case of abuse, abandonment, or neglect.<sup>2</sup>

After the central abuse hotline receives a report, DCF must determine the timeframe within which to initiate an investigation. Generally, DCF must commence an investigation:

- Immediately, regardless of the time of day or night, if it appears that:
  - The immediate safety or well-being of a child is endangered;
  - The family may flee or the child may be unavailable for purposes of conducting a child protective investigation; or
  - The facts reported to the hotline otherwise warrant such action.
- Within 24 hours of receiving a report.<sup>3</sup>

### Mandatory Reports

Section [39.201, F.S.](#), requires any person who knows or has reasonable cause to suspect that child abuse, including sexual abuse, abandonment, or neglect has occurred to immediately report such knowledge or suspicion to the DCF central abuse hotline.<sup>4</sup> While a member of the general public may make such a report anonymously, any person whose profession is in any of the following categories must provide his or her name along with the report:

- Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons.
- Health care professional or mental health professional other than those above listed.
- Practitioner who relies solely on spiritual means for healing.
- School teacher or other school official or personnel.
- Social worker, day care center worker, or other professional child care worker, foster care worker, residential worker, or institutional worker.
- Law enforcement officer.
- Judge.
- Animal control officer or certain other agents appointed to investigate cruelty to children or animals.<sup>5</sup>

Any such person who is required to provide his or her name along with the report, shall have his or her name held confidential and exempt from public record disclosure.<sup>6</sup>

A school<sup>7</sup> employee is required to directly report a known or suspected case of child abuse, including sexual abuse, abandonment, or neglect to DCF's central abuse hotline and is not relieved of such obligation by notifying his or her supervisor.<sup>8, 9</sup>

<sup>2</sup> S. [39.101\(1\)\(b\), F.S.](#)

<sup>3</sup> S. [39.101\(2\), F.S.](#)

<sup>4</sup> S. [39.201\(1\)\(a\), F.S.](#)

<sup>5</sup> S. [39.201\(1\)\(b\), F.S.](#)

<sup>6</sup> Ss. [39.201\(1\)\(c\), F.S.](#) and [39.202, F.S.](#)

<sup>7</sup> Including a school readiness program provider; a private prekindergarten provider or public school prekindergarten provider; a public K-12 school; a private school; a Florida College System institution or a state university; a college; or another type of school as defined in s. [1005.02, F.S.](#) S. [39.205\(11\), F.S.](#)

<sup>8</sup> S. [39.205\(11\), F.S.](#)

<sup>9</sup> The Department of Education requires teachers in grades K-12 to participate in continuing education training provided by DCF on identifying and reporting child abuse and neglect. S. [1012.98\(13\), F.S.](#)

### Incident on School Premises or Transportation or at a School-Sponsored Event

If a report is made regarding an incident of child sexual abuse that occurs on a school premises,<sup>10</sup> on school transportation, or at a school-sponsored-off-campus event DCF must:

- Conduct a child protective investigation, which must include an interview with the child's parent or legal custodian.
- Notify the:
  - Department of Education.
  - Law enforcement agency having jurisdiction over the municipality or county in which the school, program, institution, or university is located.
  - Superintendent of the school district in which the school is located, the administrative officer of the private school, or the owner of the private school readiness or prekindergarten program provider.
- Make a full written report to the law enforcement agency having jurisdiction over the municipality or county in which the school, program, institution, or university is located within three business days after making the oral report.<sup>11</sup>

### Mandatory Reporting- Penalties

Section [39.205, F.S.](#), prohibits a person from knowingly and willfully failing to report to the central abuse hotline known or suspected child abuse, abandonment, or neglect, or knowingly and willfully preventing another person from doing so. A violation of the prohibition is punishable as a third-degree felony.<sup>12</sup>

### *Post-secondary Institutions*

A post-secondary institution<sup>13</sup> is subject to a fine of \$1 million, per violation, when its:

- Administrators knowingly and willfully fail to report information received from a faculty or staff member or another institution employee regarding known or suspected child abuse, abandonment, or neglect committed on the institution's property or during an event or function sponsored by the institution to the central abuse hotline or knowingly and willfully prevent another person from reporting such information.<sup>14</sup>
- Law enforcement agency fails to report the same knowledge or suspicion.<sup>15</sup>

### Immunity from Liability

Section [39.203, F.S.](#), provides immunity to any person, official, or institution who reports in good faith any instance of child abuse, abandonment, or neglect to DCF or to any law enforcement agency from any civil or criminal liability that might otherwise arise from such action.<sup>16</sup>

### Time Limitations for Prosecution

The statute of limitations (SOL) determines the timeframe in which a criminal prosecution must be initiated.<sup>17</sup> The SOL in effect at the time a crime is committed controls.<sup>18</sup> In general, time is calculated from the day after a person commits an offense, and the filing of a charging document such as an indictment or information initiates the prosecution for the purpose of satisfying the time limitations.<sup>19</sup> Regardless of whether a charging document is filed, the time limitation does not run during any time an offender is continuously absent from the state or otherwise

<sup>10</sup> This includes at a public or private school readiness or prekindergarten program, public K-12 school, private school, Florida College System institution, state university, or any other school. S. [39.201\(5\)\(e\)1, F.S.](#)

<sup>11</sup> S. [39.201\(5\)\(e\), F.S.](#)

<sup>12</sup> A third-degree felony is punishable by a term of up to five years' imprisonment and a fine of \$5,000. Ss. [775.082](#), [775.083](#), or [775.084, F.S.](#)

<sup>13</sup> Including a Florida College System institution; state university; or nonpublic college, university or school. S. [39.205\(3\), F.S.](#)

<sup>14</sup> S. [39.205\(3\), F.S.](#)

<sup>15</sup> S. [39.205\(4\), F.S.](#)

<sup>16</sup> S. [39.203\(1\)\(a\), F.S.](#)

<sup>17</sup> S. [775.15, F.S.](#)

<sup>18</sup> *Beyer v. State*, 76 So. 3d 1132, 1135 (Fla. 4th DCA 2012).

<sup>19</sup> S. [775.15\(3\) and \(4\), F.S.](#)

undiscoverable because he or she lacks a reasonably ascertainable home address or place of employment; however, an extension under this scenario may not exceed the normal time limitation by more than three years.<sup>20</sup>

Capital felonies,<sup>21</sup> life felonies,<sup>22</sup> and felonies resulting in a death are not subject to time constraints, and the state may bring charges at any time.<sup>23</sup> The standard time limitations for other crimes are:<sup>24</sup>

- Four years for a first-degree felony.
- Three years for a second or third-degree felony.
- Two years for a first-degree misdemeanor.
- One year for a second-degree misdemeanor.

#### Exceptions to Standard SOL for Sexual Battery Offenses

Exceptions to the standard SOL apply to certain crimes and circumstances. In particular, Florida extends or removes time limitations or changes the date on which calculation of the SOL begins<sup>25</sup> for specified sexual battery offenses.<sup>26</sup> In 2020, the Legislature removed any time limitations on the prosecution of an offense of sexual battery committed on or after July 1, 2020, on a victim who was younger than 18 years of age at the time of the offense.<sup>27</sup>

Additionally, under [s. 775.15, F.S.](#), the following SOL apply to sexual battery prosecutions for offenses committed prior to July 1, 2020:

- No SOL, and prosecution may be commenced at any time, for a specified:
  - Sexual battery involving a victim under 16;<sup>28</sup>
  - First-degree felony sexual battery involving a victim under 18;<sup>29</sup> and
  - First or second-degree felony sexual battery involving a victim 16 or older but less than 18 years of age,<sup>30</sup> if the offense is reported within 72 hours of commission.<sup>31</sup>
- If not reported within 72 hours of commission, prosecution of a specified first or second-degree felony sexual battery involving a victim 16 or older must be commenced within eight years.<sup>32</sup>

However, if a victim is under 18 at the time any of the above sexual battery offenses are committed, the applicable SOL does not begin to run until he or she turns 18 or the violation is reported to law enforcement or a governmental agency, whichever occurs earlier.<sup>33</sup>

<sup>20</sup> S. [775.15\(5\), F.S.](#)

<sup>21</sup> S. [775.082, F.S.](#)

<sup>22</sup> *Id.*

<sup>23</sup> S. [775.15\(1\), F.S.](#)

<sup>24</sup> S. [775.15\(2\), F.S.](#)

<sup>25</sup> See s. [775.15, F.S.](#)

<sup>26</sup> An extension of a particular crime's SOL does not violate the ex post facto clause of the Florida Constitution if the extension takes effect before prosecution of an offense is barred by the old SOL and the new SOL clearly indicates it applies to cases pending upon its effective date. Art. I, s.10, Fla. Const.; *Andrews v. State*, 392 So. 2d 270, 271 (Fla. 2d DCA 1980).

<sup>27</sup> S. [775.15\(20\), F.S.](#)

<sup>28</sup> Prosecution must not have been barred by s. [775.15\(2\), F.S.](#), on or before July 1, 2010. S. [775.15\(13\)\(c\), F.S.](#)

<sup>29</sup> Prosecution must not have been barred by s. [775.15\(2\), F.S.](#), on or before October 1, 2003. S. [775.15\(13\)\(b\), F.S.](#)

<sup>30</sup> If a victim is less than 18 years of age, prosecution of the offense must not have been barred by s. [775.15\(2\), F.S.](#), on or before December 31, 1984. S. [775.15\(13\)\(a\), F.S.](#)

<sup>31</sup> S. [775.15\(13\)\(a\) and \(14\)\(a\), F.S.](#)

<sup>32</sup> Prosecution must not have been barred by s. [775.15\(2\), F.S.](#), on or before July 1, 2015. S. [775.15\(14\)\(b\), F.S.](#)

<sup>33</sup> S. [775.15\(13\)\(a\), F.S.](#)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Criminal Justice Subcommittee</a>	13 Y, 0 N	12/2/2025	Hall	Leshko
<a href="#">Human Services Subcommittee</a>				
<a href="#">Judiciary Committee</a>				