

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: CS/SB 1214

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Book

SUBJECT: Child Abuse, Abandonment, and Neglect

DATE: March 26, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	Fav/CS
2.			JU	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1214 reorganizes and clarifies provisions and requirements currently in s. 39.201, F.S., relating to reports of child abuse, abandonment, or neglect and the central abuse hotline at the Department of Children and Families (DCF or department).

The bill also creates a new section of the Florida Statutes, relating to reporting animal abuse, to recognize the strong link between child abuse and animal abuse and cruelty by requiring any person who is required to investigate child abuse, abandonment, or neglect and who knows or has reasonable cause to suspect that abuse, neglect, cruelty, or abandonment of an animal has occurred must report such knowledge or suspicion within 24 hours to the local animal control officer or an agent appointed under s. 828.03. The bill specifies the information that is to be included in a report.

The bill provides for penalties for knowingly and willfully failing to report and requires the department's training program for persons who are required to investigate child abuse, abandonment, or neglect must include training on identifying harm to, neglect of, and cruelty toward animals and on the strong link between animal abuse and cruelty and child welfare case practice.

The bill will have no fiscal impact to the state and has an effective date of July 1, 2019.

II. Present Situation:

Mandatory Reporting of Child Abuse, Abandonment, and Neglect

Current law requires any person who 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 welfare is required to report that suspicion to the department's central abuse hotline.¹

In addition, any person who knows, or who has reasonable cause to suspect, that a child is abused by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare or any person who knows, or has reasonable cause to suspect, that a child is the victim of childhood sexual abuse or the victim of a known or suspected juvenile sexual offender, as defined in this chapter, shall report such knowledge or suspicion to the central abuse hotline.²

Florida currently does not require any reporting of animal cruelty or neglect.

Penalties for Failing to Report Child Abuse

According to s. 39.205, F.S., a person who is required to report known or suspected child abuse, abandonment, or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.³

Likewise, a person who is 18 years of age or older and lives in the same house as a child who is known or suspected to be a victim of child abuse, neglect of a child, or aggravated child abuse, and knowingly and willfully fails to report the child abuse commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, unless the court finds that the person is a victim of domestic violence or that other mitigating circumstances exist.⁴

Postsecondary educational entities including Florida College System institutions, state universities, or nonpublic colleges, universities, or schools, as defined in s. 1000.21 or s. 1005.02, F.S., whose administrators knowingly and willfully, upon receiving information from faculty, staff, or other institution employees, fail to report known or suspected child abuse, abandonment, or neglect committed on the property of the university, college, or school, or during an event or function sponsored by the university, college, or school, or who knowingly and willfully prevent another person from doing so, are subject to fines of \$1 million for each such failure.⁵

¹ Section 39.201, F.S.

² *Id.*

³ Section 39.205, F.S.

⁴ *Id.*

⁵ *Id.*

Link Between Child Abuse and Animal Cruelty

Since the 1970's agencies such as the Federal Bureau of Investigation and the Humane Society of the United States (HSUS) have conducted research on the connection between animal abuse and later violence towards humans, finding a strong correlation. Research indicates:

- Young people who are cruel to animals are more likely to become aggressive toward humans as they develop.
- Violent, imprisoned offenders have usually abused animals during their childhood.
- Children learn cruel behaviors from adults and may reenact them on animals.
- Children may abuse animals to release the aggression they feel toward abusive adults
- or because of psychological trauma

Animal abuse, cruelty and neglect are often considered isolated incidents completely separated from other forms of family violence. Today, however, professionals involved with victims of family violence are not surprised when they learn that often these acts are linked, and that various agencies are working with the same families. The intentional harming or killing of pets by adults or children is now recognized as a sentinel indicator of violence in the home and often the first sign of other family and community violence. Intentional abuse in any form should be taken seriously. Knowing that there is a "link," agencies involved in preventing family violence are increasingly beginning to work together for a more effective, species-spanning response.⁶

It is reported by advocacy groups to be essential that all those who seek to identify and reduce such violence be alert to this connection. Likewise, it is deemed important for professionals in domestic violence intervention, law-enforcement, child protection, human and veterinary medicine, education and animal care and control get to know their counterparts in other professions and work together to establish strategies for a coordinated response to these needs.

Statistics support the efficacy of mandatory cross-reporting.

- Animal abusers are five times as likely to harm humans.
- In eighty-eight percent (88%) of the families of children referred for services because a child had been abused, at least one person had abused pets.
- In approximately two-thirds of those families, it was the abusive parent who had injured or killed a pet. In the remaining one-third, it was a child who abused the pet.
- Seventy percent (70%) of people charged with cruelty to animals were known by police for other violent behavior — including homicide.
- Sixty percent (60%) of the homes where child abuse or neglect occurred had abused animals.
- Seventy-one percent (71%) of abused women said their partners harmed, killed or threatened pets.
- Twelve independent surveys found that between eighteen percent (18%) and forty-eight percent (48%) of battered women delayed their decision to leave, or returned to their abusers out of fear for the welfare of their animals.

⁶ National Link Coalition, *What is the Link?* Available at: <http://nationallinkcoalition.org/what-is-the-link> (Last visited March 21, 2019).

- Children exposed to domestic violence were three (3) times more likely to be cruel to animals. Twenty-six point eight percent (26.8%) of boys and twenty-nine point four percent (29.4%) of girls who were victims of physical and sexual abuse and domestic violence have been reported to abuse the family pets. Seventy-five percent (75%) of the incidents of animal abuse occurred in the presence of children to psychologically control and coerce them.⁷

School Specific Violence

While some researchers disagree,⁸ the National School Safety Council, the U.S. Department of Education, the American Psychological Association and the National Crime Prevention Council agree that animal cruelty is a warning sign for at-risk youth. A number of studies have drawn links between the abuse of animals and violent incidents in schools. A 2001-2004 study by the Chicago Police Department discovered that in seven school shootings that took place across the country between 1997 and 2001, all involved boys had previously committed acts of animal cruelty.⁹ Another study in 2014 study found that between 1988 and 2012, 43 percent of school shooters had previously tortured animals.¹⁰ More recently, Nikolas Cruz, charged with 17 counts of premeditated murder, following the 2018 attack at Marjory Stoneman Douglas High School in Parkland, has a history of animal cruelty and abuse.

Florida and Other States

Fifteen states now have cross-reporting laws.¹¹ The increasing availability of orders of protection is widely viewed as an acknowledgement of the link and a step in the right direction. Twenty-four states, the District of Columbia, and the territory of Puerto Rico have statutes granting courts the power to enter orders of protection protecting against child abuse and domestic violence by protecting pets. The New York Family Court Act, for example, allows an order of protection “to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the petitioner or a minor child residing in the household.” Orders of protection are therefore viewed as a step in the right direction.¹²

⁷ Devereaux, M.J., *Mandatory Cross-Reporting of Animal and Child Abuse Protects Domestic Violence Victims and Animals*. June 17, 2014, Available at: <http://devlegal.com/page/mandatory-cross-reporting-of-animal-and-child-abuse-protects-domestic-violence-victims-and-animals/> (Last visited March 21, 2019).

⁸ Psychology Today, *Animal Cruelty Does Not Predict Who Will Be A School Shooter*, February 21, 2018. Available at: <https://www.psychologytoday.com/us/blog/animals-and-us/201802/animal-cruelty-does-not-predict-who-will-be-school-shooter> (Last visited March 20, 2019).

⁹ The Humane Society of the United States. Available at: <https://www.humanesociety.org/resources/animal-cruelty-and-human-violence-faq> (Last visited March 21, 2019).

¹⁰ Care2, *Animal Cruelty is a Gateway Crime to Mass Shootings*, November 12, 2018. Available at: <https://www.care2.com/causes/animal-cruelty-is-a-gateway-crime-to-mass-shootings.html> (Last visited March 21, 2019).

¹¹ Those states are California, Colorado, Connecticut, District of Columbia, Illinois, Kentucky, Louisiana, Maine, Massachusetts, Nebraska, Ohio, Oregon, Tennessee, Virginia and West Virginia. Devereaux, M.J., *Mandatory Cross-Reporting of Animal and Child Abuse Protects Domestic Violence Victims and Animals*. June 17, 2014, Available at: <http://devlegal.com/page/mandatory-cross-reporting-of-animal-and-child-abuse-protects-domestic-violence-victims-and-animals/> (Last visited March 21, 2019).

¹² *Id.*

At least 28 states have counseling provisions in their animal cruelty laws. Four of these states require psychological counseling for anyone convicted of animal cruelty and six mandate counseling for juveniles convicted of animal cruelty.¹³

The FBI and Federal Tracking

On January 1, 2016 the Federal Bureau of Investigation's (FBI or Bureau) National Incident-Based Reporting System (NIBRS) began collecting detailed data from participating law enforcement agencies on acts of animal cruelty, including gross neglect, torture, organized abuse, and sexual abuse. Before this year, crimes that involved animals were lumped into an "All Other Offenses" category in the FBI's Uniform Crime Reporting (UCR) Program's annual Crime in the United States report, a survey of crime data provided by about 18,000 city, county, state, tribal, and federal law enforcement agencies. Acts of cruelty against animals are now counted alongside felony crimes like arson, burglary, assault, and homicide in the FBI's expansive criminal database.¹⁴

The National Sheriffs' Association was a leading advocate for adding animal cruelty as a data set in the Bureau's collection of crime statistics. The association for years has cited studies linking animal abuse and other types of crimes—most famously, murders committed by serial killers like Ted Bundy, Jeffrey Dahmer, and the "Son of Sam" killer David Berkowitz. The organization also points out the overlap animal abuse has with domestic violence and child abuse. John Thompson, deputy executive director of the National Sheriffs' Association stated that "If somebody is harming an animal, there is a good chance they also are hurting a human. If we see patterns of animal abuse, the odds are that something else is going on."¹⁵

A first look at NIBRS animal cruelty statistics will be available next year, but it will take at least three to five years for the data to begin showing helpful patterns. Groups that advocated for the new animal cruelty data hope that by adding it to NIBRS, rather than the summary-based statistics agencies provide the Bureau each year, they will get a much richer data set from which to mine. That's because NIBRS requires participating agencies to not only report crimes but also all the circumstances of a crime. Additionally, the Bureau plans to phase out summary-based UCR statistics—which have been collected roughly the same way since 1930—in favor of NIBRS by 2021.¹⁶

III. Effect of Proposed Changes:

Section 1 amends s. 39.01, F.S., relating to definitions, to delete the definition of the term "juvenile sexual abuse" and create a definition for the term "child-on-child sexual abuse."

¹³ The Humane Society of the United States. Available at: <https://www.humanesociety.org/resources/animal-cruelty-and-human-violence-faq> (Last visited March 21, 2019).

¹⁴ Federal Bureau of Investigation. Tracking Animal Crimes, February 1, 2016, Available at: <https://www.fbi.gov/news/stories/-tracking-animal-cruelty> (Last visited March 22, 2019).

¹⁵ Sheltering Animals Of Abuse Victims, Available at: <http://www.saaavprogram.org/blog/2018/3/8/t49dzj8ci62m7cera4bc5enfoe8ct7> (Last visited March 21, 2019).

¹⁶ Federal Bureau of Investigation. Tracking Animal Crimes, February 1, 2016, Available at: <https://www.fbi.gov/news/stories/-tracking-animal-cruelty> (Last visited March 22, 2019).

Section 2 creates s. 39.101, F.S., relating to the central abuse hotline, to reorganize and clarify provisions currently in s. 39.201, F.S., that are specific to the operation of the central abuse hotline.

Section 3 amends s. 39.201, F.S., relating to mandatory reporting of child abuse, abandonment or neglect, to reorganize and clarify provisions currently in s. 39.201, F.S., that are specific to the child abuse, abandonment, or neglect mandatory reporting process. The only new requirement is for an animal control officer as defined in s. 828.27, F.S., or agents appointed under s. 828.03, F.S., to provide his or her name to the hotline when making a report.

Section 4 amends s. 30.302, F.S., relating to institutional child abuse, abandonment or neglect, to provide that in an institutional investigation, the alleged perpetrator may be represented by an attorney, at his or her own expense, or may be accompanied by another person, if the attorney or the person executes an affidavit of understanding with the department and agrees to comply with the confidentiality requirements under s. 39.202. This provision is currently in s. 39.201, F.S., and is being relocated to the more appropriate section.

Section 5 creates s. 828.075, F.S., relating to reporting of child and animal abuse, to recognize the importance of the strong link between child abuse and animal abuse and cruelty by requiring any person who is required to investigate child abuse, abandonment, or neglect and who knows or has reasonable cause to suspect that abuse, neglect, cruelty, or abandonment of an animal has occurred must report such knowledge or suspicion within 24 hours to the local animal control officer or an agent appointed under s. 828.03., F.S. The bill specifies the information that is to be included in a report.

The bill provides for penalties for knowingly and willfully failing to report and requires the department's training program for persons who are required to investigate child abuse, abandonment, or neglect to include training on identifying harm to, neglect of, and cruelty toward animals and on the strong link between animal abuse and cruelty and child welfare case practice.

Section 6 amends s. 828.27, F.S., to add detecting child abuse, abandonment and neglect to the minimum standards training course for all county and municipal animal control officers.

Section 7 amends s. 39.307, F.S., relating to child-on-child sexual abuse, to conform to changes made by this act.

Section 8 amends s. 39.301, F.S., relating to child protective investigations, to conform a reference to changes made by this act.

Section 9 amends s. 934.03, F.S., relating to the interception and disclosure of wire, oral, or electronic communications, to conform a reference to changes made by this act.

Section 10 provides an effective date of July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill amends ss. 39.01, 39.201, 39.302, 828.27, 39.307, 39.301, and 934.03 of the Florida Statutes.

The bill creates ss. 39.101 and 828.075 of the Florida Statutes.

Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Children, Families, and Elder Affairs on March 25, 2019:

- Makes technical changes to reflect current operating practices for the central abuse hotline.
- Relocates provisions in newly created section 39.208, F.S., to newly created s. 828.075, F.S.

B. Amendments:

None.