

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 Appropriations Subcommittee on Health and Human Services

BILL: CS/SB 1452

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Book

SUBJECT: Funding for Sheriffs Providing Child Protective Investigative Services

DATE: February 21, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Moody</u>	<u>Cox</u>	<u>CF</u>	<u>Fav/CS</u>
2.	<u>Sneed</u>	<u>Money</u>	<u>AHS</u>	<u>Recommend: Favorable</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1452 authorizes a sheriff's office who contracts with the Department of Children and Families (DCF) to carry forward documented unexpended state funds from one fiscal year to the next, but the cumulative amount carried forward is capped at eight percent of the total contract amount or grant agreement amount. Any unexpended state funds in excess of the eight percent cap and all unexpended federal funds must be returned to the DCF.

The funds carried forward:

- May not be used to create increased recurring future obligations;
- May not be used for any type of program or service that is not currently authorized by the existing contract or grant agreement with the DCF; and
- May be retained through a contract or grant agreement renewal and any new procurements as long as the same sheriff's office is retained by the DCF.

All unexpended funds at the expiration of the contract or grant agreement must be returned to the DCF.

The bill is expected to have an insignificant negative fiscal impact on state expenditures. See Section V. Fiscal Impact Statement.

The bill takes effect on July 1, 2022.

II. Present Situation:

Current law requires any person who knows or suspects that a child has been abused, abandoned, or neglected to report such knowledge or suspicion to the Florida central abuse hotline (hotline).¹ A child protective investigation begins if the hotline determines the allegations meet the statutory definition of abuse,² abandonment,³ or neglect.⁴ A child protective investigator (CPI) investigates the situation either immediately, or within 24 hours after the report is received, depending on the nature of the allegation.⁵

Between October 1, 2020 and September 31, 2021, a total of 168,582 child protective investigations were conducted and 99.5 percent of these investigations were commenced within 24 hours of receiving the abuse report.⁶ Of the investigations closed within the same period, a total of 240,694 alleged victims were seen with over 93 percent seen within 24 hours of the hotline intake decision date and time.⁷

After conducting an investigation, if the child protective investigator determines that the child is in need of protection and supervision that necessitates removal, the investigator may initiate formal proceedings to remove the child from his or her home. When the DCF removes a child from the home, a series of dependency court proceedings must occur before a child may be adjudicated dependent.⁸

¹ Section 39.201(1), F.S.

² Section 39.01(2), F.S. The term “abuse” means any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child’s physical, mental, or emotional health to be significantly impaired. Abuse of a child includes the birth of a new child into a family during the course of an open dependency case when the parent or caregiver has been determined to lack the protective capacity to safely care for the children in the home and has not substantially complied with the case plan towards successful reunification or met the conditions for return of the children into the home. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.

³ Section 39.01(1), F.S. The term “abandoned” or “abandonment” means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child’s care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both.

⁴ Sections 39.01(50) and 39.201(2)(a), F.S. “Neglect” occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child’s physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent or legal custodian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child may not, for that reason alone, be considered a negligent parent or legal custodian; however, such an exception does not preclude a court from ordering necessary services.

⁵ Section 39.101(2), F.S.

⁶ The DCF, *Office of Child Welfare Dashboard*, January 10, 2022, available at [Child Welfare - Florida Department of Children and Families \(myflfamilies.com\)](https://myflfamilies.com) (last visited Jan. 21, 2022).

⁷ *Id.*

⁸ *See s. 39.01(14)*, F.S., for the definition of “child who is found to be dependent”.

Child Protective Investigators (CPIs)

The DCF employs CPIs who must meet minimum qualifications, including, but not limited to, a bachelor's degree, and certification and training requirements.⁹ A CPI has certain responsibilities, including, in part:

- Conducting investigations relating to allegations of abuse, abandonment, and/or special conditions for children;
- Working closely with law enforcement;
- Collecting information through observation and interviews with certain persons, including the children and parents;
- Engaging families to understand the family dynamics;
- Assessing danger threats, child vulnerabilities and caregiver protective capacities;
- Developing present and/or impending danger plans;
- Managing and modifying safety plans as necessary during the investigation;
- Arranging emergency placement for any child that cannot safely remain in the home;
- Notifying the state attorney, law enforcement, child protection team and other required individuals as appropriate;
- Providing written present and impending danger assessments;
- Completing Risk Assessment on families investigated and explaining risk score to family;
- Conducting staffing's required for families with risk scores that are High and Very High Risk;
- Providing families with services linkages to agency and community resources;
- Conducting initial/ongoing child present and impending danger assessments; and
- Developing with the family a signed Present Danger Plan and a signed safety plan.¹⁰

CPIs are required to work nights and weekends to perform their responsibilities and timely complete their assigned investigations.¹¹

Contracts with Sheriffs' Offices

Following a pilot program with the Manatee County Sheriff's Office, the DCF contracted with the sheriffs of Pasco County, Manatee County, Broward County, and Pinellas County to provide all child protective investigation services in their respective counties beginning in fiscal year 1999-2000.¹² The following year, the DCF was authorized to enter into grant agreements with sheriffs of other counties to perform child protective investigations in those counties.¹³

The sheriffs of other counties who enter into an agreement with the DCF must:

- Adopt the child welfare model that is used by CPIs who are employed by the DCF;¹⁴

⁹ The DCF, *Child Protective Investigator*, available at [Child Protective Investigator, Employment Opportunities - Florida Department of Children and Families \(myflfamilies.com\)](https://myflfamilies.com) (last visited Jan. 21, 2022).

¹⁰ *Id.*

¹¹ *Id.*

¹² Section 39.3065(3)(a), F.S.

¹³ *Id.*

¹⁴ *Id.*

- Operate in accordance with the performance standards and outcome measures required for protective investigations that are conducted by the DCF;¹⁵
- Operate in compliance with federal performance standards and metrics¹⁶ that are imposed by federal law, regulation, or funding requirements;
- Operate in accordance with the same child welfare practice model principals used by, and the same state performance standards and metrics that are imposed on, child protective investigators employed by the DCF.¹⁷

Each CPI who is employed by the sheriff must complete the same mandatory training that is required of CPIs who are employed by the DCF.¹⁸

The DCF and all contracted sheriffs, or his or her designee, must meet at least quarterly to collaborate on federal and state quality assurance and quality improvement initiatives.¹⁹ The DCF must conduct an annual performance evaluation of all sheriffs providing services pursuant to a grant agreement.²⁰ Current law sets out criteria and standards that must be applied when the DCF is conducting the annual evaluations.²¹

Sheriff Funding for CPI Contracts

Funds for providing child protective investigations must be identified in the annual appropriations made to the DCF, and the DCF must award grants for the full amount of the appropriations to the sheriffs' offices. The DCF is allowed to make advance payments to the sheriffs for conducting child protective investigations. Funds provided to sheriffs' offices for investigations may not be integrated into the sheriffs' regular budgets, and must be maintained separately from all other records. The sheriffs' offices must be reported to the DCF as set out in the grant agreement.²²

The sheriffs' offices total contact amount for child protective investigative services is \$57.7 million²³ and eight percent of that total is \$4.6 million. Over the past three years the sheriffs' offices have on average returned \$1.1 million per year to the DCF.

There is no provision under current law which allows sheriffs' offices to carry forward any unexpended funds. Below is a table that summarizes the amounts of unexpended funds each sheriffs' office returned to the DCF in the past three years.

¹⁵ Section 39.3065(3)(b)1., F.S. The DCF is required to comply with child protection and child welfare outcomes, such as children are first and foremost protected from abuse and neglect; children are safely maintained in their homes, if possible and appropriate; services are provided to protect children and prevent removal from their home; and children have permanency and stability in their living arrangements.

¹⁶ Examples of some of the metrics are noted above, such as commencing the investigation and seeing the alleged victim within 24 hours.

¹⁷ Section 39.3065(3)(b), F.S.

¹⁸ *Id.*

¹⁹ Section 39.3065(3)(d), F.S.

²⁰ Section 39.3062(3)(e), F.S.

²¹ *Id.*

²² Section 39.3065(3)(c), F.S.

²³ Chapter 2021-36, Laws of Fla. (SB 2500), Specific Appropriation 311.

UNEXPENDED FUNDS RETURNED BY SHERIFFS' OFFICES

Sheriff	CPI Services	Regular Training	Title IV-E Training	Vehicle usage/ Mileage reimbursement/ Miscellaneous	Total
FISCAL YEAR 2020-21					
Broward	\$937,741	\$1,605	\$92,596	-	\$1,031,942
Hillsborough	\$133,905	\$350	\$18,495	-	\$152,750
Manatee	-	-	-	-	-
Pasco	\$3,928	-	-	\$17,811	\$21,739
Pinellas	-	-	-	-	-
Seminole	-	-	-	-	-
Walton	-	-	-	-	-
FY 2020-21 Total	\$1,075,574	\$1,955	\$111,091	\$17,811	\$1,206,431
FISCAL YEAR 2019-20					
Broward	\$355,796	\$353	\$1,608	-	\$357,757
Hillsborough	\$230,501	\$4,688	\$68,124	\$13,352	\$316,665
Manatee	-	-	-	-	-
Pasco	\$3,100	-	-	\$14,675	\$17,775
Pinellas	-	-	-	-	-
Seminole	-	-	\$16,238	-	\$16,238
Walton	-	\$16,725	(\$692)	-	\$16,033
FY 2019-20 Total	\$589,397	\$21,766	\$85,278	\$28,027	\$724,468
FISCAL YEAR 2018-19					
Broward	\$844,566	-	\$13,478	-	\$858,044
Hillsborough	\$139,025	-	\$231,375	\$928	\$371,328
Manatee	-	-	-	-	-
Pasco	-	-	-	\$15,091	\$15,091
Pinellas	-	-	\$82,489	-	\$82,489
Seminole	-	-	\$62,974	-	\$62,974
Walton	-	\$7,734	\$17,333	-	\$25,067
FY 2018-19 Total	\$983,591	\$7,734	\$407,649	\$16,019	\$1,414,993

Community-Based Care Lead Agency Funding

Community-based care lead agencies (lead agencies) are responsible for providing services to children who have been abused, neglected or abandoned and are involved in Florida's child welfare system.²⁴ Section 409.990, F.S., provides for the funding of these lead agencies to perform such duties and, in part, authorizes a lead agency to carry forward unexpended state

²⁴ See the DCF, *Community-Based Care*, available at [Community Based Care - Florida Department of Children and Families \(myflfamilies.com\)](http://myflfamilies.com) (last visited January 23, 2022).

funds from one fiscal year to the next, but the cumulative amount carried forward must not exceed eight percent of the total contract with the DCF. Any excess funds must be returned to the DCF.²⁵

The funds that are carried forward may not be used to increase recurring future obligations, and may not be used for any program or services that are not authorized under the contract with the DCF. Expenditures of funds carried forward must be separately reported to the DCF. Any funds at the end of a contract period must be returned, but funds carried forward may be retained through any contract renewal provided the same lead agency is contracted with the DCF.²⁶

III. Effect of Proposed Changes:

The bill provides that a sheriff who is contracted with the DCF to provide child protective services may carry forward documented, unexpended state funds from one fiscal year to the next. However, the cumulative amount carried forward may not exceed eight percent of each sheriff's office total contract or grant agreement amount. Any unexpended state funds in excess of that amount and all federal funds must be returned to the DCF.

The funds that are carried forward may not be used to create increased recurring future obligations or for any program or service that is not currently authorized by the existing contract or grant agreement with the DCF. The funds carried forward must be separately reported to the DCF. Funds carried forward may be retained through a contract or grant agreement renewal and any new procurements as long as the same sheriff's office is retained by the DCF. All unexpended funds at the expiration of the contract or grant agreement must be returned to the DCF.

The bill takes effect on July 1, 2022

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

²⁵ Section 409.990(5), F.S.

²⁶ *Id.*

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

CS/SB 1452 allows the sheriffs’ offices that contract with the DCF for the provision of child protective investigations to carry forward documented, unexpended funds from one fiscal year to the next. However, the bill caps the amount of carry forward at eight percent of the sheriff’s annual contract amount. Any unexpended funds in excess of eight percent must be returned to the DCF. Currently, the sheriffs’ offices are required to return all unexpended funds to the DCF. The ability to retain a portion of the unexpended funds may affect the DCF’s reversions to the General Revenue Fund. The sheriffs’ offices contacts for fiscal year 2021-2022 total \$57.7 million²⁷ and eight percent of that total is \$4.6 million. Over the past three years, the sheriffs’ offices have on average returned \$1.1 million per year to the DCF.

	Annual Contract Amount	8% of Annual Contract Amount	3-Year Average Reversion
Broward	\$15,201,864	\$1,216,149	\$749,248
Hillsborough	\$13,738,700	\$1,099,096	\$280,248
Manatee	\$4,855,360	\$388,429	\$0
Pasco	\$6,466,825	\$517,346	\$18,202
Pinellas	\$11,915,854	\$953,268	\$27,496
Seminole	\$4,633,803	\$370,704	\$26,404
Walton	\$860,607	\$68,849	\$13,700
Total	\$57,673,013	\$4,613,841	\$1,115,297

²⁷ Chapter 2021-36, Laws of Fla. (SB 2500), Specific Appropriation 311.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 39.3065 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Children, Families, and Elder Affairs on January 25, 2022:

The committee substitute:

- Clarifies the amount that may be carried forward applies to each sheriff's office, instead of the cumulative amount of all sheriffs' offices;
- Specifies that the amount of unexpended funds that may be carried forward must be state funds; and
- Clarifies that the unexpended funds which must be returned to the DCF are any unexpended state funds in excess of 8 percent of each sheriff's office total contract or grant agreement amount, and all unexpended federal funds.

B. Amendments:

None.