

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government – The bill requires DCF employees and mandatory reporters to complete a 1-hour continuing education course on child abuse each year.

B. EFFECT OF PROPOSED CHANGES:

Mandatory Reporting of Child Abuse

Florida law requires **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 to report such knowledge or suspicion to the Department of Children and Family Services' hotline as prescribed by law.¹ This means that **every** individual, **regardless of his or her occupation**, is required to report known or suspected child abuse, neglect, or abandonment. Logically, then, this requirement applies to all 14,665 employees of the department, not just the 2,899 who have responsibility for providing child welfare services.²

Florida law also provides that **reporters in the following occupation categories** are required to **provide their names** to the hotline staff when reporting:

- Physicians, osteopathic physicians, medical examiners, chiropractic physicians, nurses, or hospital personnel engaged in the admission, examination, care, or treatment of persons;
- Health or mental health professionals other than those listed above;
- Practitioners who rely solely on spiritual means for healing;
- School teachers or other school officials or personnel;
- Social workers, day care center workers, or other professional child care, foster care, residential, or institutional workers;
- Law enforcement officers; and
- Judges.³

Current Training Requirements

Currently, the department, in collaboration with the Department of Education and the Division of Children's Medical Services Prevention and Intervention of the Department of Health, is required to develop a state plan for the prevention of abuse, abandonment, and neglect of children. In addition, appropriate local agencies and organizations shall be provided an opportunity to participate in the development of the state plan at the local level. Appropriate local groups and organizations shall include, but not be limited to, community mental health centers, guardian ad litem programs under the circuit court; the school boards of the local school districts, private or public organizations or programs with recognized expertise in working with children who are abused, abandoned, or neglected and with expertise in working with the families of such children, private or public programs or organizations with expertise in maternal and infant health care, multidisciplinary child protection teams, child day care centers, and law enforcement agencies.⁴

¹ See s. 39.201, Florida Statutes.

² The department is responsible not just for child welfare, but for economic assistance, adult protective services, mental health and substance abuse programs, refugee services, homelessness services, child care regulation, and domestic violence services, s. 20.19, F.S.

³ See s. 39.201, Florida Statutes.

⁴ See s. 39.001(7), Florida Statutes.

As a part of the plan development process:

- The department, the Department of Education, and the Department of Health shall work together in developing ways to inform and instruct parents of school children and **appropriate district school personnel** in all school districts in the detection of child abuse, abandonment, and neglect and in the proper action that should be taken in a suspected case of child abuse, abandonment, or neglect, and in caring for a child's needs after a report is made.
- The department, the Department of Law Enforcement, and the Department of Health shall work together in developing ways to inform and instruct appropriate **local law enforcement personnel** in the detection of child abuse, abandonment, and neglect and in the proper action that should be taken in a suspected case of child abuse, abandonment, or neglect.
- Within existing appropriations, the department shall work with other appropriate public and private agencies to emphasize efforts to educate the **general public** about the problem of and ways to detect child abuse, abandonment, and neglect and in the proper action that should be taken in a suspected case of child abuse, abandonment, or neglect.
- The department, the Department of Education, and the Department of Health shall work together on the enhancement or adaptation of curriculum materials to assist **instructional personnel** in providing instruction through a multidisciplinary approach on the identification, intervention, and prevention of child abuse, abandonment, and neglect.⁵

According to the Department of Children and Family Services, employees of the department and of community-based care providers and their subcontractors who provide child welfare services⁶ are already required to complete continuing education requirements which exceed the requirements in the bill. However, the Child Care Program Office of DCF, which oversees licensing of child care providers, reports that the current training for their staff and the licensees they oversee does not include this training. Nonetheless, minimum personnel standards for child care personnel in licensed child care facilities include training on identifying and reporting child abuse and neglect.⁷

According to the Florida Department of Law Enforcement (FDLE), the Criminal Justice Standards and Training Commission within FDLE is authorized by s. 943.15, Florida Statutes, to establish uniform minimum training standards for the training of all criminal justice officers in the state and is responsible for the certification and revocation of certification of all officers and instructors. The basic recruit training now in effect, according to FDLE, touches on child abuse investigation, but there is not a module devoted specifically to this topic. When the curriculum is revised, FDLE expects that this issue will receive additional attention. In addition, criminal justice training schools work with local criminal justice agencies to develop specialized continuing education courses to fulfill each agency's needs. Categories for such courses include health and investigations. In order to be approved, a specialized course must include four hours of instruction.

According to the Florida Nurses' Association, continuing education courses for licensed medical professionals are regulated by the Department of Health. The Florida Hospital Association reports that hospitals are required by law⁸ to adopt a policy that provides that all employees have an affirmative duty to report child abuse. Employees are informed of this requirement during orientation. Hospitals provide further training for clinicians who may come in contact with children. Not all hospital employees, nor all medical personnel, have any occasion to come in contact with children in a professional capacity, since some hospitals and some medical professionals limit their practice to adults.

⁵ See s. 39.001(7), Florida Statutes.

⁶ "A person providing child welfare services" is defined in s. 402.40, Florida Statutes, as "a person who has a responsibility for supervisory, legal, direct care or support related work in the provision of child welfare services pursuant to chapter 39."

⁷ See s. 402.305, Florida Statutes.

⁸ See s. 395.1023, Florida Statutes.

Judges are required to take 30 hours of continuing judicial education every three years. The topic of child abuse is covered as one of many topics in the New Judges' College. Advanced education courses for judges to meet the 30 hours requirement are selected by each judge from a curriculum in which not all courses are offered every year. The Office of State Courts Administrator reports that requiring all judges to take a particular course every year would require significant revamping of the current system of judicial education.

The Department of Education reports that teachers no longer receive continuing education units at all but, instead, adhere to Florida's standards for professional development. These standards do not award professional development credit for informational meetings but award credit for competency. It is not clear that the 1-hour continuing education course on child abuse will be recognized as a credit under the standards for professional development. However, current law provides that it is the intent of the Legislature that primary child abuse prevention training for all children in kindergarten through grade 12 be encouraged in the district school system through the training of school teachers, guidance counselors, parents, and children.

A training program shall include, among other things, information related to recognizing physical and behavioral indicators of abuse, to rights and responsibilities related to reporting, school procedures related to reporting, and caring for a child's needs after a report is made.⁹

The Department of Children and Family Services reports that most, if not all, of the reporters who are required to identify themselves when making hotline calls are required to have continuing education courses as a condition of maintaining their professional licenses. The department does not track whether these education requirements include courses on child abuse issues.

Provisions of the bill

The bill requires that all employees of the Department of Children and Family Services (DCF or the department) who are assigned to report, manage or supervise cases of child abuse, abandonment, and neglect complete a 1-hour continuing education course on child abuse each year.

The bill also requires that reporters of child abuse who are licensed or regulated by the state and their employees who are mandatory reporters complete a 1-hour continuing education course on child abuse each year. An exception to this requirement is granted to individuals in certain specified occupational categories.

C. SECTION DIRECTORY:

Section 1. Amends s. 39.001, F.S., relating to personnel standards and screening.

Section 2. Amends s. 39.201, F.S., relating to mandatory reporting of child abuse, neglect, and abandonment.

Section 3. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

⁹ See s. 30.0015, Florida Statutes.

2. Expenditures:

Current ongoing continuing education requirements already exceed guidelines proposed by the bill and training costs are covered for caseworkers and supervisors through Child Welfare Training Trust Funds (IV-E). Community-based care personnel training costs for child abuse professionals are currently also funded through the Child Welfare Training Trust Funds (IV-E).

If the bill is intended to require all employees of the Department of Children and Family Services to receive the training, rather than only the child protection professionals (who already receive training on this issue in excess of that required by the bill), there will be costs associated in expanding the training to cover these additional employees. The Child Care Program Office of the department predicts a cost in the range of \$40,000 to \$60,000 to develop the web-based training and tracking program that will be needed to train and track the training of child care providers and DCF staff regulating child care.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

There may be the potential for a fiscal impact on local governments if local government employees are required to take the course.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

There will be a significant but indeterminate cost if existing continuing education requirements for the various professionals required to provide their names to hotline staff have to be reconfigured to ensure that an hour of child abuse education is included in the curricula. If tracking of compliance is contemplated, additional costs will be incurred.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. The bill does not reduce the percentage of a state tax shared with counties or municipalities. The bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Administrative Rule and operating procedures are currently being developed with the anticipation that the child welfare certification process will far exceed this bill's requirement for continuing education courses by professionals in this field. Whereas, this bill proposes one hour per year, the standard expected to be set will more likely require 15 hours of continuing education courses per year. Current ongoing continuing education requirements already exceed guidelines proposed by current bill and training costs are covered for caseworkers and supervisors through Child Welfare Training Trust Funds (Title IV-E).

Most, if not all, of the occupational categories of individuals who are required to provide their name when reporting to the abuse hotline also have continuing education requirements as part of their re-licensure process. What is not known is if any of these occupational categories presently require a course on child abuse issues. This means many of these professionals may already be meeting or exceeding the standards proposed by this bill. The bill does not describe a "tracking mechanism" relating to compliance with the new requirement. It is unclear if the department is expected to provide this oversight and/or develop a 1-hour continuing education course to help satisfy this requirement.

The addition of "reporters of child abuse who are licensed or regulated by the state and their employees who are mandatory reporters" to the continuing education requirement, would appear to have the potential to have a substantial impact on the general public. Since every individual in the state is required to report known or suspected child abuse, neglect, or abandonment, the bill provides that every member of a subset of that population, which would be anyone who is licensed or regulated by the state, and a sub-subset which includes the employees of those licensed or regulated would be required to complete the 1-hour continuing education requirement. This would mean, for example, that a plumbing contractor and all of his or her employees would be required to complete the education requirement proposed by the bill.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On April 4, 2006, the Future of Florida's Families Committee adopted a Committee Substitute to HB 1033. The amendment requires that reporters of child abuse who are licensed or regulated by the state and their employees who are mandatory reporters complete a 1-hour continuing education course on child abuse each year. An exception to this requirement is granted to individuals in certain specified occupational categories, primarily medical and mental health personnel.

The bill analysis reflects this change.