

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 the defense and  
25          indemnification of certain claims; providing

26 construction; providing effective 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 Section 39.3065, Florida Statutes, is repealed.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

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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.

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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



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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

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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

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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.

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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

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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



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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

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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

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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,

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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) Claims that have accrued but have not been filed must  
686 be defended and indemnified in accordance with the grant  
687 agreement applicable at the time of the alleged incident. This  
688 subsection may not be construed as a waiver of s. 768.28.

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

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