

CHAPTER 2023-77

House Bill No. 7061

An act relating to sheriffs providing child protective investigative services; repealing s. 39.3065, F.S., relating to sheriffs of certain counties providing child protective investigative services; amending ss. 39.013, 39.0141, 39.301, 39.3068, 39.307, 39.308, 39.4015, 39.523, 39.524, 402.40, 402.402, 409.1754, 937.021, and 1004.615, F.S.; conforming provisions to changes made by the act; requiring sheriffs in certain counties who provide child protective investigative services functions to transfer such functions to the Department of Children and Families by a mutually agreed upon date; specifying which entity becomes the custodian of certain files and documents; providing requirements for all grants and grant-related assets; authorizing the department to extend certain private leases for a certain amount of time; authorizing the department and each sheriff to enter into a specified agreement for a specified timeframe; authorizing certain employees to transfer their employment to the department; requiring the department to establish positions for such employees; providing certain benefits to employees who transfer their employment to the department; requiring that the defense and indemnification of certain claims be in accordance with certain agreements; requiring that the department defend and indemnify certain claims; providing certain construction; providing effective dates.

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

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 Section 39.3065, Florida Statutes, is repealed.

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

39.013 Procedures and jurisdiction; right to counsel.—

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

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

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

rule, the child is determined to be missing, the department or, the community-based care provider, ~~or the sheriff's office~~ shall file a report that the child is missing in accordance with s. 937.021.

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

39.301 Initiation of protective investigations.—

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

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

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

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

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

5. Complete assessment of immediate child safety for each child based on available records, interviews, and observations with all persons named in subparagraph 2. and appropriate collateral contacts, which may include other professionals, and continually assess the child's safety throughout the investigation. The department's child protection investigators are hereby

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

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

a. If the child protective investigator implements a safety plan, the plan must be specific, sufficient, feasible, and sustainable in response to the realities of the present or impending danger. A safety plan may be an in-home plan or an out-of-home plan, or a combination of both. A safety plan may include tasks or responsibilities for a parent, caregiver, or legal custodian. However, a safety plan may not rely on promissory commitments by the parent, caregiver, or legal custodian who is currently not able to protect the child or on services that are not available or will not result in the safety of the child. A safety plan may not be implemented if for any reason the parents, guardian, or legal custodian lacks the capacity or ability to comply with the plan. If the department is not able to develop a plan that is specific, sufficient, feasible, and sustainable, the department shall file a shelter petition. A child protective investigator shall implement separate safety plans for the perpetrator of domestic violence, if the investigator, using reasonable efforts, can locate the perpetrator to implement a safety plan, and for the parent who is a victim of domestic violence as defined in s. 741.28. Reasonable efforts to locate a perpetrator include, but are not limited to, a diligent search pursuant to the same requirements as in s. 39.503. If the perpetrator of domestic violence is not the parent, guardian, or legal custodian of any child in the home and if the department does not intend to file a shelter petition or dependency petition that will assert allegations against the perpetrator as a parent of a child in the home, the child protective investigator shall seek issuance of an injunction authorized by s. 39.504 to implement a safety plan for the perpetrator and impose any other conditions to protect the child. The safety plan for the parent who is a victim of domestic violence may not be shared with the perpetrator. If any party to a safety plan fails to comply with the safety plan resulting in the child being unsafe, the department shall file a shelter petition.

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

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

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

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

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

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

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

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

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

(b) For each report received from the central abuse hotline, the department ~~or the sheriff providing child protective investigative services under s. 39.3065,~~ shall determine the protective, treatment, and ameliorative services necessary to safeguard and ensure the child's safety and well-being and development, and cause the delivery of those services through the early intervention of the department or its agent. If ~~Whenever~~ a delay or disability of the child is suspected, the parent must be referred to a local child developmental screening program, such as the Child Find program of the Florida Diagnostic and Learning Resource System, for screening of the child. As applicable, child protective investigators must inform parents and caregivers how and when to use the injunction process under s. 741.30 to

remove a perpetrator of domestic violence from the home as an intervention to protect the child.

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

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

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

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

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

39.3068 Reports of medical neglect.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39.4015 Family finding.—

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

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

1. Participate in a family group decisionmaking conference, family team conferencing, or other family meetings aimed at developing or supporting the family service plan;
2. Attend visitations with the child;
3. Assist in transportation of the child;

4. Provide respite or child care services; or
5. Provide actual kinship care.

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

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

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

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

39.523 Placement in out-of-home care.—

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

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

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

39.524 Safe-harbor placement.—

(1) Except as provided in s. 39.407 or s. 985.801, a dependent child 6 years of age or older who is suspected of being or has been found to be a victim of commercial sexual exploitation as defined in s. 409.016 must be assessed, and the department ~~or a sheriff's office acting under s. 39.3065~~ must conduct a multidisciplinary staffing pursuant to s. 409.1754(2), to determine the child's need for services and his or her need for placement in a safe house or safe foster home as provided in s. 409.1678 using the initial screening and assessment instruments provided in s. 409.1754(1). If such placement is determined to be appropriate for the child as a result of this assessment, the child may be placed in a safe house or safe foster home, if one is available. However, the child may be placed in another setting, if the other setting is more appropriate to the child's needs or if a safe house or safe foster home is unavailable, as long as the child's behaviors are managed so as not to endanger other children served in that setting.

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

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

402.40 Child welfare training and certification.—

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

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

(5) **CORE COMPETENCIES AND SPECIALIZATIONS.**—

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

(c) Community-based care agencies, ~~sheriffs' offices,~~ and the department may contract for the delivery of preservice and any additional training for persons delivering child welfare services if the curriculum satisfies the department-approved core competencies.

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

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

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

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

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

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

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

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

(1) SCREENING AND ASSESSMENT.—

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

(2) MULTIDISCIPLINARY STAFFINGS AND SERVICE PLANS.—

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

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

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

1. Whether a referral was made for the services recommended in the service plan;
2. Whether the services were received and, if not, the reasons why;
3. Whether the services or treatments were completed and, if not, the reasons why;
4. Whether the victim has experienced commercial sexual exploitation since the verified report;
5. Whether the victim has run away since the verified report;
6. The type and number of placements, if applicable;
7. The educational status of the child;

8. The employment status of the child; and
9. Whether the child has been involved in the juvenile or criminal justice system.

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

1. Whether a referral was made for the services recommended in the service plan;
2. Whether the services were received and, if not, the reasons why;
3. Whether the services or treatments were completed and, if not, the reasons why;
4. Whether the victim has experienced commercial sexual exploitation since the verified report;
5. Whether the victim has run away since the verified report;
6. The educational status of the child;
7. The employment status of the child; and
8. Whether the child has been involved in the juvenile or criminal justice system.

(3) TRAINING; LOCAL PROTOCOLS.—

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

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

937.021 Missing child and missing adult reports.—

(4)(a) Upon the filing of a police report that a child is missing by the parent or guardian, the Department of Children and Families, or a

community-based care provider, ~~or a sheriff's office providing investigative services for the department,~~ the law enforcement agency receiving the report shall immediately inform all on-duty law enforcement officers of the missing child report, communicate the report to every other law enforcement agency having jurisdiction in the county, and within 2 hours after receipt of the report, transmit the report for inclusion within the Florida Crime Information Center and the National Crime Information Center databases. A law enforcement agency may not require a reporter to present an order that a child be taken into custody or any other such order before accepting a report that a child is missing.

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

1004.615 Florida Institute for Child Welfare.—

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Notwithstanding s. 110.219, Florida Statutes, may transfer all accrued leave to the department. All creditable service months the employee

worked at the sheriff's office will be transferred for the purpose of annual leave accrual.

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

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

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

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

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

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

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

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

Approved by the Governor May 11, 2023.

Filed in Office Secretary of State May 11, 2023.