

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/CS/HB 1355 Protection of Vulnerable Persons

SPONSOR(S): Appropriations Committee; Health & Human Services Committee; Judiciary Committee; Dorworth and others

TIED BILLS: None **IDEN./SIM. BILLS:** CS/SB 1816

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Judiciary Committee	18 Y, 0 N, As CS	Smith	Havlicak
2) Health & Human Services Committee	18 Y, 0 N, As CS	Poche	Gormley
3) Appropriations Committee	24 Y, 0 N, As CS	Pridgeon	Leznoff

SUMMARY ANALYSIS

CS/CS/CS/HB 1355 requires any person to report known or reasonably suspected physical or emotional abuse of a child by any adult person. The bill also requires any person to report known or reasonably suspected sexual abuse of a child by any person. Any report of child abuse, abandonment, or neglect by a person other than a child's caregiver, as defined in statute, must be accepted by the Florida Abuse Hotline (hotline), maintained by the Department of Children and Families (department), and forwarded to the appropriate sheriff's office.

The bill requires the department to enable the hotline to accept reports of known or suspected child abuse, abandonment, or neglect through web-based chat. Also, the department is directed to conduct a study on the feasibility of adding text and short message service formats as means for the hotline to accept and process reports of abuse. The department must also update the web-based reporting form for the hotline to receive appropriate information and allow the department to assess need and the appropriate response to the need. The bill requires the department to partner with community-based organizations and public service campaigns to promote public awareness of the hotline. The bill appropriates 47 full-time equivalent staff and \$2.44 million from the General Revenue Fund to the department to handle additional workload for the hotline.

The bill imposes a \$1,000,000 fine on public and private colleges, universities and schools whose personnel or law enforcement agencies fail to report certain child abuse taking place on campus or at an event or function sponsored by the college, university, or school and specifies who shall assess the fine against the institution.

The bill requires the department to develop and implement a program to assist parents and custodians of children who call the hotline to seek assistance unrelated to a report of abuse or a crime involving a child. The bill establishes requirements for the program and specifies the services to be offered by the program.

The bill expands the scope of victims who are eligible to receive monetary relocation assistance to include a victim of sexual battery, and appropriates \$1.5 million from the General Revenue Fund for that purpose.

The bill increases criminal penalties by reclassifying certain violations involving sexual conduct with minors.

The bill will have a significant fiscal impact on state government.

The bill provides an effective date of October 1, 2012.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1355e.APC

DATE: 2/28/2012

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

A study conducted in 2008 indicated that an estimated 4% to 16% of children are physically abused each year in high-income nations including the United States. Additionally, as many as 15% of children are neglected, and up to 10% of girls and 5% of boys suffer severe sexual abuse. Although it is difficult to measure, researchers believe that as few as 1 in 10 of those instances of abuse are actually confirmed by social-service agencies.¹ Recent national events have centered on issues with adults failing to report known instances of ongoing child abuse.

Reporting Child Abuse

Current Situation

Section 39.201, F.S., requires a person to report certain known or suspected instances of child abuse. Specifically, the law mandates that a person report knowledge or suspicion of child abuse if the person knows, or has reasonable cause to suspect:

- A child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare²; or
- That a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care.

Section 39.201(2), F.S., prescribes the method of reporting child abuse. Instances of child abuse as described by s. 39.201(1), F.S., must be made "immediately to the department's³ central abuse hotline." If a person is required by s. 39.201, F.S., to report known or suspected child abuse and fails to do so, s. 39.205(1), F.S., makes it a first degree misdemeanor⁴ if the person knowingly or willfully failed to report, or knowingly or willfully prevented another person from reporting such abuse.

Effect of the Bill

Reporting Physical, Emotional, and Sexual Abuse

The bill requires any person to report known or reasonably suspected physical or emotional abuse of a child by any adult person. The bill also requires any person to report known or reasonably suspected sexual abuse of a child by any person. This will cause a significant increase in calls to the Florida Abuse Hotline. The department estimates at least 40,000 additional calls or a 10 percent increase to annual calls. Current law limits DCF to receive and investigate calls regarding abuse by caregivers.

The bill adds web-based chat as a method for receiving reports of child abuse, abandonment, or neglect by the central abuse hotline.

¹ See Tiffany Sharples, *Most Child Abuse Goes Unreported*, Time Health, (Dec. 2, 2008), available at <http://www.time.com> (search "unreported child abuse" (last visited Jan. 19, 2012)).

² "Other person responsible for a child's welfare" includes many enumerated parties, including employees of a school or day care center. The definition exempts law enforcement officers and employees of municipal or county detention facilities acting in an official capacity, except as otherwise provided in the subsection. Section 39.01(47), F.S.

³ "Department" means the Department of Children and Family Services.

⁴ A first degree misdemeanor is punishable by up to one year in county jail and a \$1,000 fine. Sections 775.082 and 775.083, F.S.

The bill requires the central abuse hotline to accept any call reporting child abuse, abandonment, or neglect by someone other than a caregiver and to forward the call to the appropriate sheriff's office for further investigation.

The bill requires DCF to update the web-based form used to report child abuse, abandonment or neglect. In order to make the form more useful for investigatory purposes:

- The form must include qualifying questions which are designed to elicit more information responses to more accurately assess need and the appropriate response to such need;
- The form must indicate which response fields must be filled out in order to be considered completed; and
- The form must allow a reporter to save the document and return to it at a later date to complete all information and submit it to the central abuse hotline.

The bill mandates that DCF promote public awareness regarding the central abuse hotline. DCF must use community-based partner organizations and public service campaigns to provide information to the public about the hotline.

The knowing and willful failure of a person, who is required to report known or suspected child abuse, abandonment, or neglect is elevated from a first degree misdemeanor to a third degree felony. As a result, the potential prison sentence is raised from 1 year to 5 years⁵, and the potential fine is raised from a maximum of \$1,000 to a maximum of \$5,000.⁶

The bill also establishes, in s. 39.309, F.S., an alternative response to protective investigations. DCF is directed to develop and implement a program that provides social, rehabilitative, and other services to assist a parent or custodian of a child who contacts the central abuse hotline, not to report known or suspected child abuse or to report other activity that rises to the level of a crime, but to seek assistance. Services must promote the physical, mental, and emotional health of the child and be designed to prevent or mitigate the possibility that the child is referred to the central abuse hotline as an alleged victim of abuse, abandonment, or neglect. The bill directs DCF to partner with community-based care lead agencies and other agencies to develop and implement the program. To help facilitate cooperation in developing the program, the bill requires any agency seeking to become an eligible lead community-based provider to have an alternative response to protective investigations program in place before it can be considered for an outsourcing project of DCF.

The bill appropriates 47 full-time equivalent staff and \$2.16 million in recurring and \$281,000 in nonrecurring funding from the General Revenue Fund to the department to handle additional call volume related to the changes in mandatory reporting of child abuse, abandonment, or neglect.

Educational Institutions

The bill creates subsections 39.205(3) and (4), F.S., which provide penalties for Florida educational institutions whose personnel fail to report certain child abuse taking place on the campus of the institution or during an event or function sponsored by the institution. The bill subjects the institution to a \$1 million fine for each failure to report child abuse, abandonment, or neglect.⁷

Specifically, these penalties apply to:

- (1) Any Florida College System institution, state university, or nonpublic college, university, or school⁸ whose administrators knowingly and willfully fail to report, or knowingly and willfully prevent another from reporting known or suspected child abuse, abandonment, or neglect

⁵ S. 775.082(3)(d) and (4)(a), F.S.

⁶ S. 775.083(1)(c) and (d), F.S.

⁷ "All state funding" includes the Florida Resident Access Grant Program.

⁸ As defined in ss. 1000.21, F.S., or 1005.02, F.S.

committed on the property of the institution, university, college, or school, or during an event or function sponsored by the institution, university, college, or school; and

- (2) The law enforcement agency of any Florida College System institution, state university, or nonpublic college, university, or school⁹ that fails to report any known or suspected child abuse, abandonment, or neglect committed on the property of the institution, university, college, or school, or during an event or function sponsored by the institution, university, college, or school.

A Florida College System institution subject to the fine shall be assessed by the State Board of Administration; a state university subject to the fine shall be assessed by the Board of Governors and a nonpublic college, university or school subject to the fine shall be assessed by the Commission for Independent Education.

The bill also creates subsection (5) of s. 39.205, F.S., which grants the institution, university, college, or school the right to challenge the determination by the Board of Governors that it acted knowingly and willfully and to challenge the imposition of a fine pursuant to sections 39.205(3), F.S., or 39.205(4), F.S. The appeal process will be conducted through administrative hearing, pursuant to the provisions of s. 120.57, F.S. The bill provides that a knowing and willful act is presumptively established if it is found that the administration of the institution, university, college, or school had actual knowledge and information of known or suspected child abuse.

The bill requires DCF to collect and analyze, in separate reports, statistics regarding abuse and sexual abuse that is reported from, or occurred on, any campus of a Florida College System institution, state university, or nonpublic college, university, or school, as defined in s. 1000.21, F.S., or s. 1005.02, F.S. The requirement is similar to the duty of DCF to create aggregate statistical reports, using data compiled through the central abuse hotline, regarding trends and patterns of child abuse, abandonment, and neglect.

Lastly, the bill requires elementary, middle, and high school teachers to participate in a continuing education program provided by DCF focused on identifying and reporting child abuse and neglect. This continuing education topic would be in addition to current continuing education requirements for teachers.

Relocation Assistance for Victims

Current Situation

Relocation Assistance for Victims of Domestic Violence

Section 960.198, F.S., authorizes the Department of Legal Affairs (“DLA”) to award monetary payment to a victim of domestic violence in order to provide relocation assistance, under certain conditions. Specifically, the law authorizes DLA to award a victim of domestic violence who needs immediate assistance to escape from a domestic violence environment:

- a) A one-time payment not exceeding \$1,500 on any one claim; and
- b) A lifetime maximum of \$3,000.

Certain preconditions must be met before DLA may grant an award:

- a) There must be proof that a domestic violence offense was committed;
- b) The domestic violence offense must be reported to the proper authorities;
- c) The victim’s need for assistance must be certified by a domestic violence center in Florida; and
- d)** The center certification must assert that the victim is cooperating with law enforcement officials, if applicable, and must include documentation that the victim has developed a safety plan.

⁹ *Id.*

Effect of the Bill

Relocation Assistance for Victims of Sexual Battery

The bill expands the scope of victims who are eligible to receive monetary relocation assistance from DLA to include victims of sexual battery. It authorizes DLA to award a victim of sexual battery¹⁰ who needs relocation assistance:

- a) A one-time payment not exceeding \$1,500 on any one claim; and
- b) A lifetime maximum of \$3,000.

Certain preconditions must be met before DLA may grant an award:

- a) There must be proof that a sexual battery offense was committed.
- b) The sexual battery offense must be reported to the proper authorities.
- c) The victim's need for assistance must be certified by a certified rape crisis center in this state.
- d) The center certification must assert that the victim is cooperating with law enforcement officials, if applicable, and must include documentation that the victim has developed a safety plan.
- e) The act of sexual battery must be committed in the victim's place of residence or in a location that would lead the victim to reasonably fear for his or her continued safety in the place of residence.

To prevent duplicate payments, the bill requires DLA to deny any claim for relocation payment for a sexual battery claim if it has previously approved or paid out a domestic violence relocation claim, pursuant to s. 960.198, F.S., to the same victim for the same incident.

The bill includes a relocation assistance fund for victims of sexual battery that is separate from the relocation assistance fund for victims of domestic violence. The bill appropriates \$1.5 million in nonrecurring funds from the General Revenue Fund to DLA for state FY 2012-2013 for the victims of sexual battery relocation assistance fund.

Reclassification of Prostitution Crimes Involving Minors

Current Situation

Florida law presently prohibits conduct involving prostitution under chapter 796, F.S.

- Causing a Minor to Become Involved With Prostitution. Sections 796.03 and 796.035, F.S., prohibit a person from causing a minor to become involved in prostitution and other sexual activity. Specifically, under s. 796.03, F.S., it is a second degree felony¹¹ for a person to procure for prostitution, or cause to be prostituted, any person who is under the age of 18.

Under s. 796.035, F.S., it is a first degree felony¹² for any parent, legal guardian, or other person having custody or control of a minor, to sell or otherwise transfer custody or control of such minor, or offer to sell or otherwise transfer custody of the minor with knowledge that the minor will engage in prostitution, perform naked for compensation, or otherwise participate in the trade of sex trafficking as a consequence of the sale or transfer.

- Forcing, Compelling, or Coercing Prostitution. Under s. 796.04, F.S, it is a third degree felony¹³ for a person to force, compel, or coerce another to become a prostitute.

¹⁰ As defined in s. 794.011, F.S.

¹¹ A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

¹² A first degree felony is punishable by up to 30 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

¹³ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

- Sex Trafficking. Under s. 796.045, F.S., it is a second degree felony¹⁴ for a person to recruit, entice, harbor, transport, provide, or obtain by any means a person, knowing that force, fraud, or coercion will be used to cause that person to engage in prostitution. It is a first degree felony¹⁵ if the offense is committed against a person under the age of 14 or if the offense results in death.
- Deriving Support from the Proceeds of Prostitution. Under s. 796.05, F.S., it is a third degree felony for a person who knows or has reasonable belief that another is engaged in prostitution to live or derive support or maintenance from what is believed to be the earnings or proceeds of such person's prostitution.
- Renting Space to be Used for Lewdness, Assignment, or Prostitution. Under s. 796.06, F.S., it is a second degree misdemeanor for the first violation, and a first degree misdemeanor for a subsequent violation, for a person to let or rent any place, structure, or part thereof, trailer or other conveyance with knowledge that it will be used for the purpose of lewdness, assignment, or prostitution.
- Definitions
 - "Assignment" means the making of any appointment or engagement for prostitution or lewdness, or any act in furtherance of such appointment or engagement.¹⁶
 - "Lewdness" means any indecent or obscene act.¹⁷
 - "Prostitution" means the giving or receiving of the body for sexual activity for hire but excludes sexual activity between spouses.¹⁸
 - "Sexual activity" means oral, anal, or vaginal penetration by, or union with, the sexual organ of another; anal or vaginal penetration of another by any other object; or the handling or fondling of the sexual organ of another for the purpose of masturbation; however, the term does not include acts done for bona fide medical purposes.¹⁹

Effect of the Bill

The bill creates s. 796.036, F.S., which provides for reclassification of certain violations involving minors.²⁰ Specifically, the bill provides for reclassification of violations "in which a minor engages in prostitution, lewdness, assignment, sexual conduct, or other conduct as defined in or prohibited [by chapter 796], but the minor is not the person charged with the violation." The bill provides for such reclassification as follows:

- A second degree misdemeanor becomes a first degree misdemeanor;
- A first degree misdemeanor becomes a third degree felony;
- A third degree felony becomes a second degree felony;
- A second degree felony becomes a first degree felony; and
- A first degree felony becomes a life felony.

B. SECTION DIRECTORY:

Section 1: Amends s. 39.201, F.S., relating to mandatory reports of child abuse, abandonment, or neglect; mandatory reports of death; central abuse hotline.

Section 2: Amends s. 39.205, F.S., relating to penalties relating to reporting of child abuse, abandonment, or neglect.

Section 3: Creates s. 39.909, F.S., relating to alternative response to protective investigation.

¹⁴ A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

¹⁵ A first degree felony is punishable by up to 30 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

¹⁶ Section 796.07, F.S.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ The new section created by the bill specifically states it does not apply to violations of ss. 796.03 and 796.035, F.S., presumably because those sections already apply to prohibited conduct involving minors.

- Section 4:** Amends s. 409.1671, F.S., relating to foster care and related services; outsourcing.
- Section 5:** Creates s. 796.036, F.S., relating to violations involving minors; reclassification.
- Section 6:** Amends s. 960.198, F.S., relating to relocation assistance for victims of domestic violence.
- Section 7:** Creates s. 960.199, F.S., relating to relocation assistance for victims of sexual battery.
- Section 8:** Appropriates \$1.5 million from the General Revenue Fund to the Department of Legal Affairs.
- Section 9:** Amends s. 1012.98, F.S., relating to School Community Professional Development Act.
- Section 10:** Appropriates \$2.4 million from the General Revenue Fund to the Department of Children and Families.
- Section 11:** Provides that the act shall take effect October 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Impact to Florida Abuse Hotline

DCF calculated the impact of the provisions of the bill to the workload of the central abuse hotline. The department used the following data and calculations to conclude that the bill has a fiscal impact to the department, in regard to the hotline, in the amount of \$2,300,516.²¹

Florida 2010 census data: 18,801,310

Florida's population of children represents 21.3% of the entire population per the 2010 Census or 4,004,679 children.

According to a national survey, in 2005:

- 1 in 2 children will experience physical assault.
- 1 in 12 children will experience sexual victimization.
- 1 in 7 children will experience maltreatment (excluding corporal punishment).
- 1 in 4 children experience property victimization.
- 1 in 3 children are witnesses of victimization of others/indirect victimization.²²

Calculating Hotline call volume increase based on the projected number of children who are victims of physical assault (1 in 2, or 50 percent) means approximately 2,000,000 incidents would be reported to the Hotline annually. This projection is exclusive of children who experience sexual abuse or other types of child maltreatment.

Four percent of children who are victims of physical assaults report that the perpetrator is a stranger. This calculates to approximately 80,000 child victims of physical assaults at the hands of strangers on an annual basis in Florida.

²¹ Florida Department of Children and Families, *HB 1355-Fiscal Analysis for the Department of Children and Families Hotline*, February 27, 2012 (communicated in email to Health Care Appropriations Subcommittee staff on the same date, on file with the Subcommittee).

²² Finkelhor, D., Turner, H.A., and Hamby, S.L. (2005), *The victimization of children and youth: A comprehensive, national survey*, Child Maltreatment, 10(1): 5-25 (CV73).

If 50 percent of this population is reported to the Hotline, this would calculate to an additional 40,000 calls annually, a 10 percent increase of total calls to the Hotline.²³

Based on the Hotline staffing mode currently used to determine required staffing levels, this additional call volume will require 42 additional Hotline counselors. Verint, the Hotline's forecasting and scheduling software, looks at historical call patterns in our 24/7 environment, taking into account peaks and valleys, to project the staff needed to have a 99 percent answer rate within 60 seconds. Based on a 10 percent increase in call volume, Verint projected an increase of 42 FTE Hotline Counselors to keep the service level at a 99 percent answer rate within 60 seconds. The Hotline has an 8:1 counselor/supervisor ratio; therefore an additional 5 FTE Hotline Supervisor positions would also be needed.

42 FTE counselors inclusive of benefits = \$1,864,427

5 FTE supervisors inclusive of benefits = \$295,089

Workstation, software licenses, drug testing and background screening for 47 employees (\$3,000 per employee) = \$141,000

Fiscal Impact: \$2,300,516 General Revenue (\$2,159,516 Recurring, \$141,000 Nonrecurring, 47 FTE and 1,513,326 Salary Rate).

Web-based Chat Requirement

The Department has included web chat functionality in the requirement matrix for the Hotline Redesign which was funded last year. Therefore, the department does not anticipate further fiscal impact as a result of this requirement.²⁴

Feasibility Study for Text Messaging

Funding would enable the Department to hire a consultant to conduct a feasibility study on the potential use of text messaging as a means of reporting allegations of abuse and neglect to the Hotline. Funding for the feasibility study will be a one-time fee of \$90,000 in non-recurring general revenue funding.²⁵

Relocation Assistance

The bill authorizes DLA (under the Office of the Attorney General) to award a monetary sum of \$1,500 to a victim of sexual battery once certain preconditions are met. The 2010 Crime in Florida Annual Report indicated that there were 9,885 Forcible Sex Offenses. However, it is unknown how many victims would qualify or request relocation assistance.

Educational Institutions

The bill provides penalties for Florida educational institutions whose personnel or law enforcement agencies fail to report certain child abuse taking place at the institution. The bill subjects the institution to a \$1 million fine for each failure to report.

Training for All Certified School Personnel

²³ During FY 10-11, the Hotline received 407,000 calls; *see supra* at FN 21.

²⁴ Florida Department of Children and Families, *HB 1355-Revised Fiscal Impact for Strike-All*, communicated via email to staff of the Health and Human Services Committee on February 24, 2012 (on file with the Committee).

²⁵ *Id.*; according to DCF, Joe Vastole, IT Applications Manager for DCF, provided this information.

The Department will require \$50,000 (non-recurring general revenue funds) for start up costs in order to obtain the course materials and support for training curriculum. The Department will require \$4,500 (recurring general revenue) for maintenance and support after the first year.²⁶

Prison Beds

On January 30, 2012, the Criminal Justice Impact Conference determined that the bill will have an insignificant prison bed impact on the Department of Corrections because of the low volume. However, the bill was amended in the Health and Human Service Committee providing for the reclassification of offenses in which a minor engages in prostitution, lewdness, assignation, sexual conduct or other conduct prohibited by ch. 796, F.S., but is not charged with the violation. That amendment is also expected to have an insignificant impact on state prison beds because of the low volume of the offense.

Total Impact

Total General Revenue Impact is \$3,945,016 (\$2,164,016 Recurring, \$1,781,000 Nonrecurring). The Department of Children and Families will also require 47 Full Time Equivalent Positions (FTE) to implement the provisions of the bill with 1,513,326 in associated salary rate.

The bill provides an appropriation for relocation assistance awards by appropriating \$1.5 million in nonrecurring funds from the General Revenue Fund to the DLA for state FY 2012-2013.

The bill appropriates 47 full-time equivalent staff and \$2.16 million in recurring and \$281,000 in nonrecurring funding from the General Revenue Fund to the department to handle additional call volume related to the changes in mandatory reporting of child abuse, abandonment, or neglect.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

The bill increases penalties for certain prostitution related criminal offenses. It is unknown what impact this will have on local jail beds.

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 provisions of the bill that do not address criminal laws do not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties

²⁶ *Id.*

or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

The provisions of the bill addressing criminal provisions appear to be exempt from the requirements of Article VII, Section 18 of the Florida Constitution because it is a criminal law.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 25, 2012, the Judiciary Committee adopted an amendment and reported the bill favorably as a committee substitute. The amendment creates a relocation assistance fund for victims of sexual battery and appropriates \$1.5 million from the General Revenue Fund for that purpose. The analysis is drafted to the committee substitute as passed by the Judiciary Committee.

On February 23, 2012, the Health and Human Services Committee adopted a strike-all amendment to CS/HB 1355. The strike-all amendment:

- Required reporting of known, or a reasonable suspicion of, physical or emotional abuse of a child by an adult person.
- Required reporting of known, or a reasonable suspicion of, sexual abuse of a child by any person.
- Required known or suspected child abuse, abandonment, or neglect by a person to be reported to the Florida Abuse Hotline maintained by DCF.
- Permits reports of known or suspected child abuse, abandonment, or neglect to be made through web-based chat.
- Required reports of child abuse, abandonment, or neglect by a person other than a caregiver to be taken by the central abuse hotline and forwarded to the appropriate sheriff's office.
- Required DCF to update its web based reporting form for child abuse, abandonment, or neglect to:
 - Include qualifying questions that elicit informative responses to assess need and response;
 - Identify required fields for responses in order to be considered a completed reporting form; and
 - Allow a reported to save a report and return to the report to add information at a later time.
- Required the entire web based reporting form to be available for review to counselors as needed to update the Florida Safe Families Network or other systems.
- Required DCF to conduct a study of the feasibility of adding text and short message service formats to receive and process reports of child abuse, abandonment, or neglect to the central abuse hotline.
- Required DCF to promote a public awareness campaign regarding the central abuse hotline.
- Required DCF to collect and analyze reports of abuse and reports of sexual abuse reported from or occurring on the campus of a Florida College System institution, state university, or nonpublic college, university, or school as defined in s. 1000.21, F.S., and s. 1005.02, F.S.
- Increased the degree of criminal violation committed by a person who is required to report child abuse, abandonment, or neglect, and knowingly or willfully fails to do so to a third degree felony.
- Imposed a \$1 million fine on a Florida College System institution, state university, or nonpublic college, university, or school whose administrators knowingly and willfully failed to report each instance of known or suspected child abuse, abandonment, or neglect committed on campus or

during an event sponsored by the college or university, or knowingly and willfully prevented someone from reporting the known or suspected child abuse, abandonment, or neglect.

- Imposed a \$1 million fine on a law enforcement agency of a Florida College System institution, state university, or nonpublic college, university, or school that fails to report known or suspected child abuse, abandonment, or neglect occurring on campus or during an event sponsored by the college or university.
- Requires the Board of Governors to impose the \$1 million fines.
- Grants the right of the college or university to challenge the determination made by the Board of Governors that it acted knowingly and willfully and the imposition of a fine through the administrative hearing process in chapter 120, F.S.
- Established a presumption of a knowing and willful act if it is established the administration of an institution had actual knowledge and information of known or suspected child abuse, abandonment, or neglect.
- Created s. 39.309, F.S., regarding an alternative response to protective investigation, which:
 - Requires DCF to develop and implement a program of social, rehabilitative, and other services to assist a parent or custodian of a child who contacts the central abuse hotline, not reporting abuse or action rising to the level of a crime, to seek assistance.
 - Requires services to be designed to prevent the child being referred to the central abuse hotline as alleged victim of abuse, abandonment, or neglect.
 - Requires DCF to work with community-based care lead agencies and other agencies to implement the program.
- Amended the definition of “eligible lead community based provider” to require an agency seeking such designation to have an alternative response to protective investigation program pursuant to s. 39.909, F.S.
- Reclassified the felony or misdemeanor degree of criminal violations for prostitution, lewdness, assignation, sexual conduct, or other conduct prohibited by chapter, 796, F.S., involving a minor.
- Established relocation payments for victims of sexual battery and criteria for qualifying for such payments.
- Appropriated \$1.5 million for relocation payments for victims of sexual battery who qualify for such payments.
- Required elementary, middle, and high school teachers to participate in continuing education provided by DCF on identifying and reporting child abuse and neglect.

The bill was reported favorably as a committee substitute. The analysis reflects the committee substitute.

On February 28, 2012, the Appropriations Committee adopted two amendments and reported the bill favorably as a committee substitute. The amendments:

- Clarified the entity with jurisdictional control of the public and private colleges, universities and schools shall assess a \$1 million fine if their personnel or law enforcement agencies fail to report certain child abuse taking place on campus or at an event or function sponsored by the college, university or school.
- Appropriates 47 full-time equivalent positions and \$2.44 million for additional workload and costs associated with the changes in mandatory reporting of child abuse, abandonment, or neglect pursuant to s. 39.201, Florida Statutes.

The analysis is drafted to the committee substitute as passed by the Appropriations Committee. Committee.