

By Senator Villalobos

38-496A-03

See HB 541

1                                   A bill to be entitled  
2           An act relating to proceedings relating to  
3           children; amending s. 39.01, F.S.; revising  
4           definition of the term "other person  
5           responsible for a child's welfare" to include  
6           employees of, and volunteers at, specified  
7           institutions; including public schools and  
8           religious organizations among specified  
9           institutions; amending s. 39.205, F.S.;  
10          increasing penalties relating to reporting of  
11          the sexual abuse of a child; providing an  
12          effective date.

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

16           Section 1. Subsection (47) of section 39.01, Florida  
17 Statutes, is amended to read:

18           39.01 Definitions.--When used in this chapter, unless  
19 the context otherwise requires:

20           (47) "Other person responsible for a child's welfare"  
21 includes the child's legal guardian, legal custodian, or  
22 foster parent; an employee of, or a volunteer at, a public or  
23 private school, religious organization, public or private  
24 child day care center, residential home, institution,  
25 facility, or agency; or any other person legally responsible  
26 for the child's welfare in a residential setting; and also  
27 includes an adult sitter or relative entrusted with a child's  
28 care. For the purpose of departmental investigative  
29 jurisdiction, this definition does not include law enforcement  
30 officers, or employees of municipal or county detention

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1 facilities or the Department of Corrections, while acting in  
2 an official capacity.

3 Section 2. Subsection (1) of section 39.205, Florida  
4 Statutes, is amended to read:

5 39.205 Penalties relating to reporting of child abuse,  
6 abandonment, or neglect.--

7 (1) A person who is required to report known or  
8 suspected child abuse, abandonment, or neglect and who  
9 knowingly and willfully fails to do so, or who knowingly and  
10 willfully prevents another person from doing so, is guilty of  
11 a misdemeanor of the first degree, punishable as provided in  
12 s. 775.082 or s. 775.083, provided that, in the case of known  
13 or suspected sexual abuse of a child, a person who is required  
14 to report such abuse and who knowingly and willfully fails to  
15 do so, or who knowingly and willfully prevents another person  
16 from doing so, commits a felony of the third degree,  
17 punishable as provided in s. 775.082 or s. 775.083. A judge  
18 subject to discipline pursuant to s. 12, Art. V of the Florida  
19 Constitution shall not be subject to criminal prosecution when  
20 the information was received in the course of official duties.

21 Section 3. This act shall take effect October 1, 2003.  
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