

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 Fiscal Policy

BILL: SB 7056

INTRODUCER: Appropriations Committee on Health and Human Services

SUBJECT: Child Protective Investigative Services

DATE: April 19, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sneed</u>	<u>Money</u>		AHS Submitted as Comm. Bill/Fav.
2.	<u>Sneed</u>	<u>Yeatman</u>	<u>FP</u>	Favorable

I. Summary:

SB 7056 requires the transfer of child protective investigation services from the seven sheriff's offices that provide those services back to the Department of Children and Families (DCF). Currently, the DCF contracts with Pinellas, Manatee, Broward, Pasco, Hillsborough, Seminole, and Walton counties to conduct child protective investigations for their respective counties. Ultimately, this transfer will make the DCF the sole entity performing child protective investigations in the State.

The bill specifies the timeframe and framework for the transfer, including sheriff employees' ability to transition to the DCF, the transfer of records, assets and finances, use of facilities, and a final grant accounting. The bill makes conforming changes to the statutes to remove references to sheriff's offices conducting child protective investigations.

The bill provides that all staff in good standing employed by each respective sheriff for the provision of child protective services, employed before the effective date of this legislation, will have the option to transfer their employment to the DCF.

The bill requires that any claim or cause of action brought against a sheriff in relation to child protective investigations before the applicable transfer date must be defended and indemnified in accordance with the provisions of the grant or agreement applicable at the time of the alleged incident. Any claim or cause of action brought after the applicable transfer date must be defended and indemnified by the DCF.

The bill has a significant fiscal impact to state government that is addressed in SB 2500, the Senate General Appropriations Act for Fiscal Year 2023-2024. See Section V.

The bill is effective January 1, 2024, except as otherwise expressly provided in the bill.

II. Present Situation:

An estimated 3.9 million referrals of alleged child abuse and neglect were made nationwide in 2021.¹ Of that 3.9 million, approximately 2 million met the requirements for an investigation² leading to approximately 588,000 children with a finding of maltreatment.³ More than 4.2 million children live in Florida, a vast majority of which, fortunately, never come to the attention of Florida's child welfare system.⁴ In 2021, the Department of Children and Families (DCF) investigated 256,060 reports of potential child abuse and approximately 11 percent (27,394) of those investigations resulted in a finding of maltreatment.⁵

Congress appropriates federal funds through various grants to the DCF to supplement state general revenue funds for the implementation of child welfare programs.⁶ The DCF uses these funds to contract with CBCs to provide case management, out-of-home-services, and related services for children and families.⁷

Florida's Child Welfare System

Chapter 39, F.S., creates Florida's dependency system that is charged with protecting the welfare of children; this system is often referred to as the "child welfare system." The DCF Office of Child and Family Well-Being works in partnership with local communities and the courts to ensure the safety, timely permanency, and well-being of children.

Child welfare services are directed toward the prevention of abandonment, abuse, and neglect of children.⁸ The DCF practice model is based on the safety of the child within his or her home, using in-home services such as parenting coaching and counseling to maintain and strengthen that child's natural supports in his or her home environment. Such services are coordinated by the DCF through contracts with the community-based care lead agencies (CBCs).⁹ The DCF remains responsible for a number of child welfare functions, including operating the central abuse hotline, performing child protective investigations, and providing children's legal

¹ U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, *Report on Child Maltreatment 2021*, p. 8, available at <https://www.acf.hhs.gov/sites/default/files/documents/cb/cm2021.pdf> (last viewed April 5, 2023).

² *Id.* at 13; referred to as "screened in referrals."

³ *Id.* at 21; referred to as "victims of abuse and neglect."

⁴ U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, *Child Population Data for Florida*, available at <https://cwoutcomes.acf.hhs.gov/cwodatasite/pdf/florida.html> (last viewed April 5, 2023).

⁵ *Id.*

⁶ The main federal grant programs that supplement state-level child welfare programs are Titles IV-E and IV-B of the Social Security Act.

⁷ Part V of ch. 409, F.S.

⁸ Section 39.001(8), F.S.

⁹ Section 409.986(1), F.S.; *See generally* The Department of Children and Families (The DCF), *About Community-Based Care*, available at <https://www.myflfamilies.com/services/child-family/child-and-family-well-being/community-based-care/about-community-based-care> (last viewed April 5, 2023).

services.¹⁰ Ultimately, the DCF is responsible for program oversight and the overall performance of the child welfare system.¹¹

Dependency Process

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 central abuse hotline (hotline).¹² The hotline¹³ receives more than 350,000 child-related calls annually.¹⁴ Calls received are screened to determine if the criteria are met to initiate a protective investigation.¹⁵

Steps in the dependency process may include:

- A report to the hotline.
- A child protective investigation to determine the safety of the child.
- The court finding the child dependent.
- Case planning for the parents to address the problems resulting in their child's dependency.
- Placement in out-of-home care, if necessary.
- Reunification with the child's parent or another option to establish permanency, such as adoption.¹⁶

Child Protective Investigations

The DCF must conduct a child protective investigation if a central abuse hotline report meets the statutory definition of child abuse, abandonment or neglect. An investigation must be commenced immediately, or within 24 hours after the report is received, depending on the nature of the allegation.¹⁷ The child protective investigator assesses the safety and perceived needs of the child and family, and if services are needed, whether the child should receive in-home or out-of-home services.

Child protective investigators (CPIs) must investigate and determine whether child abuse, abandonment or neglect occurred and, if so, identify the individual responsible for the maltreatment. CPIs must conduct and complete an assessment to identify danger threats to the child and whether the parent can protect the child. The CPI must consider if services would allow the child to remain safely in the home. If not, the CPI must remove the child and place the child in a safe alternative. CPIs make critical decisions on child safety by investigating

¹⁰ Office of Program Policy Analysis and Government Accountability, *Child Welfare System Performance Mixed in First Year of Statewide Community-Based Care*, Report 06-50, June 2006, available at <https://oppaga.fl.gov/Products/ReportDetail?rn=06-50> (last viewed April 5, 2023).

¹¹ *Id.*

¹² Section 39.201(1), F.S.

¹³ The DCF, Florida Abuse Hotline, Overview, <https://www2.myflfamilies.com/service-programs/abuse-hotline/overview.shtml>, (last visited March 11, 2023).

¹⁴ The DCF, Child Welfare Key Indicators Monthly Report, Feb. 2023, System Overview, p. 8, https://www2.myflfamilies.com/service-programs/child-welfare/kids/results-oriented-accountability/performanceManagement/docs/KI_Monthly_Report_December%202022.pdf (last visited March 23, 2023).

¹⁵ *Supra* note 5.

¹⁶ The state has a compelling interest in providing stable and permanent homes for adoptive children in a prompt manner, in preventing the disruption of adoptive placements, and in holding parents accountable for meeting the needs of children. Section 63.022, F.S.

¹⁷ Section 39.301(1), F.S.

dangerous environments. CPIs must respond to a hotline report no less than 24 hours after its receipt, resulting in CPIs working nights and weekends.

Specific CPI responsibilities include, but are not limited to:

- 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;
- 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 a risk assessment for families investigated and explaining risk to the family;
- Conducting staffings required for families with 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 Present Danger Plan and a safety plan.¹⁸

Generally, the DCF conducts child protective investigations statewide. However, sheriffs' offices perform child protective investigations in seven counties by agreement with the DCF.¹⁹

Child Protective Investigations Conducted by Sheriffs' Offices

In 1998, the Legislature created s. 39.3065, F.S, requiring the DCF to contract with the sheriffs of Pasco, Manatee, Broward, and Pinellas counties to provide all child protective investigation services in their respective counties beginning in Fiscal Year 1999-2000.²⁰ In Fiscal Year 2000-2001, the Legislature further authorized the DCF to enter into grant agreements with sheriffs of other counties to perform child protective investigations in their respective counties.²¹ The additional agreements include the following:

- Seminole County Sheriff's Office was authorized through the Fiscal Year 2000-2001 General Appropriations Act.
- Hillsborough County Sheriff's Office was authorized through the Fiscal Year 2005-2006 General Appropriations Act.
- Citrus County Sheriff's Office was authorized through the Fiscal Year 2007-2008 General Appropriations Act. However, authority over child protective investigations was transferred back to DCF in Fiscal Year 2012-2013.²²

¹⁸ The DCF, Agency Analysis of 2023 Proposed Committee Bill Sheriffs Provision of Child Protective Investigations, p. 3, March 19, 2023.

¹⁹ Broward, Hillsborough, Manatee, Pasco, Pinellas, Seminole, and Walton.

²⁰ Chapter 98-180 s. 2, L.O.F.; codified as s. 39.3065, F.S.

²¹ Chapter 2000-139 s. 3, L.O.F.; amending s. 39.3065, F.S.

²² It is not clear why authority over child protective investigations was transferred back to DCF from the Citrus County Sheriff's Office; however, it has been reported it was based on funding issues and was not performance related.

- Walton County Sheriff's Office was authorized through the Fiscal Year 2018-2019 General Appropriations Act.

All sheriffs performing child protective investigations must:

- Adopt the child welfare model that is used by CPIs who are employed by the DCF;²³
- Operate in accordance with the performance standards and outcome measures required for protective investigations that are conducted by the DCF;²⁴
- Operate in compliance with performance standards and metrics that are imposed by federal law, regulation, or funding requirements;²⁵
- 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.²⁶

Each CPI who is employed by the sheriff must complete the same mandatory training required of CPIs who are employed by the DCF.²⁷

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.²⁸ The DCF must conduct an annual performance evaluation of all sheriffs providing services pursuant to a grant agreement.²⁹ Current law sets out criteria and standards that must be applied in conducting the annual evaluations.³⁰

Sheriffs' Funding for CPI Contracts

All seven sheriffs conducting child protective investigations receive funding through the General Appropriations Act (GAA) for that purpose. Such funds are identified by sheriff's office. 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. Budget data must be reported to the DCF as set out in the grant agreement.³¹

In Fiscal Year 2022-2023, the sheriffs' offices total contact amount for child protective investigative services was \$59.1 million,³² allocated as provided in the following table:

²³ Section 39.3065(3)(b), F.S.

²⁴ *Id.*; 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.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ Section 39.3065(3)(d), F.S.

²⁹ Section 39.3062(3)(e), F.S.

³⁰ *Id.*

³¹ Section 39.3065(3)(c), F.S.

³² Chapter 2022-156, L.O.F. (HB 5001), Specific Appropriation 316.

Sheriffs' Office	Allocation
Broward County	\$15,270,728
Hillsborough County	13,807,564
Manatee County	4,924,225
Pasco County	7,035,690
Pinellas County	12,484,719
Seminole County	4,702,668
Walton County	929,472
Total:	\$59,155,066

Sheriff's Offices Program Performance Evaluation

The DCF conducts an annual performance evaluation of all sheriffs performing child protective investigations.³³ The seven sheriff's offices conducting child protective investigations encompass metropolitan areas where more than a quarter of the state's child population resides.³⁴ A total of 175,314 child protective investigations were conducted in Florida during fiscal year 2021-2022, and the seven counties where sheriff's offices handle investigations conducted 43,039 (24.55 percent) of the state's investigations.³⁵

Florida law requires the sheriff's offices to operate in accordance with performance standards and outcome measures established by the Legislature. Child protection and child welfare outcomes are established in s. 409.986(2), F.S.; both measures listed below are included in the sheriffs' grant agreements:

- Percent of investigations commenced within 24 hours.
 - The DCF's performance: 99.17 percent (Target: 99.5 percent)
 - Sheriffs' Office performance: 99.36 percent (Target: 99.5 percent)
- Percent of victims seen within 24 hours of receiving a report.
 - The DCF's performance: 91.53 percent (Target: 90 percent)
 - Sheriffs' Office performance: 91.93 percent (Target: 85 percent)

Historically, sheriff's offices have performed relatively close to the statewide average.

Transition of Child Protective Investigations from Sheriffs' Offices to the DCF

In February 2023, the various sheriffs' offices contracted to perform child protective investigations and the DCF agreed to transition all child protective investigation duties back to the DCF.³⁶ The DCF reports that in the two decades since allowing specified sheriff's offices to

³³ Section 39.3062(3)(e), F.S. Sheriffs Annual Performance Reports are available to view and download at: <https://www.myflfamilies.com/service-programs/child-welfare/lmr/>.

³⁴ The DCF, *Florida Sheriffs Performing Child Protective Investigations: Annual Program Performance Evaluation Report*, Fiscal Year 2021-2022, p. 1, available at https://www.myflfamilies.com/sites/default/files/2023-02/Sheriff_Offices_Annual_Peer_Review_Report_2021-22.pdf (last viewed April 4, 2023).

³⁵ *Id.*

³⁶ Letter from Secretary Shevaun Harris announcing the transition of CPI duties back to the DCF from Sheriff Offices currently providing child protective investigations. February 17, 2023 (on file with the Senate Committee on Children, Families, and Elder Affairs).

perform child protective investigations, Florida's child welfare system has evolved.³⁷ The DCF recognizes a renewed commitment to prevention-focused programming and a need to integrate this function within existing crisis-oriented systems to provide better outcomes for families.³⁸ The DCF also reports that several changes to state and federal laws require new approaches and adaptations within the child welfare system.³⁹

For these reasons, and after careful discussion between the responsible parties, the DCF and the local sheriff's offices have jointly decided to submit a proposal to the Florida Legislature to transition all responsibilities for child protective investigative services back to the DCF.

III. Effect of Proposed Changes:

The proposed bill repeals s. 39.3065, F.S., effective January 1, 2024. The delayed effective date allows time for the full transfer of the child protective investigation responsibilities to the DCF and the implementation of the substantive provisions of the bill.

The bill, effective January 1, 2024, makes conforming changes to the statutes to remove references to sheriff's offices conducting child protective investigations.

The bill, effective upon becoming law, creates an unnumbered section of law that details the timeline and process for the transfer of child protective investigation services to the DCF. The bill requires the sheriffs providing child protective investigative services for Pinellas, Manatee, Broward, Pasco, Hillsborough, Seminole, and Walton counties to transfer all responsibility for such services back to the DCF. To facilitate transition planning, the Department and each sheriff shall designate a mutually agreed upon date, no later than December 31, 2023, by which the transfer is to be finalized. This language will allow the DCF and each sheriff's office enough flexibility to select the transfer date that works best for both parties and allows for implementation of a staggered transition.

The bill provides timelines, processes, and authorizations for:

- *Transfer of Records*
 - Provides that upon the date the transfer is finalized with each respective sheriff, the DCF shall become the custodian of all files and documents previously maintained by the sheriffs related to the provision of child protective services.
- *Assets and Finances*
 - Requires the DCF and each respective sheriff providing child protective services pursuant to a grant agreement to complete an inventory of grant-related assets and all appropriate assets will be transferred to the DCF. A financial close-out of each grant must be completed no later than March 31, 2024.
- *Use of Property*
 - Allows DCF to extend a private lease of a facility currently in use by a sheriff's office for CPI services for no more than 1 year without undergoing competitive solicitation. The DCF, by written agreement, may allow transitioned child protective staff to remain in

³⁷ The DCF, *2023 Agency Legislative Bill Analysis, Proposed Committee Bill*, March 19, 2023, p. 4 (on file with Children, Families, and Elder Affairs).

³⁸ *Id.*

³⁹ *Id.*

office space leased or owned by the sheriff for no more than six months after the date the transfer is finalized.

- *Transfer of Employees*
 - The bill outlines conditions for employees who currently perform CPI duties for the sheriff's offices if they transfer to work for the DCF. All staff in good standing employed by each respective sheriff for the provision of child protective services, employed before the effective date of this legislation, will have the option to transfer their employment to the DCF. To account for those potential employees, the DCF will be required to establish positions using Department of Management Services guidelines.
 - The bill further provides that an employee who elects to transfer to the DCF:
 - Will not be required to compete for employment through an open competitive process and must be employed in a position with the duties and responsibilities with which he or she performs for the sheriff's office at the time of transfer.
 - Will not be required to undergo an initial criminal background screening as a condition of transition to the DCF if the employee is in compliance with background screening requirements of the sheriff's office at the time of transfer.
 - Will maintain their current rate of pay at the time of transfer for the work they will perform for the DCF and be placed in a position with work duties comparable to what they performed for the sheriff's office.
 - Will be considered "non-probationary," provided the employee has completed the probationary period for their respective sheriff's office, if one exists, or has been continuously employed in their current position for more than 12 months on the date of transfer.
 - Will be eligible for all benefits afforded to a state employee as applicable to the position in which they will occupy.
 - May continue in the Florida Retirement System with no break in service.
 - May transfer all of their accrued leave, and all creditable service months worked for their respective sheriff's office will be transferred for the purpose of annual leave accrual.
 - May continue on Family and Medical Leave or an approved extended leave status, contingent upon the DCF receiving supporting documentation.

The bill requires that any claim or cause of action brought against a sheriff in relation to child protective investigations before the applicable transfer date must be defended and indemnified in accordance with the provisions of the grant or agreement applicable at the time of the alleged incident. Any claim or cause of action brought after the applicable transfer date must be defended and indemnified by the DCF.

The bill is effective January 1, 2024, except as otherwise expressly provided in the bill.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill conforms to SB 2500, the Senate General Appropriations Act for Fiscal Year 2023-2024, which establishes 674 FTEs, 37,994,056 in salary rate, and authorizes \$1,381,681 in recurring funds from the General Revenue Fund for the DCF.

In addition, SB 2500 includes a realignment of \$59,155,066 of recurring base budget within the DCF. This includes the transfer from the Grants and Aids – Grants to Sheriffs for Protective Investigations category of \$30,348,074 in the General Revenue Fund, \$1,500,430 in the Federal Grants Trust Fund, \$18,297,468 in the Welfare Transition Trust Fund, and \$9,009,094 in the Social Services Trust Fund. These funds will be reallocated to the Salaries and Benefits (\$52,603,942), Expenses (\$4,589,763), Contracted Services (\$527,660), Motor Vehicle Leasing (\$1,250,966) and Human Resources Statewide Assessment (\$182,735) categories to enable the DCF to provide child protective services in the seven counties.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill repeals section 39.3065 of the Florida Statutes.

The bill substantially amends the following sections of the Florida Statutes: 39.013, 39.0141, 39.301, 39.3068, 39.307, 39.308, 39.4015, 39.523, 39.524, 402.40, 402.402, 409.1754, 937.021, and 1004.615.

The bill creates an undesignated section of law.

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.