

By the Appropriations Committee on Health and Human Services

603-03753-23

20237056__

1 A bill to be entitled
2 An act relating to child protective investigative
3 services; repealing s. 39.3065, F.S., relating to
4 sheriffs of certain counties providing child
5 protective investigative services; requiring certain
6 sheriffs to transfer the functions of providing child
7 protective investigative services to the Department of
8 Children and Families; requiring the department and
9 certain sheriffs to designate a mutually agreed-upon
10 date to finalize such transfer; requiring the
11 department to become the custodian of certain files
12 and documents by a specified date; providing that
13 certain sheriffs remain the custodians of certain
14 files and documents; requiring the department and
15 certain sheriffs to complete an inventory of certain
16 assets and transfer such assets to the department;
17 requiring a financial closeout of each grant by a
18 specified date; authorizing the department to extend
19 certain private leases for a specified time without
20 undergoing a procurement; authorizing the department
21 and certain sheriffs to enter into an agreement to
22 allow certain employees to remain in office space
23 owned or leased by the sheriff for a specified time;
24 authorizing certain employees to transfer their
25 employment to the department; requiring the department
26 to establish positions using certain existing
27 guidelines; specifying certain rights and requirements
28 for an employee who transfers to the department;
29 requiring that the defense and indemnification of

603-03753-23

20237056__

30 certain claims be in accordance with certain
31 agreements; requiring that the department defend and
32 indemnify certain claims; providing construction;
33 amending ss. 39.013, 39.0141, 39.301, 39.3068, 39.307,
34 39.308, 39.4015, 39.523, 39.524, 402.40, 402.402,
35 409.1754, 937.021, and 1004.615, F.S.; conforming
36 provisions to changes made by the act; making
37 technical changes; providing effective dates.

38
39 Be It Enacted by the Legislature of the State of Florida:

40
41 Section 1. Section 39.3065, Florida Statutes, is repealed.

42 Section 2. Notwithstanding s. 39.3065, Florida Statutes,
43 the sheriffs providing child protective investigative services
44 in Broward County, Hillsborough County, Manatee County, Pasco
45 County, Pinellas County, Seminole County, and Walton County
46 shall transfer functions of such services to the Department of
47 Children and Families.

48 (1) The department and each sheriff must mutually agree on
49 a date, no later than December 31, 2023, by which the transfer
50 of child protective investigative service functions must be
51 finalized. On the dates agreed to by each sheriff and the
52 department for the finalization of the transfer of functions,
53 the department becomes the custodian of all department files and
54 documents previously maintained by each sheriff related to the
55 provision of child protective investigative services. The
56 sheriffs remain the custodians of all nondepartment files and
57 documents created by the sheriffs before the date of transfer.

58 (2) The department and each sheriff providing child

603-03753-23

20237056__

59 protective investigative services must complete an inventory of
60 state- or grant-funded assets, and each sheriff must transfer
61 all applicable assets to the department. A financial closeout
62 related to the sheriffs providing child protective investigative
63 services of each grant must be completed no later than March 31,
64 2024.

65 (3) Notwithstanding s. 287.057, Florida Statutes, the
66 department may extend the private lease of a facility currently
67 used by a sheriff for child protective investigative services
68 for up to 1 year after the date the transfer of functions is
69 finalized without undergoing a procurement. The department and
70 each sheriff may enter an agreement to allow department
71 employees to remain in office space owned or leased by the
72 sheriff for up to 6 months after the date the transfer of
73 functions is finalized.

74 (4) An employee in good standing, as defined by the office
75 policies of each applicable sheriff, who is employed by a
76 sheriff for the provision of child protective investigative
77 services and is employed before the effective date of this act
78 may transfer his or her employment to the department. The
79 department shall establish positions using existing guidelines
80 from the Department of Management Services for similarly
81 established positions. An employee who transfers his or her
82 employment to the department:

83 (a) Notwithstanding ss. 110.1128, 110.201, 110.211,
84 110.213, 110.2135, 110.219, and 110.221, Florida Statutes, is
85 not required to go through an open competitive process and must
86 be employed in a position with duties and responsibilities
87 comparable to those which he or she performed for the sheriff's

603-03753-23

20237056__

88 office.

89 (b) Notwithstanding s. 110.1127, Florida Statutes, and
90 chapter 435, Florida Statutes, is not required to undergo an
91 initial employee background screening as a condition of his or
92 her employment with the department, if the employee is in
93 compliance with the employee background screening requirements
94 of the applicable sheriff's office at the time of the employee's
95 transfer.

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

101 (d) Notwithstanding s. 110.217, Florida Statutes, is
102 considered to have attained permanent status by the department
103 if the employee has completed the probationary period for the
104 applicable sheriff's office, if any, or has been continuously
105 employed in the same position at the applicable sheriff's office
106 for more than 12 months as of the date of the employee's
107 transfer.

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

110 (f) Notwithstanding s. 110.219, Florida Statutes, may
111 transfer all accrued leave to the department. All creditable
112 service months the employee worked at the sheriff's office will
113 be transferred for the purpose of annual leave accrual.

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

603-03753-23

20237056__

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

120 (5) Any claims or causes of action brought against a
121 sheriff under state or federal law relating to the sheriff's
122 provision of child protective investigative services filed:

123 (a) Before the applicable transfer date must be defended
124 and indemnified in accordance with the provisions of the state
125 or grant agreement applicable at the time of the alleged
126 incident.

127 (b) After the applicable transfer date must be defended and
128 indemnified by the department.

129
130 This subsection may not be construed as a waiver of s. 768.28,
131 Florida Statutes.

132 (6) This section shall take effect upon becoming a law.
133 Section 3. Subsection (12) of section 39.013, Florida
134 Statutes, is amended to read:

135 39.013 Procedures and jurisdiction; right to counsel.—

136 (12) The department shall be represented by counsel in each
137 dependency proceeding. Through its attorneys, the department
138 shall make recommendations to the court on issues before the
139 court and may support its recommendations through testimony and
140 other evidence by its own employees, ~~employees of sheriff's~~
141 ~~offices providing child protection services,~~ employees of its
142 contractors, employees of its contractor's subcontractors, or
143 from any other relevant source.

144 Section 4. Section 39.0141, Florida Statutes, is amended to
145 read:

603-03753-23

20237056__

146 39.0141 Missing children; report required.—Whenever the
147 whereabouts of a child involved with the department become
148 unknown, the department or the community-based care provider,
149 ~~or the sheriff's office providing investigative services for the~~
150 ~~department~~ shall make reasonable efforts, as defined by rule, to
151 locate the child. If, pursuant to criteria established by rule,
152 the child is determined to be missing, the department or the
153 community-based care provider must, ~~or the sheriff's office~~
154 ~~shall~~ file a report that the child is missing in accordance with
155 s. 937.021.

156 Section 5. Subsection (9) of section 39.301, Florida
157 Statutes, is amended to read:

158 39.301 Initiation of protective investigations.—

159 (9) (a) For each report received from the central abuse
160 hotline and accepted for investigation, the department ~~or the~~
161 ~~sheriff providing child protective investigative services under~~
162 ~~s. 39.3065~~, shall perform the following child protective
163 investigation activities to determine child safety:

164 1. Conduct a review of all relevant, available information
165 specific to the child, and family, and alleged maltreatment;
166 family child welfare history; local, state, and federal criminal
167 records checks; and requests for law enforcement assistance
168 provided by the abuse hotline. Based on a review of available
169 information, including the allegations in the current report, a
170 determination shall be made as to whether immediate consultation
171 should occur with law enforcement, the Child Protection Team, a
172 domestic violence shelter or advocate, or a substance abuse or
173 mental health professional. Such consultations should include
174 discussion as to whether a joint response is necessary and

603-03753-23

20237056__

175 feasible. A determination must ~~shall~~ be made as to whether the
176 person making the report should be contacted before the face-to-
177 face interviews with the child and family members.

178 2. Conduct face-to-face interviews with the child; other
179 siblings, if any; and the parents, legal custodians, or
180 caregivers.

181 3. Assess the child's residence, including a determination
182 of the composition of the family and household, including the
183 name, address, date of birth, social security number, sex, and
184 race of each child named in the report; any siblings or other
185 children in the same household or in the care of the same
186 adults; the parents, legal custodians, or caregivers; and any
187 other adults in the same household.

188 4. Determine whether there is any indication that any child
189 in the family or household has been abused, abandoned, or
190 neglected; the nature and extent of present or prior injuries,
191 abuse, or neglect, and any evidence thereof; and a determination
192 as to the person or persons apparently responsible for the
193 abuse, abandonment, or neglect, including the name, address,
194 date of birth, social security number, sex, and race of each
195 such person.

196 5. Complete assessment of immediate child safety for each
197 child based on available records, interviews, and observations
198 with all persons named in subparagraph 2. and appropriate
199 collateral contacts, which may include other professionals, and
200 continually assess the child's safety throughout the
201 investigation. The department's child protection investigators
202 are hereby designated a criminal justice agency for the purpose
203 of accessing criminal justice information to be used for

603-03753-23

20237056__

204 enforcing this state's laws concerning the crimes of child
205 abuse, abandonment, and neglect. This information shall be used
206 solely for purposes supporting the detection, apprehension,
207 prosecution, pretrial release, posttrial release, or
208 rehabilitation of criminal offenders or persons accused of the
209 crimes of child abuse, abandonment, or neglect and may not be
210 further disseminated or used for any other purpose.

211 6. Document the present and impending dangers to each child
212 based on the identification of inadequate protective capacity
213 through utilization of a standardized safety assessment
214 instrument. If present or impending danger is identified, the
215 child protective investigator must implement a safety plan or
216 take the child into custody. If present danger is identified and
217 the child is not removed, the child protective investigator must
218 ~~shall~~ create and implement a safety plan before leaving the home
219 or the location where there is present danger. If impending
220 danger is identified, the child protective investigator must
221 ~~shall~~ create and implement a safety plan as soon as necessary to
222 protect the safety of the child. The child protective
223 investigator may modify the safety plan if he or she identifies
224 additional impending danger.

225 a. If the child protective investigator implements a safety
226 plan, the plan must be specific, sufficient, feasible, and
227 sustainable in response to the realities of the present or
228 impending danger. A safety plan may be an in-home plan or an
229 out-of-home plan, or a combination of both. A safety plan may
230 include tasks or responsibilities for a parent, caregiver, or
231 legal custodian. However, a safety plan may not rely on
232 promissory commitments by the parent, caregiver, or legal

603-03753-23

20237056__

233 custodian who is currently not able to protect the child or on
234 services that are not available or will not result in the safety
235 of the child. A safety plan may not be implemented if for any
236 reason the parents, guardian, or legal custodian lacks the
237 capacity or ability to comply with the plan. If the department
238 is not able to develop a plan that is specific, sufficient,
239 feasible, and sustainable, the department must ~~shall~~ file a
240 shelter petition. A child protective investigator shall
241 implement separate safety plans for the perpetrator of domestic
242 violence, if the investigator, using reasonable efforts, can
243 locate the perpetrator to implement a safety plan, and for the
244 parent who is a victim of domestic violence as defined in s.
245 741.28. Reasonable efforts to locate a perpetrator include, but
246 are not limited to, a diligent search pursuant to the same
247 requirements as in s. 39.503. If the perpetrator of domestic
248 violence is not the parent, guardian, or legal custodian of any
249 child in the home and if the department does not intend to file
250 a shelter petition or dependency petition that will assert
251 allegations against the perpetrator as a parent of a child in
252 the home, the child protective investigator must ~~shall~~ seek
253 issuance of an injunction authorized by s. 39.504 to implement a
254 safety plan for the perpetrator and impose any other conditions
255 to protect the child. The safety plan for the parent who is a
256 victim of domestic violence may not be shared with the
257 perpetrator. If any party to a safety plan fails to comply with
258 the safety plan resulting in the child being unsafe, the
259 department must ~~shall~~ file a shelter petition.

260 b. The child protective investigator shall collaborate with
261 the community-based care lead agency in the development of the

603-03753-23

20237056__

262 safety plan as necessary to ensure that the safety plan is
263 specific, sufficient, feasible, and sustainable. The child
264 protective investigator shall identify services necessary for
265 the successful implementation of the safety plan. The child
266 protective investigator and the community-based care lead agency
267 shall mobilize service resources to assist all parties in
268 complying with the safety plan. The community-based care lead
269 agency shall prioritize safety plan services to families who
270 have multiple risk factors, including, but not limited to, two
271 or more of the following:

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

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

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

279 (IV) The parent or legal custodian, or an adult currently
280 living in or frequently visiting the home, has been the subject
281 of multiple allegations by reputable reports of abuse or
282 neglect;

283 (V) The child is physically or developmentally disabled; or

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

285 c. The child protective investigator shall monitor the
286 implementation of the plan to ensure the child's safety until
287 the case is transferred to the lead agency at which time the
288 lead agency shall monitor the implementation.

289 d. The department may file a petition for shelter or
290 dependency without a new child protective investigation or the

603-03753-23

20237056__

291 concurrence of the child protective investigator if the child is
292 unsafe but for the use of a safety plan and the parent or
293 caregiver has not sufficiently increased protective capacities
294 within 90 days after the transfer of the safety plan to the lead
295 agency.

296 (b) For each report received from the central abuse
297 hotline, the department ~~or the sheriff providing child~~
298 ~~protective investigative services under s. 39.3065~~, shall
299 determine the protective, treatment, and ameliorative services
300 necessary to safeguard and ensure the child's safety and well-
301 being and development, and cause the delivery of those services
302 through the early intervention of the department or its agent.
303 If ~~Whenever~~ a delay or disability of the child is suspected, the
304 parent must be referred to a local child developmental screening
305 program, such as the Child Find program of the Florida
306 Diagnostic and Learning Resource System, for screening of the
307 child. As applicable, child protective investigators must inform
308 parents and caregivers how and when to use the injunction
309 process under s. 741.30 to remove a perpetrator of domestic
310 violence from the home as an intervention to protect the child.

311 1. If the department ~~or the sheriff providing child~~
312 ~~protective investigative services~~ determines that the interests
313 of the child and the public will be best served by providing the
314 child care or other treatment voluntarily accepted by the child
315 and the parents or legal custodians, the parent or legal
316 custodian and child may be referred for such care, case
317 management, or other community resources.

318 2. If the department ~~or the sheriff providing child~~
319 ~~protective investigative services~~ determines that the child is

603-03753-23

20237056__

320 in need of protection and supervision, the department may file a
321 petition for dependency.

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

325 4. At the close of an investigation, the department ~~or the~~
326 ~~sheriff providing child protective services~~ shall provide to the
327 person who is alleged to have caused the abuse, neglect, or
328 abandonment and the parent or legal custodian a summary of
329 findings from the investigation and provide information about
330 their right to access confidential reports in accordance with s.
331 39.202.

332 Section 6. Subsection (1) of section 39.3068, Florida
333 Statutes, is amended to read:

334 39.3068 Reports of medical neglect.—

335 (1) Upon receiving a report alleging medical neglect, the
336 department ~~or sheriff's office~~ shall assign the case to a child
337 protective investigator who has specialized training in
338 addressing medical neglect or working with medically complex
339 children if such investigator is available. If a child
340 protective investigator with specialized training is not
341 available, the child protective investigator must ~~shall~~ consult
342 with department staff with such expertise.

343 Section 7. Subsection (2) of section 39.307, Florida
344 Statutes, is amended to read:

345 39.307 Reports of child-on-child sexual abuse.—

346 (2) The department, ~~contracted sheriff's office providing~~
347 ~~protective investigation services,~~ or contracted case management
348 personnel responsible for providing services, at a minimum,

603-03753-23

20237056__

349 shall adhere to the following procedures:

350 (a) The purpose of the response to a report alleging
351 juvenile sexual abuse behavior or inappropriate sexual behavior
352 shall be explained to the caregiver.

353 1. The purpose of the response shall be explained in a
354 manner consistent with legislative purpose and intent provided
355 in this chapter.

356 2. The name and office telephone number of the person
357 responding shall be provided to the caregiver of the alleged
358 abuser or child who has exhibited inappropriate sexual behavior
359 and the victim's caregiver.

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

364 (b) The caregiver of the alleged abuser or child who has
365 exhibited inappropriate sexual behavior and the victim's
366 caregiver shall be involved to the fullest extent possible in
367 determining the nature of the sexual behavior concerns and the
368 nature of any problem or risk to other children.

369 (c) The assessment of risk and the perceived treatment
370 needs of the alleged abuser or child who has exhibited
371 inappropriate sexual behavior, the victim, and respective
372 caregivers shall be conducted by the district staff, the Child
373 Protection Team of the Department of Health, and other providers
374 under contract with the department to provide services to the
375 caregiver of the alleged offender, the victim, and the victim's
376 caregiver.

377 (d) The assessment shall be conducted in a manner that is

603-03753-23

20237056__

378 sensitive to the social, economic, and cultural environment of
379 the family.

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

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

388 (g) The department shall classify the outcome of the report
389 as follows:

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

392 2. Services accepted by alleged abuser. Services were
393 offered to the alleged abuser or child who has exhibited
394 inappropriate sexual behavior and accepted by the caregiver.

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

398 4. Notification to law enforcement. The risk to the
399 victim's safety and well-being cannot be reduced by the
400 provision of services or the caregiver rejected services, and
401 notification of the alleged delinquent act or violation of law
402 to the appropriate law enforcement agency was initiated.

403 5. Services accepted by victim. Services were offered to
404 the victim and accepted by the caregiver.

405 6. Report closed. Services were offered to the victim but
406 were rejected by the caregiver.

603-03753-23

20237056__

407 Section 8. Section 39.308, Florida Statutes, is amended to
408 read:

409 39.308 Guidelines for onsite child protective
410 investigation.—The Department of Children and Families, ~~in~~
411 ~~collaboration with the sheriffs' offices,~~ shall develop
412 guidelines for conducting an onsite child protective
413 investigation that specifically does not require the additional
414 activities required by the department and for conducting an
415 enhanced child protective investigation, including determining
416 whether compelling evidence exists that no maltreatment
417 occurred, conducting collateral contacts, contacting the
418 reporter, updating the risk assessment, and providing for
419 differential levels of documentation between an onsite and an
420 enhanced onsite child protective investigation.

421 Section 9. Subsection (3) of section 39.4015, Florida
422 Statutes, is amended to read:

423 39.4015 Family finding.—

424 (3) FAMILY-FINDING PROGRAM.—The department, in
425 collaboration with ~~sheriffs' offices that conduct child~~
426 ~~protective investigations and~~ community-based care lead
427 agencies, shall develop a formal family-finding program to be
428 implemented by child protective investigators and community-
429 based care lead agencies.

430 (a) Family-finding efforts shall begin as soon as a child
431 is taken into custody of the department, pursuant to s. 39.401,
432 and throughout the duration of the case as necessary, finding
433 and engaging with as many family members and fictive kin as
434 possible for each child who may help with care or support for
435 the child. The department or community-based care lead agency

603-03753-23

20237056__

436 must specifically document strategies taken to locate and engage
437 relatives and fictive kin. Strategies of engagement may include,
438 but are not limited to, asking the relatives and fictive kin to:

- 439 1. Participate in a family group decisionmaking conference,
440 family team conferencing, or other family meetings aimed at
441 developing or supporting the family service plan;
- 442 2. Attend visitations with the child;
- 443 3. Assist in transportation of the child;
- 444 4. Provide respite or child care services; or
- 445 5. Provide actual kinship care.

446 (b) The family-finding program shall provide the department
447 and the community-based care lead agencies with best practices
448 for identifying family and fictive kin. The family-finding
449 program must use diligent efforts in family finding and must
450 continue those efforts until multiple relatives and fictive kin
451 are identified. Family-finding efforts by the department and the
452 community-based care lead agency may include, but are not
453 limited to:

- 454 1. Searching for and locating adult relatives and fictive
455 kin.
- 456 2. Identifying and building positive connections between
457 the child and the child's relatives and fictive kin.
- 458 3. Supporting the engagement of relatives and fictive kin
459 in social service planning and delivery of services and creating
460 a network of extended family support to assist in remedying the
461 concerns that led to the child becoming involved with the child
462 welfare system, when appropriate.
- 463 4. Maintaining family connections, when possible.
- 464 5. Keeping siblings together in care, when in the best

603-03753-23

20237056__

465 interest of each child and when possible.

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

472 Section 10. Paragraph (e) of subsection (2) of section
473 39.523, Florida Statutes, is amended to read:

474 39.523 Placement in out-of-home care.—

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

480 (e) The department, ~~a sheriff's office acting under s.~~
481 ~~39.3065~~, a community-based care lead agency, or a case
482 management organization must document all placement assessments
483 and placement decisions in the Florida Safe Families Network.

484 Section 11. Subsection (1) and paragraph (a) of subsection
485 (3) of section 39.524, Florida Statutes, are amended to read:

486 39.524 Safe-harbor placement.—

487 (1) Except as provided in s. 39.407 or s. 985.801, a
488 dependent child 6 years of age or older who is suspected of
489 being or has been found to be a victim of commercial sexual
490 exploitation as defined in s. 409.016 must be assessed, and the
491 department ~~or a sheriff's office acting under s. 39.3065~~ must
492 conduct a multidisciplinary staffing pursuant to s. 409.1754(2),
493 to determine the child's need for services and his or her need

603-03753-23

20237056__

494 for placement in a safe house or safe foster home as provided in
495 s. 409.1678 using the initial screening and assessment
496 instruments provided in s. 409.1754(1). If such placement is
497 determined to be appropriate for the child as a result of this
498 assessment, the child may be placed in a safe house or safe
499 foster home, if one is available. However, the child may be
500 placed in another setting, if the other setting is more
501 appropriate to the child's needs or if a safe house or safe
502 foster home is unavailable, as long as the child's behaviors are
503 managed so as not to endanger other children served in that
504 setting.

505 (3) (a) By October 1 of each year, the department, with
506 information from community-based care agencies ~~and certain~~
507 ~~sheriff's offices acting under s. 39.3065~~, shall report to the
508 Legislature on the prevalence of child commercial sexual
509 exploitation; the specialized services provided and placement of
510 such children; the local service capacity assessed pursuant to
511 s. 409.1754; the placement of children in safe houses and safe
512 foster homes during the year, including the criteria used to
513 determine the placement of children; the number of children who
514 were evaluated for placement; the number of children who were
515 placed based upon the evaluation; the number of children who
516 were not placed; and the department's response to the findings
517 and recommendations made by the Office of Program Policy
518 Analysis and Government Accountability in its annual study on
519 commercial sexual exploitation of children, as required by s.
520 409.16791.

521 Section 12. Paragraph (h) of subsection (3) and paragraphs
522 (b) and (c) of subsection (5) of section 402.40, Florida

603-03753-23

20237056__

523 Statutes, are amended to read:

524 402.40 Child welfare training and certification.—

525 (3) THIRD-PARTY CREDENTIALING ENTITIES.—The department
526 shall approve one or more third-party credentialing entities for
527 the purpose of developing and administering child welfare
528 certification programs for persons who provide child welfare
529 services. A third-party credentialing entity shall request such
530 approval in writing from the department. In order to obtain
531 approval, the third-party credentialing entity must:

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

538 (5) CORE COMPETENCIES AND SPECIALIZATIONS.—

539 (b) The identification of these core competencies and
540 development of preservice curricula shall be a collaborative
541 effort that includes professionals who have expertise in child
542 welfare services, department-approved third-party credentialing
543 entities, and providers that will be affected by the curriculum,
544 including, but not limited to, representatives from the
545 community-based care lead agencies, the Florida Alcohol and Drug
546 Abuse Association, the Florida Council for Community Mental
547 Health, ~~sheriffs' offices conducting child protection~~
548 ~~investigations,~~ and child welfare legal services providers.

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

603-03753-23

20237056__

552 services if the curriculum satisfies the department-approved
553 core competencies.

554 Section 13. Subsection (2) of section 402.402, Florida
555 Statutes, is amended to read:

556 402.402 Child protection and child welfare personnel;
557 attorneys employed by the department.—

558 (2) SPECIALIZED TRAINING.—All child protective
559 investigators and child protective investigation supervisors
560 employed by the department ~~or a sheriff's office~~ must complete
561 the following specialized training:

562 (a) Training on the recognition of and responses to head
563 trauma and brain injury in a child under 6 years of age
564 developed by the Child Protection Team Program within the
565 Department of Health.

566 (b) Training that is either focused on serving a specific
567 population, including, but not limited to, medically fragile
568 children, sexually exploited children, children under 3 years of
569 age, or families with a history of domestic violence, mental
570 illness, or substance abuse, or focused on performing certain
571 aspects of child protection practice, including, but not limited
572 to, investigation techniques and analysis of family dynamics.

573

574 The specialized training may be used to fulfill continuing
575 education requirements under s. 402.40(3)(e). Individuals hired
576 on or after July 1, 2014, shall complete the specialized
577 training within 2 years after hire. An individual may receive
578 specialized training in multiple areas.

579 Section 14. Paragraph (d) of subsection (1), paragraphs
580 (a), (b), (d), and (e) of subsection (2), and paragraph (a) of

603-03753-23

20237056__

581 subsection (3) of section 409.1754, Florida Statutes, are
582 amended to read:

583 409.1754 Commercial sexual exploitation of children;
584 screening and assessment; training; multidisciplinary staffings;
585 service plans.—

586 (1) SCREENING AND ASSESSMENT.—

587 (d) The department, ~~or a sheriff's office acting under s.~~
588 ~~39.3065,~~ the Department of Juvenile Justice, and community-based
589 care lead agencies may use additional assessment instruments in
590 the course of serving sexually exploited children.

591 (2) MULTIDISCIPLINARY STAFFINGS AND SERVICE PLANS.—

592 (a) The department, ~~or a sheriff's office acting under s.~~
593 ~~39.3065,~~ shall conduct a multidisciplinary staffing for each
594 child who is a suspected or verified victim of commercial sexual
595 exploitation. The department ~~or sheriff's office~~ shall
596 coordinate the staffing and invite individuals involved in the
597 child's care, including, but not limited to, the child, if
598 appropriate; the child's family or legal guardian; the child's
599 guardian ad litem; Department of Juvenile Justice staff; school
600 district staff; local health and human services providers;
601 victim advocates; and any other persons who may be able to
602 assist the child.

603 (b) The staffing must use the assessment, local services,
604 and local protocols required by this section to develop a
605 service plan. The service plan must identify the needs of the
606 child and his or her family, the local services available to
607 meet those needs, and whether placement in a safe house or safe
608 foster home is needed. If the child is dependent, the case plan
609 required by s. 39.6011 may meet the requirement for a service

603-03753-23

20237056__

610 plan, but must be amended to incorporate the results of the
611 multidisciplinary staffing. If the child is not dependent, the
612 service plan is voluntary, and the department must ~~or sheriff's~~
613 ~~office shall~~ provide the plan to the victim and his or her
614 family or legal guardian and offer to make any needed referrals
615 to local service providers.

616 (d) The department, ~~or a sheriff's office acting under s.~~
617 ~~39.3065,~~ shall follow up with all verified victims of commercial
618 sexual exploitation who are dependent within 6 months of the
619 completion of the child abuse investigation, and such
620 information must be included in the report required under s.
621 39.524. The follow-up ~~followup~~ must determine the following:

622 1. Whether a referral was made for the services recommended
623 in the service plan;

624 2. Whether the services were received and, if not, the
625 reasons why;

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

628 4. Whether the victim has experienced commercial sexual
629 exploitation since the verified report;

630 5. Whether the victim has run away since the verified
631 report;

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

633 7. The educational status of the child;

634 8. The employment status of the child; and

635 9. Whether the child has been involved in the juvenile or
636 criminal justice system.

637 (e) The department, ~~or a sheriff's office acting under s.~~
638 ~~39.3065,~~ shall follow up with all verified victims of commercial

603-03753-23

20237056__

639 sexual exploitation who are not dependent within 6 months after
640 the child abuse investigation is completed, and the information
641 must be used in the report required under s. 39.524. The follow-
642 up ~~followup~~ for nondependent victims and their families is
643 voluntary, and the victim, family, or legal guardian is not
644 required to respond. Any follow-up ~~The followup~~ must attempt to
645 determine the following:

646 1. Whether a referral was made for the services recommended
647 in the service plan;

648 2. Whether the services were received and, if not, the
649 reasons why;

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

652 4. Whether the victim has experienced commercial sexual
653 exploitation since the verified report;

654 5. Whether the victim has run away since the verified
655 report;

656 6. The educational status of the child;

657 7. The employment status of the child; and

658 8. Whether the child has been involved in the juvenile or
659 criminal justice system.

660 (3) TRAINING; LOCAL PROTOCOLS.—

661 (a) The department, ~~or a sheriff's office acting under s.~~
662 ~~39.3065,~~ and community-based care lead agencies shall ensure
663 that cases in which a child is alleged, suspected, or known to
664 be a victim of commercial sexual exploitation are assigned to
665 child protective investigators and case managers who have
666 specialized intensive training in handling cases involving a
667 sexually exploited child. The department, ~~sheriff's office,~~ and

603-03753-23

20237056__

668 lead agencies shall ensure that child protective investigators
669 and case managers receive this training before accepting a case
670 involving a commercially sexually exploited child.

671 Section 15. Paragraph (a) of subsection (4) of section
672 937.021, Florida Statutes, is amended to read:

673 937.021 Missing child and missing adult reports.—

674 (4) (a) Upon the filing of a police report that a child is
675 missing by the parent or guardian, the Department of Children
676 and Families, or a community-based care provider, ~~or a sheriff's~~
677 ~~office providing investigative services for the department,~~ the
678 law enforcement agency receiving the report shall immediately
679 inform all on-duty law enforcement officers of the missing child
680 report, communicate the report to every other law enforcement
681 agency having jurisdiction in the county, and within 2 hours
682 after receipt of the report, transmit the report for inclusion
683 within the Florida Crime Information Center and the National
684 Crime Information Center databases. A law enforcement agency may
685 not require a reporter to present an order that a child be taken
686 into custody or any other such order before accepting a report
687 that a child is missing.

688 Section 16. Subsection (3) and paragraph (a) of subsection
689 (9) of section 1004.615, Florida Statutes, are amended to read:

690 1004.615 Florida Institute for Child Welfare.—

691 (3) The institute shall work with the department, ~~sheriffs~~
692 ~~providing child protective investigative services,~~ community-
693 based care lead agencies, community-based care provider
694 organizations, the court system, the Department of Juvenile
695 Justice, and other partners who contribute to and participate in
696 providing child protection and child welfare services.

603-03753-23

20237056__

697 (9) By October 1 of each year, the institute shall provide
698 a written report to the Governor, the President of the Senate,
699 and the Speaker of the House of Representatives which outlines
700 its activities in the preceding year, reports significant
701 research findings, as well as results of other programs, and
702 provides specific recommendations for improving child protection
703 and child welfare services.

704 (a) The institute shall include an evaluation of the
705 results of the educational and training requirements for child
706 protection and child welfare personnel established under this
707 act ~~and recommendations for application of the results to child~~
708 ~~protection personnel employed by sheriff's offices providing~~
709 ~~child protection services~~ in its report due October 1, 2017.

710 Section 17. Except as otherwise expressly provided in this
711 act and except for this section, which shall take effect upon
712 this act becoming a law, this act shall take effect January 1,
713 2024.