

**Child Forensic Interview  
Advisory Committee  
Report**



Submitted to:  
Florida Department of Health  
Division of Children's Medical Services

October 2021

# TABLE OF CONTENTS

---

EXECUTIVE SUMMARY .....	1
HISTORY OF CHILD PROTECTIONS TEAMS IN THE STATE OF FLORIDA .....	3
CREATION OF THE CHILD FORENSIC INTERVIEW ADVISORY COMMITTEE.....	8
CHILD FORENSIC INTERVIEW ADVISORY SUBCOMMITTEES OVERVIEW .....	11
CHILD FORENSIC INTERVIEW ADVISORY RECOMMENDATIONS .....	16

**APPENDICES:**

**APPENDIX A:**

- Child Forensic Interview Advisory Committee Member Directory

**APPENDIX B:**

- Child Forensic Interview Advisory Committee Presentations

**APPENDIX C:**

- Section 92.53, Florida Statutes - Videotaping the testimony of a victim or witness under age 18 or who has an intellectual disability

**APPENDIX D:**

- Section 92.54, Florida Statutes - Use of closed-circuit television in proceedings involving a victim or witness under the age of 18 or who has an intellectual disability

**APPENDIX E:**

- Section 92.55, Florida Statutes - Judicial or other proceedings involving victim or witness under the age of 18, a person who has an intellectual disability, or a sexual offense victim or witness; special protections; use of therapy animals or facility dogs

**APPENDIX F:**

- Section 92.56, Florida Statutes - Judicial proceedings and court records involving sexual offenses and human trafficking

**APPENDIX G:**

- Model Administrative Order - Protocol for use of Therapy Animals or Facility Dogs in Proceedings

**APPENDIX H:**

- Model Administrative Order - Interviews of Young Victims in Child and Sexual Abuse Cases

**APPENDIX I:**

- House Bill 1189 – Victims of Sexual Offenses
-

## EXECUTIVE SUMMARY

---

### BACKGROUND

In accordance with House Bill 1269 (Child Protection) in 2017, the Florida Department of Health (Department), Division of Children’s Medical Services (CMS) was directed to convene the Child Forensic Interview Protocol Task Force (Task Force). In response to the Legislature, the Task Force proposed a standardized protocol for forensic interviewing of children suspected of having been abused, neglected, or maltreated as part of the Child Forensic Interview Protocol Task Force report submitted to the President of the Senate and Speaker of the House of Representatives on July 1, 2018.

### PURPOSE AND SCOPE OF THE CHILD FORENSIC INTERVIEW ADVISORY COMMITTEE

In October 2019, the Department, Division of CMS created the Child Forensic Interview Advisory Committee (CFIAC) to examine protocols and standards for child forensic interview practices, protocols, and standards. CFIAC members examined the Task Force report and recommendations, laws, models, trainings, policies, and other resources. In addition, members of CFIAC assessed the availability of statewide child forensic interview training, child forensic interview certification, training resources, assistance to community partners of the Child Protection Teams (CPT), Children’s Advocacy Centers (CAC), and other potential gaps or barriers.

CFIAC members included experts in the following professions: child welfare, child protection, juvenile justice, judiciary, medical, law enforcement, and professionals with expertise in the field of child forensic interviewing, crimes against children, and other related specialties.

### FINDINGS

Child forensic interviews and related practices are critical components of Florida’s response to abuse, neglect, and other forms of child maltreatment. Effective professional training is recommended for child forensic interviewers and related disciplines. Standardization of professional certification requirements for child forensic interviewers should enhance consistency in child forensic interviewing practices. In addition, centralizing access to resources for professionals responding to reports of child maltreatment will promote best practice sharing. Furthermore, collaborative efforts to develop and implement a framework for continuous peer review and evaluations of child forensic interviewers is essential for professional development.

CFIAC recommendations should strengthen statewide efforts to effectively intervene in child maltreatment. These recommendations are as follows:

- It is recommended that the Department examine the feasibility of a credentialing program for child forensic interviewers in the state of Florida. If necessary, an advisory council or workgroup of professionals with expertise in child forensic interviewing could provide guidance, support, and quality assurance through this process.

- It is recommended that the proposed Model Administrative Orders on the Interview of Child Victims (Appendix H) and the Use of Facility Dogs and Therapy Animals (Appendix G), drafted by the CFIAC, be considered by the Florida Supreme Court for use by the Florida Judicial Circuits.
- It is recommended that protection be extended to age 18 for child abuse and sexual abuse victims in collaboration with law enforcement and judiciary officials.
- It is recommended that community partners and first responders who engage with child victims receive initial contact interview training.
- It is recommended that all law enforcement agencies in Florida have access to child forensic interview training.
- It is recommended that child forensic interview experts collaborate with the Florida Department of Law Enforcement's, Criminal Justice Standards and Training Commission to share best practices, resources, and provide support regarding interviews of child sexual assault victims.
- It is recommended that professionals conducting child forensic interviews in Florida receive specialized training on in-depth interviewing of children. On-site field supervision and peer review should be a component of the continuing education and practice of the forensic interviewer.
- It is recommended that prosecutors and attorneys acting on behalf of child victims, child witnesses, and child victims with intellectual disabilities receive training in initial contact training and/or child forensic interview training. All interactions should be based on the principles of trauma-informed care.
- It is recommended that continuing education in child forensic interviewing be included as a component of a designation or certification program. It is essential to offer advanced training techniques in specialized topics, such as expanded interviews, court testimony, and admissibility of evidence to better educate child forensic interviewers.
- It is recommended that the Department develop a resource website available to child forensic interviewers as a platform for sharing updated resources, research, and additional training opportunities related to child forensic interviewing.
- It is recommended that current protocols, policies, procedures, and court orders impacting child forensic interviews include the consideration of expanded interviews, when needed. In cases involving human trafficking, cognitive or linguistic challenges, poly victimization, active trauma, and other unique circumstances, additional child forensic interview sessions may be necessary.
- It is recommended that child forensic interview training be available in Spanish, Creole, American Sign Language, and additional languages (other than English) that may be used by individual communities.

## HISTORY OF CHILD PROTECTIONS TEAMS IN THE STATE OF FLORIDA

---

In 1971, section 827.07, Florida Statutes (F.S.), mandated reporting of suspected child abuse and neglect, which increased the number of child abuse reports investigated by the state. The statute required that child abuse investigators include a determination of harm or threatened harm to each child, the nature and extent of present or prior injuries, abuse or neglect and evidence thereof.

The Department of Health and Rehabilitative Services (HRS) recognized the need for a specialized medical resource and made a commitment to provide this resource under the auspices of CMS. This plan culminated in a legislative appropriation in 1978 to fund a pilot project using a medically led multidisciplinary team approach.

The success of the first CPT, established in Jacksonville in 1978, led to the establishment of four additional CPTs in 1979, and between 1981 and 2010, additional CPTs were added to cover all areas of Florida. Pediatric medical direction was added in 1983 to coordinate the activities of the CPT Program. By the fall of 1995, a network of CPTs throughout the state provided each HRS district with this resource. In addition to the evaluation of physical abuse and neglect, CPTs became the focal point for expertise in the medical examination of sexually abused children and the evaluation of sexual abuse allegations.

Legislation in 1997 required that the Department of Children and Families (DCF) and the Department of Health develop an interagency agreement specifying the roles of each department. Section 415.5055, F.S., (currently section 39.303, F.S.) was amended in 1998 to provide that the continuing interagency agreement specify coordination of services, joint oversight by the two departments, and how joint oversight would to be implemented.

In 1999, as a result of concerns regarding several serious child abuse deaths, the legislature established mandatory criteria for the referral of cases from child investigations to the CPTs. Therefore, the role of child protective services was expanded to include the review and assessment of all child abuse and neglect reports made to the Abuse Hotline to identify those reports meeting the mandatory criteria.

### **CPT SERVICES**

CMS is statutorily required to provide oversight of CPTs per section 39.303, F.S. CPTs receive a combination of state and federal funding through CMS to provide services for the safety and well-being of children suspected of being abused or neglected to determine the immediate and long-term risk.

Per section 39.303(a-j)(3), F.S., CPTs must be capable of providing, but not limited to, the following services:

- Medical Diagnosis and Evaluation Services (which include interpretation of X rays, laboratory tests, and other related services as needed).
- Medical and Non-Medical Consultations.

- Psychological and Psychiatric Diagnosis and Evaluation Services.
- Child Forensic Interviews.
- Specialized Interviews.
- Social Assessments.
- Case Staffings and Case Service Coordination.
- Trainings (for staff, medical professionals, Department of Health, and DCF).
- Expert Medical and Psychological Testimony in Court Cases.

## HISTORY OF CHILD FORENSIC INTERVIEWS

In the 1980s, high-profile cases involving allegations of child abuse became the subject of considerable analysis because of interview techniques that were used. In some instances, law enforcement depended on mental health practitioners to interview children because of their ability to establish rapport with children. However, mental health practitioners often used therapeutic techniques that were later deemed inappropriate for forensic purposes, primarily because of concerns regarding suggestibility. The courts scrutinized interview procedures and concluded were inappropriate for criminal investigations. As awareness of child abuse evolved, professionals recognized that special skills were required to interview child victims.

Child abuse and neglect jeopardizes child safety and well-being. Maltreatment cases in which the offender is a caregiver fall within the purview of child protective services and may also be investigated by law enforcement. Cases in which allegations do not involve caregivers are investigated by law enforcement. In the mid-1980s, virtually every state in the U.S. amended its child protection laws to foster collaboration between law enforcement and child protection investigators on serious maltreatment cases. Child protection workers and law enforcement often jointly interviewed the child, one or the other taking the lead. In some cases, the child protection worker interviewed the child while law enforcement interviewed the alleged offender and other witnesses. Information was shared through the exchange of notes, sharing of interview recordings, or conferring.<sup>1</sup>

In the 1990s, professionals also recognized that interview guidance needed to involve more than mere advice about questions and the use of media. Child welfare professionals needed guidance regarding the structure of the interview, itself. This necessity derived from the characteristics of the interviewers and the interviewees. Most professionals and law enforcement tasked with the responsibility of interviewing children about sexual abuse did not have extensive mental health backgrounds or child development. Subsequently, dozens of interview structures were developed, mainly with a focus on mandated investigators, child protection, law enforcement, and forensic interviewers. Some interview structures were developed in academic institutions.<sup>2</sup>

---

<sup>1</sup> Newlin, C., Steele, L. C., Chamberlin, A., Anderson, J., Kenniston, J., Russell, A., ... & Vaughan-Eden, V. (2015). *Child forensic interviewing: Best practices* (pp. 1-20). US Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

<sup>2</sup> Faller, K. C. (2014). Forty years of forensic interviewing of children suspected of sexual abuse, 1974–2014: Historical benchmarks. *Social Sciences*, 4(1), 34-65.

## CLIMATE OF CHILD FORENSIC INTERVIEWING IN FLORIDA

Child forensic interviews are critical components of evidence in investigations of child abuse, neglect, or exposure to violence. An effective child forensic interview is essential to Florida's collective response to crimes suspected of being committed against children. Video recordings of child forensic interviews are introduced as evidence in the state's criminal court prosecutions of child abuse and neglect, as well as in civil dependency proceedings where the court is called upon to make consequential decisions in the life of the child. Video recordings provide the most effective preservation of important evidence disclosed during the interview process. It is critically important that the interview is effectively and competently conducted by a trained and experienced interviewer. Specialized and ongoing training of child forensic interviewers is essential.<sup>3</sup>

## PURPOSE OF CHILD FORENSIC INTERVIEWS

According to Fessinger and McAuliff (2020), child forensic interviewers are professionals trained to interview children about suspected maltreatment.<sup>4</sup> The primary objective for child forensic interviews is to gather information that will either corroborate or refute allegations of abuse, neglect, or violence, and consider all reasonable hypotheses. Additional goals include allowing the child to verbally describe event(s) and elicit a complete and accurate account of events told by the child. This helps to determine if abuse, neglect, or violence occurred and if the child is in imminent danger. Maintaining an impartial and objective position is important while asking questions and gathering information during the child forensic interview. Not all contacts with child victims and witnesses are considered interviews or forensic interviews. The exceptions to a detailed factual account or forensic interview articulated above include initial contacts with the victims by law enforcement or community partners to assess the validity of a concern for a child or the need to take protective measures on behalf of the victim.<sup>5</sup>

Child forensic interviews are instrumental pieces of evidence in child abuse or neglect investigations and are used in both criminal and dependency courts. Section 90.803(23), F.S., provides a hearsay exception for statements made by a child victim.

An out of court statement used to prove the truth of the matter asserted is admissible if it meets the following conditions:

- It is made by a child victim with a physical, mental, emotional, or developmental age of 16 or less describing the act of abuse or neglect.
- The court finds the child victim statement as credible and reliable.

---

<sup>3</sup> Newlin Faller, K. C. (2014). Forty years of forensic interviewing of children suspected of sexual abuse, 1974–2014: Historical benchmarks. *Social Sciences*, 4(1), 34-65.

<sup>4</sup> Fessinger, M. B., & McAuliff, B. D. (2020). A national survey of child forensic interviewers: Implications for research, practice, and law. *Law and human behavior*, 44(2), 113–127. <https://doi.org/10.1037/lhb0000368>

<sup>5</sup> APSAC Taskforce Title: Forensic Interviewing in Cases of Suspected Child Abuse Publication Date: 2012 Publisher: The American Professional Society on the Abuse of Children (APSAC) Retrieved from: [https://www.ap\\_sac.org/guidelines](https://www.ap_sac.org/guidelines), page 4.

- The child victim testifies or is unavailable, provided there is other corroborative evidence of the abuse or offense.

Determination of reliability of the conditions listed above is conducted at a pre-trial hearing. In making this determination the court must read, watch, and/or listen to the child forensic interview. The court must then consider the physical, mental, and developmental age of the child; the maturity of the child; the nature and duration of the abuse; the relationship of the offender to the child; and the content of the statement.

When reviewing child forensic interviews, the court considers whether the child is using age-appropriate language, whether leading questions are being asked of the child, whether the child can distinguish truth and lie and agrees to tell the truth, and whether the statement is in the child's own words. Courts also look for evidence of false allegations and coaching.<sup>6</sup> Once a court determines there are sufficient safeguards of reliability surrounding the statement, and that there is other corroborative evidence, the court will make specific findings of fact on the record regarding the admissibility of the forensic interview.

In many criminal child abuse prosecutions, the most compelling evidence is the videotaped forensic interview; due to criminal trials often occurring years after the abuse is first disclosed. With this passage of time, children become older (sometimes adults) and memories of the event(s) may fade. In instances when the child victim goes to court proceeding years later with strangers and the abuser, after the incident(s), the child may struggle and be hesitant to testify. The video recorded child forensic interview will memorialize the disclosure and will be available as evidence.

Recorded child forensic interviews permit jurors to perceive the child victim in a child-friendly environment talking with a professional. This approach may give jurors an opportunity to hear the child victim explain the abuse independently, which may contribute to credibility. In addition, recorded child forensic interviews also aid in plea negotiations, which negate the need for a trial. In dependency court, child forensic interviews may be used as evidence in shelter hearings, dependency cases, and termination of parental rights proceedings. The alleged perpetrator(s) often attend court proceedings; however, the recorded child forensic interview may prevent the child victim from having to testify in the presence of the abuser. Furthermore, the child forensic interview may be used by other professionals to assist in the recovery of the child victim's trauma, which may serve as the beginning of the healing process.

Whether used in criminal court or dependency court, the admissibility of the child forensic interview is dependent upon its quality. If the child forensic interview is not conducted in a manner that will meet legal standards, then compelling evidence may be lost. Electronic recordings are the most complete and accurate way to document child forensic interviews to

---

<sup>6</sup> The Child Witness in the Courtroom Robert H. Pantell and COMMITTEE ON PSYCHOSOCIAL ASPECTS OF CHILD AND FAMILY HEALTH, *Pediatrics* March 2017, 139 (3) e20164008; DOI: <https://doi.org/10.1542/peds.2016-4008>

American Academy of Pediatrics Policy Statement: <https://pediatrics.aappublications.org/content/139/3/e20164008>

capture dialogue and exact wording of questions between the child victim and the interviewer. Video recordings are transparent and demonstrate that the interviewer and multidisciplinary team avoided inappropriate interactions with the child. Hearing an account of the abuse in the child victims' own words provides an additional opportunity for the court to evaluate the veracity of the child's statements.

## **CREATION OF THE CHILD FORENSIC INTERVIEW PROTOCOL TASK FORCE**

As per section 39.303(9)(a), F.S., the Task Force was created to enhance the safety and well-being of children who are suspected of having been abused. Child forensic interviewing is a method to elicit accurate information from children during an investigation regarding physical or sexual abuse, neglect, or exposure to violence. Children may move to different parts of the state over time, and the forensic interview process needs to be consistent from one jurisdiction to the next. One priority of the Task Force was to reach a statewide consensus on recommendations to various organizations that conduct forensic interviews. There are many accepted practices for conducting child forensic interviews, each of which should be tailored to the unique needs of the child. These practices are critical components of an overall framework for conducting child forensic interviews.

The Task Force report included multiple resources that may benefit Florida's CPTs, CACs, and community partners involved in the child forensic interview process. Resources available in the appendices of the Task Force report include but are not limited to:

- PowerPoint presentation on the Neurobiology of Child Abuse and Neglect.
- West Palm Beach County Child Abuse Protocol for the investigation and prosecution of child abuse.
- Florida Circuit Court Administrative Orders regarding interviews with children suspected of being abused or neglected and a description of various national resources on child forensic interviews.

In addition, the Task Force developed recommendations for Standardized Child Forensic Interviews and Standardized Child Forensic Interview Training, which included a protocol to serve as Florida's standardized framework. Recommendations were based on professional input, research, data findings, review of literature, and current practices.

The full report developed by the Task Force may be found by accessing the link below:

<http://www.floridahealth.gov/programs-and-services/childrens-health/forensic-interview-taskforce/index.html>

## **CREATION OF THE CHILD FORENSIC INTERVIEW ADVISORY COMMITTEE**

---

### **STATUTORY AUTHORITY**

- Chapter 39, F.S.
- Chapter 391, F.S.
- Section 20.43(6), F.S.
- Section 112.061, F.S.

### **CFIAC PURPOSE**

The CFIAC was established by the Department of Health in October 2019 to examine protocols and standards for child forensic interview models. CFIAC members were tasked with analyzing, assessing, and evaluating current child forensic interview practices and resources. In addition, CFIAC was established to assess the availability of standardized child forensic interviews, child forensic interview training, best practices, and other pertinent statewide needs.

### **CFIAC RESPONSIBILITIES**

Responsibilities of CFIAC members included a review of recommendations made by the Task Force. Specific responsibilities included:

- Identify minimum standards for child forensic interview training, professional certification, and continued education.
- Make recommendations for improving access to child forensic interview training that meets the standards set forth by CFIAC and as recommended in the Task Force.
- Identify mechanisms to provide additional training resources for standardized child forensic interview training.
- The committee may convene subcommittees as needed to address specific recommendations of the Task Force.
- Provide a final report with CFIAC findings and recommendations to the Division Director of CMS by June 30, 2021.

### **CFIAC REPRESENTATION AND MEMBERSHIP**

#### **REPRESENTATION**

CFIAC membership representation includes, but is not limited to, the following organizations:

- Florida Department of Health
- Florida Department of Children and Families
- Florida Department of Juvenile Justice
- Florida State Attorney's Offices
- Florida Guardian Ad Litem
- Florida Children's Advocacy Centers
- Florida Child Protection Teams
- Florida Law Enforcement

## **MEMBERSHIP**

CFIAC members included representatives from various agencies, associations, and organizations throughout Florida affiliated with protecting the health and safety of children. Committee member's professional backgrounds included the following: child forensic interview specialists, judge, physicians, attorneys, law enforcement, child protection and juvenile justice experts, trauma-informed care specialists and others with clinical and/or legal expertise in the field of crimes against children or other related specialties. CFIAC members, professions, associated agencies, and contact information is listed in the CFIAC Member Directory (Appendix A). CFIAC members elected Jay Howell, Esq. as Chairperson and Alan Abramowitz, Esq., as Co-Chairperson.

### **CHAIRPERSON OF CFIAC**

#### **Jay Howell, Esq.**

Jay Howell, Esq. is an attorney in Jacksonville, Florida, where he represents victims of child abuse and criminal acts. Mr. Howell served four years as assistant state attorney in Jacksonville, FL, specializing in cases involving sex crimes and child abuse. In 2017-2018, he served as Chairperson of the Task Force. Mr. Howell also served as Chief Counsel of the United States Senate Subcommittee on Investigations and Oversight and drafted federal legislation addressing issues including missing children, child kidnapping and child pornography. He provides training seminars for the Florida Attorney General on the rights of victims of child abuse and other crimes against children. Mr. Howell serves as a member of the advisory board for the Jacksonville CPT, the Jacksonville Committee of Florida's Children First, the Board of Advisors of the National Center for the Prosecution of Child Abuse and the American Bar Association's Task Force on Child Witnesses. He founded and served as the first Executive Director of the National Center for Missing and Exploited Children.

### **CO-CHAIRPERSON OF CFIAC**

#### **Alan Abramowitz, Esq.**

Alan Abramowitz, Esq. has served as the gubernatorially-appointed Executive Director of the Statewide Guardian ad Litem Program from 2010 to 2021. During this time, he directed Florida's legal advocacy for children in foster care leading more than 12,000 volunteers, attorneys, and social workers. Mr. Abramowitz previously spent ten years at DCF serving different roles from chief legal counsel to director of regional and statewide offices. He has argued before the Florida Supreme Court on behalf of the Florida Bar Juvenile Rules Committee, Chaired the Florida Bar Legal Needs of Children Committee, and is Board Certified in Juvenile Law. Mr. Abramowitz holds a Juris Doctorate from Florida State University. In 2020 he was named "State Director of the Year" by the National Court Appointed Special Advocate Association. In 2021, FSU College of Law recognized Mr. Abramowitz with the Exemplary Public Service Career Award. Mr. Abramowitz is now the CEO of The Arc of Florida advocating for individuals with disabilities.

## **CFIAC COMMITTEE MEETINGS**

The initial CFIAC meeting was conducted in-person on November 20, 2019, in Tampa, Florida. Due to the Coronavirus (COVID-19) pandemic, the remainder of CFIAC meetings were conducted via Skype, Microsoft Teams, and conference calls.

## **CFIAC PRESENTATIONS**

Professionals and experts in the child welfare profession presented at CFIAC meetings. Presenters and topics of presentations can be found in Appendix B.

## **CFIAC SUBCOMMITTEES**

The primary CFIAC established three subcommittees to focus on specific topics related to child forensic interviews. The three subcommittees and chairpersons and co-chairpersons include:

- **LAW ENFORCEMENT SUBCOMMITTEE**
  - Francine H. Donnorummo, Esq., Subcommittee Chairperson
- **COURT ORDERS IMPACTING CHILD FORENSIC INTERVIEWS SUBCOMMITTEE**
  - Judge, Daniel P. Dawson, Subcommittee Chairperson
  - Alan Abramowitz Esq., Subcommittee Co-Chairperson
- **DESIGNATION AND CERTIFICATION SUBCOMMITTEE**
  - Erick F. Quevedo, Subcommittee Chairperson

## CFIAC SUBCOMMITTEES OVERVIEW

---

### LAW ENFORCEMENT SUBCOMMITTEE

Further examination of community protocols to ensure effective interaction between multidisciplinary partners (i.e., law enforcement, state attorney staff and first responders) in the response to crimes against children was recommended by the Task Force. Therefore, CFIAC created the Law Enforcement Subcommittee and tasked members with the responsibility of identifying training recommendations for child forensic interview professionals:

- Access to child forensic interview training for law enforcement, sex crimes detectives and state attorneys.
- Review initial-interview practices conducted by State Attorney Offices.
- Examine access to initial contact training for first responders.
- Identify best practices for initial contacts and child forensic interviews for law enforcement and State Attorney's Office.

CFIAC members recognized that child forensic interview professionals should benefit from providing initial contact training to community partners. Initial contact references a child disclosing alleged maltreatment. Initial contact often occurs between a child and a variety of persons in professional capacities include, but are not limited to, community partners such as teachers, law enforcement, attorneys, social workers, medical professionals, mental health providers, childcare providers, school personnel, juvenile justice staff, and clergy. Interactions with child victims about maltreatment allegations may impact future statements and recovery.

It is imperative that persons in these professional capacities participate in training regarding initial disclosure, as they are often the recipient of the child's initial report of maltreatment. Per section 39.201, F.S., any person who knows or has reasonable cause to suspect a child is abused, abandoned, or neglected is required to report this information to the Florida Abuse Hotline. The Law Enforcement Subcommittee assessed data gathered from a statewide survey of child forensic interviewers, conducted by members of the CFIAC to examine the current practice of CPTs providing community initial contact training opportunities for first responders and community partners. The subcommittee examined the current West Palm Beach Law Enforcement Protocol for providing child forensic interview training and initial contact training to law enforcement officers.

It is suggested that initial contact training be provided in a two - to four -hour format, and include the following components:

- Creating an appropriate environment.
- Using age and developmentally appropriate language.
- Asking fundamental questions.
- Safety considerations for the child.
- Reporting concerns and/or coordinating services for the child.

- Recognizing common signs of trauma and changes in psychological states.

Law enforcement should rely upon professionals formally trained in child forensic interviewing to conduct forensic interviews of child victims, child witnesses, and victims with intellectual disabilities. Law enforcement agencies with available resources, should benefit from at least one sworn officer trained to conduct child forensic interviews.

House Bill 1189, Victims of Sexual Offenses, was passed and signed into law during the 2021 Florida legislative session to amend section 943.1724, F.S. The bill requires inclusion of culturally responsive, trauma-informed training on interviewing sexual assault victims in the initial law enforcement certification and basic recruit training administered by the Criminal Justice Standards and Training Commission at the Florida Department of Law Enforcement. In addition, the Legislature created section 154.012, F.S., to establish Sexual Assault Response Teams (SART), which requires participation of each county health department, or a county health department's designee, to participate in a SART coordinated by the certified rape crisis center serving a county or region, if a SART exists. In response to House Bill 1189, the CFIAC identified a need to establish a working relationship with the Criminal Justice Standards and Training Commission to provide resources, support and guidance if needed to help facilitate the training of law enforcement on the issue of interviewing child sexual assault victims.

## **THE ROLE OF PROSECUTORS IN INTERVIEWING AND WORKING WITH MINOR VICTIMS**

It would be beneficial for all judiciary professionals to use the principles of trauma-informed care when interacting with child victims and witnesses of sexual abuse, child abuse, and neglect including witnesses and victims with intellectual disabilities.

Recognizing the unique role of a prosecutor in crimes against children's cases, it is pivotal for prosecutors to receive training in child forensic interviewing. There are many current training resources available.

Child forensic interview training for prosecutors should include best practices for eliciting truthful and complete disclosures from child victims, formulating age-appropriate questions, stages of child development, and tools for interviewing children with developmental disabilities. Prosecutors should use the protections and support provided to victims and witnesses as in sections 92.53, 92.54, 92.55, and 92.56, F.S., (Appendices C-F). In addition, utilization of trained victim advocates is strongly recommended.

## **COURT ORDERS IMPACTING CHILD FORENSIC INTERVIEWS SUBCOMMITTEE**

The Court Orders Impacting Child Forensic Interviews Subcommittee was tasked with examining section 914.16, F.S. (Child abuse and sexual abuse of victims under age 16 or who have an intellectual disability; limits on interviews) and section 92.55, F.S. (Judicial or other proceedings involving victim or witness under the age of 18, a person who has an intellectual disability, or a sexual offense victim or witness; special protections; use of therapy animals or facility dogs).

The Task Force report identified the need to increase the age from 16 years of age to 18 years of age for protection of child witnesses and victims as referenced in section 914.16, F.S. Subcommittee members analyzed current Administrative Orders for Florida's 20 judicial circuits to identify gaps, barriers, and inconsistencies. As a result, subcommittee members identified deviations within current Administrative Orders.

In an effort to establish uniformity of specific components of child witnesses and victims, a Model Administrative Order for Child Forensic Interviews was developed and approved by the CFIAC. Establishment of a Model Administrative Order may serve as a tool for Chief Circuit Judges to review existing Administrative Orders as necessary to accomplish standardization throughout Florida. Additionally, to extend protections to age 18 for child abuse and sexual abuse victims, coordination with law enforcement and judiciary may be required.

In addition, subcommittee members developed a Model Administrative Order for facility dogs and therapy animals, which was approved by the CFIAC. Subcommittee members explored section 92.55, F.S., to assess the regulation of child forensic interviews and the assistance of facility dogs and therapy animals. According to section 92.55(5)(b), F.S., facility dog is defined as, "a dog that has been trained, evaluated, and certified as a facility dog pursuant to industry standards and provides unobtrusive emotional support to children and adults in facility settings." Therapy animal is defined as, "an animal that has been trained, evaluated, and certified as a therapy animal pursuant to industry standards by an organization that certifies animals as appropriate to provide animal therapy."

Subcommittee members reviewed information from the U.S. Department of Justice, National Children's Advocacy Center, and other sources regarding the structure of child forensic interviewing and best practices. In addition, a certified crisis responder and training representative from the National Crisis Response Canine Team presented to CFIAC members. The representative provided information regarding four critical components related to the use of facility dogs, therapy animals, and current laws.

The National Crisis Response Canine Team representative recommended the appropriate animal to assist a child in a forensic interview is a Forensic Interview Canine. The term, Forensic Interview Canine is not currently used in Florida Statutes. In response, subcommittee members developed a Model Administrative Order to address the use of facility dogs and therapy animals (Appendix G).

## **DESIGNATION AND CERTIFICATION SUBCOMMITTEE**

Currently, Florida does not have a uniform designation or certification process for all child forensic interviewers. Identification of this gap prompted CFIAC members to create a Designation and Certification Subcommittee to explore the following:

- Review of current child forensic interview practices in training and credentialing in Florida and other states.
- Benefits of a formal designation or certification in the state of Florida.

- Creation of designation or certification of child forensic interviewers in the state of Florida.

Subcommittee members explored and identified various child forensic interview certification requirements, designation, and certification models (with comparable missions) throughout Florida and U.S. Various designation and certification models were reviewed by subcommittee members. Based on this analysis, subcommittee members found the organizations listed below have established standards, training requirements, and renewal processes for related certifications:

- The National Association of Certified Child Forensic Interviewers (NACCFI)
- The National Organization for Victim Assistance (NOVA)
- The Florida Crime Prevention Training Institute (FCPTI)
  - Victim Services Practitioner Designation

In addition to analyzing national designation and certification models, the Subcommittee conducted a statewide survey of child forensic interviewers to gather information regarding the concept of interviewer designation, certification, or credentialing. Child protection and child welfare professionals throughout Florida were surveyed on a variety of questions regarding their professional background, opinion about certification, criteria, and qualifications for credentialing, professional experience conducting child forensic interviews and training protocols.

As a result, 33 survey responses were received and 79% revealed that respondents as supportive of a formal process for designation and certification. In addition, survey results showed many respondents to be in favor of the establishment of core competencies, specialized training, and continuing education for child forensic interviewers in the state of Florida.

Florida Certification Board (FCB) is a comprehensive, non-profit professional credentialing organization providing a full range of credential development, implementation, and maintenance services. A representative from FCB presented on various components and benefits of credentialing professionals in the child welfare field which entail, but are not limited to:

- Qualify and provide oversight to more than 28,000 professionals.
- Provide credentialing and test administration services in Florida, multiple other states, and Canada.
- Develop and maintain psychometrically sound role delineation studies.
- Provide examination of blueprints, credential standards, and test instruments.
- Administer professional credentials in behavioral health (substance use disorder and mental health condition), child welfare, physical health, and other related disciplines.
- Ensure continued competency through continuing education and renewal requirements.
- Administer a code of ethical and professional conduct that applies to all applicants and certified professionals and take disciplinary action when necessary.

FCB has administered credentialing to programs for more than 30 professional groups in Florida, which includes CPT medical professionals. Regarding child forensic interviews, the FCB

representative advised that credentialing of child forensic interviewers may entail the following three phases:

- Role delineation study/scope of service/exam blueprint.
- Exam instrument development.
- Program implementation.

A pilot project will be beneficial in identifying issues that require subject matter expertise. A process should be established to address issues of ethical misconduct and other concerns regarding compliance.

## **EXPANDED INTERVIEWS**

Expanded Interviews is one interview consisting of more than one session. The recent experience of experts and child forensic interviewers across Florida reveals an ongoing need for more than one interview session in certain circumstances. Circumstances requiring such an approach include human trafficking crimes, children with cognitive and linguistic challenges, children with active trauma symptoms, younger children, children with poly (multiple) victimization, and other unique fact patterns. Scholars, Lavoie, Dickerson, Redlich, and Quas (2019) acknowledged that victims of human trafficking may be more reluctant to disclose abuse. Therefore, additional interviews and combined approaches may be needed to build rapport prior to seeking a disclosure.<sup>7</sup>

## **LANGUAGE ACCESSIBILITY**

Child forensic interview protocols and procedures should include the expectation that some interviews will need to be conducted in languages other than English, as well as in American Sign Language. To be most effective, the interview should be conducted in the primary language of the victim. There are frequent circumstances which may require conducting a child forensic interview in a language other than English. Florida is a large and diverse state with Spanish, French Creole, French, and Portuguese commonly used in various regions.

In 2019, the Department provided a 24-hour child forensic interview training for Spanish speakers. This training should be available periodically in the future.

National training centers, such as the CAC in Huntsville, Alabama, also offer child forensic interview training in Spanish.

Consideration should be given to available resources for additional languages, including American Sign Language, that may be commonly used in the geographic areas of CPTs and CACs. Qualified interpreters, translators, and translation services in-person and virtually may be used to assist with the child forensic interview. No person related to the case should be used as an interpreter in a forensic interview.

---

<sup>7</sup> Lavoie, J., Dickerson, K. L., Redlich, A. D., & Quas, J. A. (2019). Overcoming Disclosure Reluctance in Youth Victims of Sex Trafficking: New Directions for Research, Policy, and Practice. *Psychology, public policy, and law : an official law review of the University of Arizona College of Law and the University of Miami School of Law*, 25(4), 225–238. <https://doi.org/10.1037/law0000205>

## CFIAC RECOMMENDATIONS

---

### **CERTIFICATION**

It is recommended that the Department examine the feasibility of a credentialing program for child forensic interviewers in Florida. If necessary, an advisory council or workgroup of professionals with expertise in child forensic interviewing could provide guidance, support, and quality assurance through this process.

### **COURT ORDERS**

It is recommended that the proposed Model Administrative Orders on the Interview of Child Victims (Appendix H) and the Use of Facility Dogs and Therapy Animals (Appendix G), drafted by the CFIAC, be considered by the Florida Supreme Court for use by the Florida Judicial Circuits.

It is recommended that protection be extended to age 18 for child abuse and sexual abuse victims in collaboration with law enforcement and judiciary officials.

### **TRAINING**

It is recommended that community partners and first responders who engage with child victims receive initial contact interview training.

It is recommended that all law enforcement agencies in Florida have access to child forensic interview training.

It is recommended that child forensic interview experts collaborate with the Florida Department of Law Enforcement's, Criminal Justice Standards and Training Commission, to share best practices, resources, and provide support regarding interviews of child sexual assault victims.

It is recommended that professionals conducting child forensic interviews in Florida receive specialized training on in-depth interviewing of children. On-site field supervision and peer review should be a component of the continuing education and practice of the forensic interviewer.

It is recommended that prosecutors and attorneys acting on behalf of child victims, child witnesses, and child victims with intellectual disabilities receive training in initial contact training and/or child forensic interview training. All interactions should be based on the principles of trauma-informed care.

It is recommended that continuing education such as advanced training techniques in specialized topics, expanded interviews, court testimony, and admissibility of evidence to further educate child forensic interviewers.

## **RESOURCES**

It is recommended that the Department of Health develop a resource website available to child forensic interviewers as a platform for sharing updated resources, research, and additional training opportunities related to child forensic interviewing and related practices.

## **EXPANDED INTERVIEWS**

It is recommended that current protocols, policies, procedures, and court orders impacting child forensic interviews include the consideration of expanded interviews, when needed. In cases involving human trafficking, cognitive or linguistic challenges, poly victimization, active trauma, and other unique circumstances, additional child forensic interview sessions may be necessary.

## **LANGUAGE ACCESSIBILITY**

It is recommended that child forensic interview training be available in Spanish, Creole, American Sign Language, additional languages, and related practices that may be in-use in any individual community.

# APPENDICES

## **APPENDIX A:**

- Child Forensic Interview Advisory Committee Member Directory

## **APPENDIX B:**

- Child Forensic Interview Advisory Committee Presentations

## **APPENDIX C:**

- Section 92.53, Florida Statutes - Videotaping the testimony of a victim or witness under age 18 or who has an intellectual disability

## **APPENDIX D:**

- Section 92.54, Florida Statutes - Use of closed-circuit television in proceedings involving a victim or witness under the age of 18 or who has an intellectual disability

## **APPENDIX E:**

- Section 92.55, Florida Statutes - Judicial or other proceedings involving victim or witness under the age of 18, a person who has an intellectual disability, or a sexual offense victim or witness; special protections; use of therapy animals or facility dogs

## **APPENDIX F:**

- Section 92.56, Florida Statutes - Judicial proceedings and court records involving sexual offenses and human trafficking

## **APPENDIX G:**

- Model Administrative Order - Protocol for use of Therapy Animals or Facility Dogs in Proceedings

## **APPENDIX H:**

- Model Administrative Order - Interviews of Young Victims in Child and Sexual Abuse Cases

## **APPENDIX I:**

- House Bill 1189 – Victims of Sexual Offenses

# **APPENDIX A:**

## **Child Forensic Interview Advisory Committee Member Directory**

## **CFIAC Chairperson and Co-Chairperson**

### **Jay Howell, Esq., CFIAC Chairperson**

Jay Howell & Associates  
644 Cesery Blvd., Suite 250  
Jacksonville, Florida 32211  
Email: [Jay@JayHowell.com](mailto:Jay@JayHowell.com)

### **Alan Abramowitz, Co-Chairperson**

Chief Executive Officer  
The Arc of Florida  
Tallahassee, Florida  
Email: [alan@arcflorida.org](mailto:alan@arcflorida.org)

## **CFIAC Subcommittee Chairpersons**

### **Judge, Daniel P. Dawson – Chairperson** **Court Orders Impacting Child Forensic** **Interviews Subcommittee**

Judiciary: Retired Dependency Court  
Orlando, Florida  
Email: [DPDawson13@aol.com](mailto:DPDawson13@aol.com)

### **Francine H. Donnorummo – Chairperson** **Law Enforcement Subcommittee**

Assistant State Attorney  
Special Victims Unit, Chief  
Fort Myers, Florida  
Email: [Fdonnorummo@SAO20.org](mailto:Fdonnorummo@SAO20.org)

### **Erick F. Quevedo – Chairperson** **Certification and Designation Subcommittee**

Lead Case Coordinator, CPT  
Child Protection Center, Inc.  
Sarasota, Florida  
Email: [Erick.Quevedo@flhealth.gov](mailto:Erick.Quevedo@flhealth.gov)

## **CFIAC Members**

### **Captain, Michael Baute**

North Port Police Department  
Investigations Bureau  
Parrish, Florida  
Email: [Mbaute@northportpd.com](mailto:Mbaute@northportpd.com)

### **Stacy Bromfield**

Behavioral Health Clinician  
Nancy J. Cotterman Center  
Broward County's Accredited Child Advocacy  
Center & Rape Crisis Center  
Ft. Lauderdale, Florida  
Email: [Stacy.SeniorBromfield@flhealth.gov](mailto:Stacy.SeniorBromfield@flhealth.gov)

### **Candice Brower, Esq.**

Regional Council  
Gainesville, Florida  
Email: [Candice.Brower@rc1.myflorida.com](mailto:Candice.Brower@rc1.myflorida.com)

### **Sergeant Lori Colombino**

Supervisor, Special Victims Unit  
West Palm Beach Police Department  
West Palm Beach, Florida  
Email: [LColombino@wpb.org](mailto:LColombino@wpb.org)

### **Jamny Coronado**

Behavioral Health Clinician  
Broward County Child Protection Team  
Ft. Lauderdale, Florida  
Email: [Jamny.Coronado@flhealth.gov](mailto:Jamny.Coronado@flhealth.gov)

### **Alison Cowell**

Senior Case Coordinator  
Child Protection Team  
Howard Phillips Center for Children and Families  
Kissimmee, Florida  
Email: [Alison.Cowell@flhealth.gov](mailto:Alison.Cowell@flhealth.gov)

### **Stephanie Cox**

Child Protection Team Coordinator  
Forensic Interview Trainer  
Gainesville, Florida  
Email: [Stephanie.Cox@flhealth.gov](mailto:Stephanie.Cox@flhealth.gov)

### **Angie Griffin**

Assistant Child Protection Team Coordinator  
Mariana, Florida  
Email: [Angela.Griffin2@flhealth.gov](mailto:Angela.Griffin2@flhealth.gov)

### **Maureen Honan**

Florida Department of Juvenile Justice  
Office of Staff Development and Training  
Tallahassee, Florida  
Email: [Maureen.Honan@dji.state.fl.us](mailto:Maureen.Honan@dji.state.fl.us)

**Danielle Hughes**

Team Coordinator  
Child Protection Center, Inc  
Sarasota, Florida  
Email: [Danielle.Hughes@flhealth.gov](mailto:Danielle.Hughes@flhealth.gov)

**Carol Lilly, M.D., MPH**

Child Protection Team  
Statewide Medical Director  
Associate Professor of Pediatrics  
University of South Florida  
Tampa, Florida  
Email: [Carol.Lilly@flhealth.gov](mailto:Carol.Lilly@flhealth.gov)

**Brandy Macaluso**

Chief Programming Officer  
Coalition for Independent Living Options, Inc.  
Crim Victim Services to People with Disabilities  
Program  
15<sup>th</sup> & 19<sup>th</sup> Judicial Circuit  
Port St. Lucie, Florida  
Email: [Bmac@cilo.org](mailto:Bmac@cilo.org)

**Bruce McIntosh, M.D.**

Pediatric and Child Abuse Pediatric Consultant  
Child Protection Team  
Orange Park, Florida  
Email: [Bjmdiver@aol.com](mailto:Bjmdiver@aol.com)

**Jackie Sandefer-Gonsen**

Statewide CPT Training Coordinator  
Bureau of Child Protection and Special Technology  
Lecanto, Florida  
Email: [Jackie.Sandfer-Gonsen@flhealth.gov](mailto:Jackie.Sandfer-Gonsen@flhealth.gov)

**Maria Sanin**

Child Forensic Interviewer, Special Needs Unit  
Miami-Dade State Attorney's Office  
Miami, Florida  
Email: [Mariasanin1@aol.com](mailto:Mariasanin1@aol.com)

**Theresa E. Simak**

State Attorney's Office  
Assistant State Attorney  
Division Chief Clay County, SAD/CRB  
Jacksonville, Florida  
Email: [TSimak@coj.net](mailto:TSimak@coj.net)

**Valerie Stanley**

Child Protection Team Coordinator  
University of Florida  
First Coast Child Protection Team  
Jacksonville, Florida  
Email: [Valerie.Stanley@flhealth.gov](mailto:Valerie.Stanley@flhealth.gov)

**Kelly A. Swartz**

Board Certified in Juvenile Law  
Chief Legal Officer  
Brevard Family Partnership Family of Agencies  
Melbourne, Florida  
Email: [Kelly.swartz@brevardfp.org](mailto:Kelly.swartz@brevardfp.org)

**Lorena M. Vollrath-Bueno**

State Attorney's Office  
Assistant State Attorney, Felony Division Chief  
Tallahassee, Florida  
Email: [BuenoL@leoncountyfl.gov](mailto:BuenoL@leoncountyfl.gov)

**Terrence Watts**

Operations Program Administrator  
Department of Children and Families  
Child Protective Investigations  
Tallahassee, Florida  
Email: [Terrence.Watts@myflfamilies.com](mailto:Terrence.Watts@myflfamilies.com)

**CFIAC Support Staff**

**Department of Health Central Office**

**Erica Puckett**

Program Analyst, Project Coordinator  
Child Abuse Death Review Unit  
Division of Children's Medical Services  
Tallahassee, Florida  
Email: [Erica.Puckett@flhealth.gov](mailto:Erica.Puckett@flhealth.gov)

**S. Nicole Jordan, LCSW, MS**

Child Protection Unit Director  
Bureau of Child Protection & Special Technologies  
Division of Children's Medical Services  
Tallahassee, Florida  
Email: [Nicole.Jordan@flhealth.gov](mailto:Nicole.Jordan@flhealth.gov)

**Marceller Hines, B.S.**

Child Protection Team Specialist  
Bureau of Child Protection & Special Technologies  
Division of Children's Medical Services  
Tallahassee, Florida  
Email: [Marceller.Hines@flhealth.gov](mailto:Marceller.Hines@flhealth.gov)

# **APPENDIX B:**

## **Child Forensic Interview Advisory Committee Presentations**

## Child Forensic Interview Advisory Committee Presentations

### Jackie Sandefer-Gonsen

Statewide CPT Training Coordinator  
Florida Department of Health  
Division of Children's Medical Services  
Bureau of Child Protection and Special Technologies

#### **Presentations:**

- Current Landscape of Child Forensic Interview Training
- Model Training of Law Enforcement and Community Partners
- CPT Community Trainings
- Enhanced Forensic Interviews

### Robert Brooks, Ph.D.

State Systems Development Initiative Coordinator Epidemiologist  
Florida Department of Health  
Division of Children's Medical Services  
Bureau of Child Protection and Special Technologies

#### **Presentation:**

- Child Forensic Interview Data

### Brandy Macaluso

Chief Programming Officer  
Coalition for Independent Living Options, Inc.  
Criminal Victim Services to People with Disabilities Program

#### **Presentation:**

- Child Forensic Interviews - Children with Disabilities

### Erick F. Quevedo

Lead Case Coordinator, Child Protection Team  
Child Protection Center, Inc.

#### **Presentation:**

- Current Practices of Child Forensic Interviewing

### Sergeant Sonya Bush

Tallahassee Police Department

#### **Presentation:**

- Law Enforcement Perspectives of Forensic Interview Training

### Sergeant Juliana Martinez

Palm Beach County Sheriff's Office

#### **Presentation:**

- Law Enforcement Perspectives of Forensic Interview Training

### **Sally Beckett**

Team Coordinator, Child Protection Team

#### **Presentations:**

- Current Practices of Child Forensic Interviewing
- Initial Contact with Children
- Model Training of Law Enforcement and Community Partners

### **Connie Jantzen**

Certified Crisis Response Canine Team

FEMA Certified Strike Team Lead

#### **Presentation:**

- National Crisis Response Canines

### **Sergeant Lori Colombino**

Supervisor, Special Victims Unit

West Palm Beach Police Department

#### **Presentation:**

- Initial Contact with Children

### **Danielle Hughes**

Team Coordinator, Child Protection Team

Child Protection Center, Inc.

#### **Presentation:**

- Minimal Facts Interview

### **Lorena M. Vollrath-Bueno**

Assistant State Attorney, Felony Division Chief

State Attorney's Office

#### **Presentation:**

- Recommended Procedures for Initial Interviews Conducted by State Attorney Offices

### **Amy Farrington**

Director of Certification

Florida Certification Board

#### **Presentations:**

- Florida Certification Board
- Implementation of Pilot Projects

# **APPENDIX C:**

## **Section 92.53, Florida Statutes**

Videotaping the testimony of a victim or witness under age 18 or  
who has an intellectual disability

**92.53 Videotaping the testimony of a victim or witness under age 18 or who has an intellectual disability.—**

(1) On motion and hearing in camera and a finding that there is a substantial likelihood that a victim or witness who is under the age of 18 or who has an intellectual disability as defined in s. [393.063](#) would suffer at least moderate emotional or mental harm due to the presence of the defendant if such victim or witness is required to testify in open court, or is unavailable as defined in s. [90.804\(1\)](#), the trial court may order the videotaping of the testimony of the victim or witness in a case, whether civil or criminal in nature, in which videotaped testimony is to be used at trial in lieu of trial testimony in open court.

(2) The motion may be filed by:

- (a) The victim or witness, or the victim's or witness's attorney, parent, legal guardian, or guardian ad litem;
- (b) A trial judge on his or her own motion;
- (c) Any party in a civil proceeding; or
- (d) The prosecuting attorney or the defendant, or the defendant's counsel.

(3) The judge shall preside, or shall appoint a special master to preside, at the videotaping unless:

- (a) The child or the person who has the intellectual disability is represented by a guardian ad litem or counsel;
- (b) The representative of the victim or witness and the counsel for each party stipulate that the requirement for the presence of the judge or special master may be waived; and

(c) The court finds at a hearing on the motion that the presence of a judge or special master is not necessary to protect the victim or witness.

(4) The defendant and the defendant's counsel must be present at the videotaping unless the defendant has waived this right. The court may require the defendant to view the testimony from outside the presence of the child or the person who has an intellectual disability by means of a two-way mirror or another similar method that ensures that the defendant can observe and hear the testimony of the victim or witness in person, but the victim or witness cannot hear or see the defendant. The defendant and the attorney for the defendant may communicate by any appropriate private method.

(5) Any party, or the court on its own motion, may request the aid of an interpreter, as provided in s. [90.606](#), to aid the parties in formulating methods of questioning the child or person who has the intellectual disability and in interpreting the answers of the child or person during proceedings conducted under this section.

(6) The motion referred to in subsection (1) may be made at any time with reasonable notice to each party to the cause, and videotaping of testimony may be made any time after the court grants the motion. The videotaped testimony is admissible as evidence in the trial of the cause; however, such testimony is not admissible in any trial or proceeding in which such witness testifies by use of closed-circuit television pursuant to s. [92.54](#).

(7) The court shall make specific findings of fact, on the record, as to the basis for its ruling under this section.

**History.**—ss. 1, 2, ch. 79-69; s. 1, ch. 84-36; ss. 5, 9, ch. 85-53; s. 9, ch. 85-80; s. 1, ch. 93-131; s. 21, ch. 94-154; s. 1379, ch. 95-147; s. 30, ch. 99-2; s. 4, ch. 2000-338; s. 89, ch. 2004-267; s. 4, ch. 2013-162; s. 1, ch. 2016-199.

**Note.**—Former ss. 918.17, 90.90.

# **APPENDIX D:**

## **Section 92.54, Florida Statutes**

Use of closed-circuit television in proceedings involving a victim or witness under the age of 18 or who has an intellectual disability

# The 2020 Florida Statutes

---

[Title VII](#)  
EVIDENCE

[Chapter 92](#)  
WITNESSES, RECORDS, AND DOCUMENTS

[View Entire Chapter](#)

**92.54 Use of closed-circuit television in proceedings involving a victim or witness under the age of 18 or who has an intellectual disability.—**

(1) Upon motion and hearing in camera and upon a finding that there is a substantial likelihood that a victim or witness under the age of 18 or who has an intellectual disability will suffer at least moderate emotional or mental harm due to the presence of the defendant if such victim or witness is required to testify in open court, or is unavailable as defined in s. [90.804\(1\)](#), the trial court may order that the testimony of the victim or witness be taken outside of the courtroom and shown by means of closed-circuit television.

(2) The motion may be filed by the victim or witness; the attorney, parent, legal guardian, or guardian ad litem of the victim or witness; the prosecutor; the defendant or the defendant's counsel; or the trial judge on his or her own motion.

(3) Only the judge, the prosecutor, the defendant, the attorney for the defendant, the operators of the videotape equipment, an interpreter, and some other person who, in the opinion of the court, contributes to the well-being of the child or the person who has an intellectual disability and who will not be a witness in the case may be in the room during the recording of the testimony.

(4) During the victim's or witness's testimony by closed-circuit television, the court may require the defendant to view the testimony from the courtroom. In such a case, the court shall permit the defendant to observe and hear the testimony of the victim or witness, but must ensure that the victim or witness cannot hear or see the defendant. The defendant's right to assistance of counsel, which includes the right to immediate and direct communication with counsel conducting cross-examination, must be protected and, upon the defendant's request, such communication must be provided by any appropriate electronic method.

(5) The court shall make specific findings of fact, on the record, as to the basis for its ruling under this section.  
**History.—**s. 6, ch. 85-53; s. 12, ch. 87-224; s. 2, ch. 93-131; s. 22, ch. 94-154; s. 1380, ch. 95-147; s. 5, ch. 2013-162; s. 2, ch. 2016-199.

# **APPENDIX E:**

## **Section 92.55, Florida Statutes**

Judicial or other proceedings involving victim or witness under the age of 18, a person who has an intellectual disability, or a sexual offense victim or witness; special protections; use of therapy animals or facility dogs

# The 2020 Florida Statutes

---

[Title VII](#)  
EVIDENCE

[Chapter 92](#)  
WITNESSES, RECORDS, AND DOCUMENTS

[View Entire Chapter](#)

**92.55** Judicial or other proceedings involving victim or witness under the age of 18, a person who has an intellectual disability, or a sexual offense victim or witness; special protections; use of therapy animals or facility dogs.—

(1) For purposes of this section, the term:

(a) “Sexual offense victim or witness” means a person who was under the age of 18 when he or she was the victim of or a witness to a sexual offense.

(b) “Sexual offense” means any offense specified in s. [775.21\(4\)\(a\)1.](#) or s. [943.0435\(1\)\(h\)1.a.\(l\).](#)

(2) Upon motion of any party, upon motion of a parent, guardian, attorney, guardian ad litem, or other advocate appointed by the court under s. [914.17](#) for a victim or witness under the age of 18, a person who has an intellectual disability, or a sexual offense victim or witness, or upon its own motion, the court may enter any order necessary to protect the victim or witness in any judicial proceeding or other official proceeding from severe emotional or mental harm due to the presence of the defendant if the victim or witness is required to testify in open court. Such orders must relate to the taking of testimony and include, but are not limited to:

(a) Interviewing or the taking of depositions as part of a civil or criminal proceeding.

(b) Examination and cross-examination for the purpose of qualifying as a witness or testifying in any proceeding.

(c) The use of testimony taken outside of the courtroom, including proceedings under ss. [92.53](#) and [92.54](#).

(3) In ruling upon the motion, the court shall consider:

(a) The age of the child, the nature of the offense or act, the relationship of the child to the parties in the case or to the defendant in a criminal action, the degree of emotional trauma that will result to the child as a consequence of the defendant’s presence, and any other fact that the court deems relevant;

(b) The age of the person who has an intellectual disability, the functional capacity of such person, the nature of the offenses or act, the relationship of the person to the parties in the case or to the defendant in a criminal action, the degree of emotional trauma that will result to the person as a consequence of the defendant’s presence, and any other fact that the court deems relevant; or

(c) The age of the sexual offense victim or witness when the sexual offense occurred, the relationship of the sexual offense victim or witness to the parties in the case or to the defendant in a criminal action, the degree of emotional trauma that will result to the sexual offense victim or witness as a consequence of the defendant’s presence, and any other fact that the court deems relevant.

(4) In addition to such other relief provided by law, the court may enter orders limiting the number of times that a child, a person who has an intellectual disability, or a sexual offense victim or witness may be interviewed, prohibiting depositions of the victim or witness, requiring the submission of questions before the examination of the victim or witness, setting the place and conditions for interviewing the victim or witness or for conducting any other proceeding, or permitting or prohibiting the attendance of any person at any proceeding. The court shall enter any order necessary to protect the rights of all parties, including the defendant in any criminal action.

(5) The court may set any other conditions it finds just and appropriate when taking the testimony of a victim or witness under the age of 18, a person who has an intellectual disability, or a sexual offense victim or witness,

including the use of a therapy animal or facility dog, in any proceeding involving a sexual offense or child abuse, abandonment, or neglect.

(a) When deciding whether to permit a victim or witness under the age of 18, a person who has an intellectual disability, or a sexual offense victim or witness to testify with the assistance of a therapy animal or facility dog, the court shall consider the age of the child victim or witness, the age of the sexual offense victim or witness at the time the sexual offense occurred, the interests of the child victim or witness or sexual offense victim or witness, the rights of the parties to the litigation, and any other relevant factor that would facilitate the testimony by the victim or witness under the age of 18, person who has an intellectual disability, or sexual offense victim or witness.

(b) For purposes of this subsection the term:

1. “Facility dog” means a dog that has been trained, evaluated, and certified as a facility dog pursuant to industry standards and provides unobtrusive emotional support to children and adults in facility settings.

2. “Therapy animal” means an animal that has been trained, evaluated, and certified as a therapy animal pursuant to industry standards by an organization that certifies animals as appropriate to provide animal therapy.

*History.*—s. 7, ch. 85-53; s. 3, ch. 93-131; s. 23, ch. 94-154; s. 8, ch. 2000-336; s. 3, ch. 2011-220; s. 6, ch. 2013-162; s. 1, ch. 2014-4; s. 64, ch. 2016-24; s. 9, ch. 2016-104; s. 3, ch. 2016-199; s. 1, ch. 2017-13.

# **APPENDIX F:**

## **Section 92.56, Florida Statutes**

Judicial proceedings and court records involving sexual offenses  
and human trafficking

## The 2020 Florida Statutes

---

[Title VII](#)  
EVIDENCE

[Chapter 92](#)  
WITNESSES, RECORDS, AND DOCUMENTS

[View Entire Chapter](#)

### **92.56 Judicial proceedings and court records involving sexual offenses and human trafficking.—**

(1)(a) The confidential and exempt status of criminal intelligence information or criminal investigative information made confidential and exempt pursuant to s. [119.071\(2\)\(h\)](#) must be maintained in court records pursuant to s. [119.0714\(1\)\(h\)](#) and in court proceedings, including testimony from witnesses.

(b) If a petition for access to such confidential and exempt records is filed with the trial court having jurisdiction over the alleged offense, the confidential and exempt status of such information shall be maintained by the court if the state or the victim demonstrates that:

1. The identity of the victim is not already known in the community;
2. The victim has not voluntarily called public attention to the offense;
3. The identity of the victim has not otherwise become a reasonable subject of public concern;
4. The disclosure of the victim's identity would be offensive to a reasonable person; and
5. The disclosure of the victim's identity would:
  - a. Endanger the victim because the assailant has not been apprehended and is not otherwise known to the victim;
  - b. Endanger the victim because of the likelihood of retaliation, harassment, or intimidation;
  - c. Cause severe emotional or mental harm to the victim;
  - d. Make the victim unwilling to testify as a witness; or
  - e. Be inappropriate for other good cause shown.

(2) A defendant charged with a crime described in s. [787.06\(3\)\(a\)1.](#), (c)1., or (e)1., s. [787.06\(3\)\(b\)](#), (d), (f), or (g), chapter 794, or chapter 800, or with child abuse, aggravated child abuse, or sexual performance by a child as described in chapter 827, may apply to the trial court for an order of disclosure of information in court records held confidential and exempt pursuant to s. [119.0714\(1\)\(h\)](#) or maintained as confidential and exempt pursuant to court order under this section. Such identifying information concerning the victim may be released to the defendant or his or her attorney in order to prepare the defense. The confidential and exempt status of this information may not be construed to prevent the disclosure of the victim's identity to the defendant; however, the defendant may not disclose the victim's identity to any person other than the defendant's attorney or any other person directly involved in the preparation of the defense. A willful and knowing disclosure of the identity of the victim to any other person by the defendant constitutes contempt.

(3) The state may use a pseudonym instead of the victim's name to designate the victim of a crime described in s. [787.06\(3\)\(a\)1.](#), (c)1., or (e)1., in s. [787.06\(3\)\(b\)](#), (d), (f), or (g), or in chapter 794 or chapter 800, or of child abuse, aggravated child abuse, or sexual performance by a child as described in chapter 827, or any crime involving the production, possession, or promotion of child pornography as described in chapter 847, in all court records and records of court proceedings, both civil and criminal.

(4) The protection of this section may be waived by the victim of the alleged offense in a writing filed with the court, in which the victim consents to the use or release of identifying information during court proceedings and in the records of court proceedings.

(5) This section does not prohibit the publication or broadcast of the substance of trial testimony in a prosecution for an offense described in s. [787.06\(3\)\(a\)1.](#), (c)1., or (e)1., s. [787.06\(3\)\(b\)](#), (d), (f), or (g), chapter

794, or chapter 800, or a crime of child abuse, aggravated child abuse, or sexual performance by a child, as described in chapter 827, but the publication or broadcast may not include an identifying photograph, an identifiable voice, or the name or address of the victim, unless the victim has consented in writing to the publication and filed such consent with the court or unless the court has declared such records not confidential and exempt as provided for in subsection (1).

(6) A willful and knowing violation of this section or a willful and knowing failure to obey any court order issued under this section constitutes contempt.

**History.**—s. 3, ch. 95-207; s. 1, ch. 2008-172; s. 4, ch. 2008-234; s. 3, ch. 2011-83; s. 1, ch. 2014-160.

# **APPENDIX G:**

## **Model Administrative Order**

Protocol for use of Therapy Animals or Facility Dogs in  
Proceedings

IN THE \_\_\_\_\_ JUDICIAL CIRCUIT  
OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER No. \_\_\_\_\_

IN RE: PROTOCOL FOR USE OF THERAPY  
ANIMALS OR FACILITY DOGS IN PROCEEDINGS

**WHEREAS**, On May 9, 2017 Florida Statute § 92.55 was signed into law by the governor. §92.55, Fla. Stat. (2017). This statute took effect on July 1, 2017;

**WHEREAS**, Florida Statute § 92.55 provides that upon motion of any party or sua sponte, a judge may allow the use of certain therapy animals and facility dogs in proceedings in which a victim or witness is: under the age of 18 at the time of the offense, a child who has been a victim of abuse, abandonment or neglect, a person with an intellectual disability, or a sexual abuse victim or witness;

**WHEREAS**, Court proceedings include, but are not limited to mean: interviewing or taking depositions as part of a criminal or civil proceeding, Direct examination and cross examination;

**WHEREAS**, A “facility dog” means a dog that has been trained, evaluated, and certified as a facility dog pursuant to industry standards and provides unobtrusive emotional support to children and adults in facility settings

**WHEREAS**, A “therapy animal” means an animal that has been trained, evaluated, and certified as a therapy animal pursuant to industry standards by an organization that certifies animals as appropriate to provide animal therapy;

**WHEREAS**, Pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26(1)(e), Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice;

**WHEREAS**, It is necessary to create uniform guidelines in the \_\_\_\_\_ circuit to promote the efficient administration of justice.

**IT IS HEARBY ORDERED** that:

[If in your circuit the movant must obtain the therapy animal or facility dog insert [I]. If in your circuit the court has a program to obtain therapy animals or facility dogs insert [II].]

- I. If the Office of the Public Defender, Office of Regional Counsel, the Office of the State Attorney, the Department of Children and Families, the Guardian Ad Litem, or

private or court appointed counsel determine that the use of a therapy or facility dog is appropriate and within the guidelines set forth in Florida Statute § 92.55, the individual or agency must contact an approved therapy or facility dog provider to determine the availability of the therapy or facility dog.

- i. Several approved providers of therapy or facility dogs in the \_\_\_\_\_ circuit include but are not limited to \_\_\_\_\_ (insert approved providers here)\_\_\_\_\_.
- II. If the Office of the Public Defender, Office of Regional Counsel, the Office of the State Attorney, the Department of Children and Families, the Guardian Ad Litem, or private or court appointed counsel determine that the use of a therapy or facility dog is appropriate and within the guidelines set forth in Florida Statute § 92.55, the individual or agency should contact \_\_\_\_\_ [insert court liaison here]\_\_\_\_\_.
- III. Prior to the trial or hearing date, a timely motion requesting approval of the therapy or facility dog must be filed with notice to all interested parties. Included in this notice, movant should include court staff.
- IV. All appearances involving the therapy or facility dog must be coordinated with courthouse security. It is the movant's responsibility to coordinate the appearance of the therapy or facility dog with court house security.
- V. If the motion to allow the use of a therapy or facility dog in a proceeding is granted, the proceeding judge shall enter any orders deemed appropriate for proper procedures and conduct of the therapy or facility dog in the court room.
- VI. [insert court procedures pursuant with your circuit here. Despite not being in statute, several circuits have required certain criteria for therapy and facility dogs. Some of these are listed below] All approved providers shall:
  - i. Ensure that handlers and dogs have completed any training so as to meet nationally recognized standards.
  - ii. Ensure that handlers and dogs remain current on their certifications
  - iii. Ensure that the dog remain current on all vaccinations and that the dog sees a veterinarian at least once every calendar year
  - iv. Carry \_\_\_\_\_ in liability insurance which specifically includes coverage
  - v. Provide a copy of this insurance to the court
  - vi. Ensure that dogs be leashed at all times
  - vii. Advise handlers to refrain from all overt displays of emotion during court proceedings
  - viii. Ensure that handlers inquire about any known allergies before bringing a dog in an elevator, the courthouse, or any specific room in the courthouse
  - ix. Ensure that dogs may not enter any place in the courthouse which serves food
  - x. Ensure that dogs do not defecate inside the courthouse
  - xi. Ensure that any incidents which may result in liability be reported to both the presiding judge and the chief judge

- xii. Ensure that all handlers have completed a background check
- xiii. Ensure that all handlers maintain confidentiality of all information obtained as a result of the interaction between the handler and the testifying individual

VII. This administrative order supersedes all previously-issued administrative orders in regards to the use of therapy and facility dogs in court proceedings as allowed by Florida Statute § 92.55.

DONE and ORDERED in chambers in \_\_\_\_\_, \_\_\_\_\_, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
[insert chief judges name here]  
Chief judge

Copies Furnished to:

State Attorney  
Public Defender  
Office of Regional Counsel  
Guardian Ad Litem Office  
Private or Court appointed counsel  
Office of Court Administration  
All Circuit and County Judges  
All Clerks of Court  
All Sheriffs

# **APPENDIX H:**

## **Model Administrative Order**

Interviews of Young Victims in Child and Sexual Abuse Cases

**IN THE CIRCUIT COURT OF THE XXXX JUDICIAL CIRCUIT  
IN AND FOR XXXX COUNTY, FLORIDA**

ADMINISTRATIVE ORDER NO:

IN RE: INTERVIEWS OF YOUNG VICTIMS  
IN CHILD AND SEXUAL ABUSE CASES

---

In accordance with Section 914.16, Florida Statutes (2007), and pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

1. This order shall apply to the investigation and prosecution of all cases of abuse under Sections 794.011, 800.04, or 827.03 when the victim is under sixteen years of age or a victim of a violation of Sections 794.011, 800.02, 800.03, or 825.102 who is a person with intellectual disability as defined in Section 393.063(21), at the time the interviews are sought.

2. For purposes of this order the term “victim” refers to any person who is suspected of or alleged to have been the victim of the above enumerated statutes. The term “interview” is defined as any procedure in which the victim is required or requested to provide a detailed factual account of the circumstances surrounding the allegation of abuse. The term “interview” does not include the following:

A. Information obtained for the purpose of medical or psychological diagnosis or treatment.

B. An initial contact with the victim by law enforcement and/or Florida Department of Children and Families to assess the validity of complaint or the need to take protective measures on behalf of the victim.

C. Contacts with DCF legal, victim services, (sexual assault/domestic violence) counselors, guardians ad litem, or assistant state attorneys seeking to carry out responsibilities as designated by statute.

D. Court testimony of the victim.

E. Any initial contact by an agent or employee of the school system.

3. In accord with the foregoing and with the intent of minimizing the negative effects of multiple interviews of victims, such interviews shall be governed by the following:

A. All interviews shall be conducted in a setting and manner designed to minimize the traumatic effects of the interview on the victim.

B. One investigative interview may be conducted for the purposes of criminal

and/or dependency proceedings. All agencies involved in the investigation of the above enumerated statutes including law enforcement, DCF, SAO, CPT, shall coordinate their efforts to facilitate this provision, so that only one investigative interview is conducted regardless of whether the investigation is for dependency or criminal proceedings, or both. All efforts shall be made to limit the number of persons participating in the interviewing of the child to no more than two. The interview shall be video taped or recorded whenever possible to insure that other parties have the opportunity to see and hear the victim's statement.

- C. A second interview may be conducted by the state attorney's office<sup>8</sup> and/or law enforcement, and may include DCF, victim services (sexual assault/domestic violence), or the child protection team for the purpose of clarifying and expanding any facts necessary for a determination as to filing of charges or a petition.
- D. A third interview may be conducted under the rules governing depositions. Counsel shall notice all parties including the guardian ad litem consistent with Crim. Proc. Rule 3.220(h).
- E. A fourth interview may be conducted by the office of the prosecuting attorney as final preparation for trial.
- F. Additional interviews shall be allowed only by order of the court upon motion for good cause shown. Additional interviews shall be limited in scope to assure minimal impact on the victim.
- G. Nothing contained in this order shall prevent the trial court from limiting the number, scope or manner of interviews allowed by this order upon motion of any interested party and a showing of good cause, or from limiting discovery depositions pursuant to the applicable provisions of Civil, Criminal or Juvenile Procedure rules including but not limited to Florida Statutes 92.55.

ORDERED and SIGNED in Chambers at XXXXXX, XXXX County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 20XX.

\_\_\_\_\_  
XXXXXXXXXXXXXXXXXXXX  
Chief Judge

<sup>8</sup> In order to lessen the trauma to the victim, best practices would dictate that the person interviewing the victim have received training in forensic interviewing. In the case of an interview being conducted by the state attorney's office to determine filing charges or for preparation for trial the manner, mode and atmosphere of the interview is of paramount important. Please see the following publication for more information. Newlin, Chris; Cordisco Steele. Linda; Chamberlin, Andre; Anderson, Jennifer; Kenniston, Julie; Russell, Amy; Steward, Heather; and Vaughn-Eden, Viola. (2015). "Child Forensic Interviewing: Best Practices." Juvenile Justice Bulletin.

# **APPENDIX I:**

## **House Bill 1189**

House of Representatives Staff Final Bill Analysis  
Victims of Sexual Offenses

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** CS/CS/HB 1189 Victims of Sexual Offenses

**SPONSOR(S):** Judiciary Committee and Criminal Justice & Public Safety Subcommittee, Fine and others

**TIED BILLS:** IDEN./SIM. **BILLS:** CS/CS/SB 1530

---

**FINAL HOUSE FLOOR ACTION:** 114 Y's 0 N's **GOVERNOR'S ACTION:** Approved

---

### SUMMARY ANALYSIS

CS/CS/HB 1189 passed the House on April 26, 2021, and subsequently passed the Senate on April 26, 2021.

A sexual assault response team (SART) is a community-based team that convenes regularly and coordinates the local response to sexual assault victims. SARTs are often comprised of sexual assault nurse examiners, sexual assault victim advocates, law enforcement officials, and prosecutors. These teams work to develop a stronger understanding of victimization and the positive effects of trauma-informed training. SARTs support victims, provide expertise for prosecution, and maintain a victim-centered approach to review sexual assault case files.

The bill establishes duties and functions for SARTs in Florida. It requires a SART to:

- Meet at least quarterly to ensure a coordinated multidisciplinary response to sexual assault;
- Develop written protocols to govern the team's response to sexual assault, including, but not limited to, procedures for law enforcement response, evidence retention, and victim services; and
- Promote and support the use of sexual assault forensic examiners who have received a minimum of 40 hours of specialized training in the provision of trauma-informed medical care and in the collection of evidence in sexual assault cases.

Under the bill, a SART must include the following members or their designees:

- The director of the local certified rape crisis center;
- A representative from the local county health department;
- The state attorney;
- The chief of a police department located in the county;
- The county sheriff;
- A forensic sexual assault nurse examiner; and
- A representative from a local hospital emergency department in the county or region.

The bill requires each county health department, or a county health department's designee, to participate in a SART coordinated by the certified rape crisis center serving a county or region, if a SART exists. The bill specifies that a certified rape crisis center serving a county may coordinate with community partners to establish a SART in a county or region if a SART does not currently exist. The Florida Council Against Sexual Violence (FCASV) must provide technical assistance relating to the development and implementation of the SARTs.

The bill requires the Criminal Justice Standards and Training Commission, in consultation with FCASV, to establish minimum standards for basic skills and continued education training for law enforcement officers that includes a culturally responsive trauma-informed response to sexual assault by July 1, 2022. The bill also requires each new recruit or currently employed law enforcement officer to complete such training before July 1, 2024.

An entity required to participate in a SART may incur indeterminate administrative and operational costs; however, any such costs are likely to be insignificant. Many entities required by the bill to participate in SARTs are likely already doing so without statutory direction. FDLE may incur costs in developing the training required by the bill, however such costs are likely to be insignificant.

The bill was approved by the Governor on June 29, 2021, ch. 2021-229, L.O.F., and became effective on July 1, 2021.

### I. SUBSTANTIVE INFORMATION

#### A. EFFECT OF CHANGES:

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

STORAGE NAME: h1189z1.DOCX

DATE: 7/7/2021

## Background

### Sexual Battery

Sexual battery is defined in s. 794.011(1)(h), F.S., as oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object. The felony offense level for sexual battery varies based on the offender's age, the victim's age, and other specified circumstances, as follows:

Offender's Age	Victim's Age	Special Circumstances Present	Felony Level
≥ 18 yrs.	< 12 yrs.	Injures the victim's sexual organs	Capital
< 18 yrs.	< 12 yrs.	Injures the victim's sexual organs	Life
No age requirement	≥ 12 yrs.	Uses or threatens to use a deadly weapon or uses actual physical force likely to cause serious personal injury	Life
≥ 18 yrs.	≥ 12 yrs., but < 18 yrs.	Any circumstance listed in s. 794.011(4)(e), F.S.	First
≥ 18 yrs.	≥ 18 yrs.	Any circumstance listed in s. 794.011(4)(e), F.S.	First
< 18 yrs.	≥ 12 yrs.	Any circumstance listed in s. 794.011(4)(e), F.S.	First
No age requirement	≥ 12 yrs.	Any circumstance listed in s. 794.011(4)(e), F.S., and offender was previously convicted of an enumerated sexually motivated offense against a child	First
≥ 18 yrs.	≥ 12 yrs., but < 18 yrs.	No physical force or violence likely to cause serious personal injury	First
≥ 18 yrs.	≥ 18 yrs.	No physical force or violence likely to cause serious personal injury	Second
< 18 yrs.	≥ 12 yrs.	No physical force or violence likely to cause serious personal injury	Second
No age requirement	≥ 12 yrs.	No physical force or violence likely to cause serious personal injury but offender was previously convicted of an enumerated sexually motivated offense against a child	First

### Sexual Battery Victim Services

Current law requires any licensed facility which provides emergency room services to arrange for appropriate medical attention and treatment of victims of sexual assault through:

- Gynecological, psychological, and medical services as needed by the victim;
- The gathering of forensic medical evidence required for investigation and prosecution from a victim who has reported a sexual battery to a law enforcement agency or who requests that such evidence be gathered for a possible future report; and
- The training of medical support personnel competent to provide such medical services and treatment.<sup>1</sup>

The Office of the Attorney General (OAG) reimburses medical providers up to \$1,000 for an initial forensic examination.<sup>2</sup> Additionally, relocation assistance for victims of sexual battery can be provided by the OAG up to \$1,500 on any one claim and a lifetime maximum of \$3,000.<sup>3</sup> Section 794.052, F.S., requires the law enforcement officer investigating a sexual battery to:

<sup>1</sup> S. 395.1021, F.S.

<sup>2</sup> S. 960.28(2), F.S.

<sup>3</sup> S. 960.199(1), F.S.

- Provide or arrange for transportation of a sexual battery victim to an appropriate facility for medical treatment or a forensic examination;
- Immediately notify a sexual battery victim of his or her legal rights and remedies;
- Assist a victim in obtaining any necessary medical treatment resulting from the alleged incident, a forensic examination, and crisis-intervention services from a certified rape crisis center;
- Provide for a review of a law enforcement officer's final report by a victim and an opportunity for a statement about the report by the victim; and
- Advise a sexual battery victim of the contact information for, and services provided by, a certified rape crisis center.<sup>4</sup>

Services in the aftermath of a sexual battery are generally provided locally by certified rape crisis centers and volunteers. A "rape crisis center" is a public or private agency that offers assistance to victims of sexual assault or sexual battery and their families.<sup>5</sup> The Florida Council Against Sexual Violence (FCASV) is a statewide nonprofit organization that offers training and technical assistance to agencies seeking to improve the services they provide to sexual assault victims.<sup>6</sup>

### Sexual Assault Response Teams

FCASV is "a statewide nonprofit organization committed to victims and survivors of sexual violence and the sexual assault crisis programs that serve them."<sup>7</sup> The FCASV certifies rape crisis centers to ensure core services are provided throughout the state.<sup>8</sup> System coordination, including establishing or participating in a local sexual assault response team (SART), is a core service.<sup>9</sup>

A SART is a community-based team that convenes regularly and coordinates the local response to sexual assault victims. SARTs are often comprised of sexual assault nurse examiners,<sup>10</sup> sexual assault victim advocates, law enforcement officials, and prosecutors. These teams work to develop a stronger understanding of victimization and the positive effects of trauma-informed training. SARTs support victims, provide expertise for prosecution, and maintain a victim-centered approach to review sexual assault case files.<sup>11</sup>

There are currently 31 certified rape crisis centers in Florida<sup>12</sup> convening and coordinating local SARTs in their service area, which include 65 of Florida's 67 counties.<sup>13</sup> Currently, there is not a certified rape crisis center in Monroe County but the FCASV has posted an employee there to serve as the SART coordinator/advocate.<sup>14</sup> Citrus County is the only county without a SART operating in its jurisdiction.<sup>15</sup>

### Law Enforcement Training

#### *Criminal Justice Standards and Training Commission*

<sup>4</sup> Ss. 794.052 and 960.001(1)(u), F.S.

<sup>5</sup> S. 90.5035(1)(a), F.S.

<sup>6</sup> Florida Council Against Sexual Violence, *About FCASV*, <https://www.fcasv.org/about-fcasv> (last visited Apr. 27, 2021).

<sup>7</sup> *Id.*

<sup>8</sup> Florida Department of Health, *Agency Bill Analysis of 2021 HB 1189* (April 12, 2021).

<sup>9</sup> *Id.* System coordination is defined as the development of working relationships and agreements (formal and informal) among programs and providers with a role in the provision of sexual violence services, in order to ensure a survivor's access to the full array of both core and enhanced services.

<sup>10</sup> A sexual assault nurse examiner is a medical professional who has completed a 40 hour training course on conducting a forensic medical examination on a sexual assault victim. Florida Council Against Sexual Violence, *Sane Training & Technical Assistance Documents*, <https://www.fcasv.org/training/sane-trainings> (last visited Apr. 27, 2021).

<sup>11</sup> Sexual Assault Kit Initiative and RTI International, *A Multidisciplinary Approach to Cold Case Sexual Assault: Guidance for Establishing an MDT or a SART*, <https://www.sakitta.org/toolkit/docs/A-Multidisciplinary-Approach-to-Cold-Case-Sexual-Assault-Guidance-for-Establishing-an-MDT-or-a-SART.pdf> (last visited Apr. 27, 2021).

<sup>12</sup> Florida Council Against Sexual Violence, *Find Your Local Center*, <https://fcasv.org/find-your-local-center> (last visited on Apr. 27, 2021).

<sup>13</sup> *Supra* note 9.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

The Criminal Justice Standards and Training Commission (CJSTC) was established for the purpose of ensuring criminal justice officers in Florida are ethical, qualified, and well-trained.<sup>16</sup> The CJSTC is comprised of:

- Three sheriffs.
- Three chiefs of police.
- Five law enforcement officers who are neither sheriffs nor chiefs, who are the rank of Sergeant or below.
- Two correctional officers, one of which is an administrator of a state correctional institution and one who is of the rank of sergeant or below.
- One Florida resident who falls into none of the above categories.
- The Attorney General or his or her designated proxy.
- The Secretary of the Department of Corrections or his or her designated proxy.
- The Director of the Florida Highway Patrol.<sup>17</sup>

The primary responsibilities of the CJSTC are to:

- Establish uniform minimum standards for employment and training of full-time, part-time, and auxiliary law enforcement, correctional officers, and correctional probation officers.
- Establish and maintain officer training programs, curricula requirements, and certification of training schools and training school instructors.
- Certify officers who complete a Florida Basic Recruit Training Program (BRTP), or who are diversely qualified through experience and training, and who meet minimum employment standards.
- Review and administer appropriate administrative sanctions in instances when an officer, a training school instructor, or a training school is found in violation of law or CJSTC standards.
- Promulgate rules and procedures to administer the requirements of ss. 943.085–943.257, F.S., relating to standards and training for officers.
- Conduct studies of compensation, education, and training for the correctional, correctional probation, and law enforcement disciplines.
- Maintain a central repository of records of all certified officers.
- Conduct quarterly meetings to discuss issues and approve rules that relate to officer standards and training.
- Develop, maintain, and administer the State Officer Certification Examination for criminal justice officers.<sup>18</sup>

#### *Law Enforcement Officer Training*

The CJSTC is required to design, implement, maintain, evaluate, and revise entry requirements and job-related curricula and performance standards for the BRTP.<sup>19</sup> The BRTP for a law enforcement officer is 770 hours and consists of the following topics:

- Introduction to law enforcement;
- Legal;
- Interactions in a diverse community;
- Interviewing and report writing;
- Fundamentals of patrol;
- Calls for service;
- Criminal investigations;
- Crime scene to courtroom;
- Critical incidents;
- Traffic stops;
- DUI traffic stops;

<sup>16</sup> Florida Department of Law Enforcement, *Criminal Justice Standards & Training Commission*, <https://www.fdle.state.fl.us/CJSTC/Commission/CJSTC-Home.aspx> (last visited Apr. 27, 2021).

<sup>17</sup> S. 943.11, F.S.

<sup>18</sup> *Id.*

<sup>19</sup> S. 943.17, F.S.

- Traffic crash investigations;
- Law enforcement vehicle operations;
- First aid for criminal justice officers;
- Firearms;
- Defensive tactics;
- Dart-firing stun gun; and
- Criminal justice officer physical fitness training.<sup>20</sup>

Currently, as a condition of continued employment or appointment, s. 943.135, F.S., requires law enforcement officers to receive at least 40 hours of continued employment training every four years. Current law requires CJSTC to develop continued education training relating to several topics, such as training for diabetic emergencies,<sup>21</sup> juvenile sexual offender investigations,<sup>22</sup> and interpersonal skills relating to diverse populations.<sup>23</sup> The employing agency must document that the continued employment training is job-related and consistent with the needs of the employing agency and report training completion to CJSTC.

## **Effect of the Bill**

### Sexual Assault Response Teams

The bill creates s. 154.012, F.S., to codify SARTs and establish duties and functions for SARTs. Each SART must develop written protocols to govern the team's response to sexual assault that includes:

- The role and responsibilities of each team member;
- Procedures following a report of a sexual assault, including:
  - Law enforcement and immediate crisis response;
  - Health care treatment for a sexual assault victim; and
  - Follow-up services provided to a sexual assault victim;
- Procedures for the preservation, secure storage, and destruction of evidence from a sexual assault evidence kit, including length of storage, site of storage, and chain of custody; and
- Procedures for maintaining the confidentiality of the sexual assault victim during a forensic medical examination.

The bill requires each SART to promote and support the use of sexual assault forensic examiners who have received a minimum of 40 hours of specialized training in the provision of trauma-informed medical care and in the collection of evidence in sexual assault cases.

Under the bill, the certified rape crisis center serving a county, in collaboration with community partners, determines the membership of each SART. A SART must include, at a minimum, the following members or their designees:

- The director of the local certified rape crisis center;
- A representative from the local county health department;
- The state attorney;
- The chief of a police department located in the county;
- The county sheriff;
- A forensic sexual assault nurse examiner; and
- A representative from a local hospital emergency department in the county or region.

The bill requires each county health department, or a county health department's designee, to participate in a SART coordinated by the certified rape crisis center serving a county or region, if a SART exists.

<sup>20</sup> Florida Department of Law Enforcement, *Florida Law Enforcement Academy (Version 2020.07) #2000*, <http://www.fdle.state.fl.us/CJSTC/Curriculum/Active-Courses/2000.aspx> (last visited Apr. 27, 2021).

<sup>21</sup> S. 943.1726, F.S.

<sup>22</sup> S. 943.17295, F.S.

<sup>23</sup> S. 943.1716, F.S.

The membership of a regional SART that serves more than one county must include members from each county for the above positions which are enumerated in the bill. The bill specifies that a certified rape crisis center serving a county may coordinate with community partners to establish a SART in a county or region if one does not currently exist. The bill requires the FCASV to provide technical assistance relating to the development and implementation of the SARTs.

Finally, the bill requires a SART to meet at least quarterly to ensure a coordinated multidisciplinary response to sexual assault.

### Law Enforcement Training

#### *Criminal Justice Standards and Training Commission*

The bill amends s. 943.17, F.S., to require CJSTC, in consultation with FCASV, to establish minimum standards for basic skills and continued education training for law enforcement officers that include a culturally responsive trauma-informed response to sexual assault by July 1, 2022.

A culturally responsive trauma-informed approach to sexual assault ensures services are provided to a victim in a relevant and accessible way and in a manner that does not retraumatize the victim.<sup>24</sup> A culturally responsive trauma-informed approach includes:

- Integrating accessibility as a fundamental goal;
- Normalizing the human response to individual and collective trauma;
- Offering a holistic approach to treatment;
- Nurturing empathic connections;
- Fostering understanding of our own responses and their potential impact;
- Recognizing the role of culture, social context, and structural violence;
- Recognizing the pervasiveness and impact of trauma and victimization;
- Recognizing ongoing and historical experiences of discrimination and oppression, and working to address social conditions that perpetuate abuse, trauma, discrimination, and disparities; and
- Supporting resilience, healing, and well-being.<sup>25</sup>

#### *Law Enforcement Officer Training*

The bill creates s. 943.1724, F.S., to require, by July 1, 2022, each basic skills course required for a law enforcement officer to obtain initial certification to incorporate culturally responsive trauma-informed training on interviewing victims of sexual assault and investigations of incidents of sexual assault. Under the bill, each law enforcement officer must complete training on sexual assault, with an emphasis on culturally responsive trauma-informed training on interviewing victims of sexual assault and investigations of incidents of sexual assault as part of basic recruit training, training required for an officer who is temporarily appointed or employed, or continued education training before July 1, 2024. A law enforcement officer who fails to complete such training by July 1, 2024, must be placed on inactive status until the officer completes the required training.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2021.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

<sup>24</sup> National Center for Domestic Violence, *Tools for Transformation: Becoming Accessible, Culturally Responsive, and Trauma-Informed Organizations*, [http://www.nationalcenterfortraumamh.org/wp-content/uploads/2018/04/NCDVTMH\\_2018\\_ToolsforTransformation\\_WarshawTinnonCave.pdf](http://www.nationalcenterfortraumamh.org/wp-content/uploads/2018/04/NCDVTMH_2018_ToolsforTransformation_WarshawTinnonCave.pdf) (last visited Apr. 27, 2021).

<sup>25</sup> SMI Adviser, *How can you be culturally responsive in a trauma-informed approach?*, [https://smiadviser.org/knowledge\\_post/how-can-you-be-culturally-responsive-in-a-trauma-informed-approach#:~:text=A%20toolkit%20from%20the%20National%20responsive%20trauma%20informed%20approach%20includes%3A&text=Recognizing%20ongoing%20and%20historical%20experiences,%2C%20trauma%2C%20discrimination%2C%20and%20disparities](https://smiadviser.org/knowledge_post/how-can-you-be-culturally-responsive-in-a-trauma-informed-approach#:~:text=A%20toolkit%20from%20the%20National%20responsive%20trauma%20informed%20approach%20includes%3A&text=Recognizing%20ongoing%20and%20historical%20experiences,%2C%20trauma%2C%20discrimination%2C%20and%20disparities) (last visited Apr. 27, 2021).

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

An entity required to participate in a SART may incur indeterminate administrative and operational costs; however, any such costs are likely to be insignificant. Many entities required by the bill to participate in SARTs are likely already doing so without statutory direction. FDLE may incur costs in developing the training required by the bill, however such costs are likely to be insignificant.