

caregivers. Under s. 39.205(1), F.S., a person who knowingly or willfully fails to report known or suspected child abuse, abandonment, or neglect, or prevents another person from doing so, is guilty of a first degree misdemeanor. A first degree misdemeanor is punishable by up to 1 year in jail or a \$1,000 fine.

Chapter 828, F.S., relates to local animal control or cruelty ordinances. Section 828.27 (1)(b), F.S., defines “animal control officer” as any person employed or appointed by a county or municipality who is authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty and may issue citations pursuant to ch. 828, F.S.

County animal control officers are required to complete a 40-hour minimum course training including such topics as: animal cruelty investigations, search and seizure, animal handling, courtroom demeanor, and civil citations, s. 828.27(4), F.S. Animal control officers who were authorized before January 1, 1990, are not required to complete the course.

Often child abuse and animal abuse are both occurring in the same cycle of family violence. The Children’s Division of the American Humane Association (AHA) reports that research reflects this strong correlation between substantial animal abuse and violence toward people.

- “A child who learns aggression against living creatures is more likely to rape, abuse, and kill other humans as an adult” (Kellert & Felthous, 1985).
- “In 88 percent of families (receiving services from the N.J. Division of Youth and Family Services) where physical abuse occurred, animals in that home were also abused. In about two-thirds of the cases, the abusive parent had killed or injured the animal to discipline the child” (Deviney, Dickert, & Lockwood, 1983).
- A study of 28 convicted sexual homicide perpetrators found that prevalence of cruelty to animals was 36 percent in childhood and 46 percent in adolescence (Ressler, Burgess, & Douglas, 1988).
- Hellman and Blackman noted the frequent association between criminal violence in adulthood and a triad of symptoms: excessive bed-wetting, fire-setting, and animal abuse during childhood. . . . Animal abuse is so common among this type of criminal, the FBI’s profile of serial killers include histories of animal abuse.

III. Effect of Proposed Changes:

CS/SB 690 amends s. 39.201, F.S., to add “animal control officer” to the list of professions specifically identified as required to report child abuse. The inclusion of animal control officers to the list of specified professions required to report does not alter the current responsibility of animal control officers to report child abuse, except that now they would be required to provide their names when making a report of child abuse. Even though they have not been specifically identified, animal control officers have been a mandated reporter of child abuse with the same penalties as the specified professions.

The bill creates s. 39.208, F.S., specifying that a person who is required to report or investigate child abuse, neglect, or abandonment and who, in the course of the job, knows or reasonably suspects that cruelty, abuse, abandonment, or neglect of an animal has taken place must report that abuse of an animal to the local animal control officer or other agent appointed pursuant to ch. 828, F.S., within 24 hours. An exception to this requirement is made for judges. The bill specifies information to be included in the report. Persons who fail to report known or suspected animal abuse commits a misdemeanor of the second degree. The bill also requires that the Department of Children and Family Services' training program for persons who investigate child abuse include the detection of animal abuse.

The bill amends s. 828.073, F.S., by requiring that persons who are authorized to enforce the provisions of ch. 828, F.S., pertaining to animals in distress must report known or suspected cases of child abuse, neglect, or abandonment or cases of domestic violence to the Department of Children and Family Services. The training course required for county-employed and municipal-employed animal control officers is to include the detection of child abuse.

CS/SB 690 provides for cross reporting of abuse between animal control officers and child abuse investigators of abuse found in the other's area of responsibility. A requirement for child abuse investigators to report animal abuse is created with corresponding penalties. The animal control officers' requirement to report child abuse is made more visible by adding these officers to the list of specified professions required to report and restating this requirement in ch. 828, F.S. This required focus on abuse in both areas should result in more reports and potentially earlier identification of abusive situations.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

It is anticipated that this bill might precipitate an increase in the number of calls to the Department of Children and Family Services' central abuse hotline. After implementation of the Kayla McKean Child Protection Act in 1999, the number of hotline calls increased substantially. One suggested reason for the increase is the addition of judges to the list of professionals specified in s. 39.201(1), F.S. Just as with animal control officers, judges were already required to report child abuse. However, the addition of judges to specified professions required to report resulted in a significant increase in child abuse reports submitted by judges. The same potential exists for animal control officers.

Additionally, it should be anticipated that calls to animal control authorities or law enforcement reporting animal abuse would increase. Currently, there is no requirement for any person to report animal abuse nor is there a criminal penalty for not doing so. This bill would require all persons to report animal abuse or be subject to a criminal penalty. The animal control agencies have reported that any additional workload resulting from this bill can be absorbed into their current budgets.

The training for both the animal control officers and child protective investigators required by the bill may have a fiscal impact. However, training is currently required for both positions. The bill stipulates that training on the detection of child or animal abuse be incorporated into this existing training.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The Florida Animal Control Association, the Humane Society of the United States, and the Family Source of Florida have submitted letters in support of this bill.

The Association of Directors of Florida Animal Services Agencies (which represents the county animal control officers) has expressed the following concerns about the legislation: mandated reporting by animal control officers places them at greater personal risk; mandated reporting by animal control officers could result in reducing their effectiveness; criminal and civil liability incurred by the officers; and additional training will be required which will take the animal control officers off the road in order to receive the training at agencies where there are already fewer people than needed to adequately do the job. The Florida Association of Counties has expressed the same training concerns.

The Humane Society of the United States has training materials on the connection between animal cruelty and family violence and has offered to work with animal control to incorporate this into their 40-hour training or to present the information at conferences.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
