

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1033 CS Child Abuse
SPONSOR(S): Vana
TIED BILLS: None. **IDEN./SIM. BILLS:** SB 2360

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Future of Florida's Families Committee	6 Y, 0 N, w/CS	Davis	Collins
2) Health Care Appropriations Committee		Ekholm	Massengale
3) Health & Families Council			
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

House Bill 1033 CS requires that all Department of Children and Family Services (DCF) or community-based care employees working as child abuse professionals or anyone employed in the occupational categories defined as a "mandated reporter" by s. 39.201, F.S., (such as teachers, social workers, law enforcement and judges) must complete a 1-hour continuing education course on child abuse each year.

There is no significant fiscal impact on state government; the fiscal impact on the private sector depends on whether this course would be subsumed by current continuing education requirements.

The bill shall take effect on July 1, 2006.

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:

Background

Chapter 39, F.S., mandates that any person who knows, or has reasonable cause to suspect, that a child is abused, neglected or abandoned by a parent, legal custodian, caregiver or other person responsible for the child's welfare shall immediately report such knowledge or suspicion to the Florida Abuse Hotline of the Department of Children and Family Services (DCF).

The department is also responsible, as mandated in chapter 39, F.S., for providing comprehensive protective services for abused, neglected and abandoned children in Florida by requiring that reports of each abused, neglected, or abandoned child be made to the Florida Abuse Hotline. The department is committed to working in partnership with local communities to ensure the safety, well-being and self-sufficiency for the people it serves. Law enforcement takes the lead in all criminal investigations and prosecution.

Departmental or Community-Based Care Staff:

Section 402.731, F.S., authorizes the department to create certification programs for its employees and service providers to ensure that only qualified employees and service providers provide client services. The department is authorized to develop rules that contain qualifications for certification, including training and testing requirements, continuing education requirements for ongoing certification, and decertification procedures to be used to determine when an individual no longer meets the qualifications to work as a child abuse professional.

Mandatory Reporters:

While statutory language exists authorizing the creation of continuing education requirements for ongoing certification of departmental and community-based care personnel, no such language currently exists for the “at-large” group of occupational classes that are defined as “mandated reporters” in s. 39.201, F.S.

Effect

The bill requires that all departmental or community-based care employees working as child abuse professionals or anyone employed in the occupational categories defined as a “mandated reporter” by s. 39.201, F.S., (such as teachers, social workers, law enforcement and judges) must complete a 1-hour continuing education course on child abuse each year. However, physicians, osteopathic physicians, medical examiners, chiropractic physicians, nurses, or hospital personnel engaged in the admission, examination, care or treatment of persons are excluded from this requirement.

C. SECTION DIRECTORY:

Section 1. Amends s. 39.001, F.S., requiring all Department of Children and Family Services employees and persons in specified occupation categories assigned to report, manage, or

supervise cases of child abuse, abandonment, and neglect to annually complete a continuing education course.

Section 2. Amends s. 39.201, F.S., requiring certain mandatory reporters of child abuse, abandonment, or neglect who are licensed or regulated by the state annually to complete a continuing education course. Provides exceptions to this requirement.

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:

Community-based Care Staff:

Community-based care personnel training costs for child abuse professionals are currently funded through the Child Welfare Training Trust Funds (Title IV-E). There will be no additional fiscal impact.

Mandatory Reporters:

According to DCF, a critical determinant in projecting fiscal impact, as mentioned earlier, depends upon whether or not this course would be an "add-on" or subsumed by the current continuing education requirements for each professional category. The fiscal impact could be very limited if the child abuse course counted towards existing continuing education requirements for the occupational categories defined as mandatory reporters. It could be significant if professional accreditation groups would require this over and above their current requirements.

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:

The department has sufficient rulemaking authority to carry out the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

According to the Department of Children and Family Services:

Departmental or Community-based Care Staff:

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).

Mandatory Reporters:

Most, if not all, of the occupational categories falling under the "mandated reporter" designation 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 "mandated reporters" may already be meeting or exceeding the standards proposed by this bill. The bill does not describe a "tracking mechanism" regarding 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 mandatory reporters satisfy this requirement.

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 only change from the original bill is that certain mandated reporters are excluded from the 1-hour continuing education requirement. The bill analysis reflects this change.