

Protection of Vulnerable Persons (H.B. 1355) by Representative Dorworth

Highlights:

House Bill 1355 addresses the Protection of Vulnerable Persons. It provides additional protections for abused children by:

- *Expanding mandatory child abuse reporting requirements* and increasing criminal penalties for failure to report;
- *Requiring DCF to promote the Abuse Hotline* through community partnerships and public awareness activities;
- *Creating million dollar fines for public and private universities failing to report child abuse* occurring on their property or at sponsored events
- *Increasing penalties for prostitution related crimes*, as long as the offender is not a minor;
- *Providing \$1.5 million for relocation assistance* for victims of sexual battery;
- *Requiring teachers to receive continuing education on child abuse*; and,
- *Authorizing the hire of 47 new Child Abuse Hotline employees.*

As of April 2, 2012, this bill has not been presented to the Governor. If approved, this bill takes effect October 1, 2012.

Detailed Analysis:

Section 1

Fla. Stat. § 39.201-Mandatory reports of child abuse, abandonment, or neglect; mandatory reports of death; central abuse hotline

- Expands mandatory child abuse reporting requirements to include any known or suspected abuse by *any* adult and such abuse by a known or suspected juvenile sexual offender
 - This must be *immediately* reported to the Child Abuse Hotline
 - The Hotline must then *immediately* transfer the call to the County Sheriff's Office
 - For reports that involve a known or suspected juvenile sexual offender, the Department of Children and Families (DCF) is required to:
 - Determine the age of the juvenile
 - Conduct an assessment for juveniles 12 or under and assist the family in receiving appropriate services and provide a written report to the local sheriff's office within 48 hours of the initial report
 - For juveniles 13 or over, provide a written report for to the local sheriff's office within 48 hours of the initial report
- Requires DCF to expand reporting mechanisms to include web based chat
- Requires DCF to update child abuse web reporting form to:
 - Include qualifying questions in order to obtain necessary info. to assess needs and a response
 - Indicate which fields are required to submit the report
 - Allow reporter to save his/her report and return to it at a later time
 - Make entire report available to counselors in the Florida Safe Families Network or other similar systems
- Requires DCF to conduct a feasibility study to see if text and SMS messages can be used to receive and process child abuse reports
- Requires DCF to promote the abuse hotline through community partnerships and public awareness campaigns

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- Requires DCF to collect and analyze separately instances of child sexual abuse occurring on the campus of any public or nonpublic college, university or school

Section 2

Fla. Stat. § 39.205-Penalties relating to reporting of child abuse, abandonment, or neglect

- Enhances the criminal penalty from a first degree misdemeanor to a third degree felony for:
 - failure to report when required
 - preventing another from reporting
- Any public or nonpublic school, college or university employee is subject to a \$1 million fine for each instance where they knowingly and willfully:
 - Fail to report instances committed on the property
 - Fail to report instances committed at a sponsored function
 - Prevents another person from reporting
- Any public or nonpublic school, college or university is subject to a \$1 million fine for each instance where one of their law enforcement officers knowingly and willfully:
 - Fail to report instances committed on the property
 - Fail to report instances committed at a sponsored function
- Creates presumptions and allows challenges for schools, colleges and universities

Section 3

Creates Fla. Stat. § 796.036-Violations involving minors; reclassification

- Increases by one level (i.e. a felony of the second degree becomes a felony of the first degree, a felony of the first degree becomes a life felony) almost every offense in Chapter 796, Prostitution, where a minor engages in prostitution, lewdness, assignation, sexual conduct or other conduct so long as the minor is not charged with the violation

Section 4

Fla. Stat. § 960.198-Relocation assistance for victims of domestic violence

- The same victim, during the same incident, cannot receive relocation money for both a domestic violence claim and a sexual battery claim.

Section 5 & 6

Fla. Stat. § 960.199-Relocation assistance for victims of sexual battery

- Creates a relocation assistance program for victims of sexual battery; provides qualifications and stipulations
- Appropriates \$1.5 million in nonrecurring funds to the Office of the Attorney General to administer this program

Section 7

Fla. Stat. § 1012.98-School Community Professional Development Act

- Requires teachers of grades 1-12 to earn continuing education credits by attending DCF training on identifying and reporting child abuse

Section 8

- Appropriates 47 positions and \$2.1 million in recurring funds for costs associated with increased mandatory reporting to the child abuse hotline

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Section 9

Fla. Stat. § 827.03-Abuse, aggravated abuse, and neglect of a child; penalties

- Adds definition for 'mental injury'
- Creates a felony of the third degree offense for persons knowingly or willfully abusing a child *without* causing great bodily harm, permanent disability or disfigurement
- Provides requirements for physicians giving expert testimony in *criminal* child abuse cases

Section 10-14

- Conforms and renumbers where necessary

Section 15

Fla. Stat. § 960.03-Definitions

- Expands definition of 'crime' and 'victim' to include felony or misdemeanor offenses of child abuse committed by an adult or juvenile where mental injury results to a minor who was not physically injured by the criminal act; such injury must be verifiable by a licensed psychologist, a physician with an accredited residency in psychiatry, or by a physician certified as an expert witness

Section 16

- Creates an effective date of October 1, 2012