

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 602

SPONSOR: Children and Families Committee and Senator Smith

SUBJECT: Crimes Against Children

DATE: March 11, 2004

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Collins</u>	<u>Whiddon</u>	<u>CF</u>	<u>Fav/CS</u>
2.	_____	_____	<u>CJ</u>	_____
3.	_____	_____	<u>FT</u>	_____
4.	_____	_____	<u>AAV</u>	_____
5.	_____	_____	<u>AP</u>	_____
6.	_____	_____	_____	_____

I. Summary:

The Committee Substitute for SB 602 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 is found guilty of, regardless of adjudication, any of the specified offenses against a minor.

The committee substitute 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. 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 report must also provide verification that the center is in compliance with s. 39.3035, F.S. 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 2005.

The committee substitute amends s. 39.3035(3), F.S., prohibiting a CAC from receiving any state revenue or federal funds through a state agency unless the statutorily required standards are met. The Florida Network of Children's Advocacy Centers is required to document this compliance.

This bill creates section 938.10, and amends section 39.3035, 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 meeting 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. Seventeen of the 21 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 21 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 is staffed with an Executive Director and one half-time assistant. A board of directors 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 (DCF), 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 including 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 1999-2000, the Legislature has appropriated funds ranging from \$400,000 to \$750,000 annually for up to five of the children's advocacy centers. Funds were appropriated by the Legislature for three CACs for FY 2002-2003. Currently, no CACs directly receive legislative funding. Since May, 2003, the Florida Network has received funding from a grant provided by the Children's Justice Act that is managed by the Department of Children and Families. According to DCF, this grant provides \$150,000 to be used to collect data regarding existing centers and to provide staff training and technical assistance. This funding is due to expire on June 30, 2005.

The Florida Network of Children's Advocacy Centers reports that the budgets of the 21 advocacy centers vary based upon the types of services that are provided to local communities. 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 inputs, outputs, and outcomes. The seventeen centers that are full members and accredited by the NCA must maintain client information in a case tracking system and report caseloads, client demographics, and case disposition biannually. The four Florida associate members do not have the same reporting requirements. 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. However, one of the requirements of receiving funding from the Children’s Justice Act grant is that the network develop the capacity to collect certain data and provide information regarding the CACs in Florida.

Prevalence of Specified Crimes Against Minors

The prevalence of the crimes against children specified in this bill is unclear. In calendar year 2001, The Office of the State Courts Administrator estimated the following prevalence for felonies listed in SB 606:

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

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 2002 Crime in Florida report indicates that in the category of domestic violence, more than 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 bill currently may incur fines ranging from \$500 to \$15,000 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 government 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:

The committee substitute for SB 602 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 is found guilty of, regardless of adjudication, any of the specified offenses against a minor.

The committee substitute 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.

This committee substitute provides the opportunity for Children's Advocacy Centers to replace and, possibly, expand upon diminishing state funding. 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 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. Based upon the estimated prevalence of crimes against children in 2002 using the FDLE report, the fees collected may exceed \$900,000 annually. Another estimate may be derived using the numbers obtained from the court data system, which is more than \$800,000 annually.

While there appear to be many benefits to Children's Advocacy Centers, it is not always clear how local centers supplement the child protective investigative workload, if some of the duties overlap, or if a distinctly different population is served. Given the current variability in service arrays and funding streams across the individual centers, the specific needs and outcomes this funding will be used to support is unclear. Requiring annual reports to the Legislature verifying compliance with s. 39.3035, F.S., and of expenditures, sources of revenue, and outputs such as the number of clients served, client demographic information, and number and types of services provided will help ensure the non-duplication of funding and improve the consistency of information gathered across the centers. It will also help ensure that the centers are in compliance with required standards.

The committee substitute also amends s. 39.3035(3), F.S., to prohibit a child advocacy center from receiving funds administered by a state agency or appropriated by the Legislature unless all of the standards in ss. 39.3035(1) and (2), F.S., are met. The committee substitute further specifies that the Florida Network of Children's Advocacy Centers, Inc., is responsible for tracking and documenting that any child advocacy center receiving funds through the network is in compliance with these provisions. These changes will ensure that any child advocacy center receiving state funding will be in compliance with the statutorily required criteria and that all

employees and volunteers working at the center have received appropriate background screenings.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

The trust fund created by CS/SB 606, linked to this bill, 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:

Persons who are found guilty or plead nolo contendere to crimes against children that are specified in this committee substitute are subject to an additional \$101 in court costs.

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 602 is linked to CS/SB 606, 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.
