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**MORE NEW LAWS – REPORTING ABUSE AND RELOCATION
ASSISTANCE**

By Jay Howell

The recently concluded 2012 session of the Florida Legislature enacted amendments and additions to our Florida law that will impact victims of crime and violence. In what is a clear response to the ugly situation at Penn State, the legislature has established new provisions which punish Florida public and non-public colleges and universities that fail to take appropriate steps upon learning about child abuse. If the administrators of the college or university receive information from their faculty, staff or other employees about suspected child abuse, abandonment or neglect which was committed either on the property of the school or during an event or function sponsored by the college, the university or college is subject to some additional duties. If the administrators willfully **prevent** a person from reporting the child abuse, the college is subject to a fine of 1 million dollars for each instance where the administrators prevented the faculty or staff from reporting.

The same penalties apply if any Florida college or university's **law enforcement agency** (typically the campus police) fails to report such suspicions of abuse, abandonment or neglect. The fines are assessed by the State Board of Education, the

Board of Governors or the Commission for Independent Education.

The new statute provides that the university or college has the right to challenge the determination of a violation in an administrative hearing. If it is determined that actual knowledge or information of suspected abuse was received by the institution administrators and this information was not reported, the statute contains a presumption that the college or university knowingly and willfully failed to report.

The same House bill provides specific criteria under which a victim of a sexual battery may receive what is called "relocation assistance". This is a one-time payment of up to \$1,500.00 and a lifetime maximum of \$3,000.00 to a victim of sexual battery as long as there is proof that a sexual battery offense was committed. The sexual battery must be reported to the proper authorities and a victim's need for assistance must be certified by a rape crisis center in Florida. The Certification must contain information that the victim is cooperating with law enforcement and must include documentation that the victim has developed a safety plan. In addition, the sexual battery must be committed in the victim's place of residence or other location that would lead the victim to reasonably fear for his or her continued safety in the place of residence.

The relocation payment concept is similar to the one Florida currently employs to aid victims of domestic violence under Florida Statute 960.198.

The new law which enacted all of the above provisions is identified as Committee Substitute for House Bill 1355 and can be found on the website of the Florida Senate. The provisions of this law take affect October 1, 2012.