



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Provide Limited Government** – The bill provides that the Department of Health Children’s Medical Services Division of Prevention and Intervention will make available an appropriate child abuse education curriculum.

#### 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.<sup>1</sup> This means that **every** individual, **regardless of his or her occupation**, is required to report known or suspected child abuse, neglect, or abandonment.

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.<sup>2</sup>

##### **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.<sup>3</sup>

As a part of the plan development process:

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<sup>1</sup> See s. 39.201, Florida Statutes.

<sup>2</sup> See s. 39.201, Florida Statutes.

<sup>3</sup> See s. 39.001(7), Florida Statutes.

- 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.<sup>4</sup>

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 services<sup>5</sup> are required to complete continuing education requirements and minimum personnel standards for child care personnel in licensed child care facilities include training on identifying and reporting child abuse and neglect.<sup>6</sup>

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 law<sup>7</sup> 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.

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

<sup>4</sup> See s. 39.001(7), Florida Statutes.

<sup>5</sup> "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."

<sup>6</sup> See s. 402.305, Florida Statutes.

<sup>7</sup> See s. 395.1023, Florida Statutes.

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 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 is required to 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.<sup>8</sup>

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.

### **Child Protection Teams**

The Children's Medical Services Program in the Department of Health maintains and coordinates the services of one or more multidisciplinary child protection teams in each of the service districts of the Department of Children and Family Services. Such teams are composed of appropriate representatives of school districts and appropriate health, mental health, social service, legal service, and law enforcement agencies. The teams are to support activities of the program and to provide services deemed by the teams to be necessary and appropriate to abused, abandoned, and neglected children upon referral. The specialized diagnostic assessment, evaluation, coordination, consultation, and other supportive services that a child protection team shall be capable of providing include such training services for program and other employees of the Department of Children and Family Services, employees of the Department of Health, and other medical professionals as is deemed appropriate to enable them to develop and maintain their professional skills and abilities in handling child abuse, abandonment, and neglect cases.

### **Provisions of the bill**

The bill requires that the Office of Program Policy Analysis and Government Accountability (OPPAGA) evaluate the continuing education requirements related to identifying victims of child abuse required for those individuals in the occupational categories that are required to provide their names to child abuse hotline staff when reporting known or suspected child abuse, neglect, or abandonment. A report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2006.

The bill also provides that, based on the findings of the OPPAGA evaluation, the Florida Department of Health Children's Medical Services Division of Prevention and Intervention will make available an appropriate child abuse education curriculum to professional reporters pursuant to s. 39.201(b), Florida Statutes.

## **C. SECTION DIRECTORY:**

**Section 1.** Requires that the Office of Program Policy Analysis and Government Accountability (OPPAGA) evaluate the continuing education requirements related to identifying victims of child abuse

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<sup>8</sup> See s. 30.0015, Florida Statutes.

required for those individuals in the occupational categories that are required to provide their names to child abuse hotline staff when reporting known or suspected child abuse, neglect, or abandonment and submit a report by December 31, 2006.

**Section 2.** Provides that, based on the findings of the OPPAGA evaluation, the Florida Department of Health Children's Medical Services Division of Prevention and Intervention will make available an appropriate child abuse education curriculum to professional reporters pursuant to s. 39.201(b), Florida Statutes.

**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.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### 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:

None.

**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 required 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.

On April 20, 2006, the Health and Families Council adopted an amendment to the bill which removes the newly created continuing education requirements, requires an evaluation of continuing education requirements related to identifying child abuse for professionals who are required to provide their names to the hotline when reporting abuse, and provides that the Department of Health will make available an appropriate child abuse education curriculum to professional reporters pursuant to s. 39.201(b), Florida Statutes.

The bill was reported favorably as a council substitute.