

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1005 Sheriffs Providing Child Protective Investigative Services  
**SPONSOR(S):** Children, Families & Seniors Subcommittee; Roth  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 846

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Children, Families & Seniors Subcommittee	12 Y, 0 N, As CS	Brazzell	Brazzell
2) Health Care Appropriations Subcommittee			
3) Health & Human Services Committee			

### SUMMARY ANALYSIS

Florida's child protective investigation units are responsible for receiving and responding to reports of child abuse and neglect, which involves gathering information and making a formal determination of whether child maltreatment occurred or the child is at risk of abuse or neglect, and providing the child with protection if needed.

While the Department of Children and Families (DCF) is generally responsible for conducting child protective investigations, the General Appropriations Act funds six sheriff's offices to do so: Broward, Hillsborough, Manatee, Pasco, Pinellas, and Seminole. Four of these six sheriff's offices are specifically tasked in statute with this responsibility. These county sheriffs receive grants from DCF that are intended to cover the costs of conducting the required child protective investigations.

CS/HB 1005 requires the Walton County Sheriff to conduct child protective investigations in that county, effective the 2018-2019 fiscal year. It also requires the funding for the Walton County Sheriff's Office for child protective investigations to be equal to that which would have funded DCF's services solely in that county. HB 4189 is a corresponding project bill that would provide funding for this function.

The bill has an indeterminate fiscal impact on state and local government. See Fiscal Comments.

The bill takes effect upon becoming law.

**This bill may be a county or municipality mandate requiring a two-thirds vote of the membership of the House. See Section III.A.1 of the analysis.**

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Background

Florida's child protective investigation units are responsible for receiving and responding to reports of child abuse and neglect, which involves gathering information and making a formal determination of whether child maltreatment occurred or the child is at risk of abuse or neglect, and providing the child with protection if needed.

A child protective investigation begins with a report by any person to the Florida abuse hotline.<sup>1</sup> The state is required to maintain a 24 hour per day, 7 day per week capacity for receiving reports of maltreatments.<sup>2</sup> When allegations of abuse, abandonment, or neglect of a child are reported to DCF's child abuse hotline and the hotline employee believes that the report meets the statutory definition of the allegations, an investigation by a child protective investigator is triggered.<sup>3</sup> A child protective investigation must be commenced either immediately or within 24 hours after the report is received, depending on the nature of the allegation.<sup>4</sup> Pursuant to s. 39.301, F.S., a child protective investigation includes a thorough review of case details, which typically includes duties such as:

- An assessment of all information relevant to the allegations;
- In-person interviews with the child, his or her siblings, and the parents or legal guardians;
- An evaluation of the child's residence; and,
- A complete assessment of the child's immediate safety.<sup>5</sup>

The Department of Children and Families (DCF) performs child protective investigations in 61 counties statewide. Since 1998, DCF has been authorized by statute to enter into contracts with county sheriffs for the provision of child protective authorizations.<sup>6</sup> Sheriff's offices in six counties, as authorized in s. 39.3065, F.S., are currently responsible for performing child protective investigations. These counties are Broward, Hillsborough, Manatee, Pasco, Pinellas, and Seminole.

The ability of county sheriffs' offices to provide child protective investigations can be traced to a pilot program that was initiated in Manatee County in the mid-1990s. Beginning in fiscal year 1998-1999, Manatee, Broward, Pasco, and Pinellas Counties were given statutory authority to conduct child protective investigations. Seminole County was given this authority in 2000, and Hillsborough County was granted authority in 2005.<sup>7</sup> Since 2000, DCF has had full authority to contract with any county sheriffs' office that wishes to assume responsibility for conducting child protective investigations.<sup>8</sup>

All child protective investigations, regardless of the entity administering this function, must be done in accordance with state and federal laws and regulations. However, sheriffs' grant agreements with the Department provide some discretion to create their own operating policies and procedures for the investigative function, provided that sheriffs carry out all mandatory functions and requirements for protective investigations specified in Chapter 39, F.S., Chapter 65C-29, F.A.C., and the contracts. At present, twelve regional DCF staff are charged with conducting child protective investigations in Walton County.

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<sup>1</sup> S. 39.201(4), F.S.

<sup>2</sup> S. 39.201(5), F.S.

<sup>3</sup> S. 39.201(2)(a), F.S.

<sup>4</sup> *Supra* note 2.

<sup>5</sup> S. 39.301, F.S.

<sup>6</sup> S. 39.3065, F.S.

<sup>7</sup> Department of Children and Families. *Florida Sheriffs Performing Child Protective Investigations*, Annual Program Performance Evaluation Report, Fiscal Year 2015-2016, available at <http://centerforchildwelfare.org/kb/LegislativeMandatedRpts/AnnualSheriffPerfRptFY15-16.pdf> (last accessed January 5, 2018).

<sup>8</sup> S. 39.3065(3)(a), F.S.

In the counties where sheriffs are responsible for conducting child protective investigations, those services are funded via grants from DCF to the sheriff.<sup>9</sup>

DCF must submit an annual report concerning 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.<sup>10</sup>

### *Performance—Sheriff's Offices*

Section 39.3065(3) (b), F.S., requires sheriffs' offices to operate in accordance with performance standards and outcome measures established by the Legislature. The annual report for fiscal year 2015-2016 included two primary process measures, both of which are included in the grant agreements between DCF and the sheriffs' offices:

1) *One hundred percent (100%) of investigations commenced within 24 hours.* The statewide average was 99.58%, with the sheriffs' offices averaging 99.68%.

2) *Eighty-five percent (85%) of victims seen within 24 hours of a report received.* The Statewide average was 86.4%, with the sheriffs' offices averaging 87.95%.<sup>11</sup>

On both these measures, performance by the participating sheriffs' offices compares favorably to performance by DCF.

DCF also publishes a Child Welfare Key Indicators report on a monthly basis that includes a few other metrics on which the performance of the Sheriff's Offices may be compared to that of DCF. Sheriff's office performance varies between offices and month-to-month.<sup>12</sup>

### *Performance—Walton County*

Walton County's performance on DCF's CPI scorecard is generally in line with state averages on the process measure it reports. For example, during October 2017, Walton County CPI's commenced 100% of investigations within 24 hours, compared to 99.26% statewide. During that same period, Walton County CPI's saw 91.82% of victims within 24 hours, compared to 86.92% statewide.

Regarding outcome measures, during the first quarter of FY 2017-18, the child welfare system in Walton County nearly met the statewide target (90.9%) for percent of children who are not the victims of abuse or neglect within twelve (12) months of a prior incidence at 89.8%. Statewide, performance was 91.70%.<sup>13</sup> Note that performance on this measure is not under the direct control of the DCF CPI's as a variety of entities, such as the courts, community-based care lead agencies, and service providers, also contribute to Walton County's performance on this measure.

## **Effect of Proposed Changes**

CS/HB 1005 amends s. 39.3065, F.S. to require the Walton County Sheriff to assume responsibility for child protective investigations in that county, effective at the onset of the 2018-2019 fiscal year. This means that the Walton County Sheriff's Office staff, rather than DCF, would be responsible for providing all child protective investigations in Walton County. The bill requires the funding for the

<sup>9</sup> Department of Children and Families. *2018 Agency Legislative Bill Analysis for HB 1005*. December 27, 2017.

<sup>10</sup> *Supra* note 1.

<sup>11</sup> *Supra* note 7.

<sup>12</sup> Department of Children and Families. *Child Welfare Key Indicators Monthly Report*. November 2017. Available at [http://www.centerforchildwelfare.org/qa/cwkeyindicator/KI\\_Monthly\\_Report\\_December\\_2017.pdf](http://www.centerforchildwelfare.org/qa/cwkeyindicator/KI_Monthly_Report_December_2017.pdf) (last accessed January 20, 2018).

<sup>13</sup> Department of Children and Families. Federal Child Welfare Indicators Table, Level: County, Entity: Walton. <http://www.dcf.state.fl.us/programs/childwelfare/dashboard/federal-indicators.shtml> (last accessed January 20, 2018)

Walton County Sheriff's Office for child protective investigations to be equal to that which would have funded DCF's services solely in that county.

Pursuant to s. 39.3065, F.S., the Walton County Sheriff's Office would be required to meet all the performance standards and outcomes measures currently applicable to DCF for child protective investigations.<sup>14</sup>

The bill is effective upon becoming law.

**B. SECTION DIRECTORY:**

**Section 1:** Amends s. 39.3065, F.S.; relating to Sheriffs of certain counties to provide child protective investigative services; procedures; funding.

**Section 2:** Provides an effective date.

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

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

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

The bill requires the funding for the Walton County Sheriff's Office for child protective investigations to be equal to that which would have funded DCF's services solely in that county. The state appropriates funding for child protective investigations to DCF and to Sheriff's Offices through the General Appropriations Act. For reference, the FY 2017-18 allocation by DCF for child protective investigations in Walton County specifically is \$905,456, which includes \$860,607 for ongoing implementation of the program and \$44,849 for required training. This currently funds 12 positions at DCF (10 investigative and 2 support positions) serving Walton County.<sup>15</sup>

<sup>14</sup> S. 39.3065(3) (b), F.S.

<sup>15</sup> Email from Michael Wickersheim, Director of Legislative Affairs, Department of Children and Families, Courtesy FW: Walton County Sheriff (on file with Children, Families and Seniors Subcommittee staff).

If this funding is transferred, the department would experience a revenue loss but would also no longer be responsible for the expenditures related to that function.

The net fiscal impact for local government (specifically, Walton County) would depend on the amount of funding appropriated to the Walton County Sheriff's Office for this purpose. The DCF allocation for ongoing operations does not include start-up costs. It would also depend on the amount of its own funding that the Walton County Sheriff's Office would choose to spend on this function.

HB 4189 is a project bill requesting funding for the Walton County Sheriff's Office to perform child protective investigations. In addition to funding for salaries, benefits, and similar costs, this request includes \$398,520 for start-up costs such as radios, vehicles, and computers. If DCF transferred computers and other equipment currently used by these workers to Walton County, then less funding for start-up costs may be needed. Also, DCF does not provide vehicles for CPI's use; they use their personal vehicles instead.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

The county/municipality mandates provision of Art. VII, section 18, of the Florida Constitution may apply because this bill requires the Walton County Sheriff's Office to perform child protective investigations in that county. This bill does not appear to qualify under any exemption or exception. However, the bill will qualify for an exemption if funding is provided in the General Appropriations Act. A project bill currently under consideration, HB 4189, would provide funding to the Walton County Sheriff's Office for this purpose.

##### **2. Other:**

None.

#### **B. RULE-MAKING AUTHORITY:**

Not applicable.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On January 23, 2018, the Children, Families, and Seniors Subcommittee adopted an amendment that requires the funding for the Walton County Sheriff's Office for child protective investigations to be equal to that which would have funded DCF's services solely in that county.

The bill was reported favorably as a committee substitute. The analysis is drafted to the committee substitute as passed by the Children, Families, and Seniors Subcommittee.