

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1092

INTRODUCER: Senator Gainer

SUBJECT: Sheriffs Providing Child Protective Investigative Services

DATE: March 20, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	Pre-meeting
2.			AHS	
3.			AP	

I. Summary:

The bill makes changes relating to the provision of child protective investigations by county sheriffs and authorizes the Walton County Sheriff to assume responsibility for the investigations beginning with the 2017-2018 fiscal year. The bill also requires the state to disburse the funding directly to the Walton County Sheriff instead of through the department and requires the Sheriff to use specific accounts to track budgets and expenditures for child protective investigations.

The bill has an effective date of upon becoming law and may have a fiscal impact to the state as sheriff office child protection investigations have been more costly than those conducted by the department.

II. Present Situation:

Background

Child protective investigation units are responsible for receiving and responding to reports of child abuse and neglect, which involves and whether the report meets the criteria to be accepted for a protective investigation, gathering information, and making a determination of whether child maltreatment occurred or the child is at risk of abuse or neglect.

The Department of Children and Families (DCF or department) has been authorized to enter into contracts with county sheriffs to provide child protective investigations since 1998.¹ Currently, the department is responsible for performing child protective investigations in 61 counties statewide. Sheriff's offices in the remaining six counties, are responsible for performing child

¹ Section 39.3065, F.S.

protective investigations.² Department employees in Walton County are responsible for conducting child protective investigations.³

The department is also required to enter into agreements with the jurisdictionally responsible county sheriffs' offices and local police departments that will assume the lead in conducting any potential criminal investigations arising from allegations of child abuse, abandonment, or neglect.⁴ The following types of calls to the hotline are automatically transferred to the appropriate county sheriff's office:

- Reports of known or suspected child abuse by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare, as defined in s. 39.01, F.S.;
- Reports involving juvenile sexual abuse or a child who has exhibited inappropriate sexual behavior; and
- Reports of an instance of known or suspected child abuse involving impregnation of a child under 16 years of age by a person 21 years of age or older solely under s. 827.04(3), F.S.⁵

All child protective investigations, regardless of the entity administering this function, must be done in accordance with state and federal laws and regulations. The county sheriffs must conduct investigations, at a minimum, in accordance with the performance standards and outcome measures established by the legislature for protective investigations conducted by the department. Each individual child protective investigator must complete, at a minimum, the training provided to and required of protective investigators employed by the department.⁶

Funds for providing child protective investigations must be identified in the annual appropriation made to the department, which shall award grants to the respective sheriffs' offices. Funds for child protective investigations may not be integrated into the sheriffs' regular budgets. Budgetary data and other data relating to the performance of child protective investigations must be maintained separately from all other records of the sheriffs' offices and reported to the department as specified in the grant agreement.⁷

The sheriffs' grants are funded with a mixture of types of funding, including state General Revenue and the following federal funds: Welfare Transition Trust Fund (Temporary Assistance for Needy Families Block Grant), Social Services Block Grant Trust Fund, Child Welfare Training Trust Fund, Federal Grants Trust Fund, and Title IV-E funds. Federal funds are provided to the department as the agency of record for the State of Florida. The department is required to complete a number of reports to the federal government, including certifications as to how the funding is spent and that the expenses meet federal guidelines and sufficient state matching funds are available. These funds, according to federal guidelines, must be appropriated to the agency of record.⁸

² Those county sheriffs are Broward, Hillsborough, Manatee, Pasco, Pinellas and Seminole.

³ Staff in Walton County include 12 positions that are responsible for child protective investigative functions.

⁴ Section 39.306, F.S.

⁵ Section 39.201, F.S.

⁶ Section 39.3065, F.S.

⁷ *Id.*

⁸ The Department of Children and Families, 2017 Agency Legislative Bill Analysis for SB 1092, February 27, 2017.

The department is required to submit an annual report regarding quality performance, outcome-measure attainment, and cost efficiency to the President of the Senate, the Speaker of the House of Representatives, and to the Governor no later than January 31 of each year the sheriffs are receiving general appropriations to provide child protective investigations.⁹

Numbers of Investigations¹⁰

The following table shows the number of child protective investigations performed by each sheriffs’ office and the department over a three year period.

County Sheriff	FY 2013-14	FY 2014-15	FY 2015-16
	Number of Investigations	Number of Investigations	Number of Investigations
Broward	13,509	14,293	13,785
Hillsborough	11,539	11,686	11,913
Manatee	4,125	4,087	4,265
Pasco	5,115	5,261	5,462
Pinellas	9,365	9,338	9,100
Seminole	4,007	3,967	4,016
All Sheriffs	47,660	48,632	48,541
Department	136,212	137,872	142,680

Performance

DCF and sheriffs generally use similar investigative processes and procedures, although the higher level of funding for the sheriffs results in their investigators having greater resources than typically available to DCF investigators. Due to their law enforcement affiliation, child abuse investigators working for sheriffs also generally have greater access to training and specialists, as well as enhanced cooperation and community respect not always afforded to DCF investigators.¹¹ The additional resources available to sheriffs’ offices enhanced their investigators’ ability to perform job duties and the offices ability to attract and retain experienced investigators. Sheriffs:

- Have slightly lower overall investigator caseloads;
- Tend to have more investigative aides and support staff positions;
- Provide vehicles for investigators;
- Provide investigator uniforms;
- Provide additional equipment to investigators;
- Provide supplies for children awaiting placement, including diapers, formula, food, and clothes;
- Have well-equipped visitation rooms with furniture, rugs, toys, television, games,

⁹ *Id.*

¹⁰ Data provided by Senate Appropriations professional staff.

¹¹ The Florida Legislature, Office of Program Policy Analysis and Government Accountability, Research Memorandum, *Sheriff’s Offices Have Advantages for Conducting Child Abuse Investigations, but Quality Cannot be Directly Compared to DCF*, February 26, 2010.

- kitchens, and bathrooms to provide children with a comfortable and safe environment after removal, further enabling investigators to perform their job more easily;
- Provide investigators with office space either in the sheriff’s office or collocated with or near community-based care lead agencies, which facilitates communication between supervisors and investigators and enhances accountability; and
- Often provide higher salaries for investigators, which enhances morale and also contributes to lower turnover. In addition to higher salaries, sheriffs’ child protective investigators are normally awarded merit and cost-of-living raises.¹²

Child protective investigation units administered by sheriffs’ offices also have advantages that are not entirely due to their higher state funding. Because sheriff’s offices are law enforcement agencies, they can provide protective investigators with access to training and resource specialists, and a higher degree of cooperation with local law enforcement agencies and the community.¹³

However, the higher funding and other advantages enjoyed by the sheriff’s offices does not appear to result in better outcomes.¹⁴ The table below shows the difference in performance between the department and the sheriffs’ offices on the measure of non-recurrence of maltreatment within six months of case closure. The federal Administration for Children and Families non-recurrence standard is 94.6%.¹⁵

County Sheriff	Non-Recurrence of Maltreatment Within Six Months of Case Closure							
	August 2015	September 2015	October 2015	November 2015	December 2015	January 2016	February 2016	March 2016
Broward	94.96	93.90	95.15	93.58	93.59	93.08	94.39	91.07
Hillsborough	95.88	97.03	95.32	97.13	95.77	92.11	95.81	97.01
Manatee	95.45	93.75	96.23	96.88	96.40	91.80	93.26	91.60
Pasco	97.06	94.62	96.09	96.40	98.41	90.83	97.70	97.22
Pinellas	92.21	91.38	94.39	92.89	93.00	95.00	93.98	90.77
Seminole	93.78	89.13	93.26	91.43	92.90	93.37	91.85	93.72
Sheriff Average	94.89	93.30	95.07	94.71	95.01	92.82	94.50	93.56
Department Average	95.01	96.20	94.89	95.24	95.93	94.75	94.31	96.11

¹² *Id.*

¹³ *Id.*

¹⁴ The Florida Legislature, Office of Program Policy Analysis and Government Accountability, Research Memorandum, *Sheriffs’ Offices and DCF Perform Similarly in Conducting Child Protective Investigations*, May 28, 2010.

¹⁵ The Department of Children and Families, Florida Sheriffs Performing Child Protective Investigations, Annual Program Performance Evaluation Report, Fiscal Year 2015-2015, available at: <http://centerforchildwelfare.fmhi.usf.edu/kb/LegislativeMandatedRpts/AnnualSheriffPerfRptFY15-16.pdf>. (last visited March 17, 2017).

Cost

The following table provides a 4-year funding history that includes total funding amounts and cost per investigation for each of the six counties where the sheriff provides child protective investigations and the department.¹⁶

County Sheriff	FY 2013-14		FY 2014-15		FY 2015-16		FY 2016-17
	Funding	Cost Per Investigation	Funding	Cost Per Investigation	Funding	Cost Per Investigation	Funding
Broward	\$14,565,620	\$1,078	\$15,054,474	\$1,053	\$15,054,474	\$1,130	\$15,454,474
Hillsborough	\$12,254,683	\$1,062	\$13,430,952	\$1,149	\$13,430,952	\$1,127	\$13,830,952
Manatee	\$3,760,532	\$912	\$4,719,787	\$1,155	\$4,719,787	\$1,107	\$4,719,787
Pasco	\$5,591,619	\$1,093	\$6,241,374	\$1,186	\$6,241,374	\$1,143	\$6,641,374
Pinellas	\$10,240,024	\$1,093	\$11,828,667	\$1,267	\$11,828,667	\$1,300	\$11,828,667
Seminole	\$3,563,114	\$889	\$4,537,154	\$1,144	\$4,537,154	\$1,130	\$4,537,154
All Sheriffs	\$49,975,592		\$55,812,408		\$55,812,408		\$57,012,408
Department	\$111,777,077	\$821	\$133,870,553	\$971	\$138,028,685	\$967	\$137,961,963

III. Effect of Proposed Changes:

Section 1 amends s. 39.6035, F.S., relating to sheriffs of certain counties to provide child protective investigative services, to authorize the Walton County Sheriff to assume responsibility for the investigations beginning with the 2017-2018 fiscal year. The bill also requires the state to disburse the funding directly to the Walton County Sheriff instead of through the department and requires the Sheriff to use specific accounts to track budgets and expenditures for child protective investigations.

Section 2 provides and effective date of upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹⁶ Data provided by Senate Appropriations professional staff.

C. Trust Funds Restrictions:

The federal funding appropriated from several trust funds for child protection services will not be available to the Walton County sheriff under the bill as written.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill proposes providing the funds for child protective services directly to the Walton County Sheriff's Office and not through the department. Since a sheriff's office cannot receive the federal dollars directly, depending on the amount of the appropriation, there could be a fiscal impact to the sheriff's office and the local government.

The department has projected the cost of funding the child protection investigative functions in Walton County for FY 2016-17 to total \$890,459.¹⁷ There will likely be additional costs due to the transition.

VI. Technical Deficiencies:

New language in lines 31-34 and lines 38-41 is unnecessary. Current law authorizes the department to enter into grant agreements with the sheriff of any county to perform child protective investigations.¹⁸ Hillsborough County and Seminole County perform child protective investigations without being named in the statute.

VII. Related Issues:

The Walton County Sheriff would be able to receive federal funding if funded through the department.

VIII. Statutes Affected:

This bill substantially amends section 39.3065 of the Florida Statutes.

¹⁷ The Governor's Recommended Budget for FY 2017-2018 recommends \$819,778 in funding for the Walton County Sheriff's Office to perform child protective investigations. It is unclear whether this amount includes any start-up funding that may be needed.

¹⁸ Section 39.3065(3)(a), F.S.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
