FLORIDA BOARD OF GOVERNORS
NOTICE OF NEW PROPOSED REGULATION

DATE: September 18, 2012

REGULATION NUMBER AND TITLE: 3.001 Penalties for Failure to Report
Child Abuse

SUMMARY: A new regulation is being developed to implement the new
penalties in section 39.205, Florida Statutes, related to the intentional failure by a
university administrator or law enforcement agency to report known or
suspected child abuse, abandonment or neglect to the Department of Children
and Family Services.

FULL TEXT OF THE REGULATION IS INCLUDED WITH THIS NOTICE.

AUTHORITY TO PROPOSE REGULATION(S): Section 7(d), Art. IX, Fla. Const.;
BOG Regulation Development Procedure dated March 23, 2006.

THE BOARD OF GOVERNORS' OFFICIAL INITIATING THE PROPOSED
REGULATION: Vikki R. Shirley, General Counsel

COMMENTS REGARDING THE PROPOSED REGULATION SHOULD BE
SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE
CONTACT PERSON IDENTIFIED BELOW. The comments must identify the
regulation on which you are commenting:

General Counsel, Board of Governors, State University System, 325 W. Gaines
Street, Suite 1614, Tallahassee, Florida 32399, (850) 245-0466 (phone),
(850) 245-9685 (fax), or generalcounsel@flbog.edu.

3.001 Penalties for Failure to Report Child Abuse

(1) Definitions.
    (a) For purposes of this regulation, the terms "abuse", "abandonment", "neglect", and "caregiver" are defined as set forth in section 39.01, Florida Statutes.
    (b) For purposes of this regulation, the term "administrator" means the following high level personnel who have been assigned the responsibilities of university-wide academic or administrative functions: university president, provost, senior/executive vice presidents, vice presidents, associate vice presidents, associate/vice provosts, deans, chief of police, equal opportunity programs director, intercollegiate athletics director, internal audit director, Title IX coordinator and university compliance officer.
    (c) For purposes of this regulation, the term "law enforcement agency" means the campus police department established by each university. The chief of police is the reporting individual for each campus police department.

(2) Reporting Obligation.
    (a) Each administrator who receives information from university faculty, staff or other employees of known or suspected child abuse, abandonment, or neglect committed on the property of the university or during an event or function sponsored by the university is required to report such information to the Florida Department of Children and Family Services.
    (b) Each law enforcement agency that receives information of known or suspected child abuse, abandonment, or neglect committed on the property of the university or during an event or function sponsored by the university is required to report such information to the Florida Department of Children and Family Services.

(3) Penalties for Failure to Report.
    (a) A fine of $1 million shall be assessed against a university in the event the Board determines that a university administrator knowingly and willfully failed to report known or suspected child abuse, abandonment, or neglect to the Florida Department of Children and Family Services as set forth in paragraph (2)(a), or knowingly and willfully prevented another person from doing so.
    (b) A fine of $1 million shall be assessed against a university in the event the Board determines that a university law enforcement agency knowingly and willfully failed to report known or suspected child abuse, abandonment, or neglect to the Florida Department of Children and Family Services as set forth in paragraph (2)(b).

(4) Proceedings prior to Determination.
    (a) Upon receipt of a credible allegation that a university administrator or law enforcement agency willfully and knowingly failed to report information of known or suspected child abuse, abandonment, or neglect as required by this regulation, the Board of Governors' Office of Inspector General shall, in conjunction with an external

qualified investigative firm, conduct an investigation to determine if sufficient evidence