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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 relocation assistance for certain
17 victims of sexual violence; providing an effective
18 date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Subsections (48) through (76) of section 39.01,
23 Florida Statutes, are renumbered as subsections (47) through
24 (75), respectively, and present subsections (10) and (47) of
25 that section are amended to read:

26 39.01 Definitions.—When used in this chapter, unless the
27 context otherwise requires:

28 (10) "Caregiver" means the parent, legal custodian,

29 permanent guardian, adult household member, or other person
 30 responsible for a child's welfare as defined in subsection (47).

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

46 Section 2. Paragraph (a) of subsection (1) and paragraph
 47 (a) of subsection (2) of section 39.201, Florida Statutes, are
 48 amended to read:

49 39.201 Mandatory reports of child abuse, abandonment, or
 50 neglect; mandatory reports of death; central abuse hotline.—

51 (1) (a) Any person who knows, or has reasonable cause to
 52 suspect, that a child is abused, abandoned, or neglected by any
 53 person ~~a parent, legal custodian, caregiver, or other person~~
 54 ~~responsible for the child's welfare, as defined in this chapter,~~
 55 or that a child is in need of supervision and care and has no
 56 parent, legal custodian, or responsible adult relative

57 immediately known and available to provide supervision and care
 58 shall report such knowledge or suspicion to the department in
 59 the manner prescribed in subsection (2).

60 (2) (a) Each report of known or suspected child abuse,
 61 abandonment, or neglect by any person ~~a parent, legal custodian,~~
 62 ~~caregiver, or other person responsible for the child's welfare~~
 63 ~~as defined in this chapter,~~ except those solely under s.
 64 827.04(3), and each report that a child is in need of
 65 supervision and care and has no parent, legal custodian, or
 66 responsible adult relative immediately known and available to
 67 provide supervision and care shall be made immediately to the
 68 department's central abuse hotline. Such reports may be made on
 69 the single statewide toll-free telephone number or via fax or
 70 web-based report. Personnel at the department's central abuse
 71 hotline shall determine if the report received meets the
 72 statutory definition of child abuse, abandonment, or neglect.
 73 Any report meeting one of these definitions shall be accepted
 74 for the protective investigation pursuant to part III of this
 75 chapter.

76 Section 3. Subsections (3) through (6) of section 39.205,
 77 Florida Statutes, are renumbered as subsections (5) through (8),
 78 respectively, and new subsections (3) and (4) are added to that
 79 section to read:

80 39.205 Penalties relating to reporting of child abuse,
 81 abandonment, or neglect.—

82 (3) Any Florida College System institution, state
 83 university, or nonpublic college, university, or school, as
 84 defined in s. 1000.21 or s. 1005.02 whose administrators,

85 faculty, or staff knowingly and willfully fail to report known
 86 or suspected child abuse, abandonment, or neglect committed on
 87 the property of the institution, university, college, or school,
 88 or during an event or function sponsored by the institution,
 89 university, college, or school, or who knowingly and willfully
 90 prevent another person from doing so, shall be subject to fines
 91 of \$1 million for each such failure and the loss of all state
 92 funding, including the funds under the Florida Resident Access
 93 Grant Program, for a period of 2 years.

94 (4) Any Florida College System institution, state
 95 university, or nonpublic college, university, or school, as
 96 defined in s. 1000.21 or s. 1005.02 whose law enforcement agency
 97 fails to transmit to prosecutorial authorities any report of
 98 known or suspected child abuse, abandonment, or neglect
 99 committed on the property of the institution, university,
 100 college, or school, or during an event or function sponsored by
 101 the institution, university, college, or school, shall be
 102 subject to fines of \$1 million for each such failure and the
 103 loss of all state funding, including the funds under the Florida
 104 Resident Access Grant Program, for a period of 2 years.

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

107 39.302 Protective investigations of institutional child
 108 abuse, abandonment, or neglect.—

109 (1) The department shall conduct a child protective
 110 investigation of each report of institutional child abuse,
 111 abandonment, or neglect. Upon receipt of a report that alleges
 112 that an employee or agent of the department, or any other entity

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113 or person covered by s. 39.01(33) ~~or (47)~~, acting in an official
114 capacity, has committed an act of child abuse, abandonment, or
115 neglect, the department shall initiate a child protective
116 investigation within the timeframe established under s.
117 39.201(5) and orally notify the appropriate state attorney, law
118 enforcement agency, and licensing agency, which shall
119 immediately conduct a joint investigation, unless independent
120 investigations are more feasible. When conducting investigations
121 onsite or having face-to-face interviews with the child,
122 investigation visits shall be unannounced unless it is
123 determined by the department or its agent that unannounced
124 visits threaten the safety of the child. If a facility is exempt
125 from licensing, the department shall inform the owner or
126 operator of the facility of the report. Each agency conducting a
127 joint investigation is entitled to full access to the
128 information gathered by the department in the course of the
129 investigation. A protective investigation must include an onsite
130 visit of the child's place of residence. The department shall
131 make a full written report to the state attorney within 3
132 working days after making the oral report. A criminal
133 investigation shall be coordinated, whenever possible, with the
134 child protective investigation of the department. Any interested
135 person who has information regarding the offenses described in
136 this subsection may forward a statement to the state attorney as
137 to whether prosecution is warranted and appropriate. Within 15
138 days after the completion of the investigation, the state
139 attorney shall report the findings to the department and shall
140 include in the report a determination of whether or not

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141 prosecution is justified and appropriate in view of the
142 circumstances of the specific case.

143 Section 5. Section 796.036, Florida Statutes, is created
144 to read:

145 796.036 Violations involving minors; reclassification.-

146 (1) The felony or misdemeanor degree of any violation of
147 this chapter, other than s. 796.03 or s. 796.035, in which a
148 minor engages in prostitution, lewdness, assignation, sexual
149 conduct, or other conduct as defined in or prohibited by this
150 chapter, but the minor is not the person charged with the
151 violation, is reclassified as provided in this section.

152 (2) Offenses shall be reclassified as follows:

153 (a) A misdemeanor of the second degree is reclassified to
154 a misdemeanor of the first degree.

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

157 (c) A felony of the third degree is reclassified to a
158 felony of the second degree.

159 (d) A felony of the second degree is reclassified to a
160 felony of the first degree.

161 (e) A felony of the first degree is reclassified to a life
162 felony.

163 Section 6. Section 960.198, Florida Statutes, is amended
164 to read:

165 960.198 Relocation assistance for victims of domestic
166 violence or sexual violence.-

167 (1) Notwithstanding the criteria set forth in s. 960.13
168 for crime victim compensation awards, the department may award a

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169 one-time payment of up to \$1,500 on any one claim and a lifetime
170 maximum of \$3,000 to a victim of domestic violence who needs
171 immediate assistance to escape from a domestic violence
172 environment or to a victim of sexual violence who reasonably
173 fears for her or his safety.

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

176 (a) There must be proof that a domestic violence or sexual
177 violence offense was committed;

178 (b) The domestic violence or sexual violence offense must
179 be reported to the proper authorities;

180 (c) The victim's need for assistance must be certified by
181 a certified domestic violence center or a certified rape crisis
182 center in this state; and

183 (d) The center certification must assert that the victim
184 is cooperating with law enforcement officials, if applicable,
185 and must include documentation that the victim has developed a
186 safety plan.

187 Section 7. This act shall take effect October 1, 2012.