

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 282

SPONSOR: Committee on Agriculture and Consumer Services and Senator Geller

SUBJECT: Family Violence/Cross-Reporting

DATE: November 29, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Poole	AG	Favorable/CS
2.			CF	
3.			GO	
4.			AHS	
5.			AP	
6.				

I. Summary:

This bill adds animal control officer and other animal control agents to the list of professions that are specifically identified as required to report child abuse, abandonment, or neglect. The bill also specifies that a person who is required to report or investigate child abuse, neglect, or abandonment, with the exception of judges, and who knows of or reasonably suspects that abuse, maltreatment, neglect, or abandonment of an animal has taken place must report that abuse to the local animal control officer. The bill specifies the information that must be included in the report and requires cross-training in the detection of animal and child abuse.

This bill amends sections 39.201 and 828.073 of the Florida Statutes.

This bill reenacts section 39.205 of the Florida Statutes.

This bill creates section 39.208 of the Florida Statutes.

II. Present Situation:

Section 39.201, F.S., requires that *any* person who knows of or suspects child abuse, neglect, and abandonment is required to report it. In addition, several professions are specifically identified as being persons required to report child abuse but with clarification that persons required to report are not limited to these professions [s. 39.201(1), F.S.]. These professions include health professionals; certain hospital workers; social workers; school personnel; persons who work with children in child care, foster care, residential services or institutions; law enforcement officers; and judges.

“Abuse” is defined in s. 39.01, F.S., as any willful act or threatened act that results in any physical, mental, or sexual injury or harm that causes or is likely to cause the child’s physical, mental, or emotional health to be significantly impaired. It also includes omissions on the part of

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. This applies to all persons not just the identified professions, since any person who knows or suspects child abuse is required to report. A first degree misdemeanor is punishable by up to 1 year in jail or a \$1,000 fine. Persons reporting child abuse who are in the identified professionals are required to provide their names. However, s. 39.202(4), F.S., provides for the confidentiality of the name of the reporter. Any person reporting in good faith any instances of child abuse, abandonment, or neglect are provided with immunity from any civil or criminal liability which might result from the report (s. 39.203, F.S.).

The training required by the Department of Children and Family Services for staff who investigate and provide services to families reported for child abuse is contained in the department's certification program (ss. 402.40 and 402.731, F.S.). The classroom training component of the certification process covers such topics as case planning, assessment, maltreatment indicators, interviewing, decision-making, removal and placement, neglect, physical abuse, sexual abuse, substance abuse, and domestic violence. Currently, training is not required of the specified professions required to report child abuse, abandonment, or neglect.

Chapter 828, F.S., relates to local animal control or cruelty ordinances. An "animal control officer" is defined in s. 828.27(1)(b), F.S., 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. Section 828.03, F.S., provides for a county or society or association for the prevention of cruelty to children and animals to appoint agents to investigate violations of any of the provision of ch. 828, F.S., or any other law for the purpose of protecting children and animals or preventing the cruelty to either.

Punishable acts of cruelty to animals provided for in ch. 828, F.S., include, but are not limited to, the following:

- \$ Any person who unnecessarily overloads, overdrives, torments, deprives of necessary sustenance or shelter, or unnecessarily mutilates, or kills any animal or causes such actions to be done to an animal has committed a misdemeanor of the first degree (s. 828.12, F.S.).
- \$ The commission of an act to any animal which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or causes such actions to be done to an animal is a felony of the third degree, punishable by a term of imprisonment of up to 5 years or a fine not to exceed \$10,000 or both (s. 828.12, F.S.).
- \$ Section 828.27, F.S., also permits county and municipality governing bodies to enact ordinances relating to animal control or cruelty.

Currently, there is no requirement of any person to report animal abuse nor is there a criminal penalty for not doing so.

County animal control officers are required to complete a 40-hour minimum training course which includes such topics as: animal cruelty investigations, search and seizure, animal handling, courtroom demeanor, and civil citations [s. 828.27(4), F.S.]. For municipally employed animal

control officers, this training is permissive. Animal control officers who were authorized before January 1, 1990, are not required to complete the course.

Often, child abuse and animal abuse both occur in the same cycle of family violence. Several studies have identified a triad of symptoms involving a close association between physical abuse by one or both parents, cruelty to animals, and violence toward people. An animal-related incident may be the first point of intervention by social service agencies because neighbors may be more willing to complain about suspected animal maltreatment than about child abuse or domestic violence.¹

III. Effect of Proposed Changes:

Section 1. Amends s. 39.201, F.S., to add “animal control officer or other agents appointed pursuant to s. 828.03, F.S.,” to the list of professions specifically identified as required to report child abuse. The inclusion of animal control officers and agents to the list of specified professions required to report does not alter the current responsibility of animal control officers and agents to report child abuse, except that now they would be required to provide their names when making a report of child abuse. The names of the reporters continue to be held confidential, pursuant to s. 39.202, F.S. Even though they have not been specifically identified, animal control officers have been mandated reporters of child abuse, just as all individuals are, with the same penalties as specified professions.

Section 2. Reenacts s. 39.205, F.S., to assure this penalty section remains in effect after a cross-reference is amended by this bill.

Section 3. Creates s. 39.208, F.S., to specify 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. Provides an exception to this requirement for judges. Specifies information to be included in the report. Requires the Department of Children and Family Services’ training program for persons who investigate child abuse to include training in the detection of animal abuse, neglect, cruelty, and abandonment.

Section 4. Amends s. 828.073, F.S., to require persons who are authorized to enforce the provisions of ch. 828, F.S., pertaining to animals in distress must report known or suspected child victims of abuse, neglect, abandonment or domestic violence to the Department of Children and Family Services. Requires the training course for county-employed animal control officers and municipal-employed animal control officers, pursuant to s. 828.27(4), F.S., to include the detection of child abuse, neglect, and abandonment.

Section 5. Provides that this act shall take effect October 1, 2002.

¹ Breaking the Cycles of Violence by Phil Arkow

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Children and Family Services has indicated that requiring animal control officers to report child abuse or neglect would probably result in an increase in calls to the child abuse hotline with a concomitant increase in investigations initiated. Data is not available to estimate the number of additional investigations that may result from this law. However, a conservative cost estimate for performing a child abuse/neglect investigation is approximately \$560. If there were as few as 10 additional investigations a month, the cost would be \$67,200 annually.

Given the requirement in the bill for any person required to report or investigate child abuse, abandonment, or neglect to now report animal abuse, with an accompanying criminal penalty for failure to report the animal abuse, the Department of Children and Family Services assumes that at a minimum, the protective investigators will need training in the requirements of the bill and the indicators of animal maltreatment. There are 3,397 family services counselors and the department estimates that it could cost as much as \$434,971 to train these counselors and their supervisors. (\$384,016 in overtime salary to make up for time spent in training by 3,397 counselors and their supervisors plus \$50,955 for the cost of half-day training at \$15 per counselor.) Assuming that only protective investigators would need to be trained the cost would be \$158,377 in overtime costs and \$21,015 for training costs at \$15 per investigator for a total cost of \$179,392.

The bill requires a comprehensive report on the alleged animal cruelty. It is the department's opinion that other than identifying the type of animal and the injury, cruelty or abuse noted, it should not be the responsibility of its staff to investigate the animal

abuse, just as it is not appropriate for animal control officers to be expected to investigate and provide evidence of child abuse. The department recommends that this portion of the bill be revised to require only a description of the animal, a description of the injury, cruelty or abuse, the source of the report, and the name and address of the person responsible, if known.

The Florida Animal Control Association has indicated that its animal control officers are already required to report child abuse and that there is no viable need for the unfunded mandate that this legislation would impose. The Association has expressed the following concerns about the legislation: mandated reporting could hinder the animal control officers' ability to accomplish their primary tasks of enforcing laws and ordinances relating to animals; lack of enforcement powers, training, interaction with families and contact time for accurate reporting; additional training would require officer time and expense; and mandated reporting could place animal control officers at greater potential risk.

It should be anticipated that calls to animal control authorities or law enforcement reporting animal abuse would increase. In addition, depending on how the training for the animal control officers required by the bill is implemented, it may have a minimal fiscal cost, in particular, for the development of the training curriculum on detecting child abuse. However, a portion of or the entire training curriculum may be available through other sources such as the Department of Children and Family Services or the Humane Society of the United States. The Humane Society of the United States has training materials on the connection between animal cruelty and family violence and is willing to make the training available for either child protection investigators or animal control officers.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.