

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: HB 7061 PCB HHS 23-01 Sheriffs Providing Child Protective Investigative Services
SPONSOR(S): Health & Human Services Committee, Koster
TIED BILLS: IDEN./SIM. **BILLS:** SB 7056

FINAL HOUSE FLOOR ACTION: 116 Y's 0 N's **GOVERNOR'S ACTION:** Approved

SUMMARY ANALYSIS

HB 7061 passed the House on April 26, 2023. The bill was amended in the Senate on May 2, 2023, and was returned to the House. The House concurred in the Senate amendment and subsequently passed the House on May 3, 2023.

Florida's dependency system identifies children and families in need of services through reports to the central abuse hotline and child protective investigations. Child Protective Investigators (CPIs) conduct such investigations and carry out other important responsibilities to maintain child safety. Currently, the Department of Children and Families (DCF) performs child protective investigations in 60 counties and sheriffs' offices do so in the other seven, comprising nearly 25% of the child protective investigations in the state at a cost of \$59 million. Four sheriffs' offices are required by statute to perform child protective investigations, while three others have voluntary agreements with DCF to do so.

HB 7061 requires the transfer of child protective investigation services by sheriffs back to DCF, making DCF the sole entity performing child protective investigations in Florida. The bill specifies the timeframe and framework for the transfer, including employees' ability to transition to DCF and the handling of records, use of facilities, final grant accounting, handling of liability claims, and disposition of assets.

HB 7061 has a significant, negative fiscal impact on DCF and an indeterminate impact on local governments. See Fiscal Comments.

The bill was approved by the Governor's on May 11, 2023, ch. 2023-77, L.O.F., and will become effective on January 1, 2024, except for the provisions detailing the transfer from sheriffs to DCF, which are effective upon becoming law.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Florida's Dependency System

Chapter 39, F.S., creates the dependency system charged with protecting child welfare. Florida's dependency system identifies children and families in need of services through reports to the central abuse hotline and child protective investigations. DCF and the 19 community-based care lead agencies (CBCs) throughout Florida¹ work with those families to address the problems endangering children, if possible. If the problems are not addressed, DCF and the CBC's find safe out-of-home placements for these children.

DCF's practice model is based on the safety of the child within the home by using in-home services, such as parenting coaching and counseling, to maintain and strengthen that child's natural supports in his or her environment.

DCF contracts with CBCs for case management, out-of-home services, and related services. The outsourced provision of child welfare services is intended to increase local community ownership of service delivery and design. CBCs contract with a number of subcontractors for case management and direct care services to children and their families.

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 services.² Ultimately, DCF is responsible for program oversight and the overall performance of the child welfare system.³

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).⁴ The hotline⁵ receives more than 350,000 child-related calls annually.⁶ Calls received are screened to determine if the criteria are met to initiate a protective investigation.⁷

Steps in the dependency process may include:

- A report to the hotline.
- A child protective investigation to determine the safety of the child.
- Placement in out-of-home care, if necessary.
- The court finding the child dependent.
- Case planning for the parents to address the problems resulting in their child's dependency.
- Reunification with the child's parent or another option to establish permanency, such as adoption.⁸

¹ These 19 CBCs together serve the state's 20 judicial circuits.

² Ch. 39, F.S.

³ *Id.*

⁴ Section 39.201(1), F.S.

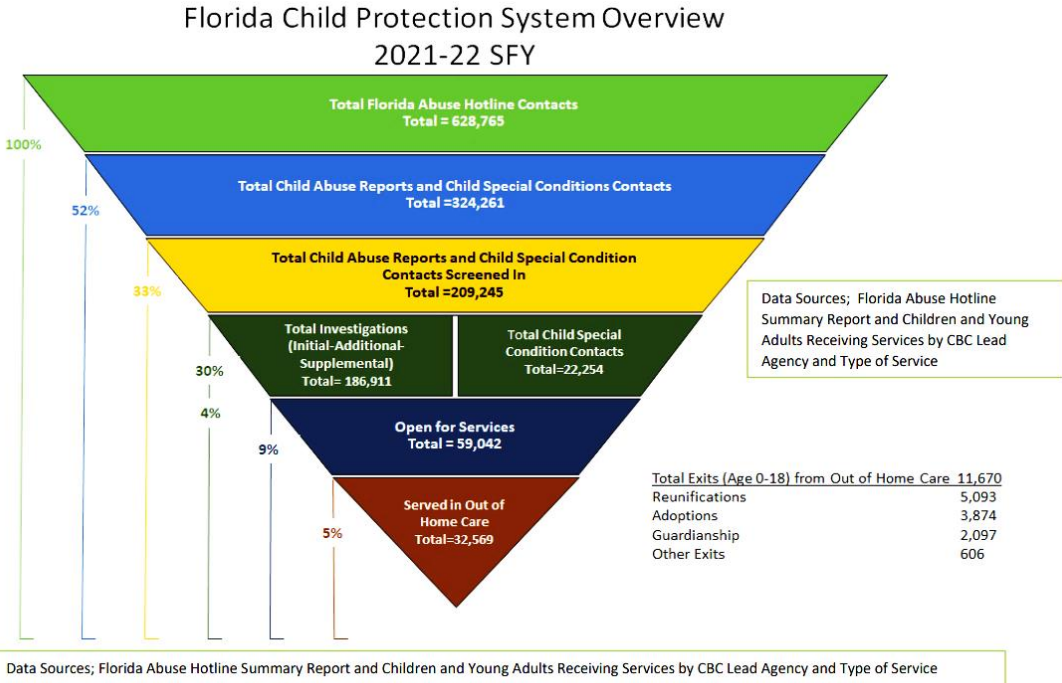
⁵ Department of Children and Families, Florida Abuse Hotline, Overview, <https://www2.myflfamilies.com/service-programs/abuse-hotline/overview.shtml>, (last visited March 11, 2023).

⁶ Department of Children and Families, *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).

⁷ *Supra* note 5.

⁸ 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. S. 63.022, F.S.

The graphic below presents key statistics regarding children and families having contact with the child welfare system in FY 2021-22.⁹



Child Protective Investigations

Child Protective Investigators (CPIs) initially must determine “whether there is any indication that any child in the family or household has been abused, abandoned, or neglected,” and, if so, to identify the individual responsible for the maltreatment. A CPI must respond to a hotline report either immediately, or within 24 hours after the report is received, depending on the nature of the allegation. Next, a CPI conducts a Family Functioning Assessment to identify the source of all danger threats in the home and assess the protective capacity of the caregivers for the child. If a child has been determined to have likely been maltreated, CPIs must consider the implementation of an in-home safety plan and the initiation of in-home services to protect the child and stabilize the family. If necessary to protect the child, CPIs remove the child from the home and place the child with another parent, relative, or non-relative, or in licensed substitute care.¹⁰

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;

⁹ *Supra* note 6, p. 9.
¹⁰ Department of Children and Families, *Child Protective Investigator and Child Protective Investigator Supervisor Educational Qualifications, Turnover, Professional Advancement, and Working Conditions Status Report*, Oct. 1, 2022, p. 3, https://www.myflfamilies.com/sites/default/files/2023-02/CPI_Workforce_Report_2021-22.pdf (accessed April 5, 2023).

- 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.¹¹

CPIs must work nights and weekends as required to perform their responsibilities.¹²

During FY 2021-2022, a total of 175,314 child protective investigations were conducted in Florida, and 99.22% of these investigations were commenced within 24 hours of receiving the abuse report.¹³ In the investigations closed within the same period, over 91.63% of victims were seen within 24 hours of the hotline intake decision date and time.¹⁴

Sheriffs' Performance of Child Protective Investigations

Overview and History

Currently, DCF performs child protective investigations in 60 counties, and the General Appropriations Act funds seven sheriffs' offices to do so. Current law expressly requires DCF to contract with four sheriffs' offices to perform child protective investigations: Broward, Manatee, Pasco, and Pinellas counties.¹⁵ The General Appropriations Act (GAA) requires DCF to contract with three more: those in Hillsborough, Seminole and Walton counties. Of the 175,314 child protective investigations conducted in Florida during FY 2021-2022, the sheriff's offices conducted 24.55% (43,039).¹⁶

The history of such contracts is as follows:

- **FY 1997-98:** DCF begins to transfer investigations to high-risk cases to the Manatee County Sheriff's Office, as authorized by statute.¹⁷
- **FY 1998-99:** Statute authorized DCF to enter into contracts with the Manatee, Pinellas, Broward, and Pasco county sheriffs to handle child protective investigations.
- **FY 2000-01:** DCF was given full authority to contract with any county sheriff's office that wishes to assume responsibility for conducting child protective investigations.
- **2000:** Seminole County Sheriff's Office was given authority through the General Appropriations Act to handle child protective investigations.
- **2005:** Hillsborough County Sheriff's Office was given authority through the General Appropriations Act to handle child protective investigations.
- **2007:** Citrus County Sheriff's Office was given authority through the General Appropriations Act to handle child protective investigations.

¹¹ Department of Children and Families, Agency Analysis of 2023 Proposed Committee Bill Sheriffs Provision of Child Protective Investigations, p. 3, March 19, 2023.

¹² *Id.*

¹³ Department of Children and Families, *Florida Sheriffs Performing Child Protective Investigations: Annual Program Performance Report, FY 2021-22*, pp. 1 and 14, https://www.myflfamilies.com/sites/default/files/2023-02/Sheriff_Offices_Annual_Peer_Review_Report_2021-22.pdf (accessed April 5, 2023).

¹⁴ *Id.*

¹⁵ S. 39.3065, F.S.

¹⁶ *Supra* note 13.

¹⁷ Susan Kinney, et al, *The Transfer of Responsibility for Child Protective Investigations to Law Enforcement in Florida: A Supplemental Study Final Report*, Center for Research on Youth and Social Policy, School of Social Work, University of Pennsylvania; Feb. 2005, p. 5. <https://www.ojp.gov/ncjrs/virtual-library/abstracts/transfer-responsibility-child-protective-investigations-law> (accessed April 5, 2023).

- **2012:** Authority over child protective investigations was assumed back to DCF from the Citrus County Sheriff's Office.¹⁸
- **2018:** Walton County Sheriff's Office was given authority through the General Appropriations Act to handle child protective investigations.

This transfer of child protective investigations to sheriff's offices was a new approach. Researchers studying the effects wrote in their evaluation in 2005, "While many jurisdictions have experimented with multidisciplinary teams and expanded roles for police, Florida has gone further than any other state in the country in turning complete control of child maltreatment investigations over to a law enforcement agency."¹⁹ Examples of other models for law enforcement involvement in child protective investigations include formal or informal agreements to share information, or joint collaborative child abuse and neglect investigations.²⁰

The requirements in law for sheriffs conducting child protective investigations vary based on whether the statute requires the sheriff to perform investigations or the sheriff does so voluntarily.

All sheriffs performing child protective investigations must:

- Operate in compliance with federal performance standards and metrics that are imposed by federal law, regulation, or funding requirements;²¹ and
- Ensure that each sheriff CPI completes the same mandatory training that is required of CPIs who are employed by the Department.²²

Additionally, the sheriffs of counties voluntarily conducting investigations must:

- Adopt the child welfare practice model that is used by CPIs who are employed by the Department;²³ and
- Operate in accordance with the same child welfare practice model principles used by, and the same state performance standards and metrics that are imposed on, child protective investigators employed by the Department.²⁴

Sheriff Performance

Sheriffs and DCF are to collaborate on federal and state quality assurance and quality improvement initiatives. For example, DCF and all contracted sheriffs, or their designees, must meet at least quarterly to work together on federal and state quality assurance and quality improvement initiatives.²⁵

DCF must conduct an annual evaluation of the performance of all sheriffs providing child protective investigation services. This evaluation is based on the same federal and selected state performance

¹⁸ It is not clear why authority over child protective investigations was assumed 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.

¹⁹ *Supra* note 17. It is unknown whether any other states have followed in transferring full responsibilities for child protective investigations to law enforcement.

²⁰ Casey Family Programs, *Information Packet-Supportive Communities: Are there good examples of how child welfare agencies are collaborating with law enforcement?* Jan. 2018, https://www.casey.org/media/SComm_Models_Law_Enforcement_fnl.pdf (accessed April 4, 2023).

²¹ S. 39.3065(3)(b)1., F.S. DCF is required to comply with child protection and child welfare outcomes, such as children are first and foremost protected from abuse and neglect; commencing the investigation and seeing the alleged victim within 24 hours; 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.

²² S. 39.3065(3)(b), F.S.

²³ S. 39.3065(3)(a), F.S.

²⁴ S. 39.3065(3)(b)2., F.S.

²⁵ S. 39.3065(3)(e), F.S.

offices. The Department may make advance payments to the sheriffs for conducting child protective investigations. Any funds provided to sheriff's offices for investigations may not be integrated into the sheriffs' regular budgets but must be maintained separately from all other records. Budget data must be reported to DCF as set out in the grant agreement.²⁹

In FY 2022-2023, the total contract amount for sheriffs' offices for child protective investigative services is \$59.1 million.³⁰

Sheriff Office	FY 2022-2023 Appropriations
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

On average, the Legislature pays sheriffs more than DCF for performing the same investigation functions. The following tables provide information on expenditures and costs per report received for FY 2020-21 and FY 2021-2022. The first table provides information on the expenditures and costs per report for each sheriff's office conducting child protective investigations, while the second table provides information for DCF.

Sheriff Cost and Expenditures Per Investigation						
Fiscal Year 2020-2021				Fiscal Year 2021-2022		
County	Total Cost	Reports	Average Cost Per Report	Total Cost	Reports	Average Cost Per Report
Broward	\$14,264,123	9,359	\$1,524	\$14,317,561	9,662	\$1,482
Hillsborough	\$13,738,636	9,571	\$1,435	\$14,411,533	9,976	\$1,445
Manatee	\$4,855,360	3,133	\$1,550	\$5,114,966	2,883	\$1,774
Pasco	\$6,445,087	4,781	\$1,348	\$6,466,013	4,587	\$1,410
Pinellas	\$11,915,854	6,833	\$1,744	\$11,915,854	6,059	\$1,967
Seminole	\$4,633,803	3,247	\$1,427	\$4,633,803	3,346	\$1,385
Walton	\$860,607	870	\$989	\$860,607	792	\$1,087
All Sheriffs	\$56,713,470	37,794	\$1,501	\$57,720,337	37,305	\$1,547

DCF Cost and Expenditures Per Investigation						
Fiscal Year 2020-2021				Fiscal Year 2021-2022		
Region	Total Cost	Reports	Average Cost Per Report	Total Cost	Reports	Average Cost Per Report
Northwest	\$20,983,838	14,705	\$1,427	\$19,954,007	14,460	\$1,380
Northeast	\$35,568,139	28,262	\$1,259	\$31,971,896	26,448	\$1,209
Suncoast	\$15,754,991	13,799	\$1,142	\$13,628,095	12,913	\$1,055
Central	\$55,032,102	39,166	\$1,405	\$52,675,913	38,624	\$1,364
Southeast	\$18,507,820	12,657	\$1,462	\$17,096,066	12,642	\$1,352
Southern	\$15,834,931	10,155	\$1,559	\$14,286,744	10,305	\$1,386
DCF	\$161,681,821	118,744	\$1,362	\$149,612,721	115,392	\$1,297

²⁹ Section 39.3065(3)(c), F.S.

³⁰ Chapter 2022-156, Laws of Fla. (HB 5001), Specific Appropriation 316.

During FY 2021-22, the range of costs per report for sheriffs' offices was from \$1,087 to \$1,967. The average cost per report for sheriffs was \$1,547. Comparably, DCF costs ranged from \$1,055 to \$1,386. DCF spends an average of \$1,297 per report.

Liability Indemnification

The grant agreement between DCF and the sheriffs' offices conducting child protective investigations requires the sheriffs, to the extent permitted by law, to be fully liable and have absolute responsibility without oversight from DCF for the actions of its officers, agents, and employees. Sheriffs maintain sovereign immunity as provided in law.³¹

Changes in the Child Welfare System

The responsibility for child protective investigative services transitioned over 20 years ago to the sheriff's offices. In the two decades since, prompted in part by changes in federal law regarding availability of federal funding prioritizing prevention services, Florida's child welfare system has evolved. Today, there is a renewed commitment on prevention-focused programming and integrating this function within existing crisis-oriented systems to provide better outcomes for families.

DCF and the local sheriffs' offices jointly decided to recommend to transition all responsibilities for child protective investigative services back to DCF.³²

Effect of Proposed Changes

The PCB requires the sheriffs providing child protective investigations to transfer all responsibility for such services back to DCF by December 31, 2023. To facilitate transition planning, DCF and each sheriff must agree upon the date that sheriff's responsibilities will transfer. HB 7061 addresses specific elements of the transfer as follows.

Transfer of Records

Upon the date the transfer is finalized with each respective sheriff, 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

DCF and each respective sheriff providing child protective services will conduct an inventory of grant-related assets, and all appropriate assets will be transferred to the Department. A financial close-out of each grant must be completed by March 31, 2024.

Facilities

DCF may extend the private leases of facilities currently used by sheriffs for child protective services for up to a year without undergoing a procurement process. Additionally, with the written agreement of all parties, DCF may be assigned the private leases of facilities currently used by each respective sheriff for child protective services for the remaining term of the lease. DCF and each respective sheriff may enter an agreement to allow the child protective services staff now employed by DCF to remain in sheriff-owned office spaces up to six months after the date the transfer is finalized.

³¹ Email from John Paul Fiore, Legislative Affairs Director, Florida Department of Children and Families, RE: Could I get current grant agreement indemnification language?, May 3, 2023 (on file with Children, Families, and Seniors Subcommittee). See s. 768.28, F.S.

³² *Supra* note 11, pp. 4-5.

Transfer of Employees

The bill allows all sheriff child protective services staff employed before July 1, 2023, and in good standing to be able to transfer their employment to DCF. The bill allows these employees to:

- Be appointed to positions comparable to the duties and responsibilities which they perform for the sheriff's office at the time of transfer without being subject to an open competitive process or a probationary period, under most circumstances.
- Avoid initial criminal background screenings as a condition of their transition as long as the employees are in compliance with screening conditions of their employing sheriff's office at the time of transfer.
- Maintain their current rate of pay.
- Continue in the Florida Retirement System with no break in service.
- Remain on Family and Medical Leave or an approved extended leave status, contingent upon DCF receiving supporting documentation.
- Be eligible for all benefits afforded to state employees as applicable to the positions which they will occupy.

Claims and Causes of Action

For claims or causes of action filed before the dates of transfer, sheriffs will be responsible for defending them, as provided in the grant agreement. The bill requires DCF to defend claims or causes of action filed after responsibilities transfer.

The bill also makes conforming changes to statutes to remove references to sheriffs' offices performing child protective investigations.

The bill has an effective date of January 1, 2024, except for the provisions detailing the transfer from sheriffs to DCF, which are effective upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The total additional funding required for the implementation of the bill is \$1,381,682 (for personnel resources). The bill also requires the transfer of \$59,155,066 currently appropriated to DCF in a specified budget category for sheriffs' offices child protective investigations to other budget categories within DCF.

For DCF to assume child protective investigative services from the sheriffs, the following categories would receive the transferred funding (including the additional funding of \$1,381,682):

- Salaries and Benefits: \$53,009,059, which is based upon the assumption that the 535 filled positions among the sheriffs' offices will elect to transfer employment to DCF, along with additional funding for 55 positions that are currently authorized within DCF but lack salary and benefit funds. The total FTE need is 674 positions, which will be covered by the transferred funds except for the new 55 FTE.

- Expenses: \$5,480,653 for fixed costs (e.g., leases, utilities, phones, etc.), travel reimbursement, and supplies.
- Contracted Services: \$527,660 for services such as court reporting, interpreter services, mail delivery, and records management.
- Motor Vehicles: \$1,250,966 for vehicles that are currently in the possession of the sheriffs' that will be transferred to DCF.
- Department of Management Services annual workforce assessment: \$268,409.

The total cost required for DCF to assume child protective investigative services from the sheriffs is \$60,536,747 (\$59,155,066 currently available to be transferred plus \$1,381,681 of new funding). A review of budget reversions during the last three fiscal years shows an average of \$10,443,552 of unexpended salary budget. This amount is not specific to FTE providing child protective investigative services; however, the budget amendment process allows departments to transfer certain budget authority among categories if needed. Additionally, a review of vacant positions shows that 212.00 Child Protective Investigator, Senior Child Protective Investigator, and Child Protective Investigator Supervisor positions were vacant as of February 2023. The longest vacant position dates to August 2021.

The General Appropriations Act for FY 2023-2024 appropriated \$3,000,000 in nonrecurring funds from the General Revenue Fund to reimburse the sheriffs when sufficient grant funds are not available to cover employee leave payouts for employees who terminate employment with a sheriff on or before the applicable transfer date. The act also appropriated \$3,000,000 in recurring General Revenue funds to DCF for defense or indemnification of any legal claims or cause of action relating to the sheriffs' provision of child protective investigations. These funds may be transferred to a sheriff's office defending a claim or used by DCF.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill will reduce the funding received by those sheriffs' offices providing child protective investigatory services from DCF. The amount varies by sheriff's office. See Substantive Analysis, Effect of Proposed Changes.

2. Expenditures:

The bill will reduce the expenditures made by those sheriffs' offices providing child protective investigatory services as they will no longer be responsible for providing those services. To the degree that sheriff's offices are using county funds to supplement the funding received from DCF to provide child protective investigatory services, such counties may experience a positive fiscal impact from the bill.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

DCF will purchase equipment for transitioning sheriff's office staff using base budget from the current fiscal year.

During the first year of the transition, the sheriffs would need funding to provide services until the date that responsibility for services transitioned to DCF, with the remaining appropriation (outside of the sheriffs' line item) transferred to the Department to provide services for the rest of the fiscal year.

