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1  
 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; requiring that the defense and  
 25 indemnification of certain claims be in accordance

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26 with certain agreements; requiring that the department  
 27 defend and indemnify certain claims; providing certain  
 28 construction; providing effective dates.

29  
 30 Be It Enacted by the Legislature of the State of Florida:

31  
 32 Section 1. Section 39.3065, Florida Statutes, is repealed.

33 Section 2. Subsection (12) of section 39.013, Florida  
 34 Statutes, is amended to read:

35 39.013 Procedures and jurisdiction; right to counsel.—

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

44 Section 3. Section 39.0141, Florida Statutes, is amended  
 45 to read:

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

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51 locate the child. If, pursuant to criteria established by rule,  
 52 the child is determined to be missing, the department or, the  
 53 community-based care provider, ~~or the sheriff's office~~ shall  
 54 file a report that the child is missing in accordance with s.  
 55 937.021.

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

58 39.301 Initiation of protective investigations.—

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

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

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76 making the report should be contacted before the face-to-face  
77 interviews with the child and family members.

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

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

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

96 5. Complete assessment of immediate child safety for each  
97 child based on available records, interviews, and observations  
98 with all persons named in subparagraph 2. and appropriate  
99 collateral contacts, which may include other professionals, and  
100 continually assess the child's safety throughout the

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

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

125 a. If the child protective investigator implements a

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

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

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

- 172 |       (I) The parent or legal custodian is of young age;
- 173 |       (II) The parent or legal custodian, or an adult currently  
 174 | living in or frequently visiting the home, has a history of  
 175 | substance abuse, mental illness, or domestic violence;

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176 (III) The parent or legal custodian, or an adult currently  
 177 living in or frequently visiting the home, has been previously  
 178 found to have physically or sexually abused a child;

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

183 (V) The child is physically or developmentally disabled;  
 184 or

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

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

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

197 (b) For each report received from the central abuse  
 198 hotline, the department ~~or the sheriff providing child~~  
 199 ~~protective investigative services under s. 39.3065,~~ shall  
 200 determine the protective, treatment, and ameliorative services

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

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

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

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

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226           4. At the close of an investigation, the department ~~or the~~  
 227 ~~sheriff providing child protective services~~ shall provide to the  
 228 person who is alleged to have caused the abuse, neglect, or  
 229 abandonment and the parent or legal custodian a summary of  
 230 findings from the investigation and provide information about  
 231 their right to access confidential reports in accordance with s.  
 232 39.202.

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

235           39.3068 Reports of medical neglect.—

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

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

246           39.307 Reports of child-on-child sexual abuse.—

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

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251 (a) The purpose of the response to a report alleging  
 252 juvenile sexual abuse behavior or inappropriate sexual behavior  
 253 shall be explained to the caregiver.

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

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

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

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

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

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276 caregiver of the alleged offender, the victim, and the victim's  
277 caregiver.

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

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

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

289 (g) The department shall classify the outcome of the  
290 report as follows:

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

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

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

299 4. Notification to law enforcement. The risk to the  
300 victim's safety and well-being cannot be reduced by the

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301 provision of services or the caregiver rejected services, and  
 302 notification of the alleged delinquent act or violation of law  
 303 to the appropriate law enforcement agency was initiated.

304 5. Services accepted by victim. Services were offered to  
 305 the victim and accepted by the caregiver.

306 6. Report closed. Services were offered to the victim but  
 307 were rejected by the caregiver.

308 Section 7. Section 39.308, Florida Statutes, is amended to  
 309 read:

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

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

324 39.4015 Family finding.—

325 (3) FAMILY-FINDING PROGRAM.—The department, in

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326 collaboration with ~~sheriffs' offices that conduct child~~  
327 ~~protective investigations and~~ community-based care lead  
328 agencies, shall develop a formal family-finding program to be  
329 implemented by child protective investigators and community-  
330 based care lead agencies.

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

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

347 (b) The family-finding program shall provide the  
348 department and the community-based care lead agencies with best  
349 practices for identifying family and fictive kin. The family-  
350 finding program must use diligent efforts in family finding and

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351 must continue those efforts until multiple relatives and fictive  
352 kin are identified. Family-finding efforts by the department and  
353 the community-based care lead agency may include, but are not  
354 limited to:

355 1. Searching for and locating adult relatives and fictive  
356 kin.

357 2. Identifying and building positive connections between  
358 the child and the child's relatives and fictive kin.

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

364 4. Maintaining family connections, when possible.

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

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

373 Section 9. Paragraph (e) of subsection (2) of section  
374 39.523, Florida Statutes, is amended to read:

375 39.523 Placement in out-of-home care.—

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376 (2) ASSESSMENT AND PLACEMENT.—When any child is removed  
 377 from a home and placed in out-of-home care, a comprehensive  
 378 placement assessment process shall be completed in accordance  
 379 with s. 39.4022 to determine the level of care needed by the  
 380 child and match the child with the most appropriate placement.

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

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

387 39.524 Safe-harbor placement.—

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

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401 placed in another setting, if the other setting is more  
 402 appropriate to the child's needs or if a safe house or safe  
 403 foster home is unavailable, as long as the child's behaviors are  
 404 managed so as not to endanger other children served in that  
 405 setting.

406 (3)(a) By October 1 of each year, the department, with  
 407 information from community-based care agencies ~~and certain~~  
 408 ~~sheriff's offices acting under s. 39.3065~~, shall report to the  
 409 Legislature on the prevalence of child commercial sexual  
 410 exploitation; the specialized services provided and placement of  
 411 such children; the local service capacity assessed pursuant to  
 412 s. 409.1754; the placement of children in safe houses and safe  
 413 foster homes during the year, including the criteria used to  
 414 determine the placement of children; the number of children who  
 415 were evaluated for placement; the number of children who were  
 416 placed based upon the evaluation; the number of children who  
 417 were not placed; and the department's response to the findings  
 418 and recommendations made by the Office of Program Policy  
 419 Analysis and Government Accountability in its annual study on  
 420 commercial sexual exploitation of children, as required by s.  
 421 409.16791.

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

425 402.40 Child welfare training and certification.—

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426 (3) THIRD-PARTY CREDENTIALING ENTITIES.—The department  
 427 shall approve one or more third-party credentialing entities for  
 428 the purpose of developing and administering child welfare  
 429 certification programs for persons who provide child welfare  
 430 services. A third-party credentialing entity shall request such  
 431 approval in writing from the department. In order to obtain  
 432 approval, the third-party credentialing entity must:

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

439 (5) CORE COMPETENCIES AND SPECIALIZATIONS.—

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

450 (c) Community-based care agencies, ~~sheriffs' offices,~~ and

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451 the department may contract for the delivery of preservice and  
 452 any additional training for persons delivering child welfare  
 453 services if the curriculum satisfies the department-approved  
 454 core competencies.

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

457 402.402 Child protection and child welfare personnel;  
 458 attorneys employed by the department.—

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

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

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

474  
 475 The specialized training may be used to fulfill continuing

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476 education requirements under s. 402.40(3)(e). Individuals hired  
 477 on or after July 1, 2014, shall complete the specialized  
 478 training within 2 years after hire. An individual may receive  
 479 specialized training in multiple areas.

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

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

487 (1) SCREENING AND ASSESSMENT.—

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

492 (2) MULTIDISCIPLINARY STAFFINGS AND SERVICE PLANS.—

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

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501 district staff; local health and human services providers;  
 502 victim advocates; and any other persons who may be able to  
 503 assist the child.

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

517 (d) The department, ~~or a sheriff's office acting under s.~~  
 518 ~~39.3065,~~ shall follow up with all verified victims of commercial  
 519 sexual exploitation who are dependent within 6 months of the  
 520 completion of the child abuse investigation, and such  
 521 information must be included in the report required under s.  
 522 39.524. The followup must determine the following:

- 523 1. Whether a referral was made for the services
- 524 recommended in the service plan;
- 525 2. Whether the services were received and, if not, the

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526 reasons why;

527 3. Whether the services or treatments were completed and,  
528 if not, the reasons why;

529 4. Whether the victim has experienced commercial sexual  
530 exploitation since the verified report;

531 5. Whether the victim has run away since the verified  
532 report;

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

534 7. The educational status of the child;

535 8. The employment status of the child; and

536 9. Whether the child has been involved in the juvenile or  
537 criminal justice system.

538 (e) The department, ~~or a sheriff's office acting under s.~~  
539 ~~39.3065,~~ shall follow up with all verified victims of commercial  
540 sexual exploitation who are not dependent within 6 months after  
541 the child abuse investigation is completed, and the information  
542 must be used in the report required under s. 39.524. The  
543 followup for nondependent victims and their families is  
544 voluntary, and the victim, family, or legal guardian is not  
545 required to respond. The followup must attempt to determine the  
546 following:

547 1. Whether a referral was made for the services  
548 recommended in the service plan;

549 2. Whether the services were received and, if not, the  
550 reasons why;

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551 3. Whether the services or treatments were completed and,  
552 if not, the reasons why;

553 4. Whether the victim has experienced commercial sexual  
554 exploitation since the verified report;

555 5. Whether the victim has run away since the verified  
556 report;

557 6. The educational status of the child;

558 7. The employment status of the child; and

559 8. Whether the child has been involved in the juvenile or  
560 criminal justice system.

561 (3) TRAINING; LOCAL PROTOCOLS.—

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

572 Section 14. Paragraph (a) of subsection (4) of section  
573 937.021, Florida Statutes, is amended to read:

574 937.021 Missing child and missing adult reports.—

575 (4) (a) Upon the filing of a police report that a child is

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

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

591 1004.615 Florida Institute for Child Welfare.—

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

598 (9) By October 1 of each year, the institute shall provide  
 599 a written report to the Governor, the President of the Senate,  
 600 and the Speaker of the House of Representatives which outlines

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601 its activities in the preceding year, reports significant  
 602 research findings, as well as results of other programs, and  
 603 provides specific recommendations for improving child protection  
 604 and child welfare services.

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

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

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

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626 | documents created by the sheriffs before the date of transfer.

627 | (2) The department and each sheriff providing child  
 628 | protective investigative services must complete an inventory of  
 629 | grant-related assets and each sheriff must transfer all  
 630 | applicable assets to the department. A financial close-out of  
 631 | each grant must be completed no later than March 31, 2024.

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

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

650 | (a) Notwithstanding ss. 110.1128, 110.201, 110.211,

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651 110.213, 110.2135, 110.219, and 110.221, Florida Statutes, is  
652 not required to go through an open competitive process and must  
653 be employed in a position with duties and responsibilities  
654 comparable to those which he or she performed within the  
655 sheriff's office.

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

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

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

675 (e) Shall remain in the Florida Retirement System and is

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676 | not considered to have experienced a break in service.

677 |     (f) Notwithstanding s. 110.219, Florida Statutes, may

678 | transfer all accrued leave to the department. All creditable

679 | service months the employee worked at the sheriff's office will

680 | be transferred for the purpose of annual leave accrual.

681 |     (g) Shall continue on family and medical leave or other

682 | approved extended leave status, if any, contingent upon the

683 | department receiving supporting documentation.

684 |     (h) Is eligible for all benefits afforded a state employee

685 | applicable to the position he or she will occupy after the

686 | employee's transfer.

687 |     (5) Any claims or causes of action brought against a

688 | sheriff under state or federal law relating to the sheriff's

689 | provision of child protective investigative services filed:

690 |     (a) Before the applicable transfer date must be defended

691 | and indemnified in accordance with the provisions of the state

692 | or grant agreement applicable at the time of the alleged

693 | incident.

694 |     (b) After the applicable transfer date must be defended

695 | and indemnified by the department.

696 |

697 | This subsection may not be construed as a waiver of s. 768.28,

698 | Florida Statutes.

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

700 |     Section 17. Except as otherwise expressly provided in this

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701 | act and except for this section, which shall take effect upon  
702 | this act becoming a law, this act shall take effect January 1,  
703 | 2024.