

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: CS/SB 590

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Bradley

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

DATE: January 20, 2026 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parker</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	<u>Fiore</u>	<u>Tuszynski</u>	<u>CF</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 590 amends s. 775.15, F.S., to provide that the statute of limitations is tolled for a violation of an offense of failing to make a mandatory report of known or suspected child abuse, including sexual abuse, abandonment, and neglect, until a law enforcement agency or other governmental agency, excluding any institution where the violation occurs, is made aware of the violation. The tolling of the period of limitations shall apply to any offense not otherwise barred from prosecution on or before the effective date of this bill.

Section 39.201, F.S., provides that a person is required to report immediately to the central abuse hotline in writing, through a call to the toll-free telephone number, or through electronic reporting, if he or she knows, or has reason to suspect, that any child abuse has occurred.

The bill may have a positive indeterminate prison bed impact (unquantifiable increase prison bed impact) on the Department of Corrections.

The bill takes effect on July 1, 2026.

II. Present Situation:

Department of Children and Families' Central Abuse Hotline

The Florida Abuse Hotline serves as the central reporting center for allegations of abuse, neglect, and/or exploitation for all children and vulnerable adults in Florida. The Hotline receives calls, faxes, and web based reports from citizens and professionals with concerns of abuse, neglect, or exploitation of children and vulnerable adults in Florida.¹

Mandatory Reporting of Child Abuse

A provides that a person is required to report immediately to the central abuse hotline in writing, through a call to the toll-free telephone number, or through electronic reporting, if he or she knows, or has reasonable cause to suspect that any of the following has occurred²:

- Child abuse, abandonment, or neglect by a parent or caregiver, which includes, but is not limited to, when a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare or when a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide such supervision and care.³
- Child abuse by an adult other than a parent, legal guardian, caregiver, or other person responsible for the child's welfare. The central abuse hotline must immediately electronically transfer such reports to the appropriate county sheriff's office.⁴

Any person who knows, or has reasonable cause to suspect, that a child is the victim of sexual abuse or juvenile sexual abuse must report such knowledge or suspicion to the central abuse hotline, including if the alleged incident involves a child who is in the custody of or under the protective supervision of the department.⁵

Mandatory Reporters

A person from the general public may make a report to the central abuse hotline anonymously if he or she chooses to do so.⁶ However, A person making a report to the central abuse hotline whose occupation is in any of the following categories is required to provide his or her name to the central abuse hotline counselors:

- Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;⁷
- Health care professional or mental health professional;⁸
- Practitioner who relies solely on spiritual means for healing;⁹

¹ Florida Department of Children and Families, *About the Florida Abuse Hotline*, available at <https://www.myflfamilies.com/services/abuse-hotline/about> (last visited on January 6, 2026).

² Section 39.201, F.S.

³ Section 39.201(1)(a)1.a., F.S.

⁴ Section 39.201(1)(a)1.b., F.S.

⁵ Section 39.201(1)2., F.S.

⁶ Section 39.201(1)2.(b)1., F.S.

⁷ Section 39.201(1)(b)2.a., F.S.

⁸ Section 39.201(1)(b)2.b., F.S.

⁹ Section 39.201(1)(b)2.c., F.S.

- School teacher or other school official or personnel;¹⁰
- Social worker, day care center worker, or other professional child care worker, foster care worker, residential worker, or institutional worker;¹¹
- Law enforcement officer;¹²
- Judge;¹³ or
- Animal control officer.¹⁴

Failure to Report – Penalties

A person who knowingly and willfully fails to report to the central abuse hotline known or suspected child abuse, abandonment, or neglect, or who knowingly and willfully prevents another person from doing so, commits a third degree felony.¹⁵

Any person, official, or institution participating in good faith in any act authorized or required by this chapter or reporting in good faith any instance of child abuse, abandonment, or neglect to the department or any law enforcement agency, is to be immune from any civil or criminal liability which might otherwise result by reason of such action.¹⁶

Statute of Limitations

The purpose of a statute of limitations is to limit exposure to criminal prosecution to a certain fixed period of time following the occurrence of those acts the legislature has decided to punish by criminal sanctions. Such a limitation is designed to protect individuals from having to defend themselves against charges when the basic facts may have become obscured by the passage of time and to minimize the danger of official punishment because of acts in the far-distant past.¹⁷

Courts have held that the statute of limitations affect substantive rights and that the statute of limitations that applies in a criminal case is the one that was in effect at the time of the incidents that gave rise to the charges.¹⁸

In general, time starts to run on the day after the offense is committed. An offense is committed either when every element has occurred or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated.¹⁹

¹⁰ Section 39.201(1)(b)2.d., F.S.

¹¹ Section 39.201(1)(b)2.e., F.S.

¹² Section 39.201(1)(b)2.f., F.S.

¹³ Section 39.201(1)(b)2.g., F.S.

¹⁴ Section 39.201(1)(b)2.h., F.S.

¹⁵ Section 39.205(1), F.S.

¹⁶ Section 39.203(1)(a), F.S.

¹⁷ *Reino v. State*, 352 So.2d 853, 860 (Fla. 1977) (citing *Toussie v. United States*, 397 U.S. 112, 114-15, 90 S.Ct. 858, 25 L.Ed.2d 156 (1970)).

¹⁸ *Torgerson v. State*, 964 So.2d 178, 179 (Fla. 4th DCA 2007) (citing *State v. Shamy*, 759 So.2d 728 (Fla. 4th DCA 2000)).

¹⁹ Section 775.15(3), F.S.

Prosecution on a charge for which the defendant has previously been arrested or served with a summons is commenced by the filing of an indictment, information, or other charging document.²⁰

A prosecution on a charge for which the defendant has not previously been arrested or served with a summons is commenced when either an indictment or information is filed, provided the capias, summons, or other process issued on such indictment or information is executed without unreasonable delay. In determining what is reasonable, inability to locate the defendant after diligent search or the defendant's absence from the state shall be considered. The failure to execute process on or extradite a defendant in another state who has been charged by information or indictment with a crime in this state does not constitute an unreasonable delay.²¹

The period of limitation does not run during any time when the defendant is continuously absent from the state or has no reasonably ascertainable place of abode or work within the state. However, this does not extend the period of limitation otherwise applicable by more than 3 years. This does not limit the prosecution of a defendant who has been timely charged by indictment or information or other charging document and who has not been arrested due to his or her absence from this state or has not been extradited for prosecution from another state.²²

General Time Limitations

A prosecution for a capital felony, a life felony, or a felony that resulted in a death may be commenced at any time. If the death penalty is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, all crimes designated as capital felonies are be considered life felonies, and prosecution for such crimes may be commenced at any time.

Prosecution for offenses other than capital felony, life felony or a felony that resulted in death are subject to the following periods of limitations:

- A prosecution for a first degree felony must be commenced within 4 years after it is committed.²³
- A prosecution for any other felony must be commenced within 3 years after it is committed.²⁴
- A prosecution for a first degree misdemeanor must be commenced within 2 years after it is committed.²⁵
- A prosecution for a second degree misdemeanor or a noncriminal violation must be commenced within 1 years after it is committed.²⁶

Exceptions – Time Limitations

The Legislature may create statutory exceptions to otherwise applicable time limitations by delaying when a limitation period begins, extending it, or eliminating it entirely for specific offenses or circumstances.

²⁰ Section 775.15(4)(a), F.S.

²¹ Section 775.15(4)(b), F.S.

²² Section 775.15(5), F.S.

²³ Section 775.15(2)(a), F.S.

²⁴ Section 775.15(2)(b), F.S.

²⁵ Section 775.15(2)(c), F.S.

²⁶ Section 775.15(2)(d), F.S.

Some examples of legislative exceptions to time limitations include:

- There is no time limitation for prosecuting a sexual battery committed on or after July 1, 2020, on a victim who is under 18 years of age at the time of the offense.²⁷
- Sexual battery offenses involving victims under 16 years of age may be prosecuted at any time, except when prosecution was already barred on or before July 1, 2010.²⁸
- For victims aged 16 or older, prosecution may be commenced at any time if reported within 72 hours, or otherwise must be commenced within eight years, subject to statutory exceptions.²⁹

III. Effect of Proposed Changes:

The bill amends s. 775.15, F.S., to provide that the statute of limitations is tolled for a violation of s. 39.201, F.S., until a law enforcement agency or other governmental agency, excluding any institution where the violation occurs, is made aware of the violation. It provides for retroactive application of the tolling for any offense, not already barred from prosecution, occurring on or before the effective date.

The bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

²⁷ Section 775.15(20), F.S.

²⁸ Section 775.15(13)(c), F.S.

²⁹ Section 775.15(14)(a), F.S.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Criminal Justice Impact Conference, which provides the final official estimate of the prison bed impact, if any, of legislation, has not yet reviewed the bill. The bill tolls the statute of limitations for criminal prosecution of failure to report known or suspected child abuse. The bill may have a positive indeterminate prison bed impact (unquantifiable increase prison bed impact) on the Department of Corrections.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following section 775.15 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Children, Families, and Elder Affairs on January 20, 2026:

The CS provides that the tolling of the period of limitations applies to any offense not otherwise barred from prosecution on or before July 1, 2026.

B. Amendments:

None.