

Bill No. CS for SB 1910

Amendment No.

| | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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| 11 | Senator Cowin moved the following amendment: | | |
| 12 | | | |
| 13 | Senate Amendment (with title amendment) | | |
| 14 | On page 16, between lines 22 and 23, | | |
| 15 | | | |
| 16 | insert: | | |
| 17 | Section 7. Section 39.3065, Florida Statutes, is | | |
| 18 | amended to read: | | |
| 19 | 39.3065 Sheriffs of Pasco, Manatee, and Pinellas | | |
| 20 | Counties to provide child protective investigative services; | | |
| 21 | procedures; funding.-- | | |
| 22 | (1) As described in this section, the Department of | | |
| 23 | Children and Family Services shall, by the end of fiscal year | | |
| 24 | 1999-2000, transfer all responsibility for child protective | | |
| 25 | investigations for Pinellas County, Manatee County, and Pasco | | |
| 26 | County to the sheriff of that county in which the child abuse, | | |
| 27 | neglect, or abandonment is alleged to have occurred. Each | | |
| 28 | sheriff is responsible for the provision of all child | | |
| 29 | protective investigations in his or her county. Each | | |
| 30 | individual who provides these services must complete the | | |
| 31 | training provided to and required of protective investigators | | |

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1 employed by the Department of Children and Family Services.
 2 (2) During fiscal year 1998-1999, the Department of
 3 Children and Family Services and each sheriff's office shall
 4 enter into a contract for the provision of these services.
 5 Funding for the services will be appropriated to the
 6 Department of Children and Family Services, and the department
 7 shall transfer to the respective sheriffs for the duration of
 8 fiscal year 1998-1999, funding for the investigative
 9 responsibilities assumed by the sheriffs, including federal
 10 funds that the provider is eligible for and agrees to earn and
 11 that portion of general revenue funds which is currently
 12 associated with the services that are being furnished under
 13 contract, and including, but not limited to, funding for all
 14 investigative, supervisory, and clerical positions; training;
 15 all associated equipment; furnishings; and other fixed capital
 16 items. The contract must specify whether the department will
 17 continue to perform part or none of the child protective
 18 investigations during the initial year. The sheriffs may
 19 either conduct the investigations themselves or may, in turn,
 20 subcontract with law enforcement officials or with properly
 21 trained employees of private agencies to conduct
 22 investigations related to neglect cases only. If such a
 23 subcontract is awarded, the sheriff must take full
 24 responsibility for any safety decision made by the
 25 subcontractor and must immediately respond with law
 26 enforcement staff to any situation that requires removal of a
 27 child due to a condition that poses an immediate threat to the
 28 child's life. The contract must specify whether the services
 29 are to be performed by departmental employees or by persons
 30 determined by the sheriff. During this initial year, the
 31 department is responsible for quality assurance, and the

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1 department retains the responsibility for the performance of
2 all child protective investigations. The department must
3 identify any barriers to transferring the entire
4 responsibility for child protective services to the sheriffs'
5 offices and must pursue avenues for removing any such barriers
6 by means including, but not limited to, applying for federal
7 waivers. By January 15, 1999, the department shall submit to
8 the President of the Senate, the Speaker of the House of
9 Representatives, and the chairs of the Senate and House
10 committees that oversee departmental activities a report that
11 describes any remaining barriers, including any that pertain
12 to funding and related administrative issues. Unless the
13 Legislature, on the basis of that report or other pertinent
14 information, acts to block a transfer of the entire
15 responsibility for child protective investigations to the
16 sheriffs' offices, the sheriffs of Pasco County, Manatee
17 County, and Pinellas County, beginning in fiscal year
18 1999-2000, shall assume the entire responsibility for such
19 services, as provided in subsection (3).

20 (3)(a) Beginning in fiscal year 1999-2000, the
21 sheriffs of Pasco County, Manatee County, and Pinellas County
22 have the responsibility to provide all child protective
23 investigations in their respective counties. Beginning in
24 fiscal year 2000-2001, the Department of Children and Family
25 Services shall enter into a grant agreement with the sheriff
26 of Seminole County to perform child protective investigations
27 in Seminole County, subject to a specific appropriation.

28 (b) The sheriffs of Pasco County, Manatee County, and
29 Pinellas County shall operate, at a minimum, in accordance
30 with the performance standards established by the Legislature
31 for protective investigations conducted by the Department of

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1 Children and Family Services.

2 (c) Funds for providing child protective
3 investigations in Pasco County, Manatee County, and Pinellas
4 County must be identified in the annual appropriation made to
5 the Department of Children and Family Services, which shall
6 award grants for the full amount identified to the respective
7 sheriffs' offices. Funds for the child protective
8 investigations may not be integrated into the sheriffs'
9 regular budgets. Budgetary data and other data relating to the
10 performance of child protective investigations must be
11 maintained separately from all other records of the sheriffs'
12 offices.

13 (d) Program performance evaluation shall be based on
14 criteria mutually agreed upon by the respective sheriffs and a
15 committee of seven persons appointed by the Governor and
16 selected from those persons serving on the Department of
17 Children and Family Services District 5 Health and Human
18 Services Board and District 6 Health and Human Services Board.
19 Two of the Governor's appointees must be residents of Pasco
20 County, two of the Governor's appointees must be residents of
21 Manatee County, and two of the Governor's appointees must be
22 residents of Pinellas County. Such appointees shall serve at
23 the pleasure of the Governor. The individuals appointed must
24 have demonstrated experience in outcome evaluation, social
25 service areas of protective investigation, or child welfare
26 supervision. The committee shall submit an annual report
27 regarding quality performance, outcome-measure attainment, and
28 cost efficiency to the President of the Senate, the Speaker of
29 the House of Representatives, and to the Governor no later
30 than January 31 of each year the sheriffs are receiving
31 general appropriations to provide child protective

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1 investigations.

2 (4) For the 1999-2000 fiscal year only, the Sheriff of
3 Broward County shall perform the same child protective
4 investigative services according to the same standards as are
5 performed by the sheriffs of Pinellas County, Manatee County,
6 and Pasco County under this section. This subsection expires
7 July 1, 2000.

8 Section 8. Subsection (3) of section 39.401, Florida
9 Statutes, is amended to read:

10 39.401 Taking a child alleged to be dependent into
11 custody; law enforcement officers and authorized agents of the
12 department.--

13 (3) If the child is taken into custody by, or is
14 delivered to, an authorized agent of the department, the
15 authorized agent shall review the facts supporting the removal
16 with an attorney representing the department. The purpose of
17 this review shall be to determine whether probable cause
18 exists for the filing of a shelter petition. If the facts are
19 not sufficient to support the filing of a shelter petition,
20 the child shall immediately be returned to the custody of the
21 parent or legal custodian. If the facts are sufficient to
22 support the filing of the shelter petition and the child has
23 not been returned to the custody of the parent or legal
24 custodian, the department shall file the petition and schedule
25 a hearing, and the attorney representing the department shall
26 request that a shelter hearing be held as quickly as possible,
27 not to exceed 24 hours after the removal of the child. While
28 awaiting the shelter hearing, the authorized agent of the
29 department may place the child in licensed shelter care or may
30 release the child to a parent or legal custodian or
31 responsible adult relative who shall be given priority

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1 consideration over a licensed placement, or a responsible
2 adult approved by the department when this is in the best
3 interests of the child. If the child is not placed with a
4 parent or legal custodian or responsible adult relative, the
5 reasons must be specified in writing and provided to the
6 court.Any placement of a child which is not in a licensed
7 shelter must be preceded by a local and state criminal records
8 check, as well as a search of the department's automated abuse
9 information system, on all members of the household, to assess
10 the child's safety within the home. In addition, the
11 department may authorize placement of a housekeeper/homemaker
12 in the home of a child alleged to be dependent until the
13 parent or legal custodian assumes care of the child.

14
15 (Redesignate subsequent sections.)

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18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 On page 2, line 8, after the semicolon,

21

22 insert:

23 amending s. 39.3065, F.S.; directing that the
24 sheriff of Seminole County be awarded a grant;
25 amending s. 39.401, F.S.; requiring
26 documentation to the court when a child is not
27 placed with a relative or other specified
28 adult;

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