

<b>Tab 5</b>	<b>SB 68</b> by <b>Book</b> ; (Similar to H 00163) Homelessness
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<b>Tab 6</b>	<b>SB 160</b> by <b>Perry (CO-INTRODUCERS) Hooper</b> ; Peer-to-peer Support for First Responders
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<b>Tab 1</b>	<b>SPB 7000</b> by <b>CF</b> ; Reporting Abuse, Abandonment, and Neglect
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<b>Tab 7</b>	<b>SB 192</b> by <b>Berman (CO-INTRODUCERS) Cruz</b> ; (Similar to H 00093) Sales Tax Exemption/Independent Living
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**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**CHILDREN, FAMILIES, AND ELDER AFFAIRS**

**Senator Book, Chair**  
**Senator Mayfield, Vice Chair**

**MEETING DATE:** Tuesday, October 22, 2019

**TIME:** 11:00 a.m.—12:30 p.m.

**PLACE:** 301 Senate Building

**MEMBERS:** Senator Book, Chair; Senator Mayfield, Vice Chair; Senators Bean, Harrell, Rader, Torres, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Consideration of proposed bill:			
1	<b>SPB 7000</b>	Reporting Abuse, Abandonment, and Neglect; Relocating existing provisions relating to the central abuse hotline of the Department of Children and Families; revising when a person is required to report to the central abuse hotline; providing penalties for the failure to report known or suspected child abuse, abandonment, or neglect; providing responsibilities for child protective investigators relating to animal abuse and neglect; requiring the Education Practices Commission to suspend the educator certificate of certain personnel and administrators for failing to report known or suspected child abuse, etc.	Submitted and Reported Favorably as Committee Bill Yeas 6 Nays 0
2	Presentation on Mental Health Telehealth in Schools in the Panhandle by Art Cooksey of Let's Talk Interactive, and Franklin County Sheriff A.J. Smith		Presented
3	Presentation on the Lazarus Project by Victoria Mallette, Executive Director of the Miami-Dade County Homeless Trust		Presented
4	Presentation on Gender Dysphoria by Gilbert Smith, D.O., Department of Psychiatry, Nicklaus Children's Hospital		Not Considered

**COMMITTEE MEETING EXPANDED AGENDA**

Children, Families, and Elder Affairs

Tuesday, October 22, 2019, 11:00 a.m.—12:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	<b>SB 68</b> Book (Similar H 163)	Homelessness; Requiring that certain taxes of a specified amount be transferred annually to the Grants and Donations Trust Fund within the Department of Children and Families for the purpose of funding challenge grants; expanding the membership of the Council on Homelessness to include a representative of the Florida Housing Coalition and the Secretary of the Department of Elderly Affairs or his or her designee; increasing the maximum amount of grant awards per continuum of care lead agency; requiring each continuum of care, pursuant to federal law, to designate a collaborative applicant that is responsible for submitting the continuum of care funding application for the designated catchment area to the United States Department of Housing and Urban Development, etc.  CF 10/22/2019 Favorable AHS AP	Favorable Yeas 6 Nays 0
6	<b>SB 160</b> Perry	Peer-to-peer Support for First Responders; Prohibiting a person who is not a health care practitioner and who provides peer-to-peer support to a first responder from testifying or divulging specified information under certain circumstances, etc.  CF 10/22/2019 Favorable JU RC	Favorable Yeas 6 Nays 0
7	<b>SB 192</b> Berman (Similar H 93)	Sales Tax Exemption/Independent Living; Exempting from the sales and use tax specified items that assist in independent living, etc.  CF 10/22/2019 Favorable FT AP	Favorable Yeas 6 Nays 0

Other Related Meeting Documents

## Current State: A Mental Health Crisis

In a given year, one in six American children, and one in five adults are affected by a mental health disorder, but fewer than half, 43.3% of adults and 50.6% of youth ages 6-17, seek treatment. In an average classroom of 24 students – four are suffering with anxiety, learning disabilities, depression, and even suicidal thoughts. Youth frequently experience multiple mental health issues simultaneously, compounding the already overwhelming effects.

There are a number of variables preventing individuals from accessing care in the community, leading variables being access to care, and availability of transportation.

Our goals are simple:

- To utilize telehealth technology to integrate primary care and behavioral health in a patient centered, family drive, trauma informed recovery-oriented system of care, delivered in schools, jails, assisted living facilities, disaster relief zones, critical incidents, as well as to aid in the treatment of substance-abuse issues ranging from alcohol abuse to combating the opioid epidemic. Telehealth technology offers relief from distance barriers, increased organizational productivity, and offers an unmatched level of convenience when the provider, patient, caregiver, or family member can join sessions remotely.
- To aid in erasing the stigma associated with mental health and in educating individuals that there are “doors” available to seek assistance, and there is no wrong door. By expanding availability of services, telehealth increases the number of “doors” available to seek treatment.
- To partner with institutions to educate on the benefits adding telehealth, implementation of a telehealth infrastructure built to fit the needs and specifications of an organization that will easily integrate with current workflow, and to train employees and patients on ease of use to promote high utilization of services.

The mental health crisis is adversely affecting adults, children, and adolescents. 34.3 million American adults self-reported needing treatment for alcohol or illicit drug use, and/or needing mental health treatment. There have been 4,627 mental health shortage areas across the country, leaving over 100-million people without adequate access to mental health services.

According to Mental Health America’s overall state ranking, based on 15 measures including but not limited to: adults with any mental illness (AMI), adults with serious thoughts of suicide, youth with at least one major depressive episode (MDE) in the past year, youth with severe MDE who received some consistent treatment, the State of Florida ranked statistically at 32, 24 among adults, and 36 among children. These ranking indicate a higher prevalence of mental illness and lower rates of access to care.

Suicide is the second leading cause of death among youth and young adults. The increasing rates of suicide nationally are alarming:

- 30%: The increase in the rate of death by suicide in the United States between 2000 and 2016, from 10.4 to 13.5 per 100,000 people, according to a National Center for Health Statistics analysis of data from the National Vital Statistics System. This rate increased by about 1% per year from 2000-2006 and about 2% per year from 2006 to 2016.
- 50%: The increase in suicides among girls and women between 2000 and 2016, from 4 to 6 per 100,000.
- 21%: The increase in suicides among boys and men between 2000 and 2016, from 17.7 to 21.4 per 100,000.

Mental health disorders among children and adolescents can lead to school failure, alcohol or other drug abuse, family discord, violence, and suicide.

The opioid crisis is also tied closely to mental health; the use of opioids is very common among people with mental health issues- they receive more than half of all opioid prescriptions.

People with mood and anxiety disorders are twice as likely to use these drugs than people without mental health conditions. They're also more than three times as likely to misuse opioids.

Improving mental health is not a simple, one-time fix. It requires rethinking of how we define healthcare to include behavioral health, erasing the stigma so people feel comfortable seeking care, educating our children, and the coming together of multiple stakeholders to develop new ways to deliver that care.

## **Telemedicine Overview**

Telemedicine is emerging as a critical component of the health crisis solution. It holds the promise to significantly impact some of the most challenging problems of our current system including access to care, cost effective delivery, better support for patients and families, and improved organizational productivity.

The technology allows health care professionals to evaluate, diagnosis and treat patients at a distance by means of telecommunications technology.

Telehealth is defined as the use of synchronous or asynchronous telecommunications technology by a telehealth provider to provide health care services, including but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. Telehealth does not include audio-only telephone calls, e-mail messages, or fax transmissions.

A telehealth provider is broadly defined as an individual who provides a health care service using telehealth, which includes, but is not limited to, a licensed physician, podiatrist, optometrist, nurse, nurse practitioner, pharmacist, dentist, chiropractor, acupuncturist, midwife, speech language pathologist, audiologist, occupational therapist, radiological personnel, respiratory therapist, dietician, athletic trainer, orthotist, pedorthist, prosthetist, electrologist, massage therapist, medical physicist, optician, hearing aid specialist, physical therapist, psychologist, clinical social worker, mental health counselor, psychotherapist, marriage and family therapist, behavior analyst, basic or advanced life support service, or air ambulance service. Telehealth provider also includes an individual licensed under a multi-state health care licensure compact of which Florida is a member state or an individual who obtains an out-of-state telehealth registration.

A telemedicine infrastructure can be as basic or complex as an institution requires; ranging from a simple software application on an existing computer or tablet, to a dedicated kiosk or telemedicine cart. A telemedicine infrastructure can be customized to any practitioner workflow.

## **House Bill No. 23**

House Bill No. 23, passed in April of 2019, authorizes Florida licensed health care professionals, as well as those licensed under a multistate health care licensure compact of which Florida is a member, to use telehealth to deliver health care services within their respective scopes of practice. The bill also establishes standards of practice for services provided using telehealth, including patient examination, record-keeping, and controlled substances prescribing.

The bill also authorizes out-of-state health care professionals to use telehealth to deliver health care services to Florida patients if they register with the Department of Health (DOH) or the applicable board, meet certain eligibility requirements, and pay a fee. A registered telehealth provider may use telehealth, within the relevant scope of practice

established by Florida law and rule, to provide health care services to Florida patients, but is prohibited from opening an office in Florida and from providing in-person health care services to patients located in Florida. The bill requires out-of-state telehealth providers to meet the same financial responsibility requirements as in-state providers in the same profession. The bill authorizes a regulatory board or DOH, if there is no board, to take disciplinary action against an out-of-state provider. The bill also establishes venue for civil or administrative actions brought by DOH or a patient.

## **Necessity of Change**

Telemedicine eliminates the geographical barriers tied to availability of care in traditional healthcare and mental healthcare. We live in a society where convenience is key, and telemedicine is the equivalent of a modern-day house call.

Patients diagnosed and treated earlier often have improved outcomes and less costly treatments. In Telemedicine supported ICU's (intensive care units), patients have substantially reduced mortality rates, complications, and hospital stays.

The high cost of healthcare is top of mind for many individuals. A high-cost hospitalization can be a financially devastating event to a patient and their family. Home monitoring programs can reduce high cost hospital visits; when patients are monitored on a consistent basis versus solely during follow up appointments, readmission rates are reduced significantly. High cost patient transfers for stroke and other emergencies are reduced when access to specialists is more readily available.

This technology also aids in the distribution of limited providers, allowing providers to serve more patients. Nursing and mental healthcare shortages can be addressed using telemedicine technology. Over one-quarter of Psychiatrists in the United States are over the age of 65; the average age is 55, and low enrollment in Psychiatric programs is putting us on the course for a critical provider shortage in the coming years.

Telemedicine supports clinical education programs, allowing rural clinicians to more easily obtain continuing education and readily consult with specialists, resulting in less time away from their current patients.

Allowing patients to stay within their local communities versus a costly transfer to another hospital, likely in a more urban area, allows family members to remain close to provide support without incurring expenses associated with an out-of-town hospital stay. Family members also have the capability to join sessions remotely to provide support, regardless of their geographic location.

By reducing extended travel by patients to obtain necessary care, as well as reduced travel by providers, the related carbon footprint will be reduced, helping the environment.

Employees and students can avoid absences from work or school when telehealth services are available on-site, or when they can participate remotely in consultations about family members, resulting in improved organizational productivity.

## **Use Cases, Utilization, & Successes**

Telemedicine can be utilized by both physicians and mental health providers in a variety of use cases, including schools, jails, assisted living facilities, disaster relief zones, as well as to aid in the treatment of substance-abuse issues ranging from alcohol abuse to combating the opioid epidemic.

Hurricane Michael caused an increased need for behavioral health services in several counties in Northwest Florida, particularly as identified by the school systems. This area was devastated by Hurricane Michael; in addition to children

facing PTSD, a high number of individuals and families are coping with alcohol abuse and illicit drug use. The people of the impacted area have private or public insurance; self-pay; or rely on state/federal funding for services.

In response to the need, First Lady Casey DeSantis announced the Department of Children and Families through Big Bend Community Based Care (BBCBC) would provide access to telehealth mental health services – via a school-based kiosk – to every student enrolled in publicly funded schools most impacted by the hurricane. The services would be accessible regardless of insurance or service provider. The technology within the kiosks has the capacity to support a broad scope of functions, ranging from behavioral health to primary care, and increases provider capacity by eliminating geographical barriers and travel time between multiple sites.

There are now 63 kiosks (each including an additional tablet) physically installed at schools in Bay, Calhoun, Franklin, Gulf, Jackson, and Liberty counties. With these physical units in place we have turned our attention to the very important task of training and educating school staff to ensure that these kiosks are deployed safely, in compliance with all HIPAA standards and appropriate protocols. To that end, protocols are being developed in accordance with standard clinical practices and the school safety plans of the individual counties. Training for the use of the kiosks by school and service provider staff is being provided. The kiosk manufacturer has deployed a full-time staff person to assist and expedite this training and BBCBC is in the process of deploying staff for that purpose as well. And while a mechanism for on-going training is being developed, it is vital that providers and staff are fully educated and trained on the usage and implementation of these vital tele-health portals.

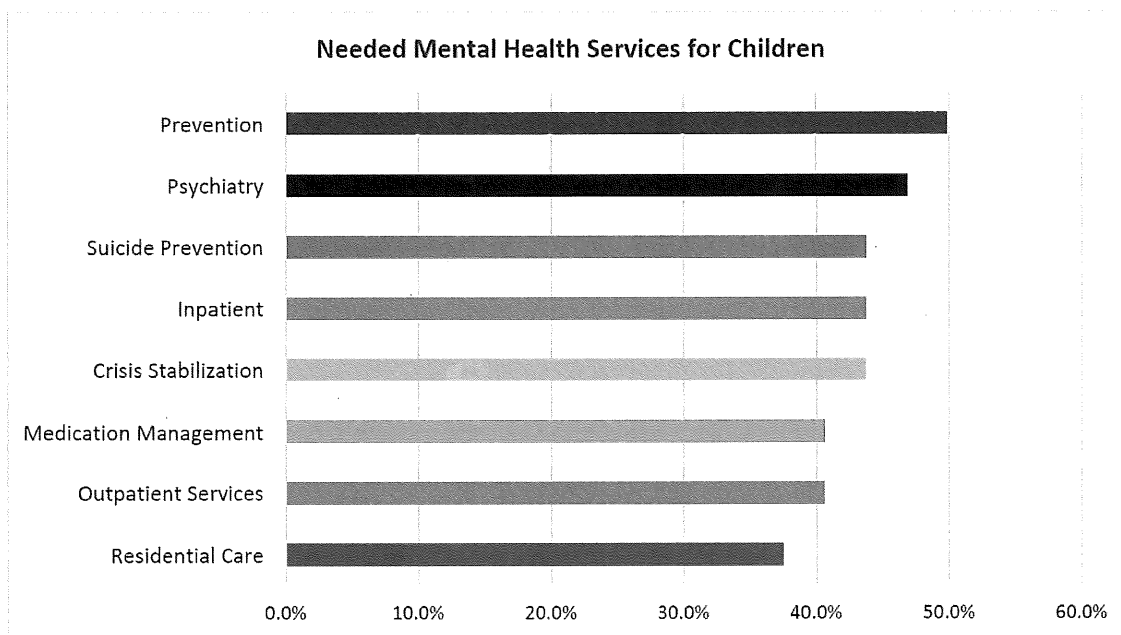
Session feedback has been overwhelmingly positive; children have commented that the technology is “really cool” and that they “liked it all and want to go back and talk some more”. Parents have also enjoyed the convenience of being able to join sessions remotely, without having to miss work to attend. The technology has also aided in allowing a student to get help for a crisis situation, as well as speak to a counselor on-demand when they were simply having a “really bad day”. In another instance, the parent broke down after the session was completed and the provider was still online. The provider quickly identified the parent’s need for assistance and was able to schedule a follow up session. This technology is not only helping students; it is aiding in the wellbeing of entire families.

Improving mental health is not a simple, one-time fix. It requires rethinking of how we define healthcare to include behavioral health, erasing the stigma so people feel comfortable seeking care, educating our children, and the coming together of multiple stakeholders to develop new ways to deliver that care. It is critical that we foster an environment of acceptance and education to encourage youth and adults that there is no wrong “door” to seek treatment. Telehealth has given us a unique opportunity to utilize technology to integrate primary and behavioral health and to minimize the top barriers to seeking treatment, bettering the lives of countless youth and adults.

### **About Let’s Talk Interactive, Inc.**

Let’s Talk Interactive, Inc. is a complete end-to-end Telehealth solutions provider, arming medical and behavioral health professionals with cutting-edge Health Insurance Portability Accountability Act (HIPAA) video conferencing software, kiosks and medical carts, network solutions, virtual clinics, and safe and secure online video conferencing capabilities while giving those in need instant access to care through its innovative technology platform. The company’s telemedicine solutions enable providers to offer care at any time, from any location in the world and patients to directly connect to a licensed professional in real-time. For more information about Let’s Talk Interactive, visit <https://letstalkinteractive.com>.

## Big Bend Community Needs Assessment FY 2018-19

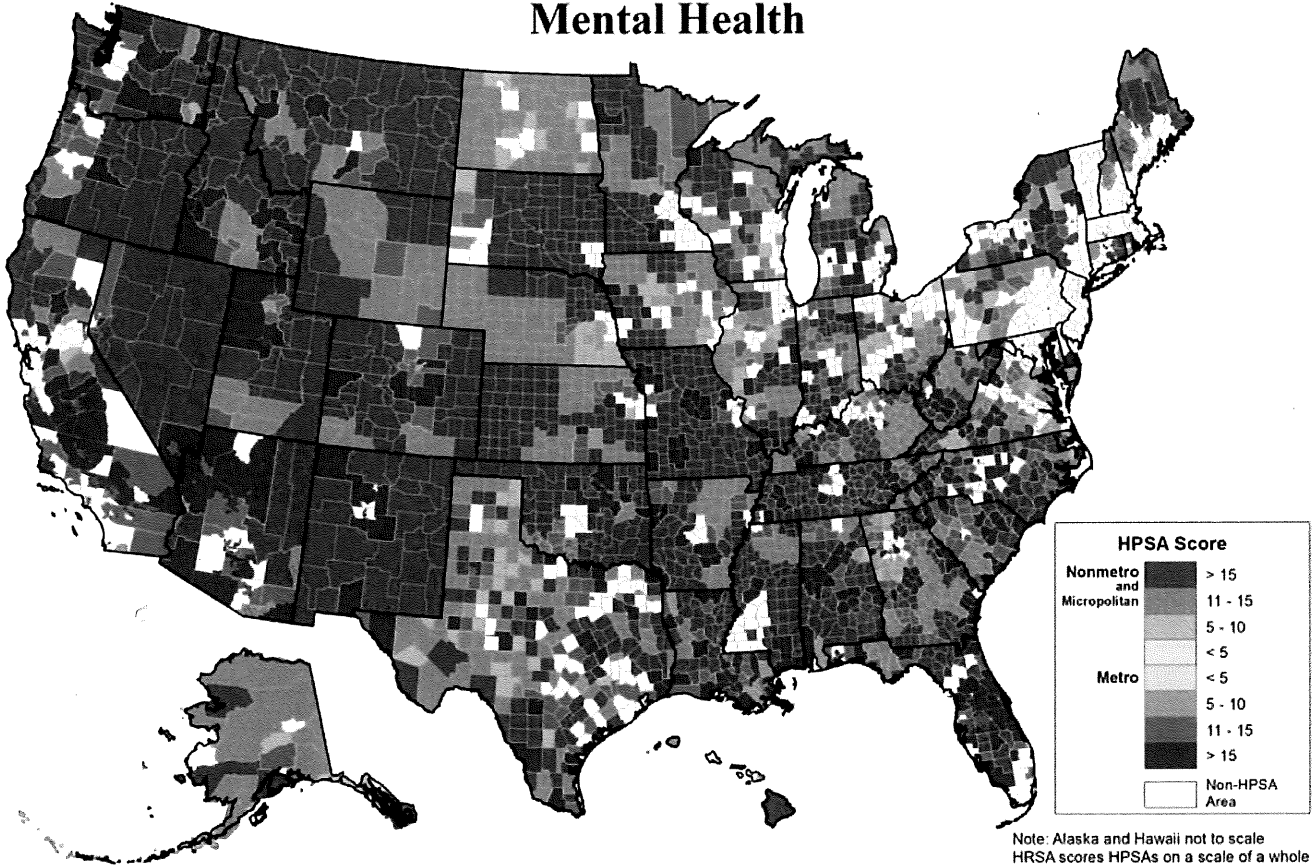


Big Bend Community Needs Assessment FY 2018-19

Schools indicated that the mental health services most needed increased availability for children were both prevention services (50.0% of respondents) and Psychiatry (46.9% of respondents). Respondents felt that Suicide Prevention, Inpatient Services, and Crisis Stabilization (all endorsed by 43.8% of respondents) also needed significant increased availability in the community.

Top barrier to receiving services is lack of available services (34.6% of respondents) along with affordable treatment, stigma, and transportation unavailable.

# Health Professional Shortage Areas Mental Health



Note: Alaska and Hawaii not to scale  
HPSA scores HPSAs on a scale of a whole number (0-25 for mental health), with higher scores indicating greater need

Source(s): data.HRSA.gov, U.S. Department of Health and Human Services, July 2019

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

10/22

Meeting Date

Bill Number (if applicable)

Topic TELEhealth

Name AJ Smith

Amendment Barcode (if applicable)

Job Title Sheriff

Address 270 Hwy 65

Street

Phone 850 670 8500

East Point

City

FL

State

32328

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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Topic Telehealth / Mental Health

Amendment Barcode (if applicable)

Name Art Cooksey

Job Title CEO, Let's Talk Interactive

Address 2911 Sharon Rd.

Phone 704-728-1678

Street

Charlotte NC 28211

City

State

Zip

Email ac@letstalkinteractive.com

Speaking: ☐ For ☐ Against ☒ Information

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S-001 (10/14/14)



## The Lazarus Project

*Specialized Outreach for Unsheltered Single Adults*

# HOMELESSNESS 20+ YEARS AGO

- Approximately 8,000 people on the streets\*
- Homeless Encampments Throughout the Urban Core
- Fewer than 1,000 beds available

\*using duplicator model



# HOMELESSNESS 20+ YEARS AGO

- No meaningful funding
- No identified plan to address the increasing problem
  - Loose-knit collection of social service agencies and faith-based organizations serving the homeless
  - Little to no coordination among the system of services
- No defined leadership/involvement by the private sector/business community

# ADDRESSING HOMELESSNESS TODAY

- Food & Beverage Tax
  - 1<sup>st</sup> dedicated source of funding for homelessness in the country
  - 85% for homeless; 15% for domestic violence
  - Collected at all restaurants in Miami-Dade County\* that have >\$400k in sales and a liquor license
  
- Community Plan to End Homelessness: Priority Home
  
- 27-Member Board
  - Administers 1% Tax
  - Implements Homeless Plan
  - Serves as “Lead Agency” for the Continuum of Care

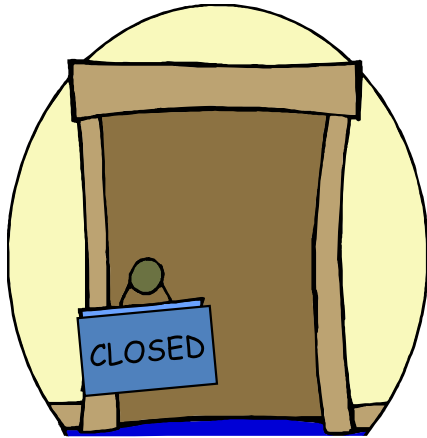
# ADDRESSING HOMELESSNESS TODAY

- Approximately ~~8,000~~ 1,008 people on the streets (January 24, 2019 Count)
  - Total of 2,464 sheltered
  - **TOTAL COUNT = 3,472 (Lowest total on record!)**
- ~~Homeless encampments throughout urban core~~
  - No large homeless encampments
- ~~Fewer than 1,000 beds available~~
  - 8600+ beds/units in the Continuum of Care

# ADDRESSING HOMELESSNESS TODAY

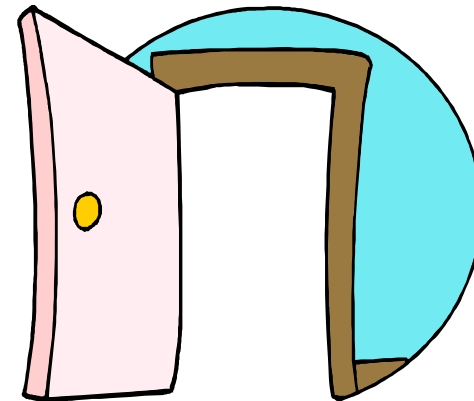
## **“Close the Front Door”**

*Reduce the number of people who become homeless*



## **“Open the Back Door”**

*Rapidly place homeless people back into housing*



Prevent homelessness whenever possible.  
Ensure homelessness is rare, brief and one-time.

# THE LAZARUS PROJECT

- Named after longtime outreach worker Lazaro Trueba
- Specialized street outreach targeting chronically homeless individuals, particularly those identified as the most service resistant
- Often tri-morbid (severe mental illness + poor physical health + substance misuse)
- Diagnose, draft a treatment plan, administer medications and monitor progress of clients with the goal of permanently housing them.
- Follow-up case management and outpatient mental health treatment support to ensure clients remain stably housed

# THE LAZARUS PROJECT

## Referrals

- City of Miami Outreach
- Law Enforcement
- Community Members



# THE LAZARUS PROJECT



## Case Management

- Birth Certificate
- Food Stamps
- Florida ID
- Social Security Card
- SOAR (Disability)
- Immigration Assistance
- Cell Phone

# MEET THE CLIENTS

## Olga

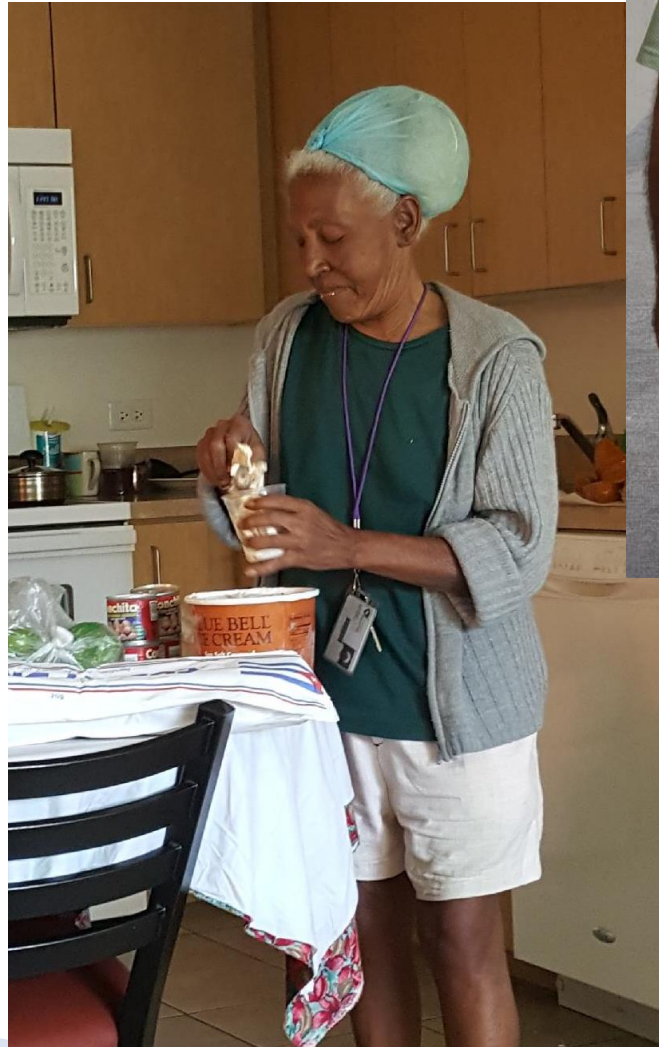
- 8 years homeless
- Severe Mentally Illness
- Hard to approach
- Repeatedly refused shelter
- Engaged for a year



# MEET THE CLIENTS

## Olga

- Placed directly into permanent housing
- Medicated
- Handles all daily living skills



# MEET THE CLIENTS

## Olga

- Reconnected with son and grandchildren



- Received local television makeover

# MEET THE CLIENTS

Luz

**BEFORE**



**AFTER**



# MEET THE CLIENTS

Mike

**BEFORE**

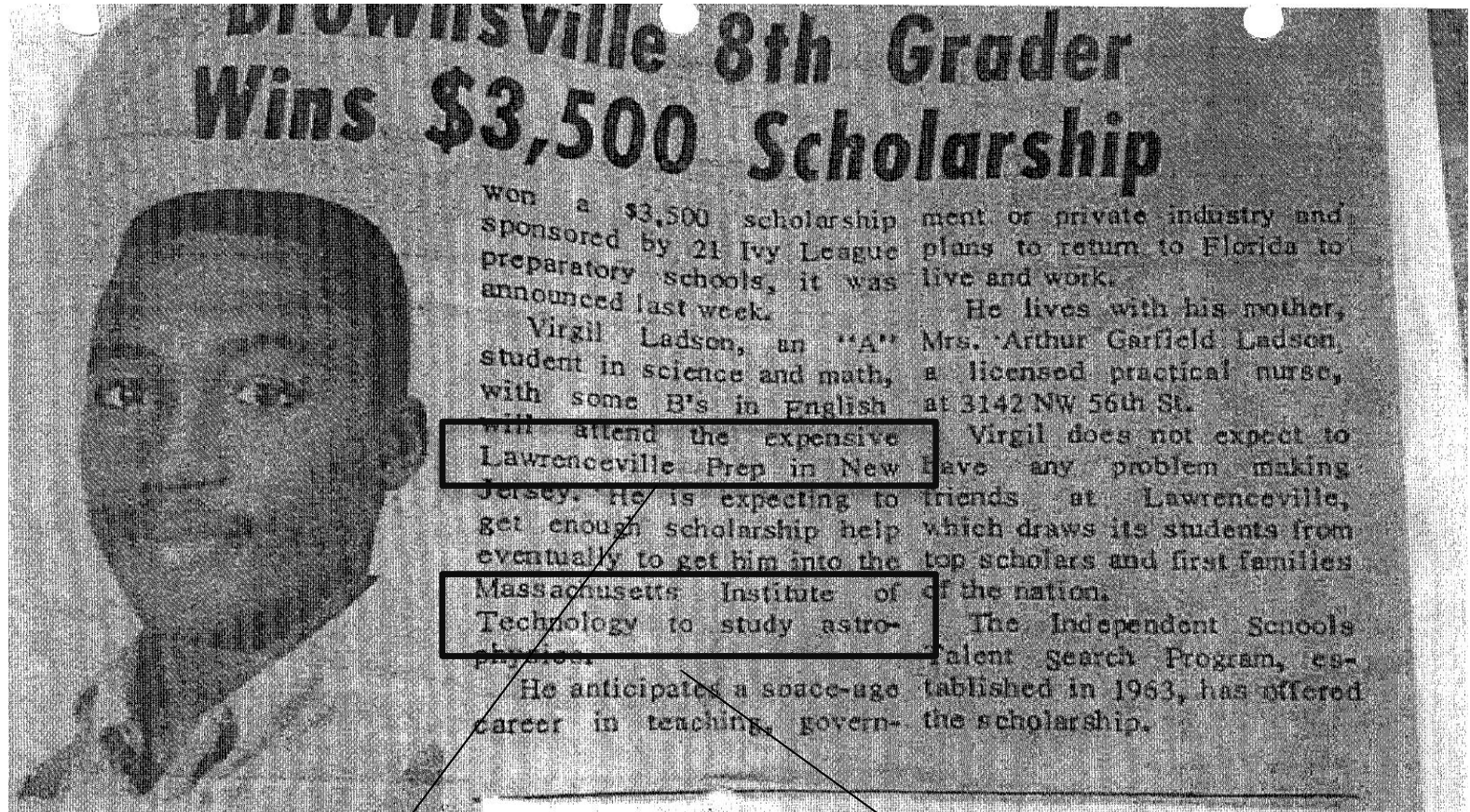


**AFTER**



# MEET THE CLIENTS

## Virgil



**Scholarship to  
Lawrenceville  
Prep near  
Princeton, NJ**

**Accepted to MIT**

# MEET THE CLIENTS

## Virgil

### BEFORE

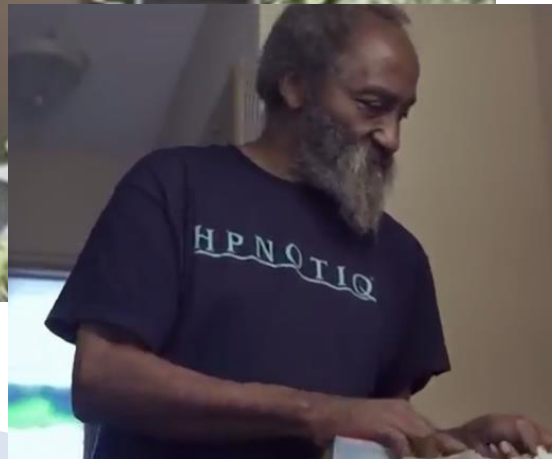


- Psychotic break freshman year of college
- Homeless half his life

# MEET THE CLIENTS

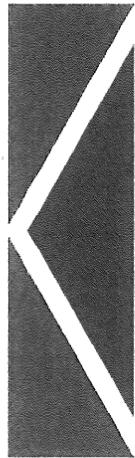
Virgil

AFTER



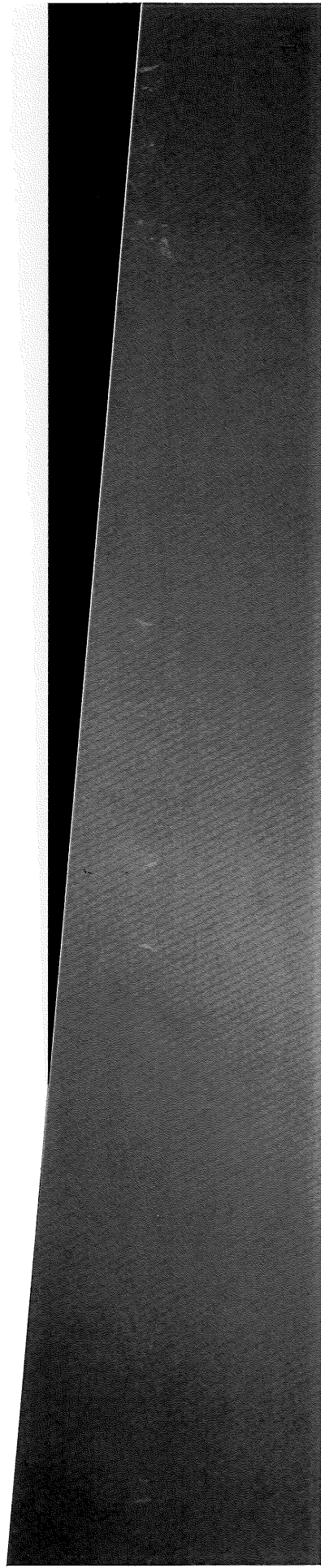
- Permanently Housed
- Reunited with family

# QUESTIONS?



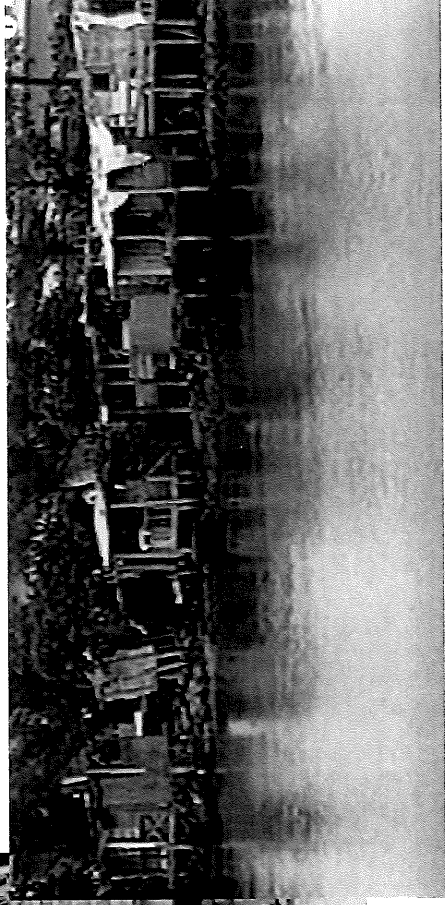
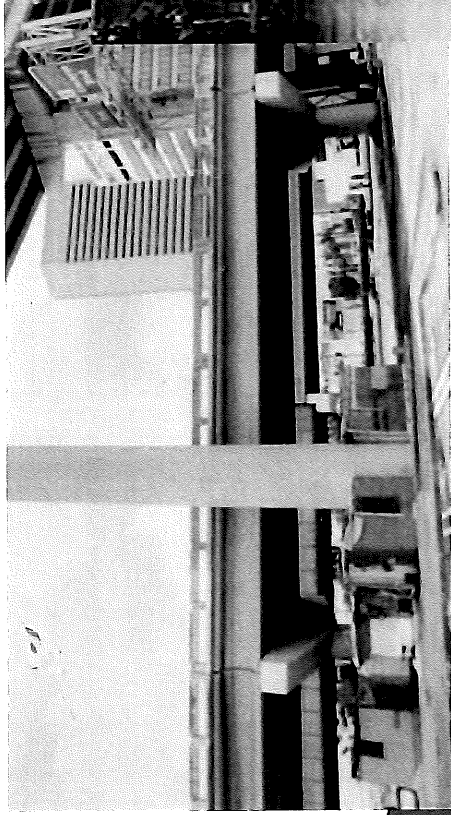
MIAMI-DADE COUNTY  
**HOMELESS TRUST**

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*Specialized Outreach for Unsheltered Single Adults*



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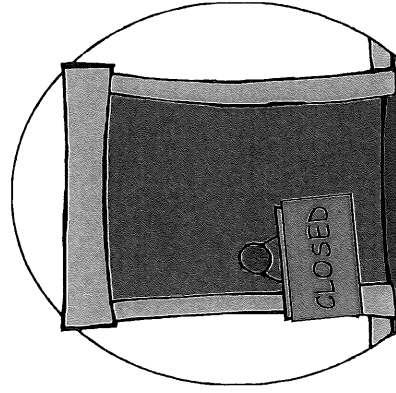
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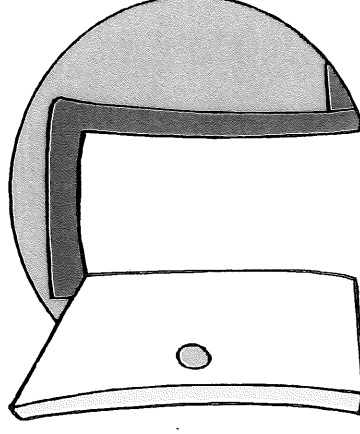
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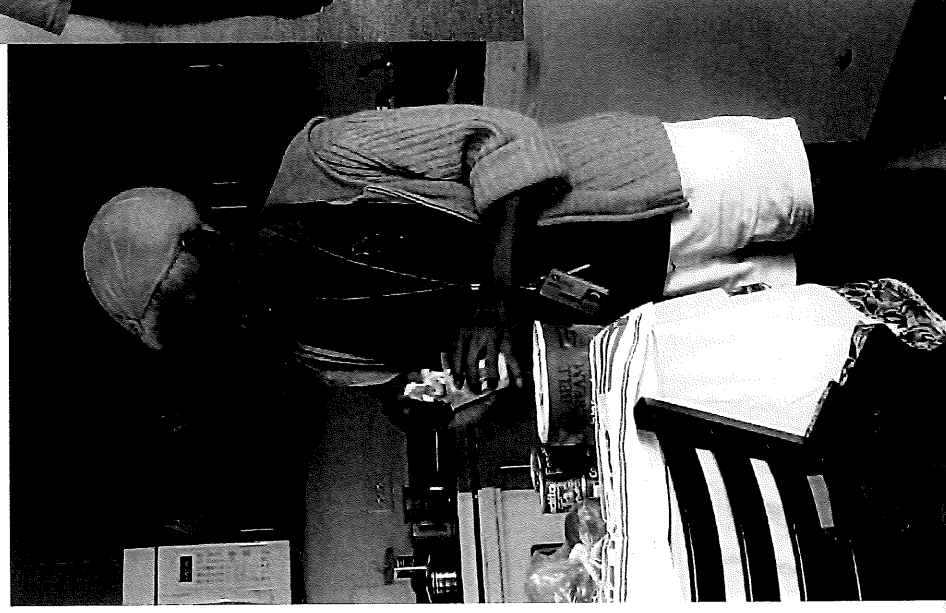
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AFTER



# MEET THE CLIENTS

Mike

BEFORE



AFTER



# MEET THE CLIENTS

Virgil

## Brownsville 8th Grader Wins \$3,500 Scholarship

won a \$3,500 scholarship meant for private industry and sponsored by 21 Ivy League plans to return to Florida to preparatory schools, it was announced last week.

Virgil Ladson, an "A" student in science and math, with some B's in English, will attend the expensive

Lawrenceville Prep in New Jersey. He is expected to help get enough scholarship help eventually to get him into the

Massachusetts Institute of Technology to study astrophysics.

The Independent Schools' Search Program, published in 1963, has offered a career in teaching, government, the scholarship.



Scholarship to  
Lawrenceville  
Prep near  
Princeton, NJ

Accepted to MIT

# MEET THE CLIENTS

Virgil

## BEFORE



- Psychotic break  
freshman year  
of college
- Homeless half  
his life

# MEET THE CLIENTS

Virgil

AFTER



➤ Permanently  
Housed

➤ Reunited with  
family



# QUESTIONS?



# *Gender Dysphoria*

*Gilbert A. Smith DO  
Child and Adolescent Psychiatrist  
Nicklaus Children's Hospital*

# Objectives

- ▶ Explain Gender Dysphoria and related Terminology
- ▶ Explain Prevalence Rates
- ▶ Suicide/Victimization of Gender Diverse Youths
- ▶ Importance of Gender Affirmative Care Model
- ▶ How the Department Children and Family Services can Help Affirm youths in need.

# Terms

- Sex Assigned at Birth
- Gender Identity
- Transgender
- Gender Diverse
- Male to Female (Trans-female)
- Female to Male (Trans-male)
- NonBinary
- CisGender
- Social Transitioning
- Medical Transitioning
- Surgical Transitioning

# Gender Dysphoria in Children<sup>10</sup>

**A. A marked incongruence between one's experienced/expressed gender and assigned gender, of at least 6 months' duration, as manifested by at least six of the following (one of which must be Criterion A1)**

1. A strong desire to be of the other gender or an insistence that one is the other gender (or some alternative gender different from one's assigned gender).
2. In boys (assigned gender), a strong preference for cross-dressing or simulating female attire; or in girls (assigned gender), a strong preference for wearing only typical masculine clothing and a strong resistance to the wearing of typical feminine clothing.
3. A strong preference for cross-gender roles in make-believe play or fantasy play.
4. A strong preference for the toys, games, or activities stereotypically used or engaged in by the other gender.
5. A strong preference for playmates of the other gender.
6. In boys (assigned gender), a strong rejection of typically masculine toys, games, and activities and a strong avoidance of rough-and-tumble play; or in girls (assigned gender), a strong rejection of typically feminine toys, games, and activities.
7. A strong dislike of one's sexual anatomy.
8. A strong desire for the primary and/or secondary sex characteristics that match one's experienced gender.

**B. The condition is associated with clinically significant distress or impairment in social, school, or other important areas of functioning.**

# Gender Dysphoria in Adolescents and Adults<sup>10</sup>

## **A. A marked incongruence between one's experienced/expressed gender and assigned gender, of at least 6 months' duration, as manifested by at least two of the following:**

1. A marked incongruence between one's experienced/expressed gender and primary and/or secondary sex characteristics (or in young adolescents, the anticipated secondary sex characteristics).
2. A strong desire to be rid of one's primary and/or secondary sex characteristics because of a marked incongruence with one's experienced/expressed gender (or in young adolescents, a desire to prevent the development of the anticipated secondary sex characteristics).
3. A strong desire for the primary and/or secondary sex characteristics of the other gender.
4. A strong desire to be of the other gender (or some alternative gender different from one's assigned gender).
5. A strong desire to be treated as the other gender (or some alternative gender different from one's assigned gender).
6. A strong conviction that one has the typical feelings and reactions of the other gender (or some alternative gender different from one's assigned gender).

## **B. The condition is associated with clinically significant distress or impairment in social, occupational, or other important areas of functioning.**

# Prevalence<sup>11</sup>

- ▶ An estimated 0.7 percent of youth ages 13 to 17, or 150,000 youth,
- ▶ identify as transgender in the United States
- ▶ “There have been no large-scale prevalence studies among children and adolescents”
- ▶ In the clinic setting more clinicians are seeing more female to male present vs male to female
- ▶ Further longitudinal studies need to be performed and overall there aren’t any studies in Florida or any Floridian Counties

# From The American Academy of Pediatrics statement on Transgender and gender Diverse Youth <sup>3</sup>

- ▶ As a traditionally underserved population that faces numerous health disparities, youth who identify as transgender and gender diverse (TGD) and their families are increasingly presenting to pediatric providers for education, care, and referrals. The need for more formal training, standardized treatment, and research on safety and medical outcomes often leaves providers feeling ill equipped to support and care for patients that identify as TGD and families.
- ▶ In 1 retrospective cohort study, 56% of youth who identified as transgender reported previous suicidal ideation, and 31% reported a previous suicide attempt, compared with 20% and 11% among matched youth who identified as cisgender
- ▶ Being transgender or gender variant implies no impairment in judgment, stability, reliability, or general social or vocational capabilities; however, these individuals often experience discrimination due to a lack of civil rights protections 8.5 years; however, they did not disclose such feelings until an average of 10 years later. for their gender identity or expression.... [Such] discrimination and lack of equal civil rights is damaging to the mental health of transgender and gender variant individuals.

# Mental Health Outcomes of Transgender Youth

- ▶ Transgender youth are far more likely than their non-transgender peers to experience depression — nearly four times the risk, according to one study.<sup>4</sup>
- ▶ Trans youth are over 2x more likely to be taunted or mocked by family for their LGBTQ identity than cisgender LGBTQ youth<sup>11</sup>

# Suicide Behaviors Among Transgender Adolescents<sup>7</sup>

- ▶ Female to male adolescents reported the highest rate of attempted suicide (50.8%),
- ▶ followed by adolescents who identified as not exclusively male or female (41.8%),
- ▶ male to female adolescents (29.9%),
- ▶ questioning adolescents (27.9%),
- ▶ female adolescents (17.6%),
- ▶ male adolescents (9.8%).

# Trevor Project<sup>10</sup>

- ▶ 29% of transgender and non-binary youth respondents have attempted suicide
- ▶ 53% of transgender and non-binary youth attempted suicide vs 44% cisgender who attempted suicide
- ▶ 57 % of Transgender and non-binary youth who have undergone conversion therapy report a suicide attempt in the last year

# Transgender Support<sup>5</sup>

- ▶ For transgender children and youth, family and community support makes all the difference.
- ▶ Although research has repeatedly found that transgender children experience mental health problems, including suicidality, at high rates, studies found that transgender children whose families affirmed their gender identity were as psychologically healthy as their non- transgender peers (Olson 2016).

# Treatment<sup>3</sup>

- ▶ **Gender Affirmative Care Model** focuses on a non-judgmental approach with the following messages
  - ▶ Youth with gender dysphoria and diverse gender expressions do not constitute a mental disorder
  - ▶ variations in gender identity and expression are normal aspects of human diversity, and binary definitions of gender do not always reflect emerging gender identities
  - ▶ gender identity evolves as an interplay of biology, development, socialization, and culture
  - ▶ if a mental health issue exists, it most often stems from stigma and negative experiences rather than being intrinsic to the child

# Treatment Team

- ▶ It is facilitated through integration of medical professionals, mental health professionals and social services professionals, including specific resources and supports for parents and families<sup>3</sup>
- ▶ The team works together to decrease de-stigmatize gender variance and the youths self esteem, resilience, and coping skills.

# Affirmative Care

- ▶ Social Affirmation
  - ▶ Gender Affirming hairstyles, clothing, name, gender pronouns
  - ▶ Peer Support for youths while they exploring their gender identity
  - ▶ Family Therapy; support Groups for legal guardians and siblings to help the youth explore their gender identity
  - ▶ School Support
  - ▶ Legal Name Change

# Affirmative Care

- ▶ Medical Transitioning
  - ▶ Pubertal Blockers
  - ▶ Cross Sex Hormone Therapy
- ▶ Surgical Transitioning
  - ▶ Approved for 18 years or older

# Awareness

- ▶ November Transgender Awareness Month
- ▶ November 20th is Transgender Day Of Remembrance

# Recommendations

- ▶ Education sessions focusing on Gender Affirming Care for the Department of Children and Family Services (DCFS)
- ▶ Recommend DCFS Staff, Foster parents, and Residential Treatment Centers take education courses about youths who have gender dysphoria
- ▶ Increase coordination among all healthcare providers for children in the DCFS
- ▶ Recommend reaching out to transgender community and having a conversation

# Resources

- ▶ Trans Lifeline : Crisis/Suicide hotline for Transgender individuals (<https://www.translifeline.org>) 877-565-8860
- ▶ Trevor Project : Crisis/ Suicide Hotline for LGBT Teens (<https://www.thetrevorproject.org>) 1-866-488-7386
- ▶ World Professional Association for Transgender Health : health organization focusing on treatment and education of gender dysphoria (<https://www.wpath.org>)
- ▶ Gay, Lesbian, and Straight Education Network : Education network focussing on anti-bullying of students who are sexual and gender minorities (<https://www.glsen.org>)
- ▶ YES Institute : Their mission is to prevent suicide and ensure the healthy development of all youth through powerful communication and education on gender and orientation; based in Miami Florida. (<https://yesinstitute.org>)

# Gender Programs

The screenshot shows the Nicklaus Children's Hospital website. At the top, there is a navigation bar with the hospital's logo, a phone number (1-800-432-6837), and links for Español, Careers, For Medical Professionals, Donate, and Contact Us. Below this is a search bar and a 'Make Appointment' button. The main content area is titled 'Gender Program' and includes a 'Request an Appointment' button. A sidebar on the left lists 'Conditions We Treat' with options like Eating Disorders Program, Gender Program (highlighted), Meet the Team, and Additional Resources. The main text describes the program's purpose and lists the team's disciplines: Adolescent medicine, Endocrinology, Plastic and reconstructive surgery, Psychiatry, Psychology, and Urology. A 'Contact Adolescent Medicine' button with the number 1-888-624-2778 is also present.

[Medical Services](#) > [Adolescent Medicine](#) > Gender Program [Print Page](#)

**Request an Appointment**

Conditions We Treat

- Eating Disorders Program
- Gender Program**
- Meet the Team
- Additional Resources

## Gender Program

The Nicklaus Children's Hospital Gender Program was developed to create a supportive network for gender-variant youth and their families. When a child and family begin their journey, the path forward may not always seem clear. Nicklaus Children's Gender Program is dedicated to fulfilling the psychological, educational, and medical needs of gender-variant children and their families. The goal is to create happy, healthy, and confident individuals and families.

### The Team Approach to Care

The Gender Program at Nicklaus Children's is comprised of a collaborative multidisciplinary team that offers comprehensive support and care management for children and their families. The team includes specialists in the following disciplines:

- [Adolescent medicine](#)
- [Endocrinology](#)
- [Plastic and reconstructive surgery](#)
- [Psychiatry](#)
- [Psychology](#)
- [Urology](#)

**Contact Adolescent Medicine**

**1-888-624-2778**

- ▶ Nicklaus Children's Hospital Gender Program (<https://www.nicklauschildrens.org/medical-services/adolescent-medicine/gender-program>)

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10. <https://www.thetrevorproject.org/survey-2019/?section=Suicidality-Mental-Health>
11. [https://assets2.hrc.org/files/assets/resources/2018-YouthReport-NoVid.pdf?\\_ga=2.47556135.1202723992.1571023229-618588752.1570766741](https://assets2.hrc.org/files/assets/resources/2018-YouthReport-NoVid.pdf?_ga=2.47556135.1202723992.1571023229-618588752.1570766741)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

10-22-19

*Meeting Date*

*Bill Number (if applicable)*

Topic Introduce FCC One Voice IMPAACT Youth Ambassadors

*Amendment Barcode (if applicable)*

Name Victoria Zepp

Job Title Chief Policy and Research Officer

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32301

*City*

*State*

*Zip*

Email Victoria@flchildren.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Coalition for Children (FCC)

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

10-22-2019  
Meeting Date

Bill Number (if applicable)

Topic Children's safety / new ministry / new

Amendment Barcode (if applicable)

Name Kelly Ann Hudson School model / Global rehab center

Job Title CEO / Minister Devanschool Ministry

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Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against or  
(The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

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BILL: SB 68

INTRODUCER: Senator Book

SUBJECT: Homelessness

DATE: October 21, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Delia	Hendon	CF	<b>Favorable</b>
2.			AHS	
3.			AP	

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## **I. Summary:**

SB 68 creates a dedicated revenue source for challenge grants provided to the State Office on Homelessness and local homeless continuums of care (CoC), which are dedicated to preventing and ending homelessness throughout the state. The bill also increases the amount of funds each CoC may receive annually through challenge grants.

The bill makes a number of changes to chapter 420, F.S., relating to homelessness, with the aim of bringing state law in line with corresponding federal statutes in order to eliminate outdated provisions and allow sources of federal funding matches to be accessed on an expedited basis.

The bill will likely have a fiscal impact on the state by creating a dedicated funding source for homelessness challenge grants, and has an effective date of July 1, 2020.

## **II. Present Situation:**

### **Housing for Individuals with Lower Incomes**

In 1986<sup>1</sup> the Legislature found that:

- Decent, safe, and sanitary housing for individuals of very low income, low income, and moderate income is a critical need in the state;
- New and rehabilitated housing must be provided at a cost affordable to such persons in order to alleviate this critical need;
- Special programs are needed to stimulate private enterprise to build and rehabilitate housing in order to help eradicate slum conditions and provide housing for very-low-income persons, low-income persons, and moderate-income persons as a matter of public purpose; and

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<sup>1</sup> Chapter 86-192, Laws of Fla.

- Public-private partnerships are an essential means of bringing together resources to provide affordable housing.<sup>2</sup>

As a result of these findings, the Legislature determined that legislation was urgently needed to alleviate crucial problems related to housing shortages for individuals with very low,<sup>3</sup> low<sup>4</sup> and moderate<sup>5</sup> incomes. In 1986, part VI of ch. 420, F.S., was titled as the “Florida Affordable Care Act of 1986”<sup>6</sup> and programs and funding mechanisms were created over the years to help remedy low-income housing issues.

### **State Office on Homelessness**

In 2001, the Legislature created the State Office on Homelessness within the Department of Children and Families (DCF) to serve as a central point of contact within state government on homelessness. The State Office on Homelessness is responsible for coordinating resources and programs across all levels of government, and with private providers that serve the homeless. It also manages targeted state grants to support the implementation of local homeless service continuum of care plans.<sup>7</sup>

### ***Council on Homelessness***

The inter-agency Council on Homelessness was also created in 2001. The 17-member council is charged with developing recommendations on how to reduce homelessness statewide and advising the State Office on Homelessness.<sup>8</sup>

### ***Local Coalitions for the Homeless***

DCF is required to establish local coalitions to plan, network, coordinate, and monitor the delivery of services to the homeless.<sup>9</sup> Groups and organizations provided the opportunity to participate in such coalitions include:

- Organizations and agencies providing mental health and substance abuse services;
- County health departments and community health centers;

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<sup>2</sup> Section 420.6015, F.S.

<sup>3</sup> “Very-low-income persons” means one or more persons or a family, the total annual adjusted gross household income of which does not exceed 50 percent of the median annual adjusted gross income for households within the state, or 50 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or within the county in which the person or family resides, whichever is greater.

<sup>4</sup> “Low-income persons” means one or more persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or within the county in which the person or family resides, whichever is greater.

<sup>5</sup> “Moderate-income persons” means one or more persons or a family, the total annual adjusted gross household income of which is less than 120 percent of the median annual adjusted gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or within the county in which the household is located, whichever is greater.

<sup>6</sup> Chapter 86-192, Laws of Fla., Part VI, was subsequently renamed the “Affordable Housing Planning and Community Assistance Act.” Chapter 92-317, Laws of Fla.

<sup>7</sup> Section 420.622(1), F.S.

<sup>8</sup> *Id.*

<sup>9</sup> Section 420.623, F.S.

- Organizations and agencies providing food, shelter, or other services targeted to the homeless;
- Local law enforcement agencies;
- Local workforce development boards;
- County and municipal governments;
- Local public housing authorities;
- Local school districts;
- Local organizations and agencies serving specific subgroups of the homeless population such as veterans, victims of domestic violence, persons with HIV/AIDS, and runaway youth; and
- Local community-based care alliances.<sup>10</sup>

### *Continuum of Care*

A local coalition serves as the lead agency for the local homeless assistance continuum of care.<sup>11</sup> A local CoC is a framework for a comprehensive and seamless array of emergency, transitional, and permanent housing, and services to address the various needs of the homeless and those at risk of homelessness.<sup>12</sup> The purpose of a CoC is to help communities or regions envision, plan, and implement comprehensive and long-term solutions.<sup>13</sup>

DCF interacts with the state's 28 CoCs through the State Office on Homelessness, which serves as the state's central point of contact on homelessness. The State Office on Homelessness has designated local entities to serve as lead agencies for local planning efforts to create homeless assistance CoC systems. The State Office on Homelessness has made these designations in consultation with the local homeless coalitions and the Florida offices of the federal Department of Housing and Urban Development (HUD).

The CoC planning effort is an ongoing process that addresses all subpopulations of the homeless. The development of a local CoC plan is a prerequisite to applying for federal housing grants through HUD. The plan also makes the community eligible to compete for the state's Challenge Grants and Homeless Housing Assistance Grants.<sup>14</sup>

### *Challenge Grants*

The State Office on Homelessness is authorized to accept and provide moneys appropriated for Challenge Grants annually to designated lead agencies of homeless assistance CoCs.<sup>15</sup> The State Office on Homelessness may award grants in an amount of up to \$500,000 per lead agency.<sup>16</sup> A lead agency may spend a maximum of 8 percent of its funding on administrative costs. To qualify for the grant, a lead agency must develop and implement a local homeless assistance

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> Section 420.624, F.S.

<sup>13</sup> *Id.*

<sup>14</sup> Florida Department of Children and Families, *Lead Agencies*, available at: <http://www.myflfamilies.com/service-programs/homelessness/lead-agencies> (last visited October 18, 2019).

<sup>15</sup> "Section 420.621(1), F.S., defines "Continuum of Care" to mean the community components needed to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and maximum self-sufficiency. It includes action steps to end homelessness and prevent a return to homelessness."

<sup>16</sup> Section 420.622, F.S.

continuum of care plan for its designated area.<sup>17</sup> There is no dedicated revenue for these grants which in the past have been funded by the Sadowski State and Local Housing Trust Funds, general revenue, and state trust funds.

Pursuant to s. 420.624, F.S., the DCF provides funding for local homeless assistance CoC, which is a framework for providing an array of emergency, transitional, and permanent housing, and services to address the various needs of homeless persons and persons at risk of becoming homeless.

In 2017, the Collier homeless coalition used the challenge grant to help the Shelter for Abused Women & Children with staffing of two case managers who work in outreach and transitional housing, and the remainder of the funds provided emergency rental or utility assistance to nearly 89 adults and 129 children.<sup>18</sup> The Volusia/Flagler coalition have utilized challenge grant funding to help lower-income residents pay rent following job losses, car accidents, and other costly expenses.<sup>19</sup> The Tampa-Hillsborough Homeless Initiative has used challenge grant money to establish a financial incentive program for developers, landlords, and property owners which has been successful at reducing levels of homelessness throughout Hillsborough County.<sup>20</sup>

### **Rapid ReHousing**

Rapid ReHousing is a model for providing housing for individuals and families who are homeless. The model places a priority on moving a family or individual experiencing homelessness into permanent housing as quickly as possible, hopefully within 30 days of a client becoming homeless and entering a program. While originally focused primarily on people experiencing homelessness due to short-term financial crises, programs across the country have begun to assist individuals and families who are traditionally perceived as more difficult to serve. This includes people with limited or no income, survivors of domestic violence, and those with substance abuse issues. Although the duration of financial assistance may vary, many programs find that, on average, 4 to 6 months of financial assistance is sufficient to stably re-house a household.<sup>21</sup>

Since federal funding for rapid re-housing first became available in 2008, a number of communities, including Palm Beach County, Florida, that prioritized rapid re-housing as a response to homelessness have seen decreases in the amount of time that households spend homeless, less recidivism, and improved permanent housing outcomes relative to other available interventions.<sup>22</sup>

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<sup>17</sup> *Id.*

<sup>18</sup> <https://www.news-press.com/story/news/2018/07/04/gov-rick-scott-acts-resolve-homeless-grant-funding-southwest-florida-agencies/757846002/> (last visited October 18, 2019).

<sup>19</sup> <https://www.gainesville.com/news/20180703/state-moves-to-fund-homeless-programs> (last visited October 18, 2019).

<sup>20</sup> The University of Tampa, *Cypress Landing Cost-Benefit Analysis Report*, (2015). On filed with the Senate Children, Families, and Elder Affairs Committee.

<sup>21</sup> National Alliance to End Homelessness, *Rapid Re-Housing: A History and Core Components*, (2014), available at: <http://www.endhomelessness.org/library/entry/rapid-re-housing-a-history-and-core-components> (last visited October 9, 2019).

<sup>22</sup> *Id.*

There are three core components of rapid re-housing: housing identification, rent and move-in assistance (financial), and rapid re-housing case management and services. While all three components are present and available in effective rapid re-housing programs, there are instances where the components are provided by different entities or agencies, or where a household does not utilize all three.<sup>23</sup> A key element of rapid re-housing is the “Housing First” philosophy, which offers housing without preconditions such as employment, income, lack of a criminal background, or sobriety. If issues such as these need to be addressed, the household can address them most effectively once they are in housing.<sup>24</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 201.15, F.S., requiring that \$10 million of all document stamp tax money collected annually by the state be dedicated to funding the Grants and Donations Trust Fund for the challenge grant program within DCF.

**Section 2** amends s. 420.621, F.S., modifying the definition of ‘continuum of care’ to mean a group organized to carry out responsibilities imposed under ch. 420, F.S., to coordinate, plan, and pursue ending homelessness in a designated catchment area. The bill provides that a CoC should be comprised of local community organizations to the extent that they are represented within the catchment area and available to participate.

The bill defines ‘continuum of care lead agency’ or ‘continuum of care collaborative applicant’ as the organization designated by a CoC pursuant to s. 420.6225, F.S.

The bill also redefines ‘homeless’ to mean either:

- an individual or family who lacks a fixed, regular, and adequate nighttime residence as defined under ‘homeless’ in federal statute; or
- an individual or family who will immediately lose their primary nighttime residence as defined under ‘homeless’ in federal statute.

**Section 3** amends s. 420.622, F.S., adding one member of the Florida Housing Finance Corporation, the Secretary of the Department of Elder Affairs, or his or her designee, one representative of the Florida Coalition for the Homeless, and one representative of the Florida Housing Coalition, to the Council on Homelessness. The bill provides that members of the council are encouraged to have experience in the administration or provision of resources, services, or housing that addresses the needs of persons experiencing homelessness.

The bill replaces the term ‘regionally developed plans’ with the term ‘local continuum of care plans’ to bring state statute in line with federal law. The bill also requires the State Office on Homelessness to collect, maintain, and make available information concerning persons who are homeless, including summary demographics information drawn from the local continuum of care Homeless Management Information System or the annual Point-In-Time Count and the local continuum of care Housing Inventory Chart required by HUD. The bill specifies that all entities

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<sup>23</sup> *Id.*

<sup>24</sup> The Florida Legislature expressed the intent to encourage homeless continuums of care to adopt the Housing First approach to ending homelessness for individuals and families in 2009. See s. 420.6275, F.S.

receiving state funding that provide the Council with data on homelessness must provide summary aggregated data, and no individual identifying information. The bill replaces all instances of the term ‘local homeless continuum of care’ and ‘local homeless assistance coalition’ with ‘continuum of care.’

The bill also revises the goals of the State Office on Homelessness to promote a federal policy agenda that is responsive to the needs of those who are homeless or at risk of homelessness, rather than only the current homeless population. The bill modifies policy objectives to reflect an emphasis on ending homelessness in the state, as opposed to meeting the needs of the homeless.

The bill increases the amount of funds available to each CoC for challenge grants from \$500,000 to \$750,000 per continuum of care lead agency, and requires each CoC lead agency to document the commitment of local government or private organizations to provide matching funds or in-kind support in an amount equal to 25 percent of the grant requested.

**Section 4** creates s. 420.6225, F.S., to provide that the purpose of a CoC is to coordinate community efforts to prevent and end homelessness in its catchment area. The bill requires each CoC to designate a collaborative applicant that is responsible for submitting a CoC funding application for the designated catchment area to HUD. The bill provides that the collaborative applicant shall serve as the point of contact to the State Office on Homelessness. The bill also requires CoC catchment areas to be designated and revised as necessary by the State Office on Homelessness, and the catchment areas must be consistent with the CoC catchment areas recognized by HUD. The bill provides that the State Office on Homelessness shall recognize only one CoC lead agency for each catchment area.

The bill requires each CoC to create a ‘continuum of care plan,’ which must include outreach to unsheltered individuals and families, a coordinated entry system for services, identification of emergency shelters, identification of permanent supportive housing, rapid rehousing, and an ongoing planning mechanism to homelessness for all subpopulations of persons experiencing homelessness.

The bill also requires CoCs to promote participation by all interested individuals and organizations and may not exclude anyone on the basis of race, color, national origin, sex, handicap, familial status, or religion. The bill also provides for coordination of these individuals and organizations, to the extent possible, with other mainstream health and social services.

**Section 5** creates s. 420.6227, F.S., to create a new version of the grant-in-aid program already existing under current law in s. 420.625, F.S. The bill replaces references to ‘local agencies’ with references to ‘continuum of care’ in order to bring the state grant-in-aid program language and requirements in line with federal statutes and ultimately allow federal matching dollars to be drawn down more efficiently.

**Section 6** repeals s. 420.623, F.S., relating to local coalitions for the homeless.

**Section 7** repeals s. 420.624, F.S., relating to local homeless assistance continuums of care.

**Section 8** repeals s. 420.625, F.S., relating to the grant-in-aid program.

**Section 9** amends s. 420.626, F.S., making technical revisions to discharge guidelines for homelessness facilities and institutions.

**Section 10** amends s. 420.6265, F.S., to revise legislative intent with respect to rapid rehousing. The bill provides that findings that rapid rehousing should employ temporary financial assistance for the purposes of both quickly moving families and individuals into permanent housing and using housing stabilization support services to help them remain stably housed. The bill also expands legislative intent to provide that rapid rehousing has proven to be a cost-effective approach to ending homelessness, and is demonstrably proven to be more cost-effective than alternative approaches.

**Section 11** amends s. 420.6275, F.S., to revise legislative intent with respect to the housing first methodology. The bill provides findings that housing first is a cost-effective approach to ending homelessness and reducing the length of time of homelessness for many individuals and families. The bill also provides legislative intent to emphasize maintaining stable housing under the housing first approach.

**Section 12** amends s. 420.507, F.S., to correct two cross references.

**Section 13** provides an effective date of July 1, 2020.

#### **IV. Constitutional Issues:**

**A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

The bill will direct \$10 million annually from the Sadowski State and Local Housing Trust Funds to the challenge grants.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill will reduce the funding available in the Sadowski State and Local Housing Trust Funds. Challenge grants totaled \$3.8 million statewide for fiscal year 2019-2020.<sup>25</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 201.15, 420.621, 420.622, 420.626, 420.6265, 420.6275, and 420.507 of the Florida Statutes.

This bill creates sections 420.6225 and 420.6227 of the Florida Statutes.

This bill repeals sections 420.623, 420.624, and 420.625 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>25</sup> Specific Appropriation 346, General Appropriations Act, Chapter 2019-115, Laws of Florida.

By Senator Book

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A bill to be entitled

An act relating to homelessness; amending s. 201.15, F.S.; requiring that certain taxes of a specified amount be transferred annually to the Grants and Donations Trust Fund within the Department of Children and Families for the purpose of funding challenge grants; amending s. 420.621, F.S.; revising, adding, and deleting defined terms; amending s. 420.622, F.S.; expanding the membership of the Council on Homelessness to include a representative of the Florida Housing Coalition and the Secretary of the Department of Elderly Affairs or his or her designee; providing that the Governor is encouraged to appoint council members who have certain experience; revising the duties of the State Office on Homelessness; revising requirements for the state's homeless programs; requiring entities that receive state funding to provide summary aggregated data to assist the council in providing certain information; removing the requirement that the office have the concurrence of the council to accept and administer moneys appropriated to it to provide certain annual challenge grants to continuums of care lead agencies; clarifying the source of such appropriation; increasing the maximum amount of grant awards per continuum of care lead agency; conforming provisions to changes made by the act; revising requirements for the use of grant funds by continuum of care lead agencies; revising preference criteria for certain grants; increasing the

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maximum percentage of its funding which a continuum of care lead agency may spend on administrative costs; requiring such agencies to submit a final report to the Department of Children and Families documenting certain outcomes achieved by grant-funded programs; removing the requirement that the office have the concurrence of the council to administer moneys given to it to provide homeless housing assistance grants annually to certain continuum of care lead agencies to acquire, construct, or rehabilitate permanent housing units for homeless persons; conforming a provision to changes made by the act; requiring grant applicants to be ranked competitively based on criteria determined by the office; deleting preference requirements; increasing the minimum number of years for which projects must reserve certain units acquired, constructed, or rehabilitated; increasing the maximum percentage of funds the office and each applicant may spend on administrative costs; revising certain performance measure requirements; authorizing, instead of requiring, the Department of Children and Families, with input from the council, to adopt rules relating to certain grants and related issues; revising requirements for an annual report the council must submit to the Governor, Legislature, and Secretary of Children and Families; authorizing the office to administer moneys appropriated to it for distribution among certain designated continuum of care lead agencies and entities; creating s. 420.6225, F.S.;

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specifying the purposes of a continuum of care;  
requiring each continuum of care, pursuant to federal  
law, to designate a collaborative applicant that is  
responsible for submitting the continuum of care  
funding application for the designated catchment area  
to the United States Department of Housing and Urban  
Development; providing requirements for such  
designated collaborative applicants; authorizing the  
applicant to be referred to as the continuum of care  
lead agency; providing requirements for the office for  
the purpose of awarding certain federal funding for  
continuum of care programs; requiring that each  
continuum of care create a continuum of care plan for  
specified purposes; specifying requirements for such  
plans; requiring continuums of care to promote  
participation by all interested individuals and  
organizations, subject to certain requirements;  
creating s. 420.6227, F.S.; providing legislative  
findings and program purpose; establishing a grant-in-  
aid program to help continuums of care prevent and end  
homelessness, which may include any aspect of the  
local continuum of care plan; requiring continuums of  
care to submit an application for grant-in-aid funds  
to the office for review; requiring the office to  
develop guidelines for the development, evaluation,  
and approval of spending plans; requiring grant-in-aid  
funds for continuums of care to be administered by the  
office and awarded on a competitive basis; requiring  
the office to distribute such funds to local agencies

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88 to fund programs that are required by the local  
89 continuum of care plan, based on certain  
90 recommendations; limiting the percentage of the total  
91 state funds awarded under a spending plan which may be  
92 used by the continuum of care lead agency for staffing  
93 and administrative expenditures; requiring entities  
94 that contract with local agencies to provide services  
95 and that receive certain financial assistance to  
96 provide a specified minimum percentage of the funding  
97 necessary for the support of project operations;  
98 authorizing in-kind contributions to be evaluated and  
99 counted as part or all of the required local funding,  
100 at the discretion of the office; repealing s. 420.623,  
101 F.S., relating to local coalitions for the homeless;  
102 repealing s. 420.624, F.S., relating to local homeless  
103 assistance continuums of care; repealing s. 420.625,  
104 F.S., relating to a grant-in-aid program; amending s.  
105 420.626, F.S.; revising procedures that certain  
106 facilities and institutions are encouraged to develop  
107 and implement to reduce the discharge of persons into  
108 homelessness when such persons are admitted to or  
109 housed for a specified period at such facilities or  
110 institutions; amending s. 420.6265, F.S.; revising  
111 legislative findings and intent for Rapid ReHousing;  
112 revising the Rapid ReHousing methodology; amending s.  
113 420.6275, F.S.; revising legislative findings relating  
114 to Housing First; revising the Housing First  
115 methodology to reflect current practice; amending s.  
116 420.507, F.S.; conforming cross-references; providing

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an effective date.

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

Section 1. Paragraph (c) of subsection (4) of section 201.15, Florida Statutes, is amended, and subsection (5) of that section is republished, to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter are hereby pledged and shall be first made available to make payments when due on bonds issued pursuant to s. 215.618 or s. 215.619, or any other bonds authorized to be issued on a parity basis with such bonds. Such pledge and availability for the payment of these bonds shall have priority over any requirement for the payment of service charges or costs of collection and enforcement under this section. All taxes collected under this chapter, except taxes distributed to the Land Acquisition Trust Fund pursuant to subsections (1) and (2), are subject to the service charge imposed in s. 215.20(1). Before distribution pursuant to this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by this chapter. The costs and service charge may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs and service charge are required to pay any amounts relating to the bonds. All of the costs of the collection and enforcement of the tax levied by this chapter and the service charge shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before January 1, 2017,

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secured by revenues distributed pursuant to this section. All taxes remaining after deduction of costs shall be distributed as follows:

(4) After the required distributions to the Land Acquisition Trust Fund pursuant to subsections (1) and (2) and deduction of the service charge imposed pursuant to s. 215.20(1), the remainder shall be distributed as follows:

(c) Eleven and twenty-four hundredths percent of the remainder in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund. Of such funds, the first \$35 million shall be transferred annually, subject to any distribution required under subsection (5), to the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity. The next \$10 million shall be transferred annually, subject to any distribution required under subsection (5), to the Grants and Donations Trust Fund within the Department of Children and Families for the purpose of funding the challenge grants established in s. 420.622(4). The remainder shall be used as follows:

1. Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.

2. Half of that amount shall be paid into the State Treasury to the credit of the Local Government Housing Trust Fund and used for the purposes for which the Local Government Housing Trust Fund was created and exists by law.

(5) Distributions to the State Housing Trust Fund pursuant to paragraphs (4)(c) and (d) must be sufficient to cover amounts required to be transferred to the Florida Affordable Housing

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Guarantee Program's annual debt service reserve and guarantee fund pursuant to s. 420.5092(6)(a) and (b) up to the amount required to be transferred to such reserve and fund based on the percentage distribution of documentary stamp tax revenues to the State Housing Trust Fund which is in effect in the 2004-2005 fiscal year.

Section 2. Section 420.621, Florida Statutes, is amended to read:

420.621 Definitions.—As used in ss. 420.621-420.628, the term:

(1) "Continuum of care" means the group organized to carry out the responsibilities imposed under ss. 420.621-420.628 to coordinate, plan, and pursue ending homelessness in a designated catchment area. The group is composed of representatives from certain organizations, including, but not limited to, nonprofit homeless providers, victim service providers, faith-based organizations, governments, businesses, advocates, public housing agencies, school districts, social service providers, mental health agencies, hospitals, universities, affordable housing developers, law enforcement, organizations that serve homeless and formerly homeless veterans, and organizations that serve other homeless and formerly homeless persons, to the extent that these organizations are represented within the designated catchment area and are available to participate ~~the community components needed to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and maximum self-sufficiency. It includes action steps to end homelessness and prevent a return to homelessness.~~

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(2) "Continuum of care lead agency" or "continuum of care collaborative applicant" means the organization designated by a continuum of care pursuant to s. 420.6225.

~~(3)(2)~~ "Council on Homelessness" means the council created in s. 420.622.

~~(4)(3)~~ "Department" means the Department of Children and Families.

~~(4) "District" means a service district of the department, as set forth in s. 20.19.~~

(5) "Homeless," means an individual who or a family that:

(a) Lacks a fixed, regular, and adequate nighttime residence, as defined under "homeless" in 24 C.F.R. 578.3; or  
(b) Will imminently lose his, her, or its primary nighttime residence, as defined under "homeless" in 24 C.F.R. 578.3

~~applied to an individual, or "individual experiencing homelessness" means an individual who lacks a fixed, regular, and adequate nighttime residence and includes an individual who:~~

~~(a) Is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;~~

~~(b) Is living in a motel, hotel, travel trailer park, or camping ground due to a lack of alternative adequate accommodations;~~

~~(c) Is living in an emergency or transitional shelter;~~

~~(d) Has a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;~~

~~(e) Is living in a car, park, public space, abandoned building, bus or train station, or similar setting; or~~

~~(f) Is a migratory individual who qualifies as homeless~~

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~~because he or she is living in circumstances described in paragraphs (a) - (c).~~

~~The terms do not refer to an individual imprisoned pursuant to state or federal law or to individuals or families who are sharing housing due to cultural preferences, voluntary arrangements, or traditional networks of support. The terms include an individual who has been released from jail, prison, the juvenile justice system, the child welfare system, a mental health and developmental disability facility, a residential addiction treatment program, or a hospital, for whom no subsequent residence has been identified, and who lacks the resources and support network to obtain housing.~~

~~(6) "Local coalition for the homeless" means a coalition established pursuant to s. 420.623.~~

~~(7) "New and temporary homeless" means individuals or families who are homeless due to societal factors.~~

~~(6)~~ (8) "State Office on Homelessness" means the state office created in s. 420.622.

Section 3. Section 420.622, Florida Statutes, is amended to read:

420.622 State Office on Homelessness; Council on Homelessness.—

(1) The State Office on Homelessness is created within the Department of Children and Families to provide interagency, council, and other related coordination on issues relating to homelessness.

(2) The Council on Homelessness is created to consist of 19 ~~members~~ ~~17 representatives of public and private agencies~~ who

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shall develop policy and advise the State Office on Homelessness. The council is composed of the following members ~~shall be~~: the Secretary of Children and Families, or his or her designee; the executive director of the Department of Economic Opportunity, or his or her designee, who shall advise the council on issues related to rural development; the State Surgeon General, or his or her designee; the Executive Director of Veterans' Affairs, or his or her designee; the Secretary of Corrections, or his or her designee; the Secretary of Health Care Administration, or his or her designee; the Commissioner of Education, or his or her designee; the Director of CareerSource Florida, Inc., or his or her designee; the Executive Director of the Florida Housing Finance Corporation, or his or her designee; the Secretary of the Department of Elderly Affairs, or his or her designee; one representative of the Florida Association of Counties; one representative of the Florida League of Cities; one representative of the Florida Supportive Housing Coalition; one representative of the Florida Coalition for the Homeless; one representative of the Florida Housing Coalition ~~the Executive Director of the Florida Housing Finance Corporation, or his or her designee; one representative of the Florida Coalition for the Homeless;~~ and four members appointed by the Governor, who is encouraged to appoint members who have experience in the administration or the provision of resources or services that address, or of housing that addresses, the needs of persons experiencing homelessness. The council members shall be nonpaid volunteers and shall be reimbursed only for travel expenses. The ~~appointed~~ members of the council appointed by the Governor shall be appointed to staggered 2-year terms.7

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and The council shall meet at least four times per year. The importance of minority, gender, and geographic representation must ~~shall~~ be considered in appointing members to the council.

(3) The State Office on Homelessness, pursuant to the policies set by the council and subject to the availability of funding, shall:

(a) Coordinate among state, local, and private agencies and providers to produce a statewide consolidated inventory of ~~for~~ the state's ~~entire system of~~ homeless programs, including local continuum of care plans ~~which incorporates regionally developed plans~~. Such programs include, but are not limited to:

1. Programs authorized under the McKinney-Vento Homeless Assistance ~~Stewart B. McKinney Homeless Assistance~~ Act of 1987, as amended by the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009, 42 U.S.C. ss. 11302 ~~ss. 11371~~ et seq., and carried out under funds awarded to this state; and

2. Programs, components thereof, or activities that assist persons who are homeless or at risk for homelessness.

(b) Collect, maintain, and make available information concerning persons who are homeless ~~or at risk for homelessness~~, including summary demographic ~~demographics~~ information drawn from the local continuum of care Homeless Management Information System or the annual Point-in-Time Count and the local continuum of care Housing Inventory Chart required by the Department of Housing and Urban Development, ~~current services and resources available, the cost and availability of services and programs, and the met and unmet needs of this population.~~ To assist the council in providing this information, all entities that receive

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320 state funding must provide the council with summary aggregated  
321 ~~access to all data they maintain in summary form, which may not~~  
322 ~~include with no individual identifying information, to assist~~  
323 ~~the council in providing this information.~~ The State Office on  
324 Homelessness, in consultation with the designated lead agencies  
325 for a ~~local homeless~~ continuum of care and with the Council on  
326 Homelessness, shall develop a process by which summary data is  
327 collected ~~the system and process of data collection~~ from all  
328 lead agencies for the purpose of analyzing trends and assessing  
329 impacts in the ~~statewide homeless delivery~~ system for delivering  
330 services to the homeless. ~~Any statewide homelessness survey and~~  
331 ~~database system must comply with all state and federal statutory~~  
332 ~~and regulatory confidentiality requirements.~~

333 (c) Annually evaluate state and continuum of care programs  
334 ~~local services and resources~~ and develop a consolidated plan for  
335 addressing the needs of the homeless or those at risk for  
336 homelessness.

337 (d) Explore, compile, and disseminate information regarding  
338 public and private funding sources for state and local programs  
339 serving the homeless and provide technical assistance in  
340 applying for such funding.

341 (e) Monitor and provide recommendations for coordinating  
342 the activities and programs of continuums of care ~~local~~  
343 ~~coalitions for the homeless~~ and promote the effectiveness of  
344 programs to prevent and end homelessness in the state ~~addressing~~  
345 ~~the needs of the homeless.~~

346 (f) Provide technical assistance to facilitate efforts to  
347 support and strengthen ~~establish, maintain, and expand local~~  
348 ~~homeless assistance~~ continuums of care.

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349 (g) Develop and assist in the coordination of policies and  
350 procedures relating to the discharge or transfer from the care  
351 or custody of state-supported or state-regulated entities  
352 persons who are homeless or at risk for homelessness.

353 (h) Spearhead outreach efforts for maximizing access by  
354 people who are homeless or at risk for homelessness to state and  
355 federal programs and resources.

356 (i) Promote a federal policy agenda that is responsive to  
357 the needs of those who are homeless or at risk of homelessness  
358 ~~the homeless population~~ in this state.

359 (j) Review reports on continuum of care performance  
360 measures and ~~Develop outcome and accountability measures and~~  
361 ~~promote and~~ use such measures to evaluate program effectiveness  
362 and make recommendations for improving current practices to work  
363 toward ending homelessness in this state ~~in order to best meet~~  
364 ~~the needs of the homeless.~~

365 (k) Formulate policies and legislative proposals aimed at  
366 preventing and ending homelessness in this state ~~to address more~~  
367 ~~effectively the needs of the homeless~~ and coordinate the  
368 implementation of state and federal legislative policies.

369 (l) Convene meetings and workshops of state and local  
370 agencies, continuums of care ~~local coalitions and programs~~, and  
371 other stakeholders for the purpose of developing and reviewing  
372 policies, services, activities, coordination, and funding of  
373 efforts to end homelessness ~~meet the needs of the homeless.~~

374 (m) With the input of the continuums of care, conduct or  
375 promote research on the effectiveness of current programs and  
376 propose pilot projects aimed at ending homelessness ~~improving~~  
377 ~~services.~~

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378 (n) Serve as an advocate for issues relating to  
379 homelessness.

380 (o) ~~Investigate ways to improve access to participation in~~  
381 ~~state funding and other programs for prevention and alleviation~~  
382 ~~of homelessness to faith-based organizations and~~ Collaborate and  
383 coordinate with faith-based organizations, investigate ways to  
384 improve such organizations' access to state funding, and  
385 investigate ways to improve such organizations' participation in  
386 other programs that are intended to prevent and reduce  
387 homelessness.

388 (4) The State Office on Homelessness, ~~with the concurrence~~  
389 ~~of the Council on Homelessness,~~ shall accept and administer  
390 moneys appropriated to it pursuant to s. 201.15(4)(c) to provide  
391 annual "challenge grants" to lead agencies of ~~homeless~~  
392 ~~assistance~~ continuums of care designated by the State Office on  
393 Homelessness pursuant to s. 420.6225 ~~s. 420.624~~. The department  
394 shall establish varying levels of grant awards up to \$750,000  
395 ~~\$500,000~~ per continuum of care lead agency. The department, in  
396 consultation with the Council on Homelessness, shall specify a  
397 grant award level in the notice of the solicitation of grant  
398 applications.

399 (a) To qualify for ~~a the~~ grant, a continuum of care lead  
400 agency must develop and implement a local ~~homeless assistance~~  
401 continuum of care plan for its designated catchment area. The  
402 services and housing funded through the grant must be  
403 implemented through the continuum of care's ~~continuum of care~~  
404 ~~plan must implement a coordinated assessment or central intake~~  
405 entry system as provided in s. 420.6225(4)(b) and must be  
406 designed to screen, ~~screen,~~ assess, and refer persons seeking assistance

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407 to the appropriate housing intervention and service provider.  
408 The continuum of care lead agency shall also document the  
409 commitment of local government or private organizations to  
410 provide matching funds or in-kind support in an amount equal to  
411 25 percent of the grant requested. Expenditures of leveraged  
412 funds or resources, including third-party cash or in-kind  
413 contributions, may be made ~~are authorized~~ only for eligible  
414 activities carried out in connection with a ~~committed on one~~  
415 project. Such funds or resources may ~~which have not have~~ been  
416 used as leverage or match for any other project or program. The  
417 expenditures ~~and~~ must be certified through a written commitment.

418 (b) Preference must be given to continuum of care ~~those~~  
419 lead agencies that have demonstrated the ability of their  
420 continuum of care to help households move out of homelessness  
421 ~~provide quality services to homeless persons and the ability to~~  
422 ~~leverage federal homeless-assistance funding under the Stewart~~  
423 ~~B. McKinney Act with local government funding or private funding~~  
424 ~~for the provision of services to homeless persons.~~

425 ~~(c) Preference must be given to lead agencies in catchment~~  
426 ~~areas with the greatest need for the provision of housing and~~  
427 ~~services to the homeless, relative to the population of the~~  
428 ~~catchment area.~~

429 (c)-(d) The grant may be used to fund any of the housing,  
430 program, or service needs included in the local ~~homeless~~  
431 ~~assistance~~ continuum of care plan. The continuum of care lead  
432 agency may allocate the grant to programs, services, or housing  
433 providers that implement the local ~~homeless-assistance~~ continuum  
434 of care plan. The lead agency may provide subgrants to a local  
435 agency to implement programs or services or provide housing

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identified for funding in the lead agency's application to the department. A lead agency may spend a maximum of 10 & percent of its funding on administrative costs.

~~(d)(e)~~ The continuum of care lead agency shall submit a final report to the department documenting the outcomes achieved by the grant-funded programs ~~grant~~ in enabling persons who are homeless to return to permanent housing, thereby ending such person's episode of homelessness.

(5) The State Office on Homelessness, ~~with the concurrence of the Council on Homelessness,~~ may administer moneys given ~~appropriated~~ to it to provide homeless housing assistance grants annually to continuum of care lead agencies ~~for local homeless assistance continuum of care,~~ as recognized by the State Office on Homelessness, to acquire, construct, or rehabilitate ~~transitional or~~ permanent housing units for homeless persons. These moneys shall consist of any sums that the state may appropriate, as well as money received from donations, gifts, bequests, or otherwise from any public or private source, which are intended to acquire, construct, or rehabilitate ~~transitional or~~ permanent housing units for homeless persons.

(a) Grant applicants shall be ranked competitively based on criteria determined by the State Office on Homelessness.

~~Preference must be given to applicants who leverage additional private funds and public funds, particularly federal funds designated for the acquisition, construction, or rehabilitation of transitional or permanent housing for homeless persons; who acquire, build, or rehabilitate the greatest number of units; or who acquire, build, or rehabilitate in catchment areas having the greatest need for housing for the homeless relative to the~~

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~~population of the catchment area.~~

(b) Funding for any particular project may not exceed \$750,000.

(c) Projects must reserve, for a minimum of 20 ~~10~~ years, the number of units acquired, constructed, or rehabilitated through homeless housing assistance grant funding to serve persons who are homeless at the time they assume tenancy.

(d) No more than two grants may be awarded annually in any given ~~local homeless assistance~~ continuum of care catchment area.

(e) A project may not be funded which is not included in the local ~~homeless assistance~~ continuum of care plan, as recognized by the State Office on Homelessness, for the catchment area in which the project is located.

(f) The maximum percentage of funds that the State Office on Homelessness and each applicant may spend on administrative costs is 10 ~~5~~ percent.

(6) The State Office on Homelessness, in conjunction with the Council on Homelessness, shall establish performance measures related to state funding provided through the State Office on Homelessness and shall utilize those grant-related measures to ~~and specific objectives by which it may~~ evaluate the performance and outcomes of continuum of care lead agencies that receive state grant funds. ~~Challenge Grants made through the State Office on Homelessness shall be distributed to lead agencies based on their overall performance and their achievement of specified objectives. Each lead agency for which grants are made under this section shall provide the State Office on Homelessness a thorough evaluation of the~~

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effectiveness of the program in achieving its stated purpose. In evaluating the performance of the lead agencies, the State Office on Homelessness shall base its criteria upon the program objectives, goals, and priorities that were set forth by the lead agencies in their proposals for funding. Such criteria may include, but are not limited to, the number of persons or households that are no longer homeless, the rate of recidivism to homelessness, and the number of persons who obtain gainful employment.

(7) The State Office on Homelessness shall ~~must~~ monitor the challenge grants and homeless housing assistance grants to ensure proper expenditure of funds and compliance with the conditions of the applicant's contract.

(8) The Department of Children and Families, with input from the Council on Homelessness, may ~~must~~ adopt rules relating to the challenge grants and the homeless housing assistance grants and related issues consistent with the purposes of this section.

(9) ~~The council shall,~~ By June 30 of each year, the council shall provide to the Governor, the Legislature, and the Secretary of Children and Families a report summarizing the extent of homelessness in the state and the council's recommendations for ending ~~reducing~~ homelessness in this state.

(10) The State Office on Homelessness may administer moneys appropriated to it for distribution among the continuum of care lead agencies and entities funded in the 2020-2021 state fiscal year which are designated by the office as local coalitions for the homeless ~~28 local homeless continuums of care designated by the Department of Children and Families.~~

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Section 4. Section 420.6225, Florida Statutes, is created to read:

420.6225 Continuum of care.—

(1) The purposes of a continuum of care, as defined in s. 420.621, are to coordinate community efforts to prevent and end homelessness in its catchment area designated as provided in subsection (3) and to fulfill the responsibilities set forth in this chapter.

(2) Pursuant to the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009, each continuum of care is required to designate a collaborative applicant that is responsible for submitting the continuum of care funding application for the designated catchment area to the United States Department of Housing and Urban Development. The continuum of care collaborative applicant shall serve as the continuum of care's point of contact to the State Office on Homelessness, is accountable for representations made in the application, and, in carrying out its responsibilities under this chapter, may be referred to as the continuum of care lead agency.

(3) For the purpose of awarding federal homeless assistance funding for continuum of care programs, the State Office on Homelessness shall do both of the following:

(a) Designate and, as necessary, revise continuum of care catchment areas, which must be consistent with the continuum of care catchment areas recognized by the United States Department of Housing and Urban Development.

(b) Recognize a single continuum of care lead agency for each such catchment area, which must be consistent with the

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continuum of care collaborative applicant designation recognized  
by the United States Department of Housing and Urban  
Development.

(4) Each continuum of care shall create a continuum of care  
plan, the purpose of which is to implement an effective and  
efficient housing crisis response system to prevent and end  
homelessness in the continuum of care catchment area. A  
continuum of care plan must include all of the following  
components:

(a) Outreach to unsheltered individuals and families to  
link them with appropriate housing interventions.

(b) A coordinated entry system, compliant with the  
requirements of the Homeless Emergency Assistance and Rapid  
Transition to Housing (HEARTH) Act of 2009, which is designed to  
coordinate intake, utilize common assessment tools, prioritize  
households for housing interventions, and refer households to  
the appropriate housing intervention.

(c) Emergency shelter, designed to provide safe temporary  
shelter while the household is in the process of obtaining  
permanent housing.

(d) Supportive services, designed to maximize housing  
stability once the household is in permanent housing.

(e) Permanent supportive housing, designed to provide long-  
term affordable housing and support services to persons with  
disabilities who are moving out of homelessness.

(f) Rapid ReHousing, as specified in s. 420.6265.

(g) Permanent housing, including linkages to affordable  
housing, subsidized housing, long-term rent assistance, housing  
vouchers, and mainstream private sector housing.

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581 (h) An ongoing planning mechanism to end homelessness for  
582 all subpopulations of persons experiencing homelessness.

583 (5) Continuums of care must promote participation by all  
584 interested individuals and organizations and may not exclude  
585 individuals and organizations on the basis of race, color,  
586 national origin, sex, handicap, familial status, or religion.  
587 Faith-based organizations, local governments, and persons who  
588 have experienced homelessness are encouraged to participate. To  
589 the extent possible, these individuals and organizations must be  
590 coordinated and integrated with other mainstream health, social  
591 services, and employment programs for which homeless populations  
592 may be eligible, including, but not limited to, Medicaid, the  
593 State Children's Health Insurance Program, the Temporary  
594 Assistance for Needy Families Program, the Food Assistance  
595 Program, and services funded through the Mental Health and  
596 Substance Abuse Block Grant, the Workforce Innovation and  
597 Opportunity Act, and the welfare-to-work grant program.

598 Section 5. Section 420.6227, Florida Statutes, is created  
599 to read:

600 420.6227 Grant-in-aid program.—

601 (1) LEGISLATIVE FINDINGS.—The Legislature hereby finds and  
602 declares that many services for households experiencing  
603 homelessness have been provided by local communities through  
604 voluntary private agencies and religious organizations and that  
605 these resources have not been sufficient to prevent and end  
606 homelessness in this state. The Legislature recognizes that the  
607 level of need and types of problems associated with homelessness  
608 may vary from community to community, due to the diversity and  
609 geographic distribution of the homeless population and the

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610 resulting differing needs of particular communities.

611 (2) PURPOSE.—The principal purpose of the grant-in-aid  
612 program is to provide needed assistance to continuums of care to  
613 enable them to do all of the following:

614 (a) Assist persons in their communities who have become, or  
615 may likely become, homeless.

616 (b) Help homeless households move to permanent housing as  
617 quickly as possible.

618 (3) ESTABLISHMENT.—There is hereby established a state  
619 grant-in-aid program to help continuums of care prevent and end  
620 homelessness, which may include any aspect of the local  
621 continuum of care plan, as described in s. 420.6225.

622 (4) APPLICATION PROCEDURE.—Continuums of care that intend  
623 to apply for the grant-in-aid program must submit an application  
624 for grant-in-aid funds to the State Office on Homelessness for  
625 review.

626 (5) SPENDING PLANS.—The State Office on Homelessness shall  
627 develop guidelines for the development, evaluation, and approval  
628 of spending plans that are created by local continuum of care  
629 lead agencies.

630 (6) ALLOCATION OF GRANT FUNDS.—The State Office on  
631 Homelessness shall administer state grant-in-aid funds for  
632 continuums of care, which must be awarded on a competitive  
633 basis.

634 (7) DISTRIBUTION TO LOCAL AGENCIES.—The State Office on  
635 Homelessness shall distribute funds awarded under subsection (6)  
636 to local agencies to fund programs that are required by the  
637 local continuum of care plan, as described in s. 420.6225 and  
638 that are authorized under subsection (3), based upon the

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639 recommendations of the local continuum of care lead agencies, in  
640 accordance with spending plans that are developed by the lead  
641 agencies and approved by the office. Not more than 10 percent of  
642 the total state funds awarded under a spending plan may be used  
643 by the continuum of care lead agency for staffing and  
644 administrative expenditures.

645 (8) LOCAL MATCHING FUNDS.—If an entity contracts with local  
646 agencies to provide services and receives financial assistance  
647 under this section, the entity must provide a minimum of 25  
648 percent of the funding necessary for the support of project  
649 operations. In-kind contributions, including, but not limited  
650 to, materials, commodities, transportation, office space, other  
651 types of facilities, or personal services, may be evaluated and  
652 counted as part or all of the required local funding, at the  
653 discretion of the State Office on Homelessness.

654 Section 6. Section 420.623, Florida Statutes, is repealed.

655 Section 7. Section 420.624, Florida Statutes, is repealed.

656 Section 8. Section 420.625, Florida Statutes, is repealed.

657 Section 9. Subsection (3) of section 420.626, Florida  
658 Statutes, is amended, and subsection (2) of that section is  
659 republished, to read:

660 420.626 Homelessness; discharge guidelines.—

661 (2) The following facilities and institutions are  
662 encouraged to develop and implement procedures designed to  
663 reduce the discharge of persons into homelessness when such  
664 persons are admitted or housed for more than 24 hours at such  
665 facilities or institutions: hospitals and inpatient medical  
666 facilities; crisis stabilization units; residential treatment  
667 facilities; assisted living facilities; and detoxification

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centers.

(3) The procedures should include all of the following:

(a) Development and implementation of a screening process or other mechanism for identifying persons to be discharged from the facility or institution who are at considerable risk for homelessness or face some imminent threat to health and safety upon discharge.~~+~~

(b) Development and implementation of a discharge plan addressing how identified persons will secure housing and other needed care and support upon discharge.~~+~~

(c) Communication with ~~Assessment of the capabilities of~~ the entities to whom identified persons may potentially be discharged to determine their capability to serve such persons and their acceptance of such discharge into their programs, and selection of the entity determined to be best equipped to provide or facilitate the provision of suitable care and support.~~+~~

(d) Coordination of effort and sharing of information with entities that are expected to bear the responsibility for providing care or support to identified persons upon discharge.~~+~~ and

(e) Provision of sufficient medication, medical equipment and supplies, clothing, transportation, and other basic resources necessary to assure that the health and well-being of identified persons are not jeopardized upon their discharge.

Section 10. Section 420.6265, Florida Statutes, is amended to read:

420.6265 Rapid ReHousing.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

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697 (a) The Legislature finds that Rapid ReHousing is a  
698 strategy of using temporary financial assistance ~~and case~~  
699 ~~management~~ to quickly move an individual or family out of  
700 homelessness and into permanent housing, and using housing  
701 stabilization support services to help them remain stably  
702 housed.

703 (b) The Legislature also finds that public and private  
704 solutions to homelessness in the past have focused on providing  
705 individuals and families who are experiencing homelessness with  
706 emergency shelter, transitional housing, or a combination of  
707 both. While emergency shelter and transitional housing programs  
708 may provide critical access to services for individuals and  
709 families in crisis, the programs often fail to address permanent  
710 housing ~~their long-term~~ needs and may unnecessarily extend their  
711 episodes of homelessness.

712 (c) The Legislature further finds that most households  
713 become homeless as a result of a financial crisis that prevents  
714 individuals and families from paying rent or a domestic conflict  
715 that results in one member being ejected or leaving without  
716 resources or a plan for housing.

717 (d) The Legislature further finds that Rapid ReHousing is a  
718 cost-effective ~~is an alternative~~ approach to ending homelessness  
719 which reduces ~~to the current system of emergency shelter or~~  
720 ~~transitional housing which tends to reduce~~ the length of time  
721 that a person is homeless and which is demonstrably more ~~has~~  
722 ~~proven to be~~ cost effective than alternative approaches.

723 (e) It is therefore the intent of the Legislature to  
724 encourage ~~homeless~~ continuums of care to adopt the Rapid  
725 ReHousing approach to ending ~~preventing~~ homelessness for

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726 individuals who and families that ~~who~~ do not require the  
727 intensive ~~intense~~ level of supports provided in the permanent  
728 supportive housing model.

729 (2) RAPID REHOUSING METHODOLOGY.—

730 (a) The Rapid ReHousing response to homelessness differs  
731 from traditional approaches to addressing homelessness by  
732 focusing on each individual's or family's barriers to housing.  
733 By using this approach, communities can significantly reduce the  
734 amount of time that individuals and families are homeless and  
735 prevent further episodes of homelessness.

736 (b) In Rapid ReHousing, when an individual or a family is  
737 identified as being homeless, the individual or family is  
738 assessed and prioritized for housing through the continuum of  
739 care's coordinated entry system, temporary assistance is  
740 provided to allow the individual or family to obtain permanent  
741 housing as quickly as possible, and necessary, ~~if needed~~,  
742 assistance is provided to allow the individual or family to  
743 retain housing.

744 (c) The objective of Rapid ReHousing is to provide  
745 assistance for as short a term as possible so that the  
746 individual or family receiving assistance attains stability and  
747 integration into the community as quickly as possible ~~does not~~  
748 ~~develop a dependency on the assistance.~~

749 Section 11. Section 420.6275, Florida Statutes, is amended  
750 to read:

751 420.6275 Housing First.—

752 (1) LEGISLATIVE FINDINGS AND INTENT.—

753 (a) The Legislature finds that many communities plan to  
754 manage homelessness rather than ~~plan to~~ end it.

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(b) The Legislature also finds that for nearly ~~most of the~~  
~~past~~ two decades, public and private solutions to homelessness  
~~have~~ focused on providing individuals and families who were ~~are~~  
experiencing homelessness with emergency shelter, transitional  
housing, or a combination of both. This strategy failed to  
recognize that, while emergency shelter programs may provide  
critical access to services for individuals and families in  
crisis, they often fail to address their long-term needs.

(c) The Legislature further finds that Housing First is a  
cost-effective ~~an alternative~~ approach ~~to the current system of~~  
~~emergency shelter or transitional housing which tends to ending~~  
homelessness and reducing ~~reduce~~ the length of time of  
homelessness for many individuals and families ~~and has proven to~~  
~~be cost-effective.~~

(d) It is therefore the intent of the Legislature to  
encourage ~~homeless~~ continuums of care to adopt the Housing First  
approach to ending homelessness for individuals and families.

(2) HOUSING FIRST METHODOLOGY.—

(a) The Housing First approach to homelessness provides  
permanent ~~differs from traditional approaches by providing~~  
housing assistance, followed by ~~case management,~~ and support  
services responsive to individual or family needs once ~~after~~  
housing is obtained. By using this approach ~~when appropriate,~~  
communities can significantly reduce the amount of time that  
individuals and families are homeless and prevent further  
episodes of homelessness. Housing First emphasizes that social  
services provided to enhance individual and family well-being  
can be more effective when people are in their own home, and:

1. The housing is not time-limited.

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784       2. The housing is not contingent on compliance with  
785 services. Instead, participants must comply with a standard  
786 lease agreement.

787       3. Individuals and families ~~and~~ are provided with  
788 individualized ~~the~~ services and support ~~that are~~ necessary to  
789 help them maintain stable housing ~~do so successfully~~.

790       ~~3. A background check and any rehabilitation necessary to~~  
791 ~~combat an addiction related to alcoholism or substance abuse has~~  
792 ~~been completed by the individual for whom assistance or support~~  
793 ~~services are provided.~~

794       (b) The Housing First approach addresses the societal  
795 causes of homelessness and advocates for the immediate return of  
796 individuals and families into housing and communities. Housing  
797 First links affordable housing with community-based social  
798 service and health care organizations ~~Housing First provides a~~  
799 ~~critical link between the emergency and transitional housing~~  
800 ~~system and community-based social service, educational, and~~  
801 ~~health care organizations~~ and consists of four components:

802       1. Crisis intervention and short-term stabilization.

803       2. Screening, intake, and needs assessment.

804       3. Provision of housing resources.

805       4. Provision of case management.

806       Section 12. Paragraph (d) of subsection (22) of section  
807 420.507, Florida Statutes, is amended to read:

808       420.507 Powers of the corporation.—The corporation shall  
809 have all the powers necessary or convenient to carry out and  
810 effectuate the purposes and provisions of this part, including  
811 the following powers which are in addition to all other powers  
812 granted by other provisions of this part:

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(22) To develop and administer the State Apartment Incentive Loan Program. In developing and administering that program, the corporation may:

(d) In counties or rural areas of counties that do not have existing units set aside for homeless persons, forgive indebtedness for loans provided to create permanent rental housing units for persons who are homeless, as defined in s. 420.621 ~~s. 420.621(5)~~, or for persons residing in time-limited transitional housing or institutions as a result of a lack of permanent, affordable housing. Such developments must be supported by a ~~local homeless assistance~~ continuum of care developed under s. 420.6225 ~~s. 420.624~~, be developed by nonprofit applicants, be small properties as defined by corporation rule, and be a project in the local housing assistance continuum of care plan recognized by the State Office on Homelessness.

Section 13. This act shall take effect July 1, 2020.

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

10/22/19

*Meeting Date*

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

68

*Bill Number (if applicable)*

Topic Homelessness

Name Robert S. Beck

*Amendment Barcode (if applicable)*

Job Title Partner, PinPoint Results

Address 150 S. Monroe St., Suite 303

*Street*

Phone 850-766-1410

Tallahassee

FL

32301

*City*

*State*

*Zip*

Email robert@pinpointresults.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Coalition to End Homelessness (a.k.a. - FL Coalition for the Homeless)

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

10.22.19

*Meeting Date*

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

68

*Bill Number (if applicable)*

Topic Homelessness

*Amendment Barcode (if applicable)*

Name Barney Bishop III

Job Title CEO

Address 2215 Thomasville Road

Phone 850.510.9922

*Street*

Tallahassee

FL

32308

Email barney@barneybishop.com

*City*

*State*

*Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

**COMMITTEE:** Children, Families, and Elder Affairs  
**ITEM:** SB 68  
**FINAL ACTION:** Favorable  
**MEETING DATE:** Tuesday, October 22, 2019  
**TIME:** 11:00 a.m.—12:30 p.m.  
**PLACE:** 301 Senate Building

FINAL VOTE		SENATORS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Bean						
X		Harrell						
		Rader						
X		Torres						
X		Wright						
X		Mayfield, VICE CHAIR						
X		Book, CHAIR						
6	0							
Yea	Nay	TOTALS	Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

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BILL: SB 160

INTRODUCER: Senator Perry

SUBJECT: Peer-to-peer Support for First Responders

DATE: October 21, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Delia	Hendon	CF	<b>Favorable</b>
2.			JU	
3.			RC	

---

**I. Summary:**

SB 160 creates a privileged exception for peer-to-peer communications between first responders, such as law enforcement officers, firefighters, emergency medical technicians/paramedics, public safety communications officers, and dispatchers. The bill provides that such peer-to-peer communications are confidential and prevents first responders from testifying to the contents of such communications during legal proceedings and disciplinary hearings. The bill also creates several exceptions to the privilege.

The bill will not have a fiscal impact and has an effective date of July 1, 2020.

**II. Present Situation:**

**First Responders**

A first responder is defined as a law enforcement officer, firefighter, or an emergency medical technician or paramedic employed by state or local government. Additionally, a volunteer law enforcement officer, firefighter, or emergency medical technician or paramedic engaged by the state or a local government is considered a first responder of the state or local government.

First responders are often exposed to incidents of death and destruction that can result in post-traumatic stress disorder (PTSD), depression, and suicide.<sup>1</sup> A study by the Ruderman Family Foundation revealed that 35 percent of police officers have suffered from PTSD and 46.8 percent of firefighters have experienced suicidal thoughts.<sup>2</sup> Further, a 2015 survey of 4,000 first responders found that 6.6 percent had attempted suicide, which is more than 10 times the rate in

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<sup>1</sup> Miriam Heyman, Jeff Dill & Robert Douglas, *The Ruderman White Paper on Mental Health and Suicide of First Responders*, RUDERMAN FAMILY FOUNDATION 7, 9 (2018), available at [https://issuu.com/rudermanfoundation/docs/first\\_responder\\_white\\_paper\\_final\\_ac270d530f8bfb](https://issuu.com/rudermanfoundation/docs/first_responder_white_paper_final_ac270d530f8bfb) (last visited Oct. 2, 2019).

<sup>2</sup> *Id.* at 12.

the general population.<sup>3</sup> Firefighters are more likely to die by suicide than in the line of duty, according to the Firefighter Behavioral Health Alliance.<sup>4</sup>

### Peer Support

A survey by the Journal of Emergency Medical Services revealed that first responders were less likely to contemplate suicide when they felt supported and encouraged at work.<sup>5</sup> One study showed that while some firefighters reported positive experiences with professional mental health help, others felt more distressed after such intervention. Alternatively, these firefighters reported benefits from peer support, which can reduce the stigma, scheduling difficulties, lack of access, lack of trust, and fear or repercussions that may prevent first responders from seeking mental health care.<sup>6</sup>

### Confidentiality

Communications between a patient and a health care practitioner are confidential.<sup>7</sup> Information that a patient discloses to a health care practitioner may only be disclosed:

- To other health care practitioners involved in the care of the patient;
- If agreed to, in writing, by the patient; or
- If compelled by subpoena at a deposition, evidentiary hearing, or trial for which proper notice has been given.<sup>8</sup>

Additionally, confidentiality between a patient and a psychotherapist may be waived where:

- The psychotherapist is a defendant in a proceeding arising from a complaint filed by the patient and information divulged is limited to the scope of the proceeding;
- The patient agrees, in writing, to waiver of confidentiality; or
- The psychotherapist believes there is imminent risk of physical harm to the patient or other members of society. The information may only be communicated to potential victims, appropriate family members, law enforcement, or other appropriate authority. There is no liability on the part of the person disclosing information in this circumstance, and no cause of action may arise under this provision.<sup>9</sup>

However, Florida law does not provide confidentiality for peer support communications between or involving non-practitioners.

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<sup>3</sup> Wes Venteicher, *Increasing suicide rates among first responders spark concerns*, FIRERESCUE NEWS, Mar. 19, 2017, <https://www.firerescue1.com/fire-ems/articles/222673018-Increasing-suicide-rates-among-first-responders-spark-concern/> (last visited Oct. 2, 2019).

<sup>4</sup> Heyman, Dill & Douglas, *supra* note 6, at 19.

<sup>5</sup> Wes Venteicher, *Increasing First Responder Suicide Rates Spark Concern*, U.S. NEWS, Mar. 25, 2017, <https://www.usnews.com/news/best-states/pennsylvania/articles/2017-03-25/increasing-first-responder-suicide-rates-spark-concern> (last visited Oct. 2, 2019).

<sup>6</sup> Substance Abuse and Mental Health Services Administration, *First Responders: Behavioral Health Concerns, Emergency Response, and Trauma*, DISASTER TECHNICAL ASSISTANCE CENTER SUPPLEMENTAL RESEARCH BULLETIN (May 2019), 10, 12, available at <https://www.samhsa.gov/sites/default/files/dtac/supplementalresearchbulletin-firstresponders-may2018.pdf> (last visited Oct. 2, 2019).

<sup>7</sup> S. 456.057, F.S.; s. 456.059, F.S.; s. 490.0147, F.S.; s. 491.0147, F.S.; s. 90.503, F.S.

<sup>8</sup> S. 456.057, F.S.

<sup>9</sup> S. 491.0147, F.S.

### III. Effect of Proposed Changes:

**Section 1** creates s. 111.09, F.S., providing that any person who is not a health care practitioner and who provides peer-to-peer support to a first responder may not testify in any civil, criminal, administrative, or disciplinary proceeding, or otherwise divulge information obtained through peer-to-peer support communications, with the following exceptions:

- Where the person providing peer support is a defendant in a proceeding arising from a complaint filed by the first responder;
- Where the first responder agrees, in writing, to allow the person to testify about or divulge information related to the peer support; and
- Where there are articulable facts or circumstances that would lead a reasonable, prudent person to fear for the safety of the first responder, another person, or society.

The bill also provides the same meaning for the term ‘first responder’ as is found in s. 112.1815, F.S., and includes public safety communications officers, dispatchers, and 911 or other phone system operators whose job duties include providing support or services to first responders. The bill defines ‘peer-to-peer support’ to mean any conversation or communication between a first responder and a person who is not a health care practitioner but who has experience working as or with a first responder regarding any physical or emotional conditions or issues associated with the first responder’s employment.

**Section 2** provides an effective date of July 1, 2020.

### IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 111.09 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

By Senator Perry

8-00235A-20

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A bill to be entitled

An act relating to peer-to-peer support for first responders; creating s. 111.09, F.S.; defining terms; prohibiting a person who is not a health care practitioner and who provides peer-to-peer support to a first responder from testifying or divulging specified information under certain circumstances; providing exceptions; prohibiting liability and a cause of action under certain circumstances; providing an effective date.

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

Section 1. Section 111.09, Florida Statutes, is created to read:

111.09 Peer-to-peer support for first responders.-

(1) For purposes of this section, the term:

(a) "First responder" has the same meaning as provided in s. 112.1815 and includes public safety communications officers, dispatchers, and 911 or other phone system operators whose job duties include providing support or services to first responders.

(b) "Health care practitioner" has the same meaning as provided in s. 456.001.

(c) "Peer-to-peer support" means any conversation or communication between a first responder and a person who is not a health care practitioner but who has experience working as or with a first responder regarding any physical or emotional conditions or issues associated with the first responder's

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employment.

(2) A person who is not a health care practitioner and who provides peer-to-peer support to a first responder may not testify in any civil, criminal, administrative, or disciplinary proceeding or otherwise divulge information obtained during such peer-to-peer support, except when any of the following occur:

(a) The person providing peer-to-peer support is a defendant in a civil, criminal, administrative, or disciplinary proceeding arising from a complaint filed by the first responder, in which case such information may be divulged but is limited to the scope of the proceeding.

(b) The first responder agrees, in writing, to allow the person to testify about or divulge information related to the peer-to-peer support.

(c) There are articulable facts or circumstances that would lead a reasonable, prudent person to fear for the safety of the first responder, another person, or society, and the person providing peer-to-peer support communicates the information only to the potential victims, appropriate family members, or law enforcement or other appropriate authorities. There is no liability on the part of, and no cause of action of any nature may arise against, the person for disclosing information under this paragraph.

Section 2. This act shall take effect July 1, 2020.

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

10/22/19

Meeting Date

SB 0160

Bill Number (if applicable)

Topic Peer-to-Peer Support for First Responders

Amendment Barcode (if applicable)

Name GARY BRADFORD

Job Title Government Relations

Address 310 E. Brevard St

Street

Phone 800-733-3722

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32301

City

State

Zip

Email Gary@FLPBA.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing FLORIDA POLICE Benevolent Assn.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

10/22/19

Meeting Date

160

Bill Number (if applicable)

Topic First Responder Peer Support

Amendment Barcode (if applicable)

Name George Wallace

Job Title \_\_\_\_\_

Address 5561 NE 5 Place  
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Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

10-22-19

Meeting Date

SB 0160

Bill Number (if applicable)

Topic PEER to PEER Support

Amendment Barcode (if applicable)

Name WAYNE BERNOSKA

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Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Professional Firefighters

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

**COMMITTEE:** Children, Families, and Elder Affairs  
**ITEM:** SB 160  
**FINAL ACTION:** Favorable  
**MEETING DATE:** Tuesday, October 22, 2019  
**TIME:** 11:00 a.m.—12:30 p.m.  
**PLACE:** 301 Senate Building

FINAL VOTE		SENATORS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Bean						
X		Harrell						
		Rader						
X		Torres						
X		Wright						
X		Mayfield, VICE CHAIR						
X		Book, CHAIR						
6	0	TOTALS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

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BILL: SPB 7000

INTRODUCER: For consideration by the Children, Families, and Elder Affairs Committee

SUBJECT: Reporting Abuse, Abandonment, and Neglect

DATE: October 21, 2019

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Preston	Hendon		<b>Favorable</b>

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**I. Summary:**

SPB 7000 amends definitions relating to child-on-child sexual abuse and reorganizes and clarifies provisions and requirements currently in s. 39.201, F.S., relating to reports of child abuse, abandonment, or neglect and the central abuse hotline at the Department of Children and Families (DCF or department). It also adds a requirement that the central abuse hotline keep statistical reports relating to reports of child abuse and sexual abuse that are reported from or occur in specified educational settings and adds new requirements for investigations related to reports of child-on-child sexual abuse that occur in those educational settings.

The bill provides penalties for specified educational providers whose employees knowingly and willingly fail to report suspected or known child abuse, abandonment or neglect to the central abuse hotline and requires at least a one year suspension of the educator certificate of instructional personnel or school administrator who fail to report child abuse.

The bill provides that the State Board of Education may enforce compliance if a school policy for reporting child abuse, abandonment or neglect does not comply with state law and provides that school personnel reporting child abuse to their supervisor does not relieve them of the responsibility to directly report to the hotline.

The bill also creates a new section of the Florida Statutes, relating to reporting animal abuse, to recognize the strong link between child abuse and animal abuse by requiring any person who is required to investigate child abuse, abandonment, or neglect and who knows or has reasonable cause to suspect that abuse, neglect, cruelty, or abandonment of an animal has occurred must report such knowledge or suspicion within 72 hours to his or her supervisor for submission to a local animal control agency. The bill specifies the information that is to be included in a report.

The bill provides penalties for knowingly and willfully failing to report and requires training for child protective investigators and animal control officers.

The bill amends current law related to sexual abuse of animals to update terminology, include activities specifically related to children and activities involving the sexual abuse of animals and increase the penalty for violations from a misdemeanor of the first degree to a felony of the third degree. The bill places violations at Level 6 on the Offense Severity Ranking Chart.

The bill will have no fiscal impact to the state and has an effective date of July 1, 2020.

## **II. Present Situation:**

Current law requires any person who knows or has reasonable cause to suspect a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare is required to report that suspicion to the department's central abuse hotline.<sup>1</sup>

In addition, any person who knows, or who has reasonable cause to suspect, that a child is abused by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare or any person who knows, or has reasonable cause to suspect, that a child is the victim of childhood sexual abuse or the victim of a known or suspected juvenile sexual offender, as defined in this chapter, shall report such knowledge or suspicion to the central abuse hotline.<sup>2</sup>

Florida currently does not require any reporting of animal cruelty or neglect.

### **Penalties for Failing to Report Child Abuse**

According to s. 39.205, F.S., a person who fails to report known or suspected child abuse, abandonment, or neglect, or who knowingly and willfully prevents another person from doing so, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.<sup>3</sup>

Likewise, a person who is 18 years of age or older and lives in the same house as a child who is known or suspected to be a victim of child abuse, neglect of a child, or aggravated child abuse, and knowingly and willfully fails to report the child abuse commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, unless the court finds that the person is a victim of domestic violence or that other mitigating circumstances exist.<sup>4</sup>

Postsecondary educational entities including Florida College System institutions, state universities, or nonpublic colleges, universities, or schools, as defined in s. 1000.21 or s. 1005.02, F.S., whose administrators knowingly and willfully, upon receiving information from faculty, staff, or other institution employees, fail to report known or suspected child abuse, abandonment, or neglect committed on the property of the university, college, or school, or during an event or function sponsored by the university, college, or school, or who knowingly

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<sup>1</sup> Section 39.201, F.S.

<sup>2</sup> *Id.*

<sup>3</sup> Section 39.205, F.S.

<sup>4</sup> *Id.*

and willfully prevent another person from doing so, are subject to fines of \$1 million for each such failure.<sup>5</sup>

### **Child-on-Child Sexual Abuse**

Child-on-child sexual abuse is a specific category of child sexual abuse that has not typically been recognized by the general public. There is a growing concern among parents, educators, and child safety experts related to children who sexually abuse other children. Generally, such scenarios include a child who uses their age, physical strength, or positions of status or authority, to engage another child in sexual activity. Typically, child-on-child sexual abuse includes a wide range of sexual behaviors from noncontact sexual behavior such as making obscene phone calls, exhibitionism, voyeurism, and the showing or taking of lewd photographs to varying degrees of direct sexual contact, such as frottage, fondling, digital penetration, rape and various other sexually aggressive acts. Child-on-child sexual abuse does not include normative sexual play or anatomical curiosity and exploration.<sup>6</sup>

This issue is complicated because there is a child who is a victim whose life has often been deeply impacted by the abuse and he or she needs help and healing and there is also a child who is the offender who needs help. Our judicial and mental health systems often treat children with illegal or problematic sexual behaviors as adults. Depending upon local, state, and federal laws, children involved in this form of abuse may be considered a child with sexual behavior problems in need of child welfare services, may be legally defined as juvenile sex offenders or molesters, and/or may be permanently placed on a sex offender registry for involvement in such abuse.<sup>7</sup>

There are many social stigmas and misunderstandings that these children are “monsters” who are destined to act out again. These issues and more make it difficult to report these cases of abuse and to get help for all involved. Nonetheless, it has been repeatedly documented through robust empirical evidence that children with sexual behavior problems and juvenile sex offenders have relatively low future sex offending rates. While these findings may seem counterintuitive when compared to adult sex offenders who report childhood onset of their sexual aggression, recent longitudinal studies suggest that childhood sexual behavioral problems and even juvenile sex offending does not significantly predispose one to engage in adult sex offenses.<sup>8</sup>

Research on the effectiveness of treatment interventions for juvenile sex offenders and children with sexual behavior problems has demonstrated positive outcomes for treatment approaches based upon cognitive-behavioral therapy. While sexual re-offense rates are relatively low for children with sexual behavior problems and juvenile sex offenders, studies have documented program success in reducing recidivism among this population. Other research has indicated that program effectiveness is dependent in part on the type of intervention and type of sexual behavior problems. What has been noted in the research is that juvenile sex offenders are more

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<sup>5</sup> *Id.*

<sup>6</sup> National Center on Sexual Exploitation, Available at: <https://endsexualexploitation.org/cochsb/> (Last visited October 3, 2019).

<sup>7</sup> Florida Department of Children and Families, *Child-on-Child Needs Assessment – White Paper*, February 2010, Available at: <http://thejrc.com/docs/Child%20on%20Child%20Sexual%20Abuse%20Needs%20Assessment%20-%20White%20Paper.pdf> (Last visited October 3, 2019).

<sup>8</sup> *Id.*

likely than adults to respond positively to treatment and that they are also less likely to recidivate than adults.<sup>9</sup>

In 2009, former DCF Secretary George Sheldon established the Gabriel Myers Work Group to examine the case of Gabriel Myers, a 7-year-old who, on April 16, 2009, was found hanging in the home of his foster parents in Margate, Florida. The second of two reports prepared by the work group, focused on the issue of child-on-child sexual abuse and identified 107 findings and 84 recommendations relating to the issue of child-on-child sexual abuse, including a number related to labeling sexual behaviors<sup>10</sup> It is unknown how many of these recommendations have been implemented.

Current law frequently causes labeling of children as sex offenders or predators. These labels cause stigma that adversely affects children in whatever setting they are in. The label follows them through their child welfare existence and may continue into adulthood. Treatment programs are often labeled “sex offender programs.” This is not conducive to positive treatment outcomes. The state’s child welfare system may need to change its language to encourage prevention and research-based treatment. Research clearly shows that children seldom reoffend as adults. The system should encourage supportive treatment experiences.<sup>11</sup>

The 1995 enactment of legislation that criminalized sexual behavior problems and labeled some children as juvenile sex offenders further complicated the ability to treat effectively children with sexual behavior problems and to protect other children from child on child sexual abuse. This terminology should be avoided unless criminally proven and the child is assessed and a professional determination is made that the child poses a risk to society. Research has proven that the significant majority of children with sexual behavior problems do not become adult sex offenders or predators; those who receive proper and timely assessment and treatment have an even lower risk of future sexual behavior problems.<sup>12</sup>

While current law requires the hotline to collect and analyze child-on-child sexual abuse reports and include the information in aggregate statistical reports, no current data has been received from the department relating to child-on-child sexual abuse cases. The Gabriel Myers Work Group reported that in FY 2008-09, 8,321 children were identified as being either alleged perpetrators or victims of child on child sexual abuse by the department and approximately 700

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<sup>9</sup> *Id.*

<sup>10</sup> Florida Department of Children and Families, *Report of Gabriel Myers Work Group on Child-on- Child Sexual Abuse*, May 14, 2010, Available at: <https://www.myflfamilies.com/initiatives/GMWorkgroup/docs/Gabriel%20Myers%20COC%20Report%20May%2014%202010.pdf> (Last visited October 3, 2019).

<sup>11</sup> *Id.*

<sup>12</sup> Juvenile Sexual Offenders and Their Victims: *Final Report Task Force on Juvenile Sexual Offenders And Their Victims*, January 18, 2006. See Appendix II 1995 Task Force on Juvenile Sex Offenders and Victims of Juvenile Sex Offense and Crimes, Available at: <http://centerforchildwelfare.fmhi.usf.edu/kb/bppub/JuvSexOffenderTaskForceReport.pdf> (Last visited October 3, 2019)).

youths were found to be verified victims of child on child sexual abuse by DCF in fiscal year 2007.<sup>13</sup>

Florida law currently requires child-on-child sexual abuse to be reported to the central abuse hotline.<sup>14</sup>

### **Sexual Abuse of Children in Schools**

The reporting of sexual assault and harassment on college campuses has received a great deal of attention in the media, and prompted calls to action from students, legislators, and advocates around the country. Important questions about what school administrators are doing, and what they should be doing, to prevent and address sexual harassment at the elementary and secondary school level, before students get to college. Title IX of the Education Amendments of 1972 (“Title IX”) has long recognized sexual harassment of students – whether by their peers or by school employees – as a form of prohibited sex discrimination. Despite this legal prohibition, which applies at all schools and educational programs that receive federal funding, harassment based on sex is still a common and harmful phenomenon in K-12 schools, and it has a particularly negative impact on girls.<sup>15</sup>

Recently, reviewing state education records and federal crime data, which allows for a more thorough analysis than state education records, a yearlong investigation by the Associated Press uncovered roughly 17,000 official reports of sexual assaults by students over a four-year period, from fall 2011 to spring 2015. Though that figure represents the most complete record yet of sexual assaults among the nation’s 50 million K-12 students, it does not completely represent the problem because such attacks are greatly under-reported, some states don’t track them and those that do vary widely in how they classify and catalog sexual violence. There are academic estimates that range sharply higher.<sup>16</sup>

Elementary and secondary schools have no national requirement to track or disclose sexual violence, and they feel tremendous pressure to hide it. Even under varying state laws, acknowledging an incident can trigger liabilities and requirements to act. When schools don’t act children are harmed and justice is not served. Children remain most vulnerable to sexual assaults by other children in the privacy of a home, but schools where many more adults are keeping watch, and where parents trust their kids will be kept safe are the No. 2 site where children are sexually assaulted by their peers.<sup>17</sup>

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<sup>13</sup> Florida Department of Children and Families, Report of Gabriel Myers Work Group on Child-on- Child Sexual Abuse, May 14, 2010, Available at:

<https://www.myflfamilies.com/initiatives/GMWorkgroup/docs/Gabriel%20Myers%20COC%20Report%20May%2014%202010.pdf> (Last visited October 3, 2019).

<sup>14</sup> Section 39.201, F.S.

<sup>15</sup> Equal Rights Advocates, Ending Harassment Now: Keeping our kids safe at schools, 2017, Available at: <https://cdn.atixa.org/website-media/atixa.org/wp-content/uploads/2015/12/12193459/Ending-Harrasment-Now-Keeping-Our-Kids-Safe-At-School.pdf> (Last visited October 10, 2019).

<sup>16</sup> The Associated Press, *Hidden horror of school sexual assaults revealed by AP*, May 23, 2017, Available at: <https://www.apnews.com/afs:Content:965140127> (Last visited October 10, 2019).

<sup>17</sup> *Id.*

Ranging from rape and sodomy to forced oral sex and fondling, the sexual violence that the AP tracked often was mischaracterized as bullying, hazing or consensual behavior. It occurred anywhere students were left unsupervised: buses and bathrooms, hallways and locker rooms. No type of school was immune, whether it be in an upper-class suburb, an inner-city neighborhood or a blue-collar farm town. The AP investigation also found:

- Unwanted fondling was the most common form of assault, but about one in five of the students assaulted were raped, sodomized or penetrated with an object, according to AP's analysis of the federal incident-based crime data.
- About 5 percent of the sexual violence involved 5 and 6 year-olds. But the numbers increased significantly between ages 10 and 11 about the time many students start their middle-school years and continued rising up until age 14. They then dropped as students progressed through their high school years.
- Contrary to public perception, data showed that student sexual assaults by peers were far more common than those by teachers. For every adult-on-child sexual attack reported on school property, there were seven assaults by students.
- Laws and legal hurdles also favor silence. Schools have broadly interpreted rules protecting student and juvenile privacy to withhold basic information about sexual attacks from their communities. Victims and their families face high legal thresholds to successfully sue school districts for not maintaining safe learning environments.

Schools frequently were unwilling or ill-equipped to address the problems the AP found, despite having long been warned by the U.S. Supreme Court<sup>18</sup> that they could be liable for monetary damages. Some administrators and educators even engaged in cover-ups to hide evidence of a possible crime and protect their schools' image.

In October 2010 the U.S. Education Department reminded public school districts that Title IX obligates them to act on bullying and sexual violence. The department specifically referenced anti-gay slurs, sexual remarks, physical harm and unwanted touching.<sup>19</sup> School districts have had to report all sorts of data about students, from those who received free lunches to those who brought in firearms. But there is no federal mandate to track sexual violence. By contrast, colleges and universities must keep a public crime log, send emergency alerts about sexual assaults, train staff and aid victims under a federal law named for a student who was raped and murdered in 1986. Whether and how school sexual violence is tracked is determined by individual states the AP found, with wide variations in whether that information is verified or any training on student-on-student sexual assault is required.

Because experiences that girls have in school are crucial to their overall well-being, recent reports released by the Delores Barr Weaver Policy Center examined the experiences of girls in middle and high school in Florida communities statewide on a variety of well-being indicators. The report examined educational attainment and disparities and girls' overall well-being in relation to school connectedness, safety, access to safe adults including parents and teachers, freedom from violence and victimization in their homes, schools and communities, and

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<sup>18</sup> *Davis v. Monroe County Bd. Of Educ.*, 526 U.S. 629, (1999).

<sup>19</sup> U.S. Department of Education, Office of Civil Rights, *Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability*, October 26, 2010, Available at: <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf> (Last visited October 10, 2019).

emotional well-being.<sup>20</sup> National and state data were analyzed for the studies including those from the Department of Children and Families, the Department of Juvenile Justice, the Department of Education and survey data<sup>21</sup> of 27,000 girls in middle and high schools collected by the Department of Health. The data revealed that:

- 33% of girls in middle or high schools do not feel safe in school;
- 63% of girls in high school reported being verbally bullied, 30% have experienced physical bullying, and 35% have experienced cyberbullying; the rates are higher for girls in middle schools; and
- 25% of girls reported they have no teacher they can speak to one-on-one about problems.<sup>22</sup>

### **Link Between Child Abuse and Animal Abuse**

Since the 1970's agencies such as the Federal Bureau of Investigation and the Humane Society of the United States (HSUS) have conducted research on the connection between animal abuse and later violence towards humans, finding a strong correlation. Research indicates:

- Young people who are cruel to animals are more likely to become aggressive toward humans as they develop.
- Violent, imprisoned offenders have usually abused animals during their childhood.
- Children learn cruel behaviors from adults and may reenact them on animals.
- Children may abuse animals to release the aggression they feel toward abusive adults or because of psychological trauma

Animal abuse, cruelty and neglect are often considered isolated incidents completely separated from other forms of family violence. Today, however, professionals involved with victims of family violence are not surprised when they learn that often these acts are linked, and that various agencies are working with the same families. The intentional harming or killing of pets by adults or children is now recognized as an sentinel indicator of violence in the home and often the first sign of other family and community violence. Intentional abuse in any form should be taken seriously. Knowing that there is a "link," agencies involved in preventing family violence are increasingly beginning to work together for a more effective, species-spanning response.<sup>23</sup>

It is reported by advocacy groups to be essential that all those who seek to identify and reduce such violence be alert to this connection. Likewise, it is deemed important for professionals in domestic violence intervention, law-enforcement, child protection, human and veterinary medicine, education and animal care and control get to know their counterparts in other professions and work together to establish strategies for a coordinated response to these needs.

Statistics support the efficacy of mandatory cross-reporting.

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<sup>20</sup> Delores Barr Weaver Policy Center, *Status of Florida Girls Report*, September 2019, Available at: <https://www.seethegirl.org/wp-content/uploads/2019/09/Full-Report-WellBeing.pdf> (Last visited October 10, 2019).

<sup>21</sup> Survey data does not represent all middle and high school students in Florida. Private, alternative, vocational and special education schools are excluded from the sample.

<sup>22</sup> Delores Barr Weaver Policy Center, *Status of Florida Girls Report*, September 2019, Available at: <https://www.seethegirl.org/wp-content/uploads/2019/09/Full-Report-WellBeing.pdf> (Last visited October 10, 2019).

<sup>23</sup> National Link Coalition, *What is the Link?* Available at: <http://nationallinkcoalition.org/what-is-the-link> (Last visited October 14, 2019).

- Animal abusers are five times as likely to harm humans.
- In eighty-eight percent (88%) of the families of children referred for services because a child had been abused, at least one person had abused pets.
- In approximately two-thirds of those families, it was the abusive parent who had injured or killed a pet. In the remaining one-third, it was a child who abused the pet.
- Seventy percent (70%) of people charged with cruelty to animals were known by police for other violent behavior — including homicide.
- Sixty percent (60%) of the homes where child abuse or neglect occurred had abused animals.
- Seventy-one percent (71%) of abused women said their partners harmed, killed or threatened pets.
- Twelve independent surveys found that between eighteen percent (18%) and forty-eight percent (48%) of battered women delayed their decision to leave, or returned to their abusers out of fear for the welfare of their animals.
- Children exposed to domestic violence were three (3) times more likely to be cruel to animals. Twenty-six point eight percent (26.8%) of boys and twenty-nine point four percent (29.4%) of girls who were victims of physical and sexual abuse and domestic violence have been reported to abuse the family pets. Seventy-five percent (75%) of the incidents of animal abuse occurred in the presence of children to psychologically control and coerce them.<sup>24</sup>

### **School Specific Violence and Animal Abuse**

While some researchers disagree,<sup>25</sup> the National School Safety Council, the U.S. Department of Education, the American Psychological Association and the National Crime Prevention Council agree that animal cruelty is a warning sign for at-risk youth. A number of studies have drawn links between the abuse of animals and violent incidents in schools. A 2001-2004 study by the Chicago Police Department discovered that in seven school shootings that took place across the country between 1997 and 2001, all involved boys had previously committed acts of animal cruelty.<sup>26</sup> More recently, Nikolas Cruz, charged with 17 counts of premeditated murder, following the 2018 attack at Marjory Stoneman Douglas High School in Parkland, has a history of animal cruelty and abuse.

### **Florida and Other States**

Fifteen states now have cross-reporting laws<sup>27</sup> where officials investigating child abuse must report animal abuse and officials investigating animal abuse must report child abuse. The

<sup>24</sup> Devereaux, M.J., *Mandatory Cross-Reporting of Animal and Child Abuse Protects Domestic Violence Victims and Animals*. June 17, 2014, Available at: <http://devlegal.com/page/mandatory-cross-reporting-of-animal-and-child-abuse-protects-domestic-violence-victims-and-animals/> (Last visited October 14, 2019).

<sup>25</sup> Psychology Today, *Animal Cruelty Does Not Predict Who Will Be A School Shooter*, February 21, 2018. Available at: <https://www.psychologytoday.com/us/blog/animals-and-us/201802/animal-cruelty-does-not-predict-who-will-be-school-shooter> (Last visited March 20, 2019).

<sup>26</sup> The Humane Society of the United States. Available at: <https://www.humanesociety.org/resources/animal-cruelty-and-human-violence-faq> (Last visited March 21, 2019).

<sup>27</sup> Those states are California, Colorado, Connecticut, District of Columbia, Illinois, Kentucky, Louisiana, Maine, Massachusetts, Nebraska, Ohio, Oregon, Tennessee, Virginia and West Virginia. Devereaux, M.J., *Mandatory Cross-Reporting of Animal and Child Abuse Protects Domestic Violence Victims and Animals*. June 17, 2014, Available at: <http://devlegal.com/page/mandatory-cross-reporting-of-animal-and-child-abuse-protects-domestic-violence-victims-and-animals/> (Last visited October 11, 2019).

increasing availability of orders of protection is widely viewed as an acknowledgement of the link and a step in the right direction. Twenty-four states, the District of Columbia, and the territory of Puerto Rico have statutes granting courts the power to enter orders of protection protecting against child abuse and domestic violence by protecting pets. The New York Family Court Act, for example, allows an order of protection “to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the petitioner or a minor child residing in the household.” Orders of protection are therefore viewed as a step in the right direction.<sup>28</sup>

At least 28 states have counseling provisions in their animal cruelty laws. Four of these states require psychological counseling for anyone convicted of animal cruelty and six mandate counseling for juveniles convicted of animal cruelty.<sup>29</sup>

### **The FBI and Federal Tracking**

On January 1, 2016 the Federal Bureau of Investigation’s (FBI or Bureau) National Incident-Based Reporting System (NIBRS) began collecting detailed data from participating law enforcement agencies on acts of animal cruelty, including gross neglect, torture, organized abuse, and sexual abuse. Before this year, crimes that involved animals were lumped into an “All Other Offenses” category in the FBI’s Uniform Crime Reporting (UCR) Program’s annual Crime in the United States report, a survey of crime data provided by about 18,000 city, county, state, tribal, and federal law enforcement agencies. Acts of cruelty against animals are now counted alongside felony crimes like arson, burglary, assault, and homicide in the FBI’s expansive criminal database.<sup>30</sup>

The National Sheriffs’ Association was a leading advocate for adding animal cruelty as a data set in the Bureau’s collection of crime statistics. The association for years has cited studies linking animal abuse and other types of crimes—most famously, murders committed by serial killers like Ted Bundy, Jeffrey Dahmer, and the “Son of Sam” killer David Berkowitz. The organization also points out the overlap animal abuse has with domestic violence and child abuse. John Thompson, deputy executive director of the National Sheriffs’ Association stated that “If somebody is harming an animal, there is a good chance they also are hurting a human. If we see patterns of animal abuse, the odds are that something else is going on.”<sup>31</sup>

A first look at NIBRS animal cruelty statistics will be available next year, but it will take at least three to five years for the data to begin showing helpful patterns. Groups that advocated for the new animal cruelty data hope that by adding it to NIBRS, rather than the summary-based statistics agencies provide the Bureau each year, they will get a much richer data set from which to mine. That’s because NIBRS requires participating agencies to not only report crimes but also all the circumstances of a crime. Additionally, the Bureau plans to phase out summary-based

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<sup>28</sup> *Id.*

<sup>29</sup> The Humane Society of the United States. Available at: <https://www.humanesociety.org/resources/animal-cruelty-and-human-violence-faq> (Last visited October 11, 2019).

<sup>30</sup> Federal Bureau of Investigation. Tracking Animal Crimes, February 1, 2016, Available at: <https://www.fbi.gov/news/stories/-tracking-animal-cruelty> (Last visited October 14, 2019).

<sup>31</sup> Sheltering Animals Of Abuse Victims, Available at: <http://www.saaavprogram.org/blog/2018/3/8/t49dzj8ci62m7cera4bc5enfoe8ct7> (Last visited October 11, 2019).

UCR statistics—which have been collected roughly the same way since 1930—in favor of NIBRS by 2021.<sup>32</sup>

### **Sexual Abuse of Animals**

Animal sexual abuse is the sexual molestation of an animal by a human. It can also include the killing or injuring of an animal for sexual gratification. Studies have shown that bestiality is strongly related to child sexual abuse or pedophilia. In fact, bestiality is the single largest predictor of future risk to molest a child. In a recent study of about 500 bestiality-related arrests in the U.S., more than a third of the incidents involved not only the sexual abuse of an animal, but of a child or adult. Children under the age of 12 were frequently solicited or manipulated into having sex with a family pet or forced to watch a parent or other guardian do so. Many of them were shown animal pornography as a way of grooming them to perform sexual acts.<sup>33</sup>

Laws related to animal sexual abuse as a form of cruelty are typically more specialized than animal cruelty laws in general. There is wide variability in how bestiality laws are written and enforced across the U.S., and not every state has one. Although attitudes are changing, animals have traditionally been thought of as property, and in sixteen U.S. states, laws prohibiting bestiality are housed in the animal cruelty codes. In the remaining states with laws, bestiality is considered a sexual assault or a crime against public morals. In 23 states, a violation of the law is a misdemeanor with penalties ranging from 30 days to 18 months. In the remaining states bestiality is a felony with penalties ranging from 5 months to 20 years. More problematic than how bestiality laws are codified is the definition of what bestiality entails. A law that is too general or too specific can result in loopholes that affect the kind of charges that can be laid or successfully prosecuted.<sup>34</sup>

Current law in Florida includes provisions related to animal sexual abuse and violators commit a misdemeanor of the first degree.<sup>35</sup>

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 39.01, F.S.; relating to definitions, to delete the definition of the terms “juvenile sexual abuse” and “child who has exhibited inappropriate sexual behavior” and create a definition for the term “child-on-child sexual abuse.”

**Section 2** creates s. 39.101, F.S.; relating to the central abuse hotline, to reorganize and clarify provisions currently in s. 39.201, F.S.; that are specific to the operation of the central abuse hotline. It also adds a requirement that the department collect and analyze, in separate statistical reports, reports of child abuse and sexual abuse which are reported from or which occurred on school premises; on school transportation; at school-sponsored off-campus events; at any school

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<sup>32</sup> Federal Bureau of Investigation. Tracking Animal Crimes, February 1, 2016, Available at: <https://www.fbi.gov/news/stories/-tracking-animal-cruelty> (Last visited October 14, 2019).

<sup>33</sup> National Sheriff's Association, Sheriff's and Deputy Magazine, The Law Enforcement Guide: What You Should Know About Bestiality, 2019 Special Edition, Available at: [https://www.sheriffs.org/sites/default/files/2019\\_SD\\_AA.pdf](https://www.sheriffs.org/sites/default/files/2019_SD_AA.pdf) (Last visited October 15, 2019).

<sup>34</sup> *Id.*

<sup>35</sup> Section 828.126, F.S.

readiness program provider determined to be eligible under s. 1002.88, F.S.; at a private prekindergarten provider or a public school prekindergarten provider, as those terms are defined in s. 1002.51; F.S.; at a public K-12 school as described in s. 1000.04; F.S.; at a home education program or a private school, as those terms are defined in s. 1002.01, F.S.; those reports are already required for reports from a Florida College System institution or a state university, as those terms are defined in s. 1000.21; F.S.; or at any school, as defined in s. 1005.02, F.S.;

**Section 3** amends s. 39.201, F.S., relating to mandatory reporting of child abuse, abandonment or neglect, to reorganize and clarify provisions currently in s. 39.201, F.S.; that are specific to the child abuse, abandonment, or neglect mandatory reporting process. New requirements are provided for the department to investigate reports of child-on-child sexual abuse that occur in specified educational settings and an animal control officer as defined in s. 828.27, F.S.; or agent appointed under s. 828.03, F.S.; is required to provide his or her name to the hotline when making a report.

**Section 4** amends s. 39.205, F.S., relating to penalties for reporting of child abuse, abandonment or neglect, to provide penalties for educational institutions that fail to report child abuse, abandonment or neglect as follows:

- Any school readiness program provider determined to be eligible under s. 1002.88; F.S.; private prekindergarten provider or public school prekindergarten provider, as those terms are defined in s. 1002.51; F.S.; public K-12 school as described in s. 1000.04; F.S.; home education program as defined in s. 1002.01; F.S.; or private school as defined in s. 1002.01, F.S.; that accepts scholarship students who participate in a state scholarship program under chapter 1002, F.S.; whose employees knowingly and willingly fail to report known or suspected child abuse, abandonment, or neglect to the central abuse hotline pursuant to this chapter, is subject to a penalty for each such failure.
  - An early learning coalition may suspend or terminate a provider from participating in the school readiness program or Voluntary Prekindergarten Education Program if an employee of the provider fails to report known or suspected child abuse, abandonment, or neglect.
  - If the State Board of Education determines that policies of the district school board regarding reporting known or suspected child abuse, abandonment, or neglect by school employees do not comply with statute or state board rule, the state board may enforce compliance pursuant to s. 1008.32, F.S.
  - The Department of Education may prohibit a private school whose employees fail to report known or suspected child abuse, abandonment, or neglect from enrolling new students in a state scholarship program under chapter 1002 for 1 fiscal year. If employees at a private school knew of, should have known of, or suspected child abuse, abandonment, or neglect in two or more instances, the Commissioner of Education may determine that the private school is ineligible to participate in scholarship programs.

The bill also provides that school personnel reporting child abuse to their supervisor does not relieve them of the responsibility to directly report to the hotline.

**Section 5** creates s. 39.208, F.S., relating to reporting of child and animal abuse, to recognize the importance of the strong link between child abuse and animal abuse and cruelty by requiring any

person who is required to investigate child abuse, abandonment, or neglect and who knows or has reasonable cause to suspect that abuse, neglect, cruelty, or abandonment of an animal has occurred must report such knowledge or suspicion within 72 hours to his or her supervisor for submission to a local animal control agency. The bill specifies the information that is to be included in a report. The bill provides for penalties for knowingly and willfully failing to report and requires training for child protective investigators and animal control officers.

**Section 6** amends s. 39.302, F.S., relating to institutional investigations of child abuse, abandonment and neglect, to provide that in an institutional investigation, the alleged perpetrator may be represented by an attorney, at his or her own expense, or may be accompanied by another person, if the attorney or the person executes an affidavit of understanding with the department and agrees to comply with the confidentiality requirements under s. 39.202, F.S.. This provision is currently in s. 39.201, F.S.; and is being relocated to the more appropriate section.

**Section 7** amends s. 828.126, F.S., relating to sexual activities involving animals, to update terminology, include activities specifically related to children and activities involving the sexual abuse of animals and increase the penalty for violations from a misdemeanor of the first degree to a felony of the third degree. The bill places violations at Level 6 on the Offense Severity Ranking Chart.

**Section 8** amends s. 828.27, F.S., relating local animal control or cruelty ordinances, to require county and municipally employed animal control officers to complete a 1-hour training course developed by the department and the Florida Animal Control Association (FACA) on how to recognize and report child abuse, abandonment and neglect.

**Section 9** amends s. 921.0022, F.S., relating to the criminal punishment code and the offense severity ranking chart, to add violations of s. 828.126, F.S., relating to sexual activities with animals, to Level 6 of the Offense Severity Ranking Chart.

**Section 10** amends s. 1006.061, F.S., relating to child abuse abandonment and neglect policy in schools, to clarify that child-on-child sexual abuse must also be included in school policies and on posters required to be posted in every school setting. Requires those posters to be updated in collaboration with the Department of Children and Families.

**Section 11** amends s. 1012.795, F.S., relating to the Education Practices Commission and the authority to discipline, to require at least a one year suspension of the educator certificate of instructional personnel or school administrator who knowingly fails to report child abuse.

**Section 12** amends s. 39.307, F.S., relating to reports of child-on-child sexual abuse, to conform to changes made by this act.

**Section 13** amends s. 39.202, F.S., relating to confidentiality of reports and records in cases of child abuse or neglect, to conform a reference to changes made by this act.

**Section 14** amends s. 39.301, F.S., relating to the initiation of protective investigations, to conform a reference to changes made by this act.

**Section 15** amends s. 39.521, F.S., relating to disposition hearings and powers of disposition, to conform a reference to changes made by this act.

**Section 16** amends s. 39.6012, F.S., relating to case plan tasks and services, to conform a reference to changes made by this act.

**Section 17** amends s. 322.09, F.S., relating to the responsibility for negligence or misconduct of a minor, to conform a reference to changes made by this act.

**Section 18** amends s. 394.495, F.S., relating to child and adolescent mental health system of care, to conform a reference to changes made by this act.

**Section 19** amends s. 627.746, F.S., relating to coverage for minors who have a learner's driver license, to conform a reference to changes made by this act.

**Section 20** amends s. 934.03, F.S., relating to interception and disclosure of wire, oral, or electronic communications prohibitions, to conform a reference to changes made by this act.

**Section 21** amends s. 934.255, F. S., relating to subpoenas in investigations of sexual offenses, to conform a reference to changes made by this act.

**Section 22** amends s. 960.065, F.S., relating to eligibility for awards, to conform a reference to changes made by this act.

**Section 23** provides an effective date of July 1, 2020.

#### **IV. Constitutional Issues:**

**A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill has not been reviewed by the Criminal Justice Estimating Conference to determine the impact on the state's prison population. Animal abuse is a low volume offense and is not expected to have a fiscal impact on the state.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill amends ss. 39.01, 39.201, 39.202, 39.205, 39.301, 39.302, 39.307, 39.521, 39.6012, 322.09, 394.495, 627.746, 828.126, 828.27, 921.0022, 934.023, 934.255, 960.065, 1006.061, and 1012.795 of the Florida Statutes.

The bill creates ss. 39.101 and 39.208 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

**FOR CONSIDERATION By** the Committee on Children, Families, and Elder Affairs

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A bill to be entitled

An act relating to reporting abuse, abandonment, and neglect; amending s. 39.01, F.S.; deleting the terms "juvenile sexual abuse" and "child who has exhibited inappropriate sexual behavior"; defining the term "child-on-child sexual abuse"; conforming cross-references; creating s. 39.101, F.S.; relocating existing provisions relating to the central abuse hotline of the Department of Children and Families; providing additional requirements relating to the hotline; amending s. 39.201, F.S.; revising when a person is required to report to the central abuse hotline; requiring the department to conduct a child protective investigation under certain circumstances; requiring the department to notify certain persons and agencies when certain child protection investigations are initiated; providing requirements relating to such investigations; requiring animal control officers and certain agents to provide their names to hotline staff; requiring central abuse hotline counselors to advise reporters of certain information; requiring that counselors receive specified periodic training; revising requirements relating to reports of abuse involving impregnation of children; amending s. 39.205, F.S.; providing penalties for the failure to report known or suspected child abuse, abandonment, or neglect; providing construction; specifying that certain persons are not relieved from the duty to report by notifying a supervisor; creating s. 39.208,

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F.S.; providing legislative findings and intent; providing responsibilities for child protective investigators relating to animal abuse and neglect; providing criminal, civil, and administrative immunity to certain persons; providing responsibilities for animal control officers relating to child abuse, abandonment, and neglect; providing criminal penalties; requiring the department to develop certain training in consultation with the Florida Animal Control Association which relates to child and animal abuse, abandonment, and neglect; requiring the department to adopt rules; amending s. 39.302, F.S.; conforming cross-references; authorizing certain persons to be represented by an attorney during institutional investigations and under certain circumstances; providing requirements relating to institutional investigations; amending s. 828.126, F.S.; providing a purpose; revising the definition of the term "sexual contact"; revising prohibitions relating to sexual conduct and sexual contact with an animal; revising criminal penalties; requiring a court to issue certain orders; amending s. 828.27, F.S.; requiring certain animal control officers to complete specified training; providing requirements for the training; amending s. 921.0022, F.S.; assigning offense severity rankings for sexual activities involving animals; amending s. 1006.061, F.S.; conforming provisions to changes made by the act; requiring the Department of Education to coordinate

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with the Department of Children and Families to develop, update, and publish certain notices; amending s. 1012.795, F.S.; requiring the Education Practices Commission to suspend the educator certificate of certain personnel and administrators for failing to report known or suspected child abuse; amending s. 39.307, F.S.; conforming provisions to changes made by the act; amending ss. 39.202, 39.301, 39.521, 39.6012, 322.09, 394.495, 627.746, 934.03, 934.255, and 960.065, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Present subsections (8) through (12) and (15) through (87) of section 39.01, Florida Statutes, are redesignated as subsections (7) through (11) and (14) through (86), respectively, a new subsection (12) is added to that section, and present subsections (7), (10), (14), and (37) of that section are amended, to read:

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

~~(7) "Juvenile sexual abuse" means any sexual behavior by a child which occurs without consent, without equality, or as a result of coercion. For purposes of this subsection, the following definitions apply:~~

~~(a) "Coercion" means the exploitation of authority or the use of bribes, threats of force, or intimidation to gain cooperation or compliance.~~

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~~(b) "Equality" means two participants operating with the same level of power in a relationship, neither being controlled nor coerced by the other.~~

~~(c) "Consent" means an agreement, including all of the following:~~

~~1. Understanding what is proposed based on age, maturity, developmental level, functioning, and experience.~~

~~2. Knowledge of societal standards for what is being proposed.~~

~~3. Awareness of potential consequences and alternatives.~~

~~4. Assumption that agreement or disagreement will be accepted equally.~~

~~5. Voluntary decision.~~

~~6. Mental competence.~~

~~Juvenile sexual behavior ranges from noncontact sexual behavior such as making obscene phone calls, exhibitionism, voyeurism, and the showing or taking of lewd photographs to varying degrees of direct sexual contact, such as frottage, fondling, digital penetration, rape, fellatio, sodomy, and various other sexually aggressive acts.~~

~~(9)(10) "Caregiver" means the parent, legal custodian, permanent guardian, adult household member, or other person responsible for a child's welfare as defined in subsection (53) (54).~~

(12) (a) "Child-on-child sexual abuse" means inappropriate sexual activity or behavior between children and without the direct involvement of an adult which:

1. Is overt and deliberate;

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117       2. Is directed at sexual stimulation; and  
118       3.a. Occurs without consent or without equality mentally,  
119 physically, or in age; or  
120       b. Occurs as a result of physical or emotional coercion.  
121       (b) For purposes of this subsection, the following  
122 definitions apply:  
123       1. "Coercion" means the exploitation of authority or the  
124 use of bribes, threats of force, or intimidation to gain  
125 cooperation or compliance.  
126       2. "Consent" means an agreement including all of the  
127 following:  
128       a. Understanding of what is proposed which is based on age,  
129 maturity, and developmental level.  
130       b. Knowledge of societal standards for what is being  
131 proposed.  
132       c. Awareness of the potential consequences.  
133       d. Assumption that participation or nonparticipation will  
134 be accepted equally.  
135       e. Voluntariness of decisions made.  
136       f. Mental competence.  
137       3. "Equality" means two participants operating with the  
138 same level of power in a relationship, without one being  
139 controlled or coerced by the other.  
140  
141 The term includes both noncontact sexual behavior, such as  
142 making obscene phone calls, exhibitionism, voyeurism, and the  
143 showing or taking of lewd photographs, and direct sexual  
144 contact, such as frottage, fondling, digital penetration, rape,  
145 fellatio, sodomy, and various other sexually aggressive acts.

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146 Child-on-child sexual abuse does not include normative sexual  
147 play or anatomical curiosity and exploration.

148 ~~(14) "Child who has exhibited inappropriate sexual~~  
149 ~~behavior" means a child who has been found by the department or~~  
150 ~~the court to have committed an inappropriate sexual act.~~

151 (36) ~~(37)~~ "Institutional child abuse or neglect" means  
152 situations of known or suspected child abuse or neglect in which  
153 the person allegedly perpetrating the child abuse or neglect is  
154 an employee of a public or private school, public or private day  
155 care center, residential home, institution, facility, or agency  
156 or any other person at such institution responsible for the  
157 child's welfare as defined in subsection (53) ~~(54)~~.

158 Section 2. Section 39.101, Florida Statutes, is created to  
159 read:

160 39.101 Central abuse hotline.—The central abuse hotline is  
161 the first step in the safety assessment and investigation  
162 process.

163 (1) ESTABLISHMENT AND OPERATION.—The department shall  
164 establish and maintain a central abuse hotline capable of  
165 receiving, 24 hours a day, 7 days a week, all reports of known  
166 or suspected child abuse, abandonment, or neglect and reports  
167 that a child is in need of supervision and care and has no  
168 parent, legal custodian, or responsible adult relative  
169 immediately known and available to provide supervision and care  
170 when such reports are made pursuant to s. 39.201. Reports may be  
171 made in writing, through a single statewide toll-free telephone  
172 number, or through electronic reporting. Any person may use any  
173 of these methods to make a report at any hour of the day or  
174 night, on any day of the week.

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175 (a) If it appears that the immediate safety or well-being  
176 of a child is endangered, that the family may flee or the child  
177 will be unavailable for purposes of conducting a child  
178 protective investigation, or that the facts otherwise so  
179 warrant, the department must commence an investigation  
180 immediately, regardless of the time of day or night.

181 (b) In all other child abuse, abandonment, or neglect  
182 cases, a child protective investigation must be commenced within  
183 24 hours after receipt of the report.

184 (2) GENERAL REQUIREMENTS.—The central abuse hotline must be  
185 operated in such a manner as to enable the department to:

186 (a) Accept reports for investigation when there is a  
187 reasonable cause to suspect that a child has been or is being  
188 abused or neglected or has been abandoned.

189 (b) Determine whether the allegations made by the reporter  
190 require an immediate or a 24-hour response priority.

191 (c) Immediately identify and locate prior reports or cases  
192 of child abuse, abandonment, or neglect through the use of the  
193 department's automated tracking system.

194 (d) Track critical steps in the investigative process to  
195 ensure compliance with all requirements for any report of abuse,  
196 abandonment, or neglect.

197 (e) When appropriate, refer calls that do not allege the  
198 abuse, neglect, or abandonment of a child to other organizations  
199 that may better resolve the reporter's concerns.

200 (f) Serve as a resource for the evaluation, management, and  
201 planning of preventive and remedial services for children who  
202 have been subject to abuse, abandonment, or neglect.

203 (g) Initiate and enter into agreements with other states

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for the purposes of gathering and sharing information contained in reports on child maltreatment to further enhance programs for the protection of children.

(h) Promote public awareness of the central abuse hotline through community-based partner organizations and public service campaigns.

(3) COLLECTION OF INFORMATION AND DATA.—The department shall:

(a) Voice-record all incoming or outgoing calls that are received or placed by the central abuse hotline which relate to suspected or known child abuse, neglect, or abandonment. The department shall maintain an electronic copy of each electronic report. The recording or electronic copy of each electronic report must become a part of the record of the report but, notwithstanding s. 39.202, must be released in full only to law enforcement agencies and state attorneys for the purposes of investigating and prosecuting criminal charges pursuant to s. 39.205, or to employees of the department for the purposes of investigating and seeking administrative penalties pursuant to s. 39.206. This paragraph does not prohibit hotline staff from using the recordings or the electronic reports for quality assurance or training.

(b) Secure and install electronic equipment that automatically provides to the hotline the number from which the call or fax is placed or the Internet protocol address from which the report is received. This number shall be entered into the report of abuse, abandonment, or neglect and become a part of the record of the report, but shall enjoy the same confidentiality as provided to the identity of the reporter

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233 pursuant to s. 39.202.

234 (c)1. Update the web form used for reporting child abuse,  
235 abandonment, or neglect to include qualifying questions in order  
236 to obtain necessary information required to assess need and a  
237 response.

238 2. The report must be made available to the counselors in  
239 its entirety as needed to update the Florida Safe Families  
240 Network or other similar systems.

241 (d) Monitor and evaluate the effectiveness of the reporting  
242 and investigating of suspected abuse, abandonment, or neglect of  
243 children through the development and analysis of statistical and  
244 other information.

245 (e) Maintain and produce aggregate statistical reports  
246 monitoring patterns of child abuse, child abandonment, and child  
247 neglect. The department shall collect and analyze child-on-child  
248 sexual abuse reports and include such information in the  
249 aggregate statistical reports. The department shall collect and  
250 analyze, in separate statistical reports, those reports of child  
251 abuse and sexual abuse which are reported from or which occurred  
252 on school premises; on school transportation; at school-  
253 sponsored off-campus events; at any school readiness program  
254 provider determined to be eligible under s. 1002.88; at a  
255 private prekindergarten provider or a public school  
256 prekindergarten provider, as those terms are defined in s.  
257 1002.51; at a public K-12 school as described in s. 1000.04; at  
258 a home education program or a private school, as those terms are  
259 defined in s. 1002.01; at a Florida College System institution  
260 or a state university, as those terms are defined in s. 1000.21;  
261 or at any school, as defined in s. 1005.02.

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262       (4) EMPLOYMENT SCREENING.—Information received by the  
263 central abuse hotline may not be used for employment screening,  
264 except as provided in s. 39.202(2)(a) and (h) or s. 402.302(15).

265       (a) Information in the central abuse hotline and the  
266 department's automated abuse information system may be used by  
267 the department, its authorized agents or contract providers, the  
268 Department of Health, or county agencies as part of the  
269 licensure or registration process pursuant to ss. 402.301-  
270 402.319 and ss. 409.175-409.176.

271       (b) Information in the central abuse hotline may also be  
272 used by the Department of Education for purposes of educator  
273 certification discipline and review pursuant to s. 39.202(2)(g).

274       (5) QUALITY ASSURANCE.—On an ongoing basis, the  
275 department's quality assurance program shall review screened-out  
276 reports involving three or more unaccepted reports on a single  
277 child, where jurisdiction applies, in order to detect such  
278 things as harassment and situations that warrant an  
279 investigation because of the frequency of the reports or the  
280 variety of the sources of the reports. A component of the  
281 quality assurance program must analyze unaccepted reports to the  
282 hotline by identified relatives as a part of the review of  
283 screened-out calls. The Assistant Secretary for Child Welfare  
284 may refer a case for investigation when it is determined, as a  
285 result of such review, that an investigation may be warranted.

286       Section 3. Section 39.201, Florida Statutes, is amended to  
287 read:

288       (Substantial rewording of section. See

289 s. 39.201, F.S., for present text.)

290 39.201 Required reports of child abuse, abandonment,

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neglect, and child-on-child sexual abuse; required reports of death.—

(1) REQUIRED REPORTING.—

(a) Individuals required to report.—Any person who knows, or has reasonable cause to suspect, that any of the following has occurred shall report such knowledge or suspicion to the central abuse hotline on the single statewide toll-free telephone number or by electronic report pursuant to s. 39.101:

1. Child abuse, neglect, or abandonment by a parent or caregiver.—A child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare, or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care.

a. Personnel at the department's central abuse hotline shall determine if the report received meets the statutory definition of child abuse, abandonment, or neglect. Any report meeting one of these definitions must be accepted for protective investigation pursuant to part III of this chapter.

b. Any call received from a parent or legal custodian seeking assistance for himself or herself which does not meet the criteria for being a report of child abuse, abandonment, or neglect may be accepted by the hotline for response to ameliorate a potential future risk of harm to a child.

c. If it is determined by a child welfare professional that a need for community services exists, the department must refer the parent or legal custodian for appropriate voluntary community services.

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320       2. Child abuse by a noncaregiver.—A child is abused by an  
321 adult other than a parent, legal custodian, caregiver, or other  
322 person responsible for the child's welfare. Such reports must be  
323 immediately electronically transferred to the appropriate county  
324 sheriff's office by the central abuse hotline.

325       3. Child-on-child sexual abuse.—A child, including a child  
326 who is in the custody of, or under the protective supervision  
327 of, the department is the victim of child-on-child sexual abuse.

328       a. The department shall conduct an assessment, assist the  
329 family in receiving appropriate services pursuant to s. 39.307,  
330 and send a written report of the allegation to the appropriate  
331 county sheriff's office within 48 hours after the initial report  
332 is made to the central abuse hotline.

333       b. The department shall ensure that the facts and results  
334 of any investigation of child-on-child sexual abuse involving a  
335 child in the custody of, or under the protective supervision of,  
336 the department are made known to the court at the next hearing  
337 or included in the next report to the court concerning the  
338 child.

339       c. In addition to conducting an assessment and assisting  
340 the family in receiving appropriate services, the department  
341 shall conduct a child protective investigation of child-on-child  
342 sexual abuse that occurs on school premises; on school  
343 transportation; at school-sponsored off-campus events; at a  
344 public or private school readiness or prekindergarten program;  
345 at a public K-12 school; or at a home education program or a  
346 private school. Upon receipt of a report that alleges that a  
347 student has been the victim of an act of child-on-child sexual  
348 abuse perpetrated by another student or students, the department

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shall initiate a child protective investigation within the  
timeframes established under s. 39.101(1) and notify the  
Department of Education; the law enforcement agency having  
jurisdiction over the municipality or county in which the school  
is located; and, as appropriate, the superintendent of the  
school district where the school is located, the administrative  
officer of the private school, or the owner of the private  
school readiness or prekindergarten provider. The protective  
investigation must include an interview with the child's parent  
or legal guardian. The department shall make a full written  
report to the law enforcement agency within 3 working days after  
making the oral report. Whenever possible, any criminal  
investigation must be coordinated with the department's child  
protective investigation. Any interested person who has  
information regarding such abuse may forward a statement to the  
department.

(b) Individuals required to provide their name when  
reporting.—While all individuals are required to report, and  
members of the general public may report anonymously if they  
choose, reporters in the following occupational categories are  
required to provide his or her name to the central abuse hotline  
staff:

1. Physician, osteopathic physician, medical examiner,  
chiropractic physician, nurse, or hospital personnel engaged in  
the admission, examination, care, or treatment of persons;

2. Health professional or mental health professional other  
than ones listed in subparagraph 1.;

3. Practitioner who relies solely on spiritual means for  
healing;

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378 4. School teacher or other school official or personnel;

379 5. Social worker, day care center worker, or other  
380 professional child care worker, foster care worker, residential  
381 worker, or institutional worker;

382 6. Law enforcement officer;

383 7. Judge; or

384 8. Animal control officer as defined in s. 828.27 or agents  
385 appointed under s. 828.03.

386 (c) Confidentiality of reporter names.—Central abuse  
387 hotline counselors shall advise reporters that, while their  
388 names must be entered into the record of the report, the names  
389 of reporters are held confidential and exempt as provided in s.  
390 39.202. Counselors must receive periodic training in encouraging  
391 all reporters to provide their names when making a report.

392 (2) ADDITIONAL CIRCUMSTANCES RELATED TO REPORTS.—

393 (a) Abuse occurring out of state.—If a report is of an  
394 instance of known or suspected child abuse, abandonment, or  
395 neglect which occurred out of state and the alleged perpetrator  
396 and the child alleged to be a victim are living out of state,  
397 the central abuse hotline may not accept the report or call for  
398 investigation unless the child is currently being evaluated in a  
399 medical facility in this state.

400 1. If the child is currently being evaluated in a medical  
401 facility in this state, the central abuse hotline shall accept  
402 the report or call for investigation and shall transfer the  
403 information on the report or call to the appropriate state or  
404 country.

405 2. If the child is not currently being evaluated in a  
406 medical facility in this state, the central abuse hotline shall

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transfer the information on the report or call to the appropriate state or county.

(b) Abuse reports received from emergency room physicians.—The department must initiate an investigation when it receives a report from an emergency room physician.

(c) Abuse involving impregnation of a child.—If the report is of an instance of known or suspected child abuse involving impregnation of a child under 16 years of age by a person 21 years of age or older solely under s. 827.04(3), and such person is not a caregiver, the report must be immediately electronically transferred to the appropriate county sheriff's office by the central abuse hotline.

(d) Institutional child abuse or neglect.—Reports involving known or suspected institutional child abuse or neglect, as defined in s. 39.01, must be made and received in the same manner as all other reports made pursuant to this section.

(e) Surrendered newborn infants.—Reports involving surrendered newborn infants as described in s. 383.50 must be made and received by the department.

1. If the report is of a surrendered newborn infant as described in s. 383.50 and there is no indication of abuse, neglect, or abandonment other than that necessarily entailed in the infant having been left at a hospital, emergency medical services station, or fire station, the department shall provide to the caller the name of a licensed child-placing agency on a rotating basis from a list of licensed child-placing agencies eligible and required to accept physical custody of and to place newborn infants left at a hospital, emergency medical services station, or fire station. The report may not be considered a

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436 report of abuse, neglect, or abandonment solely because the  
437 infant has been left at a hospital, emergency medical services  
438 station, or fire station pursuant to s. 383.50.

439 2. If the report includes indications of abuse or neglect  
440 beyond that necessarily entailed in the infant having been left  
441 at a hospital, emergency medical services station, or fire  
442 station, the report must be considered as a report of abuse,  
443 neglect, or abandonment and must be subject to the requirements  
444 of s. 39.395 and all other relevant provisions of this chapter,  
445 notwithstanding chapter 383.

446 (3) EXCEPTIONS TO REPORTING.—

447 (a) An additional report of child abuse, abandonment, or  
448 neglect does not have to be made by:

449 1. A professional who is hired by or who enters into a  
450 contract with the department for the purpose of treating or  
451 counseling any person as a result of a report of child abuse,  
452 abandonment, or neglect if such person was the subject of the  
453 referral for treatment.

454 2. An officer or employee of the judicial branch when the  
455 child is currently being investigated by the department, when  
456 there is an existing dependency case, or when the matter has  
457 previously been reported to the department, if there is  
458 reasonable cause to believe that the information is already  
459 known to the department. This subparagraph applies only when the  
460 information has been provided to the officer or employee in the  
461 course of carrying out his or her official duties.

462 3. An officer or employee of a law enforcement agency when  
463 the incident under investigation by the law enforcement agency  
464 was reported to law enforcement by the central abuse hotline

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465 through the electronic transfer of the report or call. The  
466 department's central abuse hotline is not required to  
467 electronically transfer calls and reports received pursuant to  
468 paragraph (2)(b) to the county sheriff's office if the matter  
469 was initially reported to the department by the county sheriff's  
470 office or by another law enforcement agency. This subparagraph  
471 applies only when the information related to the alleged child  
472 abuse has been provided to the officer or employee of a law  
473 enforcement agency or central abuse hotline employee in the  
474 course of carrying out his or her official duties.

475 (b) Nothing in this chapter or in the contracting with  
476 community-based care providers for foster care and related  
477 services as specified in s. 409.987 may be construed to remove  
478 or reduce the duty and responsibility of any person, including  
479 any employee of the community-based care provider, to report a  
480 suspected or actual case of child abuse, abandonment, or neglect  
481 or the sexual abuse of a child to the department's central abuse  
482 hotline.

483 (4) MANDATORY REPORTS OF A CHILD DEATH.—Any person required  
484 to report or investigate cases of suspected child abuse,  
485 abandonment, or neglect who has reasonable cause to suspect that  
486 a child died as a result of child abuse, abandonment, or neglect  
487 shall report his or her suspicion to the appropriate medical  
488 examiner. The medical examiner shall accept the report for  
489 investigation and shall report his or her findings, in writing,  
490 to the local law enforcement agency, the appropriate state  
491 attorney, and the department. Autopsy reports maintained by the  
492 medical examiner are not subject to the confidentiality  
493 requirements provided for in s. 39.202.

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Section 4. Present subsections (3) through (10) of section 39.205, Florida Statutes, are redesignated as subsections (4) through (11), respectively, new subsection (3) and subsection (12) are added to that section, and present subsections (1), (3), (4), and (5) of that section are amended, to read:

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

(1) A person ~~who is required to report known or suspected child abuse, abandonment, or neglect and~~ who knowingly and willfully fails to report known or suspected child abuse, abandonment, or neglect ~~do so~~, or who knowingly and willfully prevents another person from doing so, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A judge subject to discipline pursuant to s. 12, Art. V of the Florida Constitution shall not be subject to criminal prosecution when the information was received in the course of official duties.

(3) Any school readiness program provider determined to be eligible under s. 1002.88; private prekindergarten provider or public school prekindergarten provider, as those terms are defined in s. 1002.51; public K-12 school as described in s. 1000.04; home education program as defined in s. 1002.01; or private school as defined in s. 1002.01; that accepts scholarship students who participate in a state scholarship program under chapter 1002, whose employees knowingly and willingly fail to report known or suspected child abuse, abandonment, or neglect to the central abuse hotline pursuant to this chapter, is subject to a penalty for each such failure.

(a) An early learning coalition may suspend or terminate a

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523 provider from participating in the school readiness program or  
524 Voluntary Prekindergarten Education Program if an employee of  
525 the provider fails to report known or suspected child abuse,  
526 abandonment, or neglect.

527 (b) If the State Board of Education determines that  
528 policies of the district school board regarding reporting known  
529 or suspected child abuse, abandonment, or neglect by school  
530 employees do not comply with statute or state board rule, the  
531 state board may enforce compliance pursuant to s. 1008.32.

532 (c) The Department of Education may prohibit a private  
533 school whose employees fail to report known or suspected child  
534 abuse, abandonment, or neglect from enrolling new students in a  
535 state scholarship program under chapter 1002 for 1 fiscal year.  
536 If employees at a private school knew of, should have known of,  
537 or suspected child abuse, abandonment, or neglect in two or more  
538 instances, the Commissioner of Education may determine that the  
539 private school is ineligible to participate in scholarship  
540 programs.

541 (4)~~(3)~~ Any Florida College System institution, state  
542 university, or nonpublic college, university, or school, as  
543 defined in s. 1000.21 or s. 1005.02, whose administrators  
544 ~~knowingly and willfully~~, upon receiving information from  
545 faculty, staff, or other institution employees, knowingly and  
546 willfully fail to report to the central abuse hotline pursuant  
547 to this chapter known or suspected child abuse, abandonment, or  
548 neglect committed on the property of the university, college, or  
549 school, or during an event or function sponsored by the  
550 university, college, or school, or who knowingly and willfully  
551 prevent another person from doing so, shall be subject to fines

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of \$1 million for each such failure.

(a) A Florida College System institution subject to a fine shall be assessed by the State Board of Education.

(b) A state university subject to a fine shall be assessed by the Board of Governors.

(c) A nonpublic college, university, or school subject to a fine shall be assessed by the Commission for Independent Education.

(5)~~(4)~~ Any Florida College System institution, state university, or nonpublic college, university, or school, as defined in s. 1000.21 or s. 1005.02, whose law enforcement agency fails to report to the central abuse hotline pursuant to this chapter known or suspected child abuse, abandonment, or neglect committed on the property of the university, college, or school, or during an event or function sponsored by the university, college, or school, shall be subject to fines of \$1 million for each such failure, assessed in the same manner as specified in subsection (4) ~~(3)~~.

(5) Any Florida College System institution, state university, or nonpublic college, university, or school, as defined in s. 1000.21 or s. 1005.02, shall have the right to challenge the determination that the institution acted knowingly and willfully under subsection (4) ~~(3)~~ or subsection (5) ~~(4)~~ in an administrative hearing pursuant to s. 120.57; however, if it is found that actual knowledge and information of known or suspected child abuse was in fact received by the institution's administrators and was not reported, a presumption of a knowing and willful act will be established.

(12) This section may not be construed to remove or reduce

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581 the requirement of any person, including any employee of a  
582 school readiness program provider determined to be eligible  
583 under s. 1002.88; a private prekindergarten provider or a public  
584 school prekindergarten provider, as those terms are defined in  
585 s. 1002.51; a public K-12 school as described in s. 1000.04; a  
586 home education program or a private school, as those terms are  
587 defined in s. 1002.01; a Florida College System institution or a  
588 state university, as those terms are defined in s. 1000.21; a  
589 college as defined in s. 1005.02; or a school as defined in s.  
590 1005.02; to directly report a suspected or actual case of child  
591 abuse, abandonment, or neglect or the sexual abuse of a child to  
592 the department's central abuse hotline pursuant to this chapter.  
593 A person required to report to the central abuse hotline is not  
594 relieved of the obligation by notifying his or her supervisor.

595 Section 5. Section 39.208, Florida Statutes, is created to  
596 read:

597 39.208 Cross-reporting child and animal abuse and neglect.—

598 (1) LEGISLATIVE FINDINGS AND INTENT.—

599 (a) The Legislature recognizes that animal abuse of any  
600 kind is a type of interpersonal violence and often co-occurs  
601 with child abuse and other forms of family violence, including  
602 elder abuse and domestic violence. Early identification of  
603 animal abuse is another important tool in safeguarding children  
604 from abuse and neglect, providing needed support to families,  
605 and protecting animals.

606 (b) The Legislature finds that education and training for  
607 child protective investigators and animal care and control  
608 personnel should include information on the link between the  
609 welfare of animals in the family and child safety and

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610 protection.

611 (c) Therefore, it is the intent of the Legislature to  
612 require reporting and cross-reporting protocols and  
613 collaborative training between child protective services and  
614 animal control services personnel to help protect the safety and  
615 well-being of children, their families, and their animals.

616 (2) RESPONSIBILITIES OF CHILD PROTECTIVE INVESTIGATORS.—Any  
617 person who is required to investigate child abuse, abandonment,  
618 or neglect under this chapter and who, while acting in his or  
619 her professional capacity or within the scope of employment,  
620 knows or has reasonable cause to suspect that abuse, neglect, or  
621 abandonment of an animal has occurred at the same address shall  
622 report such knowledge or suspicion within 72 hours to his or her  
623 supervisor for submission to a local animal control agency.

624 (a) The report must include all of the following  
625 information:

626 1. A description of the animal and of the animal abuse or  
627 neglect.

628 2. The name and address of the animal's owner or keeper, if  
629 that information is available to the child protective  
630 investigator.

631 3. Any other information available to the child protective  
632 investigator which might assist an animal control officer or law  
633 enforcement officer in establishing the cause of the animal  
634 abuse or neglect and the manner in which it occurred.

635 (b) A child protective investigator who makes a report  
636 under this section is presumed to have acted in good faith. An  
637 investigator acting in good faith who makes a report under this  
638 section or who cooperates in an investigation of suspected

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animal abuse or neglect is immune from any civil or criminal liability or administrative penalty or sanction that might otherwise be incurred in connection with making the report or otherwise cooperating.

(3) RESPONSIBILITIES OF ANIMAL CONTROL OFFICERS.—Any individual who knows or has reasonable cause to suspect that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare or that a child is in need of supervision and care and does not have a parent, a legal custodian, or a responsible adult relative immediately known and available to provide supervision and care to that child shall immediately report such knowledge or suspicion to the department's central abuse hotline.

(4) PENALTIES.—

(a) A child protective investigator who is required to report known or suspected abuse, neglect, cruelty, or abandonment of an animal and who knowingly and willfully fails to do so commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) An animal control officer who fails to report an incident of known or suspected child abuse or neglect, as required by s. 39.201, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) TRAINING.—The department, in consultation with the Florida Animal Control Association, shall develop or adapt and use already available training materials into a 1-hour training for all child protective investigators and animal control officers who are required to investigate child abuse and neglect

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or animal abuse and neglect on the accurate and timely identification and reporting of child and animal abuse and neglect and the interconnectedness of such abuse and neglect. The department shall incorporate training on the identification of harm to and neglect of animals and the relationship of such activities to child welfare case practice into required training for child protective investigators.

(6) RULEMAKING.—The department shall adopt rules to implement this section, including rules establishing protocols for transmitting to local animal control agencies the addresses where known or suspected animal abuse has been observed by a child protective investigator acting in his or her professional capacity.

Section 6. Subsections (1) and (2) of section 39.302, Florida Statutes, are amended to read:

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

(1) The department shall conduct a child protective investigation of each report of institutional child abuse, abandonment, or neglect. Upon receipt of a report that alleges that an employee or agent of the department, or any other entity or person covered by s. 39.01(36) or (53) ~~s. 39.01(37) or (54)~~, acting in an official capacity, has committed an act of child abuse, abandonment, or neglect, the department shall initiate a child protective investigation within the timeframe established under s. 39.101(1) ~~s. 39.201(5)~~ and notify the appropriate state attorney, law enforcement agency, and licensing agency, which shall immediately conduct a joint investigation, unless independent investigations are more feasible. When conducting

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investigations or having face-to-face interviews with the child, investigation visits shall be unannounced unless it is determined by the department or its agent that unannounced visits threaten the safety of the child. If a facility is exempt from licensing, the department shall inform the owner or operator of the facility of the report. Each agency conducting a joint investigation is entitled to full access to the information gathered by the department in the course of the investigation. A protective investigation must include an interview with the child's parent or legal guardian. The department shall make a full written report to the state attorney within 3 working days after making the oral report. A criminal investigation shall be coordinated, whenever possible, with the child protective investigation of the department. Any interested person who has information regarding the offenses described in this subsection may forward a statement to the state attorney as to whether prosecution is warranted and appropriate. Within 15 days after the completion of the investigation, the state attorney shall report the findings to the department and shall include in the report a determination of whether or not prosecution is justified and appropriate in view of the circumstances of the specific case.

(2) (a) If in the course of the child protective investigation, the department finds that a subject of a report, by continued contact with children in care, constitutes a threatened harm to the physical health, mental health, or welfare of the children, the department may restrict a subject's access to the children pending the outcome of the investigation. The department or its agent shall employ the least restrictive

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means necessary to safeguard the physical health, mental health, and welfare of the children in care. This authority shall apply only to child protective investigations in which there is some evidence that child abuse, abandonment, or neglect has occurred. A subject of a report whose access to children in care has been restricted is entitled to petition the circuit court for judicial review. The court shall enter written findings of fact based upon the preponderance of evidence that child abuse, abandonment, or neglect did occur and that the department's restrictive action against a subject of the report was justified in order to safeguard the physical health, mental health, and welfare of the children in care. The restrictive action of the department shall be effective for no more than 90 days without a judicial finding supporting the actions of the department.

(b) In an institutional investigation, the alleged perpetrator may be represented by an attorney, at his or her own expense, or may be accompanied by another person, if the attorney or the person executes an affidavit of understanding with the department and agrees to comply with the confidentiality requirements under s. 39.202. The absence of an attorney or an accompanying person does not prevent the department from proceeding with other aspects of the investigation, including interviews with other persons. In institutional child abuse cases when the institution is not operational and the child cannot otherwise be located, the investigation must commence immediately upon the resumption of operation. If requested by a state attorney or local law enforcement agency, the department shall furnish all investigative reports to such state attorney or agency.

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(c) ~~(b)~~ Upon completion of the department's child protective investigation, the department may make application to the circuit court for continued restrictive action against any person necessary to safeguard the physical health, mental health, and welfare of the children in care.

Section 7. Section 828.126, Florida Statutes, is amended to read:

828.126 Sexual activities involving animals.—The Legislature recognizes that animal abuse of any kind is a type of interpersonal violence and often co-occurs with child abuse and other forms of family violence, including elder abuse and domestic violence, and that early identification of animal abuse, including animal sexual abuse, serves the purpose of providing another important tool to safeguard children from abuse and neglect, to provide needed support to families, and to protect animals.

(1) As used in this section, the term:

(a) "Sexual conduct" means any touching or fondling by a person, either directly or through clothing, of the sex organs or anus of an animal or any transfer or transmission of semen by the person upon any part of the animal for the purpose of sexual gratification or arousal of the person.

(b) "Sexual contact" means any contact, however slight, between the mouth, sex organ, or anus of a person and the sex organ or anus of an animal, or any penetration, however slight, of any part of the body of the person into the sex organ or anus of an animal, or the insertion of any part of the animal's body into the vaginal or anal opening of the person ~~any penetration of the sex organ or anus of the person into the mouth of the~~

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784 ~~animal~~, for the purpose of sexual gratification or sexual  
785 arousal of the person.

786 (2) A person may not:

787 (a) Knowingly engage in any sexual conduct or sexual  
788 contact with an animal;

789 (b) Knowingly cause, aid, or abet another person to engage  
790 in any sexual conduct or sexual contact with an animal;

791 (c) Knowingly permit any sexual conduct or sexual contact  
792 with an animal to be conducted on any premises under his or her  
793 charge or control; or

794 (d) Knowingly organize, promote, conduct, advertise, aid,  
795 abet, participate in as an observer, or perform any service in  
796 the furtherance of an act involving any sexual conduct or sexual  
797 contact with an animal ~~for a commercial or recreational purpose.~~

798 (3) A person who violates this section commits a felony of  
799 the third ~~misdemeanor of the first~~ degree, punishable as  
800 provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

801 (4) In addition to other penalties prescribed by law, the  
802 court shall issue an order prohibiting a person convicted under  
803 this section from harboring, owning, possessing, or exercising  
804 control over any animal; from residing in any household where  
805 animals are present; and from engaging in an occupation, whether  
806 paid or unpaid, or participating in a volunteer position at any  
807 establishment where animals are present. The order may be  
808 effective for the length of time the court deems reasonable, but  
809 must be effective for at least 5 years after the convicted  
810 person's release from custody.

811 (5) ~~(4)~~ This section does not apply to accepted animal  
812 husbandry practices, conformation judging practices, or accepted

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813 veterinary medical practices.

814 Section 8. Paragraph (a) of subsection (4) of section  
815 828.27, Florida Statutes, is amended to read:

816 828.27 Local animal control or cruelty ordinances;  
817 penalty.—

818 (4)(a)1. County-employed animal control officers must, and  
819 municipally employed animal control officers may, successfully  
820 complete a 40-hour minimum standards training course. Such  
821 course must include, but is not limited to, training for: animal  
822 cruelty investigations, search and seizure, animal handling,  
823 courtroom demeanor, and civil citations. The course curriculum  
824 must be approved by the Florida Animal Control Association. An  
825 animal control officer who successfully completes such course  
826 shall be issued a certificate indicating that he or she has  
827 received a passing grade.

828 2. County-employed and municipally employed animal control  
829 officers must successfully complete the 1-hour training course  
830 developed by the Department of Children and Families and the  
831 Florida Animal Control Association pursuant to s. 39.208(5).  
832 Animal control officers must be provided with opportunities to  
833 attend the training during their normal work hours. The training  
834 must advise them that failure to report an incident of known or  
835 suspected child abuse, abandonment, or neglect, as required by  
836 s. 39.201, is a felony of the third degree, punishable as  
837 provided in s. 775.082, s. 775.083, or s. 775.084.

838 3.2- Any animal control officer who is authorized before  
839 January 1, 1990, by a county or municipality to issue citations  
840 is not required to complete the minimum standards training  
841 course.

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~~4.3.~~ In order to maintain valid certification, every 2 years each certified animal control officer must complete 4 hours of postcertification continuing education training. Such training may include, but is not limited to, training for: animal cruelty investigations, search and seizure, animal handling, courtroom demeanor, and civil citations.

Section 9. Paragraph (f) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(f) LEVEL 6

Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
499.0051(2)	2nd	Knowing forgery of

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transaction history,  
transaction information,  
or transaction  
statement.

859

499.0051 (3)

2nd

Knowing purchase or  
receipt of prescription  
drug from unauthorized  
person.

860

499.0051 (4)

2nd

Knowing sale or transfer  
of prescription drug to  
unauthorized person.

861

775.0875 (1)

3rd

Taking firearm from law  
enforcement officer.

862

784.021 (1) (a)

3rd

Aggravated assault;  
deadly weapon without  
intent to kill.

863

784.021 (1) (b)

3rd

Aggravated assault;  
intent to commit felony.

864

784.041

3rd

Felony battery; domestic  
battery by  
strangulation.

865

784.048 (3)

3rd

Aggravated stalking;

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credible threat.

866

784.048 (5)

3rd

Aggravated stalking of  
person under 16.

867

784.07 (2) (c)

2nd

Aggravated assault on  
law enforcement officer.

868

784.074 (1) (b)

2nd

Aggravated assault on  
sexually violent  
predators facility  
staff.

869

784.08 (2) (b)

2nd

Aggravated assault on a  
person 65 years of age  
or older.

870

784.081 (2)

2nd

Aggravated assault on  
specified official or  
employee.

871

784.082 (2)

2nd

Aggravated assault by  
detained person on  
visitor or other  
detainee.

872

784.083 (2)

2nd

Aggravated assault on  
code inspector.

873

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787.02 (2)

3rd

False imprisonment;  
restraining with purpose  
other than those in s.  
787.01.

874

790.115 (2) (d)

2nd

Discharging firearm or  
weapon on school  
property.

875

790.161 (2)

2nd

Make, possess, or throw  
destructive device with  
intent to do bodily harm  
or damage property.

876

790.164 (1)

2nd

False report concerning  
bomb, explosive, weapon  
of mass destruction, act  
of arson or violence to  
state property, or use  
of firearms in violent  
manner.

877

790.19

2nd

Shooting or throwing  
deadly missiles into  
dwellings, vessels, or  
vehicles.

878

794.011 (8) (a)

3rd

Solicitation of minor to  
participate in sexual

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activity by custodial  
adult.

879

794.05 (1)

2nd

Unlawful sexual activity  
with specified minor.

880

800.04 (5) (d)

3rd

Lewd or lascivious  
molestation; victim 12  
years of age or older  
but less than 16 years  
of age; offender less  
than 18 years.

881

800.04 (6) (b)

2nd

Lewd or lascivious  
conduct; offender 18  
years of age or older.

882

806.031 (2)

2nd

Arson resulting in great  
bodily harm to  
firefighter or any other  
person.

883

810.02 (3) (c)

2nd

Burglary of occupied  
structure; unarmed; no  
assault or battery.

884

810.145 (8) (b)

2nd

Video voyeurism; certain  
minor victims; 2nd or  
subsequent offense.

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885

812.014 (2) (b) 1.

2nd

Property stolen \$20,000  
or more, but less than  
\$100,000, grand theft in  
2nd degree.

886

812.014 (6)

2nd

Theft; property stolen  
\$3,000 or more;  
coordination of others.

887

812.015 (9) (a)

2nd

Retail theft; property  
stolen \$750 or more;  
second or subsequent  
conviction.

888

812.015 (9) (b)

2nd

Retail theft; aggregated  
property stolen within  
30 days is \$3,000 or  
more; coordination of  
others.

889

812.13 (2) (c)

2nd

Robbery, no firearm or  
other weapon (strong-arm  
robbery).

890

817.4821 (5)

2nd

Possess cloning  
paraphernalia with  
intent to create cloned  
cellular telephones.

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891	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
892	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
893	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
894	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
895	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
896	827.03 (2) (c)	3rd	Abuse of a child.
897	827.03 (2) (d)	3rd	Neglect of a child.
898	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such

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performance.

899

828.1263rdSexual activities  
involving animals.

900

836.05

2nd

Threats; extortion.

901

836.10

2nd

Written threats to kill,  
do bodily injury, or  
conduct a mass shooting  
or an act of terrorism.

902

843.12

3rd

Aids or assists person  
to escape.

903

847.011

3rd

Distributing, offering  
to distribute, or  
possessing with intent  
to distribute obscene  
materials depicting  
minors.

904

847.012

3rd

Knowingly using a minor  
in the production of  
materials harmful to  
minors.

905

847.0135(2)

3rd

Facilitates sexual  
conduct of or with a

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minor or the visual  
depiction of such  
conduct.

906

914.23

2nd

Retaliation against a  
witness, victim, or  
informant, with bodily  
injury.

907

944.35 (3) (a) 2.

3rd

Committing malicious  
battery upon or  
inflicting cruel or  
inhuman treatment on an  
inmate or offender on  
community supervision,  
resulting in great  
bodily harm.

908

944.40

2nd

Escapes.

909

944.46

3rd

Harboring, concealing,  
aiding escaped  
prisoners.

910

944.47 (1) (a) 5.

2nd

Introduction of  
contraband (firearm,  
weapon, or explosive)  
into correctional  
facility.

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911 951.22 (1) (i) 3rd Firearm or weapon  
introduced into county  
detention facility.

912  
913 Section 10. Section 1006.061, Florida Statutes, is amended  
914 to read:

915 1006.061 Child abuse, abandonment, and neglect policy;  
916 sexual abuse of a child policy; and child-on-child sexual abuse  
917 policy.—Each district school board, charter school, and private  
918 school that accepts scholarship students who participate in a  
919 state scholarship program under chapter 1002 shall:

920 (1) Post in a prominent place in each school a notice that,  
921 pursuant to chapter 39, all employees and agents of the district  
922 school board, charter school, or private school have an  
923 affirmative duty to report all actual or suspected cases of  
924 child abuse, abandonment, or neglect, or child-on-child sexual  
925 abuse; have immunity from liability if they report such cases in  
926 good faith; and have a duty to comply with child protective  
927 investigations and all other provisions of law relating to child  
928 abuse, abandonment, and neglect and child-on-child sexual abuse.  
929 The notice shall also include the statewide toll-free telephone  
930 number of the central abuse hotline.

931 (2) Post in a prominent place at each school site and on  
932 each school's Internet website, if available, the policies and  
933 procedures for reporting alleged misconduct by instructional  
934 personnel or school administrators which affects the health,  
935 safety, or welfare of a student; the contact person to whom the  
936 report is made; and the penalties imposed on instructional

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937 personnel or school administrators who fail to report suspected  
938 or actual child abuse or alleged misconduct by other  
939 instructional personnel or school administrators.

940 (3) Require the principal of the charter school or private  
941 school, or the district school superintendent, or the  
942 superintendent's designee, at the request of the Department of  
943 Children and Families, to act as a liaison to the Department of  
944 Children and Families and the Child Protection Team, as defined  
945 in s. 39.01, when in a case of suspected child abuse,  
946 abandonment, or neglect or an unlawful sexual offense involving  
947 a child the case is referred to such a team; except that this  
948 does not relieve or restrict the Department of Children and  
949 Families from discharging its duty and responsibility under the  
950 law to investigate and report every suspected or actual case of  
951 child abuse, abandonment, or neglect or unlawful sexual offense  
952 involving a child.

953 (4)(a) Post in a prominent place in a clearly visible  
954 location and public area of the school which is readily  
955 accessible to and widely used by students a sign in English and  
956 Spanish that contains:

957 1. The statewide toll-free telephone number of the central  
958 abuse hotline as provided in chapter 39;

959 2. Instructions to call 911 for emergencies; and

960 3. Directions for accessing the Department of Children and  
961 Families Internet website for more information on reporting  
962 abuse, abandonment, or neglect, and child-on-child sexual abuse  
963 exploitation.

964 (b) The information in paragraph (a) must be put on at  
965 least one poster in each school, on a sheet that measures at

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least 11 inches by 17 inches, produced in large print, and placed at student eye level for easy viewing.

The Department of Education shall coordinate with the Department of Children and Families to develop, update annually when necessary, and publish on the Department of Education's ~~department's~~ Internet website, sample notices suitable for posting in accordance with subsections (1), (2), and (4).

Section 11. Present subsections (2) through (6) of section 1012.795, Florida Statutes, are redesignated as subsections (3) through (7), respectively, a new subsection (2) is added to that section, and subsection (1) of that section is republished, to read:

1012.795 Education Practices Commission; authority to discipline.—

(1) The Education Practices Commission may suspend the educator certificate of any instructional personnel or school administrator, as defined in s. 1012.01(2) or (3), for up to 5 years, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for that period of time, after which the person may return to teaching as provided in subsection (5) ~~(4)~~; may revoke the educator certificate of any person, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for up to 10 years, with reinstatement subject to subsection (5) ~~(4)~~; may permanently revoke the educator certificate of any person thereby denying that person the right

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to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students; may suspend a person's educator certificate, upon an order of the court or notice by the Department of Revenue relating to the payment of child support; or may impose any other penalty provided by law, if the person:

(a) Obtained or attempted to obtain an educator certificate by fraudulent means.

(b) Knowingly failed to report actual or suspected child abuse as required in s. 1006.061 or report alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student as required in s. 1012.796.

(c) Has proved to be incompetent to teach or to perform duties as an employee of the public school system or to teach in or to operate a private school.

(d) Has been guilty of gross immorality or an act involving moral turpitude as defined by rule of the State Board of Education, including engaging in or soliciting sexual, romantic, or lewd conduct with a student or minor.

(e) Has had an educator certificate or other professional license sanctioned by this or any other state or has had the authority to practice the regulated profession revoked, suspended, or otherwise acted against, including a denial of certification or licensure, by the licensing or certifying authority of any jurisdiction, including its agencies and subdivisions. The licensing or certifying authority's acceptance of a relinquishment, stipulation, consent order, or other settlement offered in response to or in anticipation of the

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filing of charges against the licensee or certificateholder shall be construed as action against the license or certificate. For purposes of this section, a sanction or action against a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.

(f) Has been convicted or found guilty of, has had adjudication withheld for, or has pled guilty or nolo contendere to a misdemeanor, felony, or any other criminal charge, other than a minor traffic violation.

(g) Upon investigation, has been found guilty of personal conduct that seriously reduces that person's effectiveness as an employee of the district school board.

(h) Has breached a contract, as provided in s. 1012.33(2) or s. 1012.335.

(i) Has been the subject of a court order or notice by the Department of Revenue pursuant to s. 409.2598 directing the Education Practices Commission to suspend the certificate as a result of noncompliance with a child support order, a subpoena, an order to show cause, or a written agreement with the Department of Revenue.

(j) Has violated the Principles of Professional Conduct for the Education Profession prescribed by State Board of Education rules.

(k) Has otherwise violated the provisions of law, the penalty for which is the revocation of the educator certificate.

(l) Has violated any order of the Education Practices Commission.

(m) Has been the subject of a court order or plea agreement

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in any jurisdiction which requires the certificateholder to surrender or otherwise relinquish his or her educator's certificate. A surrender or relinquishment shall be for permanent revocation of the certificate. A person may not surrender or otherwise relinquish his or her certificate prior to a finding of probable cause by the commissioner as provided in s. 1012.796.

(n) Has been disqualified from educator certification under s. 1012.315.

(o) Has committed a third recruiting offense as determined by the Florida High School Athletic Association (FHSAA) pursuant to s. 1006.20(2)(b).

(p) Has violated test security as provided in s. 1008.24.

(2) Notwithstanding subsection (1), the Education Practices Commission shall suspend, for a period of not less than 1 year, the educator certificate of any instructional personnel or school administrator who knowingly fails to report known or suspected child abuse pursuant to s. 39.201.

Section 12. Subsections (1) through (5) of section 39.307, Florida Statutes, are amended to read:

39.307 Reports of child-on-child sexual abuse.—

(1) Upon receiving a report alleging child-on-child ~~juvenile sexual abuse or inappropriate sexual behavior as defined in s. 39.01~~, the department shall assist the family, child, and caregiver in receiving appropriate services to address the allegations of the report.

(a) The department shall ensure that information describing the child's history of child sexual abuse is included in the child's electronic record. This record must also include

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information describing the services the child has received as a result of his or her involvement with child sexual abuse.

(b) Placement decisions for a child who has been involved with child sexual abuse must include consideration of the needs of the child and any other children in the placement.

(c) The department shall monitor the occurrence of child sexual abuse and the provision of services to children involved in child-on-child ~~child sexual abuse or juvenile sexual abuse,~~ or ~~who have displayed inappropriate sexual behavior.~~

(2) The department, contracted sheriff's office providing protective investigation services, or contracted case management personnel responsible for providing services, at a minimum, shall adhere to the following procedures:

(a) The purpose of the response to a report alleging child-on-child ~~juvenile sexual abuse behavior or inappropriate sexual behavior~~ shall be explained to the caregiver.

1. The purpose of the response shall be explained in a manner consistent with legislative purpose and intent provided in this chapter.

2. The name and office telephone number of the person responding shall be provided to the caregiver of the alleged abuser ~~or child who has exhibited inappropriate sexual behavior~~ and the victim's caregiver.

3. The possible consequences of the department's response, including outcomes and services, shall be explained to the caregiver of the alleged abuser ~~or child who has exhibited inappropriate sexual behavior~~ and the victim's caregiver.

(b) The caregiver of the alleged abuser ~~or child who has exhibited inappropriate sexual behavior~~ and the victim's

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1111 caregiver shall be involved to the fullest extent possible in  
1112 determining the nature of the sexual behavior concerns and the  
1113 nature of any problem or risk to other children.

1114 (c) The assessment of risk and the perceived treatment  
1115 needs of the alleged abuser ~~or child who has exhibited~~  
1116 ~~inappropriate sexual behavior~~, the victim, and respective  
1117 caregivers shall be conducted by the district staff, the child  
1118 protection team of the Department of Health, and other providers  
1119 under contract with the department to provide services to the  
1120 caregiver of the alleged offender, the victim, and the victim's  
1121 caregiver.

1122 (d) The assessment shall be conducted in a manner that is  
1123 sensitive to the social, economic, and cultural environment of  
1124 the family.

1125 (e) If necessary, the child protection team of the  
1126 Department of Health shall conduct a physical examination of the  
1127 victim, which is sufficient to meet forensic requirements.

1128 (f) Based on the information obtained from the alleged  
1129 abuser ~~or child who has exhibited inappropriate sexual behavior~~,  
1130 his or her caregiver, the victim, and the victim's caregiver, an  
1131 assessment of service and treatment needs must be completed and,  
1132 if needed, a case plan developed within 30 days.

1133 (g) The department shall classify the outcome of the report  
1134 as follows:

1135 1. Report closed. Services were not offered because the  
1136 department determined that there was no basis for intervention.

1137 2. Services accepted by alleged abuser. Services were  
1138 offered to the alleged abuser ~~or child who has exhibited~~  
1139 ~~inappropriate sexual behavior~~ and accepted by the caregiver.

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1140 3. Report closed. Services were offered to the alleged  
1141 abuser ~~or child who has exhibited inappropriate sexual behavior,~~  
1142 but were rejected by the caregiver.

1143 4. Notification to law enforcement. The risk to the  
1144 victim's safety and well-being cannot be reduced by the  
1145 provision of services or the caregiver rejected services, and  
1146 notification of the alleged delinquent act or violation of law  
1147 to the appropriate law enforcement agency was initiated.

1148 5. Services accepted by victim. Services were offered to  
1149 the victim and accepted by the caregiver.

1150 6. Report closed. Services were offered to the victim but  
1151 were rejected by the caregiver.

1152 (3) If services have been accepted by the alleged abuser ~~or~~  
1153 ~~child who has exhibited inappropriate sexual behavior,~~ the  
1154 victim, and respective caregivers, the department shall  
1155 designate a case manager and develop a specific case plan.

1156 (a) Upon receipt of the plan, the caregiver shall indicate  
1157 its acceptance of the plan in writing.

1158 (b) The case manager shall periodically review the progress  
1159 toward achieving the objectives of the plan in order to:

1160 1. Make adjustments to the plan or take additional action  
1161 as provided in this part; or

1162 2. Terminate the case if indicated by successful or  
1163 substantial achievement of the objectives of the plan.

1164 (4) Services provided to the alleged abuser ~~or child who~~  
1165 ~~has exhibited inappropriate sexual behavior,~~ the victim, and  
1166 respective caregivers or family must be voluntary and of  
1167 necessary duration.

1168 (5) If the family or caregiver of the alleged abuser ~~or~~

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1169 ~~child who has exhibited inappropriate sexual behavior~~ fails to  
1170 adequately participate or allow for the adequate participation  
1171 of the child in the services or treatment delineated in the case  
1172 plan, the case manager may recommend that the department:

1173 (a) Close the case;

1174 (b) Refer the case to mediation or arbitration, if  
1175 available; or

1176 (c) Notify the appropriate law enforcement agency of  
1177 failure to comply.

1178 Section 13. Paragraph (t) of subsection (2) of section  
1179 39.202, Florida Statutes, is amended to read:

1180 39.202 Confidentiality of reports and records in cases of  
1181 child abuse or neglect.—

1182 (2) Except as provided in subsection (4), access to such  
1183 records, excluding the name of, or other identifying information  
1184 with respect to, the reporter which shall be released only as  
1185 provided in subsection (5), shall be granted only to the  
1186 following persons, officials, and agencies:

1187 (t) Persons with whom the department is seeking to place  
1188 the child or to whom placement has been granted, including  
1189 foster parents for whom an approved home study has been  
1190 conducted, the designee of a licensed child-caring agency as  
1191 defined in s. 39.01 ~~s. 39.01(41)~~, an approved relative or  
1192 nonrelative with whom a child is placed pursuant to s. 39.402,  
1193 preadoptive parents for whom a favorable preliminary adoptive  
1194 home study has been conducted, adoptive parents, or an adoption  
1195 entity acting on behalf of preadoptive or adoptive parents.

1196 Section 14. Subsection (6) of section 39.301, Florida  
1197 Statutes, is amended to read:

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39.301 Initiation of protective investigations.—

(6) Upon commencing an investigation under this part, if a report was received from a reporter under s. 39.201(1)(a)2. ~~s. 39.201(1)(b)~~, the protective investigator must provide his or her contact information to the reporter within 24 hours after being assigned to the investigation. The investigator must also advise the reporter that he or she may provide a written summary of the report made to the central abuse hotline to the investigator which shall become a part of the electronic child welfare case file.

Section 15. Paragraph (c) of subsection (1) of section 39.521, Florida Statutes, is amended to read:

39.521 Disposition hearings; powers of disposition.—

(1) A disposition hearing shall be conducted by the court, if the court finds that the facts alleged in the petition for dependency were proven in the adjudicatory hearing, or if the parents or legal custodians have consented to the finding of dependency or admitted the allegations in the petition, have failed to appear for the arraignment hearing after proper notice, or have not been located despite a diligent search having been conducted.

(c) When any child is adjudicated by a court to be dependent, the court having jurisdiction of the child has the power by order to:

1. Require the parent and, when appropriate, the legal guardian or the child to participate in treatment and services identified as necessary. The court may require the person who has custody or who is requesting custody of the child to submit to a mental health or substance abuse disorder assessment or

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1227 evaluation. The order may be made only upon good cause shown and  
1228 pursuant to notice and procedural requirements provided under  
1229 the Florida Rules of Juvenile Procedure. The mental health  
1230 assessment or evaluation must be administered by a qualified  
1231 professional as defined in s. 39.01, and the substance abuse  
1232 assessment or evaluation must be administered by a qualified  
1233 professional as defined in s. 397.311. The court may also  
1234 require such person to participate in and comply with treatment  
1235 and services identified as necessary, including, when  
1236 appropriate and available, participation in and compliance with  
1237 a mental health court program established under chapter 394 or a  
1238 treatment-based drug court program established under s. 397.334.  
1239 Adjudication of a child as dependent based upon evidence of harm  
1240 as defined in s. 39.01(34)(g) ~~s. 39.01(35)(g)~~ demonstrates good  
1241 cause, and the court shall require the parent whose actions  
1242 caused the harm to submit to a substance abuse disorder  
1243 assessment or evaluation and to participate and comply with  
1244 treatment and services identified in the assessment or  
1245 evaluation as being necessary. In addition to supervision by the  
1246 department, the court, including the mental health court program  
1247 or the treatment-based drug court program, may oversee the  
1248 progress and compliance with treatment by a person who has  
1249 custody or is requesting custody of the child. The court may  
1250 impose appropriate available sanctions for noncompliance upon a  
1251 person who has custody or is requesting custody of the child or  
1252 make a finding of noncompliance for consideration in determining  
1253 whether an alternative placement of the child is in the child's  
1254 best interests. Any order entered under this subparagraph may be  
1255 made only upon good cause shown. This subparagraph does not

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1256 authorize placement of a child with a person seeking custody of  
1257 the child, other than the child's parent or legal custodian, who  
1258 requires mental health or substance abuse disorder treatment.

1259 2. Require, if the court deems necessary, the parties to  
1260 participate in dependency mediation.

1261 3. Require placement of the child either under the  
1262 protective supervision of an authorized agent of the department  
1263 in the home of one or both of the child's parents or in the home  
1264 of a relative of the child or another adult approved by the  
1265 court, or in the custody of the department. Protective  
1266 supervision continues until the court terminates it or until the  
1267 child reaches the age of 18, whichever date is first. Protective  
1268 supervision shall be terminated by the court whenever the court  
1269 determines that permanency has been achieved for the child,  
1270 whether with a parent, another relative, or a legal custodian,  
1271 and that protective supervision is no longer needed. The  
1272 termination of supervision may be with or without retaining  
1273 jurisdiction, at the court's discretion, and shall in either  
1274 case be considered a permanency option for the child. The order  
1275 terminating supervision by the department must set forth the  
1276 powers of the custodian of the child and include the powers  
1277 ordinarily granted to a guardian of the person of a minor unless  
1278 otherwise specified. Upon the court's termination of supervision  
1279 by the department, further judicial reviews are not required if  
1280 permanency has been established for the child.

1281 4. Determine whether the child has a strong attachment to  
1282 the prospective permanent guardian and whether such guardian has  
1283 a strong commitment to permanently caring for the child.

1284 Section 16. Paragraph (c) of subsection (1) of section

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39.6012, Florida Statutes, is amended to read:

39.6012 Case plan tasks; services.—

(1) The services to be provided to the parent and the tasks that must be completed are subject to the following:

(c) If there is evidence of harm as defined in s. 39.01(34)(g) ~~s. 39.01(35)(g)~~, the case plan must include as a required task for the parent whose actions caused the harm that the parent submit to a substance abuse disorder assessment or evaluation and participate and comply with treatment and services identified in the assessment or evaluation as being necessary.

Section 17. Subsection (4) of section 322.09, Florida Statutes, is amended to read:

322.09 Application of minors; responsibility for negligence or misconduct of minor.—

(4) Notwithstanding subsections (1) and (2), if a caregiver of a minor who is under the age of 18 years and is in out-of-home care as defined in s. 39.01 ~~s. 39.01(55)~~, an authorized representative of a residential group home at which such a minor resides, the caseworker at the agency at which the state has placed the minor, or a guardian ad litem specifically authorized by the minor's caregiver to sign for a learner's driver license signs the minor's application for a learner's driver license, that caregiver, group home representative, caseworker, or guardian ad litem does not assume any obligation or become liable for any damages caused by the negligence or willful misconduct of the minor by reason of having signed the application. Before signing the application, the caseworker, authorized group home representative, or guardian ad litem shall

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1314 notify the caregiver or other responsible party of his or her  
1315 intent to sign and verify the application.

1316 Section 18. Paragraph (p) of subsection (4) of section  
1317 394.495, Florida Statutes, is amended to read:

1318 394.495 Child and adolescent mental health system of care;  
1319 programs and services.—

1320 (4) The array of services may include, but is not limited  
1321 to:

1322 (p) Trauma-informed services for children who have suffered  
1323 sexual exploitation as defined in s. 39.01(76)(g) ~~s.~~  
1324 ~~39.01(77)(g)~~.

1325 Section 19. Section 627.746, Florida Statutes, is amended  
1326 to read:

1327 627.746 Coverage for minors who have a learner's driver  
1328 license; additional premium prohibited.—An insurer that issues  
1329 an insurance policy on a private passenger motor vehicle to a  
1330 named insured who is a caregiver of a minor who is under the age  
1331 of 18 years and is in out-of-home care as defined in s.  
1332 39.01(54) ~~s. 39.01(55)~~ may not charge an additional premium for  
1333 coverage of the minor while the minor is operating the insured  
1334 vehicle, for the period of time that the minor has a learner's  
1335 driver license, until such time as the minor obtains a driver  
1336 license.

1337 Section 20. Paragraph (g) of subsection (2) of section  
1338 934.03, Florida Statutes, is amended to read:

1339 934.03 Interception and disclosure of wire, oral, or  
1340 electronic communications prohibited.—

1341 (2)

1342 (g) It is lawful under this section and ss. 934.04-934.09

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for an employee of:

1. An ambulance service licensed pursuant to s. 401.25, a fire station employing firefighters as defined by s. 633.102, a public utility, a law enforcement agency as defined by s. 934.02(10), or any other entity with published emergency telephone numbers;

2. An agency operating an emergency telephone number "911" system established pursuant to s. 365.171; or

3. The central abuse hotline operated pursuant to s. 39.101  
~~s. 39.201~~

to intercept and record incoming wire communications; however, such employee may intercept and record incoming wire communications on designated "911" telephone numbers and published nonemergency telephone numbers staffed by trained dispatchers at public safety answering points only. It is also lawful for such employee to intercept and record outgoing wire communications to the numbers from which such incoming wire communications were placed when necessary to obtain information required to provide the emergency services being requested. For the purpose of this paragraph, the term "public utility" has the same meaning as provided in s. 366.02 and includes a person, partnership, association, or corporation now or hereafter owning or operating equipment or facilities in the state for conveying or transmitting messages or communications by telephone or telegraph to the public for compensation.

Section 21. Paragraph (c) of subsection (1) of section 934.255, Florida Statutes, is amended to read:

934.255 Subpoenas in investigations of sexual offenses.—

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(1) As used in this section, the term:

(c) "Sexual abuse of a child" means a criminal offense based on any conduct described in s. 39.01(76) ~~s. 39.01(77)~~.

Section 22. Subsection (5) of section 960.065, Florida Statutes, is amended to read:

960.065 Eligibility for awards.—

(5) A person is not ineligible for an award pursuant to paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that person is a victim of sexual exploitation of a child as defined in s. 39.01(76)(g) ~~s. 39.01(77)(g)~~.

Section 23. This act shall take effect July 1, 2020.

## **Child Abuse Reporting Requirements**

### **Section 39.201, F.S. and SB 7000 (sections 2 and 3).**

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

(1)(a) Any person who knows, or has reasonable cause to suspect, that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare, as defined in this chapter, or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2).

Renumbered as s. 39.201(1)(a)1.-3.  
Reworded to clarify reporting requirement.  
Amended section title to remove the term "mandatory" and replace with the term "required."

(b) Any person who knows, or who has reasonable cause to suspect, that a child is abused by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare, as defined in this chapter, shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2).

(c) Any person who knows, or has reasonable cause to suspect, that a child is the victim of childhood sexual abuse or the victim of a known or suspected juvenile sexual offender, as defined in this chapter, shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2).

(d) Reporters in the following occupation categories are required to provide their names to the hotline staff:

1. Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;
2. Health or mental health professional other than one listed in subparagraph 1.;
3. Practitioner who relies solely on spiritual means for healing;
4. School teacher or other school official or personnel;
5. Social worker, day care center worker, or other professional child care, foster care, residential, or institutional worker;
6. Law enforcement officer; or
7. Judge.

Renumbered as s. 39.201(1)(b) and (c). Reworded to clarify requirement to provide name to hotline – added animal control officer to list.

The names of reporters shall be entered into the record of the report, but shall be held confidential and exempt as provided in s. 39.202.

(e) A professional who is hired by or enters into a contract with the department for the purpose of treating or counseling any person, as a result of a report of child abuse, abandonment, or neglect, is not required to again report to the central abuse hotline the abuse, abandonment, or neglect that was the subject of the referral for treatment.

(f) An officer or employee of the judicial branch is not required to again provide notice of reasonable cause to suspect child abuse, abandonment, or neglect when that child is currently being investigated by the department, there is an existing dependency case, or the matter has previously been reported to the department, provided there is reasonable cause to believe the information is already known to the department. This paragraph applies only when the information has been provided to the officer or employee in the course of carrying out his or her official duties.

Renumbered as s. 39.201(3)(a)1. and 2.

(g) Nothing in this chapter or in the contracting with community-based care providers for foster care and related services as specified in s. 409.987 shall be construed to remove or reduce the duty and responsibility of any person, including any employee of the community-based care provider, to report a suspected or actual case of child abuse, abandonment, or neglect or the sexual abuse of a child to the department's central abuse hotline.

Renumbered as s. 39.201(3)(b).

(h) An officer or employee of a law enforcement agency is not required to provide notice to the department of reasonable cause to suspect child abuse by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare when the incident under investigation by the law enforcement agency was reported to law enforcement by the Central Abuse Hotline through the electronic transfer of the report or call. The department's Central Abuse Hotline is not required to electronically transfer calls and reports received pursuant to paragraph (2)(b) to the county sheriff's office if the matter was initially reported to the department by the county sheriff's office or another law enforcement agency. This paragraph applies only when the information related to the alleged child abuse has been provided to the officer or employee of a law enforcement agency or Central Abuse Hotline employee in the course of carrying out his or her official duties.

Renumbered as s. 39.201(3)(a)3.

(2)(a) Each report of known or suspected child abuse, abandonment, or neglect by a parent, legal custodian, caregiver, or other person responsible for the child's welfare as defined in this chapter, except those solely under s. 827.04(3), and each report that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care shall be made immediately to the department's central abuse hotline. Such reports may be made on the single statewide toll-free telephone number or via fax, web-based chat, or web-based report.

Consolidated under s. 39.201(1).

Personnel at the department's central abuse hotline shall determine if the report received meets the statutory definition of child abuse, abandonment, or neglect. Any report meeting one of these definitions shall be accepted for the protective investigation pursuant to part III of this chapter. Any call received from a parent or legal custodian seeking assistance for himself or herself which does not meet the criteria for being a report of child abuse, abandonment, or neglect may be accepted by the hotline for response to ameliorate a potential future risk of harm to a child. If it is determined by a child welfare professional that a need for community services exists, the department shall refer the parent or legal custodian for appropriate voluntary community services.

Renumbered as  
s.39.201(1)(a)1.a.,b. and c.

(b) Each report of known or suspected child abuse by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare, as defined in this chapter, shall be made immediately to the department's central abuse hotline. Such reports may be made on the single statewide toll-free telephone number or via fax, web-based chat, or web-based report. Such reports or calls shall be immediately electronically transferred to the appropriate county sheriff's office by the central abuse hotline.

Renumbered as s.  
38.201(1)(a)2.

(c) Reports involving juvenile sexual abuse or a child who has exhibited inappropriate sexual behavior shall be made and received by the department. An alleged incident of juvenile sexual abuse involving a child who is in the custody of or protective supervision of the department shall be reported to the department's central abuse hotline.

1. The central abuse hotline shall immediately electronically transfer the report or call to the county sheriff's office. The department shall conduct an assessment and assist the family in receiving appropriate services pursuant to s. 39.307, and send a written report of the allegation to the appropriate county sheriff's office within 48 hours after the initial report is made to the central abuse hotline.

Renumbered as s. 39.201(1)(a)3.a.,b. and c. Added requirements for DCF to investigate reports coming from specified educational settings.

2. The department shall ensure that the facts and results of any investigation of child sexual abuse involving a child in the custody of or under the protective supervision of the department are made known to the court at the next hearing or included in the next report to the court concerning the child.

(d) If the report is of an instance of known or suspected child abuse, abandonment, or neglect that occurred out of state and the alleged perpetrator and the child alleged to be a victim live out of state, the central abuse hotline shall not accept the report or call for investigation, but shall transfer the information on the report to the appropriate state.

Renumbered as s.39.201(2)(a)

Provisions related to calls from emergency room physicians and medical facility evaluations are consolidated as s. 39.201(2)(a) and (b).

(e) If the report is of an instance of known or suspected child abuse involving impregnation of a child under 16 years of age by a person 21 years of age or older solely under s. 827.04(3), the report shall be made immediately to the appropriate county sheriff's office or other appropriate law enforcement agency. If the report is of an instance of known or suspected child abuse solely under s. 827.04(3), the reporting provisions of this subsection do not apply to health care professionals or other persons who provide medical or counseling services to pregnant children when such reporting would interfere with the provision of medical services.

Renumbered as s. 39.201(2)(c).

(f) Reports involving known or suspected institutional child abuse or neglect shall be made and received in the same manner as all other reports made pursuant to this section.

Renumbered as s. 39.201(2)(d).

(g) Reports involving surrendered newborn infants as described in s. 383.50 shall be made and received by the department.

1. If the report is of a surrendered newborn infant as described in s. 383.50 and there is no indication of abuse, neglect, or abandonment other than that necessarily entailed in the infant having been left at a hospital, emergency medical services station, or fire station, the department shall provide to the caller the name of a licensed child-placing agency on a rotating basis from a list of licensed child-placing agencies eligible and required to accept physical custody of and to place newborn infants left at a hospital, emergency medical services station, or fire station. The report shall not be considered a report of abuse, neglect, or abandonment solely because the infant has been left at a hospital, emergency medical services station, or fire station pursuant to s. 383.50.

Renumbered as s. 39.201(2)(e).

2. If the call, fax, web-based chat, or web-based report includes indications of abuse or neglect beyond that necessarily entailed in the infant having been left at a hospital, emergency medical services station, or fire station, the report shall be considered as a report of abuse, neglect, or abandonment and shall be subject to the requirements of s. 39.395 and all other relevant provisions of this chapter, notwithstanding any provisions of chapter 383.

(h) Hotline counselors shall receive periodic training in encouraging reporters to provide their names when reporting abuse, abandonment, or neglect. Callers shall be advised of the confidentiality provisions of s. 39.202. The department shall secure and install electronic equipment that automatically provides to the hotline the number from which the call or fax is placed or the Internet protocol (IP) address from which the report is received. This number shall be entered into the report of abuse, abandonment, or neglect and become a part of the record of the report, but shall enjoy the same confidentiality as provided to the identity of the reporter pursuant to s. 39.202.

Relocated to s. 39.101(3)(b).

(i) The department shall voice-record all incoming or outgoing calls that are received or placed by the central abuse hotline which relate to suspected or known child abuse, neglect, or abandonment. The department shall maintain an electronic copy of each fax and web-based report. The recording or electronic copy of each fax and web-based report shall become a part of the record of the report but, notwithstanding s. 39.202, shall be released in full only to law enforcement agencies and state attorneys for the purpose of investigating and prosecuting criminal charges pursuant to s. 39.205, or to employees of the department for the purpose of investigating and seeking administrative penalties pursuant to s. 39.206. Nothing in this paragraph shall prohibit the use of the recordings, the electronic copies of faxes, and web-based reports by hotline staff for quality assurance and training.

Relocated to s. 39.101(3)(a)

(j)1. The department shall update the web form used for reporting child abuse, abandonment, or neglect to:

- a. Include qualifying questions in order to obtain necessary information required to assess need and a response.
- b. Indicate which fields are required to submit the report.
- c. Allow a reporter to save his or her report and return to it at a later time.

Relocated to s. 39.101(3)(c).

2. The report shall be made available to the counselors in its entirety as needed to update the Florida Safe Families Network or other similar systems.

(k) The department shall conduct a study to determine the feasibility of using text and short message service formats to receive and process reports of child abuse, abandonment, or neglect to the central abuse hotline.

Deleted obsolete language.

(3) Any person required to report or investigate cases of suspected child abuse, abandonment, or neglect who has reasonable cause to suspect that a child died as a result of child abuse, abandonment, or neglect shall report his or her suspicion to the appropriate medical examiner. The medical examiner shall accept the report for investigation and shall report his or her findings, in writing, to the local law enforcement agency, the appropriate state attorney, and the department. Autopsy reports maintained by the medical examiner are not subject to the confidentiality requirements provided for in s. 39.202.

Renumbered as s. 39.201(4).

(4) The department shall operate and maintain a central abuse hotline to receive all reports made pursuant to this section in writing, via fax, via web-based reporting, via web-based chat, or through a single statewide toll-free telephone number, which any person may use to report known or suspected child abuse, abandonment, or neglect at any hour of the day or night, any day of the week. The department shall promote public awareness of the central abuse hotline through community-based partner organizations and public service campaigns. The central abuse hotline is the first step in the safety assessment and investigation process. The central abuse hotline shall be operated in such a manner as to enable the department to:

Reworded and relocated to s. 39.101(2).

(a) Immediately identify and locate prior reports or cases of child abuse, abandonment, or neglect through utilization of the department's automated tracking system.

(b) Monitor and evaluate the effectiveness of the department's program for reporting and investigating suspected abuse, abandonment, or neglect of children through the development and analysis of statistical and other information.

Relocated to .39.101(3)(d).

(c) Track critical steps in the investigative process to ensure compliance with all requirements for any report of abuse, abandonment, or neglect.

(d) Maintain and produce aggregate statistical reports monitoring patterns of child abuse, child abandonment, and child neglect. The department shall collect and analyze child-on-child sexual abuse reports and include the information in aggregate statistical reports. The department shall collect and analyze, in separate statistical reports, those reports of child abuse and sexual abuse which are reported from or occurred on the campus of any Florida College System institution, state university, or nonpublic college, university, or school, as defined in s. 1000.21 or s. 1005.02.

Relocated to s. 39.101(3)(e).  
Added a requirement to keep statistical reports relating to child abuse in specified educational settings other than colleges and universities.

(e) Serve as a resource for the evaluation, management, and planning of preventive and remedial services for children who have been subject to abuse, abandonment, or neglect.

Relocated to s. 39.101(2).

(f) Initiate and enter into agreements with other states for the purpose of gathering and sharing information contained in reports on child maltreatment to further enhance programs for the protection of children.

(5) The department shall be capable of receiving and investigating, 24 hours a day, 7 days a week, reports of known or suspected child abuse, abandonment, or neglect and reports that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care. If it appears that the immediate safety or well-being of a child is endangered, that the family may flee or the child will be unavailable for purposes of conducting a child protective investigation, or that the facts otherwise so warrant, the department shall commence an investigation immediately, regardless of the time of day or night. In all other child abuse, abandonment, or neglect cases, a child protective investigation shall be commenced within 24 hours after receipt of the report.

Relocated to s. 39.101(1)(a) and (b).

In an institutional investigation, the alleged perpetrator may be represented by an attorney, at his or her own expense, or accompanied by another person, if the person or the attorney executes an affidavit of understanding with the department and agrees to comply with the confidentiality provisions of s. 39.202. The absence of an attorney or other person does not prevent the department from proceeding with other aspects of the investigation, including interviews with other persons. In institutional child abuse cases when the institution is not operating and the child cannot otherwise be located, the investigation shall commence immediately upon the resumption of operation. If requested by a state attorney or local law enforcement agency, the department shall furnish all investigative reports to that agency.

Relocated to s. 39.302, related to protective investigations of institutional child abuse, abandonment or neglect.

(6) Information in the central abuse hotline may not be used for employment screening, except as provided in s. 39.202(2)(a) and (h) or s. 402.302(15). Information in the central abuse hotline and the department's automated abuse information system may be used by the department, its authorized agents or contract providers, the Department of Health, or county agencies as part of the licensure or registration process pursuant to ss. 402.301-402.319 and ss. 409.175-409.176. Pursuant to s. 39.202(2)(q), the information in the central abuse hotline may also be used by the Department of Education for purposes of educator certification discipline and review.

Relocated to s. 39.101(4)(a) and (b)

(7) On an ongoing basis, the department's quality assurance program shall review calls, fax reports, and web-based reports to the hotline involving three or more unaccepted reports on a single child, where jurisdiction applies, in order to detect such things as harassment and situations that warrant an investigation because of the frequency or variety of the source of the reports. A component of the quality assurance program shall analyze unaccepted reports to the hotline by identified relatives as a part of the review of screened out calls. The Program Director for Family Safety may refer a case for investigation when it is determined, as a result of this review, that an investigation may be warranted.

Relocated to s. 39.101(5).  
Replaced Program Director  
for Family Safety with  
Assistant Secretary for Child

# **SB 7000 Child Abuse Reporting Bill Outline**

## **General Provisions**

- Makes changes to some Chapter 39 definitions.
- Reorganizes and clarifies current provisions related to the central abuse hotline and child abuse reporting.
  - Adds reports of abuse and sexual abuse occurring on a K-12 school campus to currently required statistical reports.
  - Adds a requirement for handling reports of child-on-child sexual abuse that occurs in a K-12 school.
  - Adds animal control officers to the list of professionals that must provide their name when reporting child abuse.

## **School Related Provisions**

- Adds penalties for K-12 schools and administrative personnel who fail to report child abuse.
- Adds a provision that clarifies that school personnel reporting child abuse to their supervisor does not relieve them of the responsibility to directly report to the hotline.
- Requires at least a one year suspension of the educator certificate of instructional personnel or school administrator who fails to report child abuse.

## **Animal Related Provisions**

- Creates a new section requiring the cross reporting of child and animal abuse.
  - Provides legislative findings and intent, duties of child protective investigators and animal control officers, penalties for failure to report and training requirements.
- Amends the section related to sexual abuse of animals.
  - Adds a statement connecting animal sexual abuse to other types of interpersonal violence including child abuse.
  - Adds a prohibition against persons convicted of animal sexual abuse from owning, residing with, working or volunteering with animals.
  - Increases the penalty for animal sexual abuse from a misdemeanor to a felony and places it at Level 6 of the offense severity ranking chart.

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

10/22/19  
Meeting Date

\_\_\_\_\_  
Bill Number (if applicable)

Topic SPB 7000

\_\_\_\_\_  
Amendment Barcode (if applicable)

Name Jena-lisa Jones

Job Title \_\_\_\_\_

Address 354 Lake Arbor dr.  
Street

Phone 561 360 8813

Palm Springs fl 33461  
City State Zip

Email jonesjenalisa@yahoo

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing SPB 7000

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

10/22/19

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SPB 7000

Bill Number (if applicable)

Topic Mandated Reporters

Name Alexandra Serafini

Job Title Student

Address 173 Harston Ct.

Street

Lake Mary

City

FL

State

32746

Zip

Phone 407 687 7654

Email Alexandraserafini1@gmail

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

10/22/19

Meeting Date

SPB 7000  
Bill Number (if applicable)

Topic child welfare package - cross repudy,  
Name Kate Macfall sexual abuse of  
animals

Amendment Barcode (if applicable)

Job Title state director

Address 1624 Mulhoptun Circle  
Street  
Tallahassee FL 32308  
City State Zip

Phone 850 508-1001

Email KMacfall@hsus.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Humane Society of the United States

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

10-22-19

*Meeting Date*

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

7800

*Bill Number (if applicable)*

Topic Reporting Abuse, Abandonment, and Neglect

Name Victoria Zepp

*Amendment Barcode (if applicable)*

Job Title Chief Policy and Research Officer

Address 411 E. College Avenue

*Street*

Tallahassee

*City*

FL

*State*

32301

*Zip*

Phone 850/561-1102

Email Victoria@flchildren.org

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Coalition for Children (FCC)

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

10.22.19

*Meeting Date*

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

7000

*Bill Number (if applicable)*

Topic Reporting Abuse, Abandonment & Neglect

*Amendment Barcode (if applicable)*

Name Barney Bishop III

Job Title CEO

Address 2215 Thomasville Road

*Street*

Phone 850.510.9922

Tallahassee

FL

32308

*City*

*State*

*Zip*

Email barney@barneybishop.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

<u>Meeting Date</u>		<u>Bill Number (if applicable)</u>	
Topic	<u>LAZARUS Project / Homeless Trust</u>		
Name	<u>Ron Book</u>		
Job Title	<u>Chair Miami Dade Homeless Trust</u>		
Address	<u>104 West Jefferson St</u>	Phone	
	<u>TRH</u>		
	<u>City</u>	<u>33301</u>	<u>Email</u>
	<u>State</u>	<u>Zip</u>	
Speaking:	<input type="checkbox"/> For	<input type="checkbox"/> Against	<input checked="" type="checkbox"/> Information
	Waive Speaking:		<input type="checkbox"/> In Support <input type="checkbox"/> Against
	(The Chair will read this information into the record.)		
Representing	<u>Miami Dade Homeless Trust</u>		
Appearing at request of Chair:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Lobbyist registered with Legislature:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

**COMMITTEE:** Children, Families, and Elder Affairs  
**ITEM:** SPB 7000  
**FINAL ACTION:** Submitted and Reported Favorably as Committee Bill  
**MEETING DATE:** Tuesday, October 22, 2019  
**TIME:** 11:00 a.m.—12:30 p.m.  
**PLACE:** 301 Senate Building

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

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BILL: SB 192

INTRODUCER: Senators Berman and Cruz

SUBJECT: Sales Tax Exemption/Independent Living

DATE: October 21, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hendon	Hendon	CF	<b>Favorable</b>
2.			FT	
3.			AP	

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**I. Summary:**

SB 192 exempts from the sales and use tax the purchase of certain items that assist individuals in living and aging independently in their homes. Specifically, bed transfer handles, bed rails, grab bars, and shower seats are covered by the exemption.

The Revenue Estimating Conference estimated the cost of a similar bill for the 2019 session and found it would reduce General Revenue Fund receipts by \$1.1 million for the first year, with a recurring loss of \$2.7 million. Additionally, the conference estimated local government revenues will reduce by approximately \$300,000 for Fiscal Year 2019-2020, with a recurring loss of \$700,000.

The bill has an effective date of January 1, 2021.

**II. Present Situation:**

**Florida Sales and Use Tax**

Florida levies a six percent sales and use tax on the sale or rental of most tangible personal property, admissions,<sup>1</sup> transient rentals,<sup>2</sup> rental of commercial real estate,<sup>3</sup> and a limited number of services. Chapter 212, F.S., contains statutory provisions authorizing the levy and collection of Florida's sales and use tax, as well as the exemptions and credits applicable to certain items or uses under specified circumstances. There are currently more than 260 exemptions, exclusions,

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<sup>1</sup> Section 212.04, F.S.

<sup>2</sup> Section 212.03, F.S.

<sup>3</sup> Section 212.031, F.S.

deductions, and credits from the sales and use tax.<sup>4</sup> Sales tax is added to the price of the taxable good or service and collected from the purchaser at the time of sale.

In addition to the state tax, s. 212.055, F.S., authorizes counties to impose nine local discretionary sales surtaxes. A surtax applies to “all transactions occurring in the county which transactions are subject to the state tax imposed on sales, use, services, rental, admissions, and other transactions by [ch. 212, F.S.], and communications services as defined in ch. 202, F.S.”<sup>5</sup> The discretionary sales surtax is based on the tax rate imposed by the county where the taxable goods or services are sold, or are delivered into. Discretionary sales surtax rates currently levied vary by county in a range from 0.5 percent to 2.5%.<sup>6</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 212.08, F.S., to exempt from the sales and use tax the following items when purchased for noncommercial home or personal use:

- A bed transfer handle selling for \$60 or less.
- A bed rail selling for \$110 or less.
- A grab bar selling for \$100 or less.
- A shower seat selling for \$100 or less.

The exemption does not apply to purchases made by a business, including, but not limited to, a medical institution or an assisted living facility.

**Section 2** provides an effective date of January 1, 2021.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

Article VII, s. 18 of the Florida Constitution governs laws that require counties and municipalities to spend funds or that limit their ability to raise revenue or receive state tax revenues.

Subsection (b) of s. 18, Art. VII, Florida Constitution, provides that except upon approval of each house of the Legislature by two-thirds vote of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the mandates requirements do not apply to laws having an insignificant impact, which for Fiscal Year 2019-2020, is \$2.1 million or less.

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<sup>4</sup> See Office of Economic and Demographic Research, The Florida Legislature, *Florida Tax Handbook*, 155-168 (2018), available at <http://edr.state.fl.us/content/revenues/reports/tax-handbook/taxhandbook2018.pdf> (last visited Oct. 17, 2019).

<sup>5</sup> Section 212.054, F.S.

<sup>6</sup> See Office of Economic and Demographic Research, The Florida Legislature, *County Tax Rates: CY 2007-2019*, available at <http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm> (last visited Oct. 17, 2019).

The Revenue Estimating Conference estimated the cost of a similar bill for the 2019 session and found it would reduce local government revenues by approximately \$700,000, recurring. Therefore, this bill has an insignificant impact on local governments and the mandate provision does not apply.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

The Revenue Estimating Conference estimated the cost a similar bill for the 2019 session (SB 176) and found it would reduce General Revenue Fund receipts by \$1.1 million for the first year, with a recurring loss of \$2.7 million. Additionally, the conference estimated local government revenue will reduce by \$300,000 for Fiscal Year 2019-2020, with a recurring loss of \$700,000.

**B. Private Sector Impact:**

Certain devices would be tax exempt and could result in higher sales.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 212.08 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By Senator Berman

31-00012-20

2020192\_\_

A bill to be entitled  
An act relating to a sales tax exemption; amending s.  
212.08, F.S.; exempting from the sales and use tax  
specified items that assist in independent living;  
providing applicability; providing an effective date.

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

Section 1. Paragraph (u) is added to subsection (5) of  
section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and  
storage tax; specified exemptions.—The sale at retail, the  
rental, the use, the consumption, the distribution, and the  
storage to be used or consumed in this state of the following  
are hereby specifically exempt from the tax imposed by this  
chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(u) Items that assist in independent living.—

1. The following items, when purchased for noncommercial  
home or personal use, are exempt from the tax imposed by this  
chapter:

a. A bed transfer handle selling for \$60 or less.

b. A bed rail selling for \$110 or less.

c. A grab bar selling for \$100 or less.

d. A shower seat selling for \$100 or less.

2. This exemption does not apply to a purchase made by a  
business, including, but not limited to, a medical institution  
or an assisted living facility.

Section 2. This act shall take effect January 1, 2021.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

10/22/19  
Meeting Date

192  
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Sales Tax Exemption

Name Olivia Babis

Job Title Public Policy Analyst

Address 2473 Care Dr. Ste 200  
Street

Tallahassee FL  
City State

32308  
Zip

Phone 850-617-9718

Email oliviab@disabilityrightsfl.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Disability Rights Florida

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at a meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible may be heard.

This form is part of the public record for all.

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

10/22/19

Meeting Date

192

Bill Number (if applicable)

Topic Sales Tax Exemption/Independent Living

Name Robert S. Beck

Job Title Partner, PinPoint Results

Address 150 S. Monroe St., Suite 303

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850-766-1410

Email robert@pinpointresults.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Association of Area Agencies on Aging

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible may be heard.

This form is part of the

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

10/22/19

*Meeting Date*

SB 192

*Bill Number (if applicable)*

Topic Sales Tax Exemption/Independent Living - 2020

*Amendment Barcode (if applicable)*

Name Dorene Barker

Job Title Associate State Director for Advocacy

Address 200 West College Avenue, Suite 304A

Phone 850 228-6387

*Street*

Tallahassee

FL

32301

Email dobarker@aarp.org

*City*

*State*

*Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing AARP Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/14/14)

**COMMITTEE:** Children, Families, and Elder Affairs  
**ITEM:** SB 192  
**FINAL ACTION:** Favorable  
**MEETING DATE:** Tuesday, October 22, 2019  
**TIME:** 11:00 a.m.—12:30 p.m.  
**PLACE:** 301 Senate Building

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting