

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 1056

SPONSOR: Children and Families Committee and Senator Smith

SUBJECT: Crimes Against Children

DATE: March 17, 2003 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Collins</u>	<u>Whiddon</u>	<u>CF</u>	<u>Favorable/CS</u>
2.	<u>Cellon</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
3.	_____	_____	<u>AP</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This committee substitute proposes that additional court costs be imposed in cases of certain crimes against children. These crimes include battery of a child, kidnapping or false imprisonment, sexual battery, procuring persons under the age of 18 for prostitution, lewd or lascivious offenses on or in the presence of persons less than sixteen years of age, abuse of children, buying or selling of minors, and sexual misconduct of Juvenile Justice employees. An additional court cost of \$101 would be imposed against each offender pleading guilty or nolo contendere to, or who is found guilty of, regardless of adjudication, any of the specified offenses against a minor.

The CS also directs the Clerk of the Court to transfer \$100 from each court cost collected to the State Treasury for deposit into the Child Advocacy Trust Fund for disbursement to the Florida Network of Children’s Advocacy Centers, Inc., for the purpose of funding children’s advocacy centers that are members of the network. There is a linked bill, CS/SB 1048, that creates the Child Advocacy Trust Fund. One dollar from each cost collected is to be retained by the Clerk of the Court as a service charge.

At the end of the fiscal year each Children’s Advocacy Center must provide the network’s board of directors a report reflecting expenditures, sources of revenue, and standardized outputs that include the number of clients served, client demographic information, and the number and types of services provided. The Florida Network of Children’s Advocacy Centers must compile the reports obtained from the centers and provide a report to the Legislature no later than August of each year, beginning in 2004.

This CS creates section 938.10, of the Florida Statutes.

II. Present Situation:

Children's Advocacy Centers (CAC) are primarily designed and governed at the local level to provide support to the child protective investigations process. These centers work to coordinate the activities of the several agencies involved in the child abuse investigation to reduce the number of times the child must be interviewed, thereby reducing trauma to the child, to facilitate joint investigations, and to provide for prompt access to mental health and other appropriate services.

While the services offered by child advocacy centers vary based upon their funding and needs of the community, each center offers some combination of the following services:

- a neutral, child-friendly setting where all the agencies can interview and examine the child;
- medical evaluations of the child;
- coordination of multi-discipline team meetings of all of the agencies involved in a case;
- on-site victim advocacy; and
- mental health services.

The CACs have local governing boards to address organizational issues such as fiscal policies and public relations and are composed of volunteers from the community. Although they are locally governed, CACs operate under the auspices of the National Children's Alliance (NCA). The alliance is a not-for-profit organization that provides training, technical assistance, and networking opportunities to CACs operating nationwide. The NCA establishes standards for CAC accreditation and offers full membership and non-competitive grant funding to those CACs meeting 10 standards. Centers that do not meet all of the standards for full membership are designated as associate members and are eligible to apply for competitive grants. Twelve of the 20 CACs in Florida are full members of the NCA.

The Florida Network of Children's Advocacy Centers, Inc., is a state chapter of the National Children's Alliance. All 20 of Florida's children advocacy centers participate in this network. Membership is voluntary and the organization provides guidance and technical assistance to the CACs. The network has no paid staff but there is a board of directors that organizes activities.

Minimum standards for membership in the Florida Network are established in ch. 39.3035, F.S., and are similar to those for membership in the National Children's Alliance. These criteria require that a center:

- be a private, not-for-profit incorporated agency or governmental entity;
- be a Child Protection Team (CPT) or have a written agreement that incorporates the participation and service of the CPT;
- have a neutral, child-focused facility;
- have staff that is supervised and approved by a local board of directors or governmental agency;
- have a multi-disciplinary case review team that minimally consists of representation from the State Attorney's office, Department of Children and Family Services, CPT, mental health services, law enforcement, and the child advocacy center staff;

- track the cases seen through the child advocacy center with minimum requirements on the data to be collected identified;
- provide referrals for medical exams and mental health services;
- provide training in the community; and
- have interagency agreements for the multidisciplinary approach to handling child sexual abuse and serious child abuse.

Child advocacy centers in Florida are required to meet these standards and be full members of the Florida Network of Children’s Advocacy Centers in order to be eligible to receive state funds appropriated by the Legislature (s. 39.3035(3), F.S.).

Funding for CACs is received from a variety of sources. These sources include local donations, grants from local governments, private foundations and contracts with state agencies such as the Department of Children and Families, Department of Juvenile Justice and the Department of Health. Since FY 1999-00, the Legislature has appropriated funds ranging from \$400,000 to \$750,000 annually for five of the children’s advocacy centers. Funds were appropriated by the Legislature for three CACs for FY 2002-03 to be used for operations, salaries and benefits, and to pay construction debt. Funding for the fourth CAC was vetoed by the Governor.

In FY 2001-02, the budgets of the 20 advocacy centers ranged from \$34,857 to over \$1.4 million, and the total budget for all 20 was \$6,308,527. The funding is primarily used for salaries and benefits, with staffing patterns ranging from one-half of a full time position to 25 positions. Specific funding sources vary across centers as well as the degree to which these centers rely on a single funding source.

The Joint Legislative Auditing Committee directed the Office of Program Policy Analysis and Government Accountability to review CACs. Their report, released in August 2002, reflects that local stakeholders are highly supportive of the centers and indicates that the centers improve the coordination of child abuse investigations and their outcomes. The child welfare literature supports the benefits of CACs, particularly in reducing trauma experienced by the child during investigations.

However, Children’s Advocacy Centers are primarily responsible to their boards and do not have a comprehensive accountability system which reports their accountability measures. Centers that are full members of and accredited by the NCA must maintain client information in a case tracking system and report caseloads, client demographics, and case disposition biannually. None of the eight Florida associate members have the same reporting requirements. Currently neither the state nor the NCA requires the CACs to report accountability data such as cost per case or whether services are provided in a timely manner.

Prevalence of Specified Crimes Against Minors

The prevalence of the crimes against children specified in this CS is unclear. The Office of the State Courts Administrator estimates the following prevalence for felonies listed in SB 1058:

Violation	Number of Charges
s. 784.085, F.S., Battery of a child	0
ch. 787, F.S., Kidnapping, false imprisonment	1,108

ch. 794, F.S., Sexual battery	1,190
s. 796.03, F.S., Procuring person under age 18 for prostitution	11
s. 800.04, F.S., Lewd or lascivious offenses	2,403
ch. 827, F.S., Abuse of Children	3,614
s. 847.0145, F.S., Buying or selling of minors	0
s. 985.4045, F.S., Sexual misconduct of Juvenile Justice employees	2
Total	8,328

These figures reflect an *estimate* based on a report from the Offender Based Transaction System (OBTS) from the calendar year 2001. Approximately 57.2 percent of felony caseload was provided via OBTS. The numbers in the table represent the actual number and estimates the remaining 42.8 percent of felony caseload activity. It should also be noted that the numbers represent crimes against children to a large degree, but not exclusively. For example, kidnapping, false imprisonment and sexual battery victims may be adults.

The Florida Department of Law Enforcement (FDLE) collects information on crime. However, the definitions used for reporting are compatible with other law enforcement systems and are not inclusive of all crimes against children that are specified by this legislation. The January - December 2001 Crime in Florida report indicates that in the category of domestic violence, over 9,000 victims of crimes such as manslaughter, homicide, forcible sex offenses or assault were children.

Current Court Costs

Persons who are convicted of crimes against minors specified by this CS currently may incur fines ranging from \$15,000 to \$500 depending upon the type of conviction. Counties may also adopt ordinances to impose additional fines of \$50 for felony offenses or \$20 for misdemeanor offenses. The county fines are not contingent on conviction.

In addition to potential fines, costs are assessed against a defendant. There are mandatory court costs in all cases (ss.938.01-938.06, F.S.), mandatory costs in specific types of cases (ss. 938.07, 938.13, F.S.), mandatory costs authorized by local governmental entities (ss. 938.15-938.19, F.S.), and discretionary costs in specific types of cases (ss. 938.21-938.301, F.S.).

III. Effect of Proposed Changes:

This CS proposes that additional court costs of \$101 be imposed in cases of certain crimes against children. These crimes include battery of a child, kidnapping or false imprisonment, sexual battery, procuring persons under the age of 18 years for prostitution, lewd or lascivious offenses on or in the presence of persons less than 16 years of age, abuse of children, buying or selling of minors, and sexual misconduct of Juvenile Justice employees. The additional court cost would be imposed against each offender pleading guilty or nolo contendere to, or who is found guilty of, regardless of adjudication, any of the specified offenses against a minor.

The CS also directs the Clerk of the Court to transfer \$100 from each court cost collected to the State Treasury for deposit into the Child Advocacy Trust Fund. The funds are to be disbursed to the Florida Network of Children’s Advocacy Centers, Inc., for the purpose of funding child

advocacy centers that are members of the network. One dollar from each cost collected is to be retained by the Clerk of the Court as a service charge.

The CS/SB 1056 provides the opportunity for Children's Advocacy Centers to replace and possibly, expand upon funding that may not be continued next year. Some of the centers under the current funding configuration report having problems funding the services provided by the center. Providing the funding to the network for distribution to the children's advocacy centers will reportedly allow the network to develop an allocation methodology that is sensitive to community needs.

Court costs will be assessed and collected statewide but only disbursed to CACs.

The CS requires annual reports of expenditures, sources of revenue, and outputs such as the number of clients served, client demographic information, and number and types of services be provided to the Legislature. This will help ensure the non-duplication of funding and improve the consistency of information gathered across the centers.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

This trust fund created by CS/SB 1048, linked to this CS, is restricted to the disbursement of funds to the Florida Network of Children's Advocacy Centers, Inc.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The funds collected and placed in the Child Advocacy Trust Fund would benefit local child advocacy centers.

C. Government Sector Impact:

The clerk of the court would collect a \$1 service charge for collecting and disbursing court costs assessed and deposited in the Child Advocacy Trust Fund.

VI. Technical Deficiencies:

None.

VII. Related Issues:

CS/SB 1056 is linked to CS/SB 1048, a trust fund bill.

VIII. Amendments:

None.

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