

1 A bill to be entitled
2 An act relating to sheriffs providing child protective
3 investigative services; repealing s. 39.3065, F.S.,
4 relating to sheriffs of certain counties providing
5 child protective investigative services; amending ss.
6 39.013, 39.0141, 39.301, 39.3068, 39.307, 39.308,
7 39.4015, 39.523, 39.524, 402.40, 402.402, 409.1754,
8 937.021, and 1004.615, F.S.; conforming provisions to
9 changes made by the act; requiring sheriffs in certain
10 counties who provide child protective investigative
11 services functions to transfer such functions to the
12 Department of Children and Families by a mutually
13 agreed upon date; specifying which entity becomes the
14 custodian of certain files and documents; providing
15 requirements for all grants and grant-related assets;
16 authorizing the department to extend certain private
17 leases for a certain amount of time; authorizing the
18 department and each sheriff to enter into a specified
19 agreement for a specified timeframe; authorizing
20 certain employees to transfer their employment to the
21 department; requiring the department to establish
22 positions for such employees; providing certain
23 benefits to employees who transfer their employment to
24 the department; providing for defense and
25 indemnification of certain claims; providing effective

26 | dates.

27 |

28 | Be It Enacted by the Legislature of the State of Florida:

29 |

30 | Section 1. Section 39.3065, Florida Statutes, is repealed.

31 | Section 2. Subsection (12) of section 39.013, Florida
 32 | Statutes, is amended to read:

33 | 39.013 Procedures and jurisdiction; right to counsel.—

34 | (12) The department shall be represented by counsel in
 35 | each dependency proceeding. Through its attorneys, the
 36 | department shall make recommendations to the court on issues
 37 | before the court and may support its recommendations through
 38 | testimony and other evidence by its own employees, ~~employees of~~
 39 | ~~sheriff's offices providing child protection services,~~ employees
 40 | of its contractors, employees of its contractor's
 41 | subcontractors, or from any other relevant source.

42 | Section 3. Section 39.0141, Florida Statutes, is amended
 43 | to read:

44 | 39.0141 Missing children; report required.—Whenever the
 45 | whereabouts of a child involved with the department become
 46 | unknown, the department or the community-based care provider,
 47 | ~~or the sheriff's office providing investigative services for the~~
 48 | ~~department~~ shall make reasonable efforts, as defined by rule, to
 49 | locate the child. If, pursuant to criteria established by rule,
 50 | the child is determined to be missing, the department or the

51 community-based care provider, ~~or the sheriff's office~~ shall
 52 file a report that the child is missing in accordance with s.
 53 937.021.

54 Section 4. Subsection (9) of section 39.301, Florida
 55 Statutes, is amended to read:

56 39.301 Initiation of protective investigations.—

57 (9)(a) For each report received from the central abuse
 58 hotline and accepted for investigation, the department ~~or the~~
 59 ~~sheriff providing child protective investigative services under~~
 60 ~~s. 39.3065,~~ shall perform the following child protective
 61 investigation activities to determine child safety:

62 1. Conduct a review of all relevant, available information
 63 specific to the child, and family, and alleged maltreatment;
 64 family child welfare history; local, state, and federal criminal
 65 records checks; and requests for law enforcement assistance
 66 provided by the abuse hotline. Based on a review of available
 67 information, including the allegations in the current report, a
 68 determination shall be made as to whether immediate consultation
 69 should occur with law enforcement, the Child Protection Team, a
 70 domestic violence shelter or advocate, or a substance abuse or
 71 mental health professional. Such consultations should include
 72 discussion as to whether a joint response is necessary and
 73 feasible. A determination shall be made as to whether the person
 74 making the report should be contacted before the face-to-face
 75 interviews with the child and family members.

76 2. Conduct face-to-face interviews with the child; other
77 siblings, if any; and the parents, legal custodians, or
78 caregivers.

79 3. Assess the child's residence, including a determination
80 of the composition of the family and household, including the
81 name, address, date of birth, social security number, sex, and
82 race of each child named in the report; any siblings or other
83 children in the same household or in the care of the same
84 adults; the parents, legal custodians, or caregivers; and any
85 other adults in the same household.

86 4. Determine whether there is any indication that any
87 child in the family or household has been abused, abandoned, or
88 neglected; the nature and extent of present or prior injuries,
89 abuse, or neglect, and any evidence thereof; and a determination
90 as to the person or persons apparently responsible for the
91 abuse, abandonment, or neglect, including the name, address,
92 date of birth, social security number, sex, and race of each
93 such person.

94 5. Complete assessment of immediate child safety for each
95 child based on available records, interviews, and observations
96 with all persons named in subparagraph 2. and appropriate
97 collateral contacts, which may include other professionals, and
98 continually assess the child's safety throughout the
99 investigation. The department's child protection investigators
100 are hereby designated a criminal justice agency for the purpose

101 of accessing criminal justice information to be used for
102 enforcing this state's laws concerning the crimes of child
103 abuse, abandonment, and neglect. This information shall be used
104 solely for purposes supporting the detection, apprehension,
105 prosecution, pretrial release, posttrial release, or
106 rehabilitation of criminal offenders or persons accused of the
107 crimes of child abuse, abandonment, or neglect and may not be
108 further disseminated or used for any other purpose.

109 6. Document the present and impending dangers to each
110 child based on the identification of inadequate protective
111 capacity through utilization of a standardized safety assessment
112 instrument. If present or impending danger is identified, the
113 child protective investigator must implement a safety plan or
114 take the child into custody. If present danger is identified and
115 the child is not removed, the child protective investigator
116 shall create and implement a safety plan before leaving the home
117 or the location where there is present danger. If impending
118 danger is identified, the child protective investigator shall
119 create and implement a safety plan as soon as necessary to
120 protect the safety of the child. The child protective
121 investigator may modify the safety plan if he or she identifies
122 additional impending danger.

123 a. If the child protective investigator implements a
124 safety plan, the plan must be specific, sufficient, feasible,
125 and sustainable in response to the realities of the present or

126 impending danger. A safety plan may be an in-home plan or an
127 out-of-home plan, or a combination of both. A safety plan may
128 include tasks or responsibilities for a parent, caregiver, or
129 legal custodian. However, a safety plan may not rely on
130 promissory commitments by the parent, caregiver, or legal
131 custodian who is currently not able to protect the child or on
132 services that are not available or will not result in the safety
133 of the child. A safety plan may not be implemented if for any
134 reason the parents, guardian, or legal custodian lacks the
135 capacity or ability to comply with the plan. If the department
136 is not able to develop a plan that is specific, sufficient,
137 feasible, and sustainable, the department shall file a shelter
138 petition. A child protective investigator shall implement
139 separate safety plans for the perpetrator of domestic violence,
140 if the investigator, using reasonable efforts, can locate the
141 perpetrator to implement a safety plan, and for the parent who
142 is a victim of domestic violence as defined in s. 741.28.
143 Reasonable efforts to locate a perpetrator include, but are not
144 limited to, a diligent search pursuant to the same requirements
145 as in s. 39.503. If the perpetrator of domestic violence is not
146 the parent, guardian, or legal custodian of any child in the
147 home and if the department does not intend to file a shelter
148 petition or dependency petition that will assert allegations
149 against the perpetrator as a parent of a child in the home, the
150 child protective investigator shall seek issuance of an

151 injunction authorized by s. 39.504 to implement a safety plan
152 for the perpetrator and impose any other conditions to protect
153 the child. The safety plan for the parent who is a victim of
154 domestic violence may not be shared with the perpetrator. If any
155 party to a safety plan fails to comply with the safety plan
156 resulting in the child being unsafe, the department shall file a
157 shelter petition.

158 b. The child protective investigator shall collaborate
159 with the community-based care lead agency in the development of
160 the safety plan as necessary to ensure that the safety plan is
161 specific, sufficient, feasible, and sustainable. The child
162 protective investigator shall identify services necessary for
163 the successful implementation of the safety plan. The child
164 protective investigator and the community-based care lead agency
165 shall mobilize service resources to assist all parties in
166 complying with the safety plan. The community-based care lead
167 agency shall prioritize safety plan services to families who
168 have multiple risk factors, including, but not limited to, two
169 or more of the following:

170 (I) The parent or legal custodian is of young age;

171 (II) The parent or legal custodian, or an adult currently
172 living in or frequently visiting the home, has a history of
173 substance abuse, mental illness, or domestic violence;

174 (III) The parent or legal custodian, or an adult currently
175 living in or frequently visiting the home, has been previously

176 found to have physically or sexually abused a child;

177 (IV) The parent or legal custodian, or an adult currently
 178 living in or frequently visiting the home, has been the subject
 179 of multiple allegations by reputable reports of abuse or
 180 neglect;

181 (V) The child is physically or developmentally disabled;
 182 or

183 (VI) The child is 3 years of age or younger.

184 c. The child protective investigator shall monitor the
 185 implementation of the plan to ensure the child's safety until
 186 the case is transferred to the lead agency at which time the
 187 lead agency shall monitor the implementation.

188 d. The department may file a petition for shelter or
 189 dependency without a new child protective investigation or the
 190 concurrence of the child protective investigator if the child is
 191 unsafe but for the use of a safety plan and the parent or
 192 caregiver has not sufficiently increased protective capacities
 193 within 90 days after the transfer of the safety plan to the lead
 194 agency.

195 (b) For each report received from the central abuse
 196 hotline, the department ~~or the sheriff providing child~~
 197 ~~protective investigative services under s. 39.3065,~~ shall
 198 determine the protective, treatment, and ameliorative services
 199 necessary to safeguard and ensure the child's safety and well-
 200 being and development, and cause the delivery of those services

201 through the early intervention of the department or its agent.
 202 If ~~Whenever~~ a delay or disability of the child is suspected, the
 203 parent must be referred to a local child developmental screening
 204 program, such as the Child Find program of the Florida
 205 Diagnostic and Learning Resource System, for screening of the
 206 child. As applicable, child protective investigators must inform
 207 parents and caregivers how and when to use the injunction
 208 process under s. 741.30 to remove a perpetrator of domestic
 209 violence from the home as an intervention to protect the child.

210 1. If the department ~~or the sheriff providing child~~
 211 ~~protective investigative services~~ determines that the interests
 212 of the child and the public will be best served by providing the
 213 child care or other treatment voluntarily accepted by the child
 214 and the parents or legal custodians, the parent or legal
 215 custodian and child may be referred for such care, case
 216 management, or other community resources.

217 2. If the department ~~or the sheriff providing child~~
 218 ~~protective investigative services~~ determines that the child is
 219 in need of protection and supervision, the department may file a
 220 petition for dependency.

221 3. If a petition for dependency is not being filed by the
 222 department, the person or agency originating the report shall be
 223 advised of the right to file a petition pursuant to this part.

224 4. At the close of an investigation, the department ~~or the~~
 225 ~~sheriff providing child protective services~~ shall provide to the

226 person who is alleged to have caused the abuse, neglect, or
 227 abandonment and the parent or legal custodian a summary of
 228 findings from the investigation and provide information about
 229 their right to access confidential reports in accordance with s.
 230 39.202.

231 Section 5. Subsection (1) of section 39.3068, Florida
 232 Statutes, is amended to read:

233 39.3068 Reports of medical neglect.—

234 (1) Upon receiving a report alleging medical neglect, the
 235 department ~~or sheriff's office~~ shall assign the case to a child
 236 protective investigator who has specialized training in
 237 addressing medical neglect or working with medically complex
 238 children if such investigator is available. If a child
 239 protective investigator with specialized training is not
 240 available, the child protective investigator shall consult with
 241 department staff with such expertise.

242 Section 6. Subsection (2) of section 39.307, Florida
 243 Statutes, is amended to read:

244 39.307 Reports of child-on-child sexual abuse.—

245 (2) The department, ~~contracted sheriff's office providing~~
 246 ~~protective investigation services,~~ or contracted case management
 247 personnel responsible for providing services, at a minimum,
 248 shall adhere to the following procedures:

249 (a) The purpose of the response to a report alleging
 250 juvenile sexual abuse behavior or inappropriate sexual behavior

251 shall be explained to the caregiver.

252 1. The purpose of the response shall be explained in a
 253 manner consistent with legislative purpose and intent provided
 254 in this chapter.

255 2. The name and office telephone number of the person
 256 responding shall be provided to the caregiver of the alleged
 257 abuser or child who has exhibited inappropriate sexual behavior
 258 and the victim's caregiver.

259 3. The possible consequences of the department's response,
 260 including outcomes and services, shall be explained to the
 261 caregiver of the alleged abuser or child who has exhibited
 262 inappropriate sexual behavior and the victim's caregiver.

263 (b) The caregiver of the alleged abuser or child who has
 264 exhibited inappropriate sexual behavior and the victim's
 265 caregiver shall be involved to the fullest extent possible in
 266 determining the nature of the sexual behavior concerns and the
 267 nature of any problem or risk to other children.

268 (c) The assessment of risk and the perceived treatment
 269 needs of the alleged abuser or child who has exhibited
 270 inappropriate sexual behavior, the victim, and respective
 271 caregivers shall be conducted by the district staff, the Child
 272 Protection Team of the Department of Health, and other providers
 273 under contract with the department to provide services to the
 274 caregiver of the alleged offender, the victim, and the victim's
 275 caregiver.

276 (d) The assessment shall be conducted in a manner that is
 277 sensitive to the social, economic, and cultural environment of
 278 the family.

279 (e) If necessary, the Child Protection Team of the
 280 Department of Health shall conduct a physical examination of the
 281 victim, which is sufficient to meet forensic requirements.

282 (f) Based on the information obtained from the alleged
 283 abuser or child who has exhibited inappropriate sexual behavior,
 284 his or her caregiver, the victim, and the victim's caregiver, an
 285 assessment of service and treatment needs must be completed and,
 286 if needed, a case plan developed within 30 days.

287 (g) The department shall classify the outcome of the
 288 report as follows:

289 1. Report closed. Services were not offered because the
 290 department determined that there was no basis for intervention.

291 2. Services accepted by alleged abuser. Services were
 292 offered to the alleged abuser or child who has exhibited
 293 inappropriate sexual behavior and accepted by the caregiver.

294 3. Report closed. Services were offered to the alleged
 295 abuser or child who has exhibited inappropriate sexual behavior,
 296 but were rejected by the caregiver.

297 4. Notification to law enforcement. The risk to the
 298 victim's safety and well-being cannot be reduced by the
 299 provision of services or the caregiver rejected services, and
 300 notification of the alleged delinquent act or violation of law

301 to the appropriate law enforcement agency was initiated.

302 5. Services accepted by victim. Services were offered to
303 the victim and accepted by the caregiver.

304 6. Report closed. Services were offered to the victim but
305 were rejected by the caregiver.

306 Section 7. Section 39.308, Florida Statutes, is amended to
307 read:

308 39.308 Guidelines for onsite child protective
309 investigation.—The Department of Children and Families, ~~in~~
310 ~~collaboration with the sheriffs' offices,~~ shall develop
311 guidelines for conducting an onsite child protective
312 investigation that specifically does not require the additional
313 activities required by the department and for conducting an
314 enhanced child protective investigation, including determining
315 whether compelling evidence exists that no maltreatment
316 occurred, conducting collateral contacts, contacting the
317 reporter, updating the risk assessment, and providing for
318 differential levels of documentation between an onsite and an
319 enhanced onsite child protective investigation.

320 Section 8. Subsection (3) of section 39.4015, Florida
321 Statutes, is amended to read:

322 39.4015 Family finding.—

323 (3) FAMILY-FINDING PROGRAM.—The department, in
324 collaboration with ~~sheriffs' offices that conduct child~~
325 ~~protective investigations and~~ community-based care lead

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326 agencies, shall develop a formal family-finding program to be
327 implemented by child protective investigators and community-
328 based care lead agencies.

329 (a) Family-finding efforts shall begin as soon as a child
330 is taken into custody of the department, pursuant to s. 39.401,
331 and throughout the duration of the case as necessary, finding
332 and engaging with as many family members and fictive kin as
333 possible for each child who may help with care or support for
334 the child. The department or community-based care lead agency
335 must specifically document strategies taken to locate and engage
336 relatives and fictive kin. Strategies of engagement may include,
337 but are not limited to, asking the relatives and fictive kin to:

- 338 1. Participate in a family group decisionmaking
339 conference, family team conferencing, or other family meetings
340 aimed at developing or supporting the family service plan;
- 341 2. Attend visitations with the child;
- 342 3. Assist in transportation of the child;
- 343 4. Provide respite or child care services; or
- 344 5. Provide actual kinship care.

345 (b) The family-finding program shall provide the
346 department and the community-based care lead agencies with best
347 practices for identifying family and fictive kin. The family-
348 finding program must use diligent efforts in family finding and
349 must continue those efforts until multiple relatives and fictive
350 kin are identified. Family-finding efforts by the department and

351 the community-based care lead agency may include, but are not
 352 limited to:

353 1. Searching for and locating adult relatives and fictive
 354 kin.

355 2. Identifying and building positive connections between
 356 the child and the child's relatives and fictive kin.

357 3. Supporting the engagement of relatives and fictive kin
 358 in social service planning and delivery of services and creating
 359 a network of extended family support to assist in remedying the
 360 concerns that led to the child becoming involved with the child
 361 welfare system, when appropriate.

362 4. Maintaining family connections, when possible.

363 5. Keeping siblings together in care, when in the best
 364 interest of each child and when possible.

365 (c) To be compliant with this section, family-finding
 366 efforts must go beyond basic searching tools by exploring
 367 alternative tools and methodologies. A basic computer search
 368 using the Internet or attempts to contact known relatives at a
 369 last known address or telephone number do not constitute
 370 effective family finding.

371 Section 9. Paragraph (e) of subsection (2) of section
 372 39.523, Florida Statutes, is amended to read:

373 39.523 Placement in out-of-home care.—

374 (2) ASSESSMENT AND PLACEMENT.—When any child is removed
 375 from a home and placed in out-of-home care, a comprehensive

376 placement assessment process shall be completed in accordance
377 with s. 39.4022 to determine the level of care needed by the
378 child and match the child with the most appropriate placement.

379 (e) The department, ~~a sheriff's office acting under s.~~
380 ~~39.3065~~, a community-based care lead agency, or a case
381 management organization must document all placement assessments
382 and placement decisions in the Florida Safe Families Network.

383 Section 10. Subsection (1) and paragraph (a) of subsection
384 (3) of section 39.524, Florida Statutes, are amended to read:

385 39.524 Safe-harbor placement.—

386 (1) Except as provided in s. 39.407 or s. 985.801, a
387 dependent child 6 years of age or older who is suspected of
388 being or has been found to be a victim of commercial sexual
389 exploitation as defined in s. 409.016 must be assessed, and the
390 department ~~or a sheriff's office acting under s. 39.3065~~ must
391 conduct a multidisciplinary staffing pursuant to s. 409.1754(2),
392 to determine the child's need for services and his or her need
393 for placement in a safe house or safe foster home as provided in
394 s. 409.1678 using the initial screening and assessment
395 instruments provided in s. 409.1754(1). If such placement is
396 determined to be appropriate for the child as a result of this
397 assessment, the child may be placed in a safe house or safe
398 foster home, if one is available. However, the child may be
399 placed in another setting, if the other setting is more
400 appropriate to the child's needs or if a safe house or safe

401 foster home is unavailable, as long as the child's behaviors are
 402 managed so as not to endanger other children served in that
 403 setting.

404 (3)(a) By October 1 of each year, the department, with
 405 information from community-based care agencies ~~and certain~~
 406 ~~sheriff's offices acting under s. 39.3065~~, shall report to the
 407 Legislature on the prevalence of child commercial sexual
 408 exploitation; the specialized services provided and placement of
 409 such children; the local service capacity assessed pursuant to
 410 s. 409.1754; the placement of children in safe houses and safe
 411 foster homes during the year, including the criteria used to
 412 determine the placement of children; the number of children who
 413 were evaluated for placement; the number of children who were
 414 placed based upon the evaluation; the number of children who
 415 were not placed; and the department's response to the findings
 416 and recommendations made by the Office of Program Policy
 417 Analysis and Government Accountability in its annual study on
 418 commercial sexual exploitation of children, as required by s.
 419 409.16791.

420 Section 11. Paragraph (h) of subsection (3) and paragraphs
 421 (b) and (c) of subsection (5) of section 402.40, Florida
 422 Statutes, are amended to read:

423 402.40 Child welfare training and certification.—

424 (3) THIRD-PARTY CREDENTIALING ENTITIES.—The department
 425 shall approve one or more third-party credentialing entities for

426 | the purpose of developing and administering child welfare
 427 | certification programs for persons who provide child welfare
 428 | services. A third-party credentialing entity shall request such
 429 | approval in writing from the department. In order to obtain
 430 | approval, the third-party credentialing entity must:

431 | (h) Maintain an advisory committee, including
 432 | representatives from each region of the department, ~~each~~
 433 | ~~sheriff's office providing child protective services,~~ and each
 434 | community-based care lead agency, who shall be appointed by the
 435 | organization they represent. The third-party credentialing
 436 | entity may appoint additional members to the advisory committee.

437 | (5) CORE COMPETENCIES AND SPECIALIZATIONS.—

438 | (b) The identification of these core competencies and
 439 | development of preservice curricula shall be a collaborative
 440 | effort that includes professionals who have expertise in child
 441 | welfare services, department-approved third-party credentialing
 442 | entities, and providers that will be affected by the curriculum,
 443 | including, but not limited to, representatives from the
 444 | community-based care lead agencies, the Florida Alcohol and Drug
 445 | Abuse Association, the Florida Council for Community Mental
 446 | Health, ~~sheriffs' offices conducting child protection~~
 447 | ~~investigations,~~ and child welfare legal services providers.

448 | (c) Community-based care agencies, ~~sheriffs' offices,~~ and
 449 | the department may contract for the delivery of preservice and
 450 | any additional training for persons delivering child welfare

451 services if the curriculum satisfies the department-approved
 452 core competencies.

453 Section 12. Subsection (2) of section 402.402, Florida
 454 Statutes, is amended to read:

455 402.402 Child protection and child welfare personnel;
 456 attorneys employed by the department.—

457 (2) SPECIALIZED TRAINING.—All child protective
 458 investigators and child protective investigation supervisors
 459 employed by the department ~~or a sheriff's office~~ must complete
 460 the following specialized training:

461 (a) Training on the recognition of and responses to head
 462 trauma and brain injury in a child under 6 years of age
 463 developed by the Child Protection Team Program within the
 464 Department of Health.

465 (b) Training that is either focused on serving a specific
 466 population, including, but not limited to, medically fragile
 467 children, sexually exploited children, children under 3 years of
 468 age, or families with a history of domestic violence, mental
 469 illness, or substance abuse, or focused on performing certain
 470 aspects of child protection practice, including, but not limited
 471 to, investigation techniques and analysis of family dynamics.

472
 473 The specialized training may be used to fulfill continuing
 474 education requirements under s. 402.40(3)(e). Individuals hired
 475 on or after July 1, 2014, shall complete the specialized

476 training within 2 years after hire. An individual may receive
 477 specialized training in multiple areas.

478 Section 13. Paragraph (d) of subsection (1), paragraphs
 479 (a), (b), (d), and (e) of subsection (2), and paragraph (a) of
 480 subsection (3) of section 409.1754, Florida Statutes, are
 481 amended to read:

482 409.1754 Commercial sexual exploitation of children;
 483 screening and assessment; training; multidisciplinary staffings;
 484 service plans.—

485 (1) SCREENING AND ASSESSMENT.—

486 (d) The department, ~~or a sheriff's office acting under s.~~
 487 ~~39.3065,~~ the Department of Juvenile Justice, and community-based
 488 care lead agencies may use additional assessment instruments in
 489 the course of serving sexually exploited children.

490 (2) MULTIDISCIPLINARY STAFFINGS AND SERVICE PLANS.—

491 (a) The department, ~~or a sheriff's office acting under s.~~
 492 ~~39.3065,~~ shall conduct a multidisciplinary staffing for each
 493 child who is a suspected or verified victim of commercial sexual
 494 exploitation. The department ~~or sheriff's office~~ shall
 495 coordinate the staffing and invite individuals involved in the
 496 child's care, including, but not limited to, the child, if
 497 appropriate; the child's family or legal guardian; the child's
 498 guardian ad litem; Department of Juvenile Justice staff; school
 499 district staff; local health and human services providers;
 500 victim advocates; and any other persons who may be able to

501 assist the child.

502 (b) The staffing must use the assessment, local services,
 503 and local protocols required by this section to develop a
 504 service plan. The service plan must identify the needs of the
 505 child and his or her family, the local services available to
 506 meet those needs, and whether placement in a safe house or safe
 507 foster home is needed. If the child is dependent, the case plan
 508 required by s. 39.6011 may meet the requirement for a service
 509 plan, but must be amended to incorporate the results of the
 510 multidisciplinary staffing. If the child is not dependent, the
 511 service plan is voluntary, and the department ~~or sheriff's~~
 512 ~~office~~ shall provide the plan to the victim and his or her
 513 family or legal guardian and offer to make any needed referrals
 514 to local service providers.

515 (d) The department, ~~or a sheriff's office acting under s.~~
 516 ~~39.3065,~~ shall follow up with all verified victims of commercial
 517 sexual exploitation who are dependent within 6 months of the
 518 completion of the child abuse investigation, and such
 519 information must be included in the report required under s.
 520 39.524. The followup must determine the following:

- 521 1. Whether a referral was made for the services
- 522 recommended in the service plan;
- 523 2. Whether the services were received and, if not, the
- 524 reasons why;
- 525 3. Whether the services or treatments were completed and,

526 | if not, the reasons why;

527 | 4. Whether the victim has experienced commercial sexual

528 | exploitation since the verified report;

529 | 5. Whether the victim has run away since the verified

530 | report;

531 | 6. The type and number of placements, if applicable;

532 | 7. The educational status of the child;

533 | 8. The employment status of the child; and

534 | 9. Whether the child has been involved in the juvenile or

535 | criminal justice system.

536 | (e) The department, ~~or a sheriff's office acting under s.~~

537 | ~~39.3065,~~ shall follow up with all verified victims of commercial

538 | sexual exploitation who are not dependent within 6 months after

539 | the child abuse investigation is completed, and the information

540 | must be used in the report required under s. 39.524. The

541 | followup for nondependent victims and their families is

542 | voluntary, and the victim, family, or legal guardian is not

543 | required to respond. The followup must attempt to determine the

544 | following:

545 | 1. Whether a referral was made for the services

546 | recommended in the service plan;

547 | 2. Whether the services were received and, if not, the

548 | reasons why;

549 | 3. Whether the services or treatments were completed and,

550 | if not, the reasons why;

- 551 4. Whether the victim has experienced commercial sexual
 552 exploitation since the verified report;
 553 5. Whether the victim has run away since the verified
 554 report;
 555 6. The educational status of the child;
 556 7. The employment status of the child; and
 557 8. Whether the child has been involved in the juvenile or
 558 criminal justice system.

559 (3) TRAINING; LOCAL PROTOCOLS.—

560 (a) The department, ~~or a sheriff's office acting under s.~~
 561 ~~39.3065,~~ and community-based care lead agencies shall ensure
 562 that cases in which a child is alleged, suspected, or known to
 563 be a victim of commercial sexual exploitation are assigned to
 564 child protective investigators and case managers who have
 565 specialized intensive training in handling cases involving a
 566 sexually exploited child. The department, ~~sheriff's office,~~ and
 567 lead agencies shall ensure that child protective investigators
 568 and case managers receive this training before accepting a case
 569 involving a commercially sexually exploited child.

570 Section 14. Paragraph (a) of subsection (4) of section
 571 937.021, Florida Statutes, is amended to read:

572 937.021 Missing child and missing adult reports.—

573 (4)(a) Upon the filing of a police report that a child is
 574 missing by the parent or guardian, the Department of Children
 575 and Families, or a community-based care provider, ~~or a sheriff's~~

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576 ~~office providing investigative services for the department,~~ the
577 law enforcement agency receiving the report shall immediately
578 inform all on-duty law enforcement officers of the missing child
579 report, communicate the report to every other law enforcement
580 agency having jurisdiction in the county, and within 2 hours
581 after receipt of the report, transmit the report for inclusion
582 within the Florida Crime Information Center and the National
583 Crime Information Center databases. A law enforcement agency may
584 not require a reporter to present an order that a child be taken
585 into custody or any other such order before accepting a report
586 that a child is missing.

587 Section 15. Subsection (3) and paragraph (a) of subsection
588 (9) of section 1004.615, Florida Statutes, are amended to read:

589 1004.615 Florida Institute for Child Welfare.—

590 (3) The institute shall work with the department, ~~sheriffs~~
591 ~~providing child protective investigative services,~~ community-
592 based care lead agencies, community-based care provider
593 organizations, the court system, the Department of Juvenile
594 Justice, and other partners who contribute to and participate in
595 providing child protection and child welfare services.

596 (9) By October 1 of each year, the institute shall provide
597 a written report to the Governor, the President of the Senate,
598 and the Speaker of the House of Representatives which outlines
599 its activities in the preceding year, reports significant
600 research findings, as well as results of other programs, and

601 provides specific recommendations for improving child protection
 602 and child welfare services.

603 (a) The institute shall include an evaluation of the
 604 results of the educational and training requirements for child
 605 protection and child welfare personnel established under this
 606 ~~act and recommendations for application of the results to child~~
 607 ~~protection personnel employed by sheriff's offices providing~~
 608 ~~child protection services~~ in its report due October 1, 2017.

609 Section 16. Notwithstanding s. 39.3065, Florida Statutes,
 610 the sheriffs providing child protective investigative services
 611 in Pinellas County, Manatee County, Broward County, Pasco
 612 County, Hillsborough County, Seminole County, and Walton County
 613 shall transfer such functions to the Department of Children and
 614 Families.

615 (1) The department and each sheriff must mutually agree on
 616 a date, no later than December 31, 2023, by which the transfer
 617 of child protective investigative service functions must be
 618 finalized. On the dates agreed to by each sheriff and the
 619 department for the finalization of the transfer of functions,
 620 the department becomes the custodian of all department files and
 621 documents previously maintained by each sheriff related to the
 622 provision of child protective investigative services. The
 623 sheriffs remain the custodians of all nondepartment files and
 624 documents created by the sheriffs before the date of transfer.

625 (2) The department and each sheriff providing child

626 protective investigative services must complete an inventory of
627 grant-related assets and each sheriff must transfer all
628 applicable assets to the department. A financial close-out of
629 each grant must be completed no later than March 31, 2024.

630 (3) Notwithstanding s. 287.057, Florida Statutes, the
631 department may extend the private lease of a facility currently
632 used by a sheriff for child protective investigative services
633 for up to 1 year after the date the transfer of functions is
634 finalized without undergoing a procurement. The department and
635 each sheriff may enter an agreement to allow department
636 employees to remain in office space owned or leased by the
637 sheriff for up to 6 months after the date the transfer of
638 functions is finalized.

639 (4) An employee in good standing, as defined by the office
640 policies of each applicable sheriff, who is employed by a
641 sheriff for the provision of child protective investigative
642 services and is employed before the effective date of this act
643 may transfer his or her employment to the department. The
644 department shall establish positions using existing guidelines
645 from the Department of Management Services for similarly
646 established positions. An employee who transfers his or her
647 employment to the department:

648 (a) Notwithstanding ss. 110.1128, 110.201, 110.211,
649 110.213, 110.2135, 110.219, and 110.221, Florida Statutes, is
650 not required to go through an open competitive process and must

651 be employed in a position with duties and responsibilities
652 comparable to those which he or she performed within the
653 sheriff's office.

654 (b) Notwithstanding s. 110.1127, Florida Statutes, and
655 chapter 435, Florida Statutes, is not required to undergo an
656 initial employee background screening as a condition of his or
657 her employment with the department, if the employee is in
658 compliance with the employee background screening requirements
659 of the applicable sheriff's office at the time of the employee's
660 transfer.

661 (c) Shall remain in an equivalent broadband level as
662 defined in s. 110.107, Florida Statutes, and in a similarly
663 established position, maintaining the same rate of pay and
664 comparable duties and responsibilities that he or she had at the
665 sheriff's office at the time of the employee's transfer.

666 (d) Notwithstanding s. 110.217, Florida Statutes, is
667 considered to have attained permanent status by the department
668 if the employee has completed the probationary period for the
669 applicable sheriff's office, if any, or has been continuously
670 employed in the same position at the applicable sheriff's office
671 for more than 12 months as of the date of the employee's
672 transfer.

673 (e) Shall remain in the Florida Retirement System and is
674 not considered to have experienced a break in service.

675 (f) Notwithstanding s. 110.219, Florida Statutes, may

676 transfer all accrued leave to the department. All creditable
 677 service months the employee worked at the sheriff's office will
 678 be transferred for the purpose of annual leave accrual.

679 (g) Shall continue on family and medical leave or other
 680 approved extended leave status, if any, contingent upon the
 681 department receiving supporting documentation.

682 (h) Is eligible for all benefits afforded a state employee
 683 applicable to the position he or she will occupy after the
 684 employee's transfer.

685 (5) Any claims accrued but not yet filed shall be defended
 686 and indemnified in accordance with the provisions of the grant
 687 agreement applicable at the time of the alleged incident.
 688 Nothing contained herein shall be construed as a waiver of
 689 768.28.

690 (6) This section shall take effect upon becoming law.

691 Section 17. Except as otherwise expressly provided in this
 692 act and except for this section, which shall take effect upon
 693 this act becoming a law, this act shall take effect January 1,
 694 2024.