

# 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.)

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Prepared By: Children and Families Committee

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BILL: CS/SB 2360

INTRODUCER: Children and Families Committee and Senator Atwater

SUBJECT: Child Abuse

DATE: April 25, 2006

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sanford	Whiddon	CF	Fav/CS
2.	_____	_____	HA	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

This bill requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to evaluate the continuing education requirements related to identifying victims of child abuse which apply to individuals in certain specified occupational classes. The bill specifies the parameters of the evaluation by OPPAGA and requires a report to the Legislature and the Governor by December 31, 2006.

The bill also requires that, based on the findings by OPPAGA, the Division of Prevention and Intervention of Children's Medical Services in the Department of Health make available an appropriate child abuse education curriculum to individuals in the same occupational classes.

The bill creates an unnumbered section of Florida law:

## II. Present Situation:

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 requirement applies to the 14,665 employees of the department, not just the 2899 who have responsibility for providing child welfare services.<sup>2</sup>

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

<sup>2</sup> 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.

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>3</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>4</sup> are already required to complete continuing education requirements which exceed the requirements in the bill.

The Child Care Program Office of DCF, which oversees licensing of child care providers, reports that child care providers are required to complete four hours of training in identifying child abuse and neglect, as well as reporting requirements, as part of their introductory training. This training is currently a one-time requirement and is delivered in classroom settings. The department regulates 8,578 child care providers, employing approximately 44,370 child care personnel, all of whom are required to report child abuse. This number does not include child care personnel employed by faith-based child care providers or child care providers regulated by local licensing authorities rather than the department. Child care licensing staff are required to take pre-service training which includes approximately one hour of instruction in identifying child abuse and neglect, as well as reporting requirements. Again, this is a one-time requirement.

According to the Florida Department of Law Enforcement (FDLE), the Criminal Justice Standards and Training Commission within FDLE is authorized by s. 943.15, F.S., 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 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 the Florida Nurses' Association, continuing education courses for licensed medical professionals are regulated by the Department of Health. The Florida Hospital Association

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<sup>3</sup> Section 39.201, F.S.

<sup>4</sup> "A person providing provide child welfare services" is defined in s. 402.40, F.S., 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."

reports that hospitals are required by law<sup>5</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 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 Court 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 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.

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.

### **III. Effect of Proposed Changes:**

This bill requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to evaluate the continuing education requirements related to identifying victims of child abuse which apply to individuals in specified occupational classes. The occupational classes to be included are those listed in s. 39.201(1)(b), F.S., as reporters who are required to provide their names to child abuse hotline staff when reporting known or suspected cases of child abuse, neglect, or abandonment. The bill specifies the parameters of the evaluation by OPPAGA and requires a report to the Legislature and the Governor by December 31, 2006.

The evaluation by OPPAGA must include, but need not be limited to, an assessment of compliance by profession or occupation, whether the training is statutorily required or required as a condition for relicensure, certification, or continued employment, and the efficacy of the training.

The bill also requires that, based on the findings by OPPAGA, the Division of Prevention and Intervention of Children's Medical Services in the Department of Health shall make available an appropriate child abuse education curriculum to individuals in the same occupational classes.

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<sup>5</sup> Section 395.1023, F.S.

**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 Health currently provides some child abuse identification training and expects to be able to make the curriculum required by the bill available to the identified professionals without further cost.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

## **VIII. Summary of Amendments:**

None.

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

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