

By Senator Bean

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1                                   A bill to be entitled  
 2       An act relating to domestic violence services;  
 3       amending s. 39.902, F.S.; deleting the definition of  
 4       the term "coalition"; amending s. 39.903, F.S.;  
 5       revising the duties of the Department of Children and  
 6       Families in relation to the domestic violence program;  
 7       repealing s. 39.9035, F.S., relating to the duties and  
 8       functions of the Florida Coalition Against Domestic  
 9       Violence with respect to domestic violence; amending  
 10      s. 39.904, F.S.; requiring the department to provide a  
 11      specified report; amending s. 39.905, F.S.; revising  
 12      the requirements of domestic violence centers;  
 13      amending s. 39.9055, F.S.; removing the coalition from  
 14      the capital improvement grant program process;  
 15      amending ss. 39.8296, 381.006, 381.0072, 383.402,  
 16      402.40, 741.316, 753.03, 943.0542, 943.1701, and  
 17      1004.615, F.S.; conforming provisions to changes made  
 18      by the act; providing an effective date.

19  
 20 Be It Enacted by the Legislature of the State of Florida:

21  
 22       Section 1. Subsection (1) of section 39.902, Florida  
 23       Statutes, is amended to read:

24       39.902 Definitions.—As used in this part, the term:  
 25       ~~(1) "Coalition" means the Florida Coalition Against~~  
 26       ~~Domestic Violence.~~

27       Section 2. Subsections (1), (2), (7), and (8) of section  
 28       39.903, Florida Statutes, are amended to read:

29       39.903 Duties and functions of the department with respect

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30 to domestic violence.—The department shall:

31 (1) Operate the domestic violence program and, ~~in~~  
32 ~~collaboration with the coalition,~~ shall coordinate and  
33 administer statewide activities related to the prevention of  
34 domestic violence.

35 (2) Receive and approve or reject applications for initial  
36 certification of domestic violence centers, and. ~~The department~~  
37 ~~shall~~ annually renew the certification thereafter ~~upon receipt~~  
38 ~~of a favorable monitoring report by the coalition.~~

39 (7) Contract with an entity or entities ~~the coalition~~ for  
40 the delivery and management of services for the state's domestic  
41 violence program if the department determines that doing so is  
42 in the best interest of the state. ~~Services under this contract~~  
43 ~~include, but are not limited to, the administration of contracts~~  
44 ~~and grants.~~

45 (8) Consider applications from certified domestic violence  
46 centers for capital improvement grants and award those grants in  
47 accordance with ~~pursuant to~~ s. 39.9055.

48 Section 3. Section 39.9035, Florida Statutes, is repealed.

49 Section 4. Section 39.904, Florida Statutes, is amended to  
50 read:

51 39.904 Report to the Legislature on the status of domestic  
52 violence cases.—On or before January 1 of each year, the  
53 department ~~coalition~~ shall furnish to the President of the  
54 Senate and the Speaker of the House of Representatives a report  
55 on the status of domestic violence in this state, which must  
56 include, but need not be limited to, the following:

57 (1) The incidence of domestic violence in this state.

58 (2) An identification of the areas of the state where

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59 domestic violence is of significant proportions, indicating the  
60 number of cases of domestic violence officially reported, as  
61 well as an assessment of the degree of unreported cases of  
62 domestic violence.

63 (3) An identification and description of the types of  
64 programs in the state which assist victims of domestic violence  
65 or persons who commit domestic violence, including information  
66 on funding for the programs.

67 (4) The number of persons who receive services from local  
68 certified domestic violence programs that receive funding  
69 through the department ~~coalition~~.

70 (5) The incidence of domestic violence homicides in the  
71 state, including information and data collected from state and  
72 local domestic violence fatality review teams.

73 Section 5. Paragraphs (f) and (g) of subsection (1),  
74 subsections (2) and (4), paragraph (a) of subsection (6), and  
75 subsections (7) and (8) of section 39.905, Florida Statutes, are  
76 amended to read:

77 39.905 Domestic violence centers.—

78 (1) Domestic violence centers certified under this part  
79 must:

80 (f) Comply with rules adopted under ~~pursuant to~~ this part.

81 (g) File with the department ~~coalition~~ a list of the names  
82 of the domestic violence advocates who are employed or who  
83 volunteer at the domestic violence center who may claim a  
84 privilege under s. 90.5036 to refuse to disclose a confidential  
85 communication between a victim of domestic violence and the  
86 advocate regarding the domestic violence inflicted upon the  
87 victim. The list must include the title of the position held by

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88 the advocate whose name is listed and a description of the  
89 duties of that position. A domestic violence center must file  
90 amendments to this list as necessary.

91 (2) If the department finds that there is failure by a  
92 center to comply with the requirements established, or rules  
93 adopted, under this part ~~or with the rules adopted pursuant~~  
94 ~~thereto~~, the department may deny, suspend, or revoke the  
95 certification of the center.

96 (4) The domestic violence centers shall establish  
97 procedures to facilitate ~~pursuant to which~~ persons subject to  
98 domestic violence to ~~may~~ seek services from these centers  
99 voluntarily.

100 (6) In order to receive state funds, a center must:

101 (a) Obtain certification under ~~pursuant to~~ this part.  
102 However, the issuance of a certificate does not obligate the  
103 department ~~coalition~~ to provide funding.

104 (7) (a) All funds collected and appropriated to the domestic  
105 violence program for certified domestic violence centers shall  
106 be distributed annually according to an allocation formula  
107 approved by the department. In developing the formula, the  
108 factors of population, rural characteristics, geographical area,  
109 and the incidence of domestic violence must ~~shall~~ be considered.

110 (b) A contract between the department ~~coalition~~ and a  
111 certified domestic violence center shall contain provisions  
112 ensuring the availability and geographic accessibility of  
113 services throughout the service area. For this purpose, a center  
114 may distribute funds through subcontracts or to center  
115 satellites, if such arrangements and any subcontracts are  
116 approved by the department ~~coalition~~.

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117       ~~(8) If any of the required services are exempted from~~  
118 ~~certification by the department under this section, the center~~  
119 ~~may not receive funding from the coalition for those services.~~

120       Section 6. Section 39.9055, Florida Statutes, is amended to  
121 read:

122       39.9055 Certified domestic violence centers; capital  
123 improvement grant program.—There is established a certified  
124 domestic violence center capital improvement grant program.

125       (1) A certified domestic violence center as defined in s.  
126 39.905 may apply to the department ~~of Children and Families~~ for  
127 a capital improvement grant. The grant application must provide  
128 information that includes:

129       (a) A statement specifying the capital improvement that the  
130 certified domestic violence center proposes to make with the  
131 grant funds.

132       (b) The proposed strategy for making the capital  
133 improvement.

134       (c) The organizational structure that will carry out the  
135 capital improvement.

136       (d) Evidence that the certified domestic violence center  
137 has difficulty in obtaining funding or that funds available for  
138 the proposed improvement are inadequate.

139       (e) Evidence that the funds will assist in meeting the  
140 needs of victims of domestic violence and their children in the  
141 certified domestic violence center service area.

142       (f) Evidence of a satisfactory recordkeeping system to  
143 account for fund expenditures.

144       (g) Evidence of ability to generate local match.

145       (2) Certified domestic violence centers as defined in s.

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146 39.905 may receive funding subject to legislative appropriation,  
147 upon application to the department ~~of Children and Families~~, for  
148 projects to construct, acquire, repair, improve, or upgrade  
149 systems, facilities, or equipment, subject to availability of  
150 funds. An award of funds under this section must be made in  
151 accordance with a needs assessment developed by the ~~Florida~~  
152 ~~Coalition Against Domestic Violence~~ and the department ~~of~~  
153 ~~Children and Families~~. The department annually shall perform  
154 this needs assessment and shall rank in order of need those  
155 centers that are requesting funds for capital improvement.

156 (3) The department ~~of Children and Families~~ shall, ~~in~~  
157 ~~collaboration with the Florida Coalition Against Domestic~~  
158 ~~Violence~~, establish criteria for awarding the capital  
159 improvement funds that must be used exclusively for support and  
160 assistance with the capital improvement needs of the certified  
161 domestic violence centers, as defined in s. 39.905.

162 (4) The department ~~of Children and Families~~ shall ensure  
163 that the funds awarded under this section are used solely for  
164 the purposes specified in this section. The department will also  
165 ensure that the grant process maintains the confidentiality of  
166 the location of the certified domestic violence centers, as  
167 required under ~~pursuant to~~ s. 39.908. The total amount of grant  
168 moneys awarded under this section may not exceed the amount  
169 appropriated for this program.

170 Section 7. Paragraph (b) of subsection (2) of section  
171 39.8296, Florida Statutes, is amended to read:

172 39.8296 Statewide Guardian Ad Litem Office; legislative  
173 findings and intent; creation; appointment of executive  
174 director; duties of office.-

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175 (2) STATEWIDE GUARDIAN AD LITEM OFFICE.—There is created a  
176 Statewide Guardian Ad Litem Office within the Justice  
177 Administrative Commission. The Justice Administrative Commission  
178 shall provide administrative support and service to the office  
179 to the extent requested by the executive director within the  
180 available resources of the commission. The Statewide Guardian Ad  
181 Litem Office shall not be subject to control, supervision, or  
182 direction by the Justice Administrative Commission in the  
183 performance of its duties, but the employees of the office shall  
184 be governed by the classification plan and salary and benefits  
185 plan approved by the Justice Administrative Commission.

186 (b) The Statewide Guardian Ad Litem Office shall, within  
187 available resources, have oversight responsibilities for and  
188 provide technical assistance to all guardian ad litem and  
189 attorney ad litem programs located within the judicial circuits.

190 1. The office shall identify the resources required to  
191 implement methods of collecting, reporting, and tracking  
192 reliable and consistent case data.

193 2. The office shall review the current guardian ad litem  
194 programs in Florida and other states.

195 3. The office, in consultation with local guardian ad litem  
196 offices, shall develop statewide performance measures and  
197 standards.

198 4. The office shall develop a guardian ad litem training  
199 program. The office shall establish a curriculum committee to  
200 develop the training program specified in this subparagraph. The  
201 curriculum committee shall include, but not be limited to,  
202 dependency judges, directors of circuit guardian ad litem  
203 programs, active certified guardians ad litem, a mental health

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204 professional who specializes in the treatment of children, a  
205 member of a child advocacy group, a representative of a domestic  
206 violence advocacy group ~~the Florida Coalition Against Domestic~~  
207 ~~Violence~~, and a social worker experienced in working with  
208 victims and perpetrators of child abuse.

209 5. The office shall review the various methods of funding  
210 guardian ad litem programs, shall maximize the use of those  
211 funding sources to the extent possible, and shall review the  
212 kinds of services being provided by circuit guardian ad litem  
213 programs.

214 6. The office shall determine the feasibility or  
215 desirability of new concepts of organization, administration,  
216 financing, or service delivery designed to preserve the civil  
217 and constitutional rights and fulfill other needs of dependent  
218 children.

219 7. In an effort to promote normalcy and establish trust  
220 between a court-appointed volunteer guardian ad litem and a  
221 child alleged to be abused, abandoned, or neglected under this  
222 chapter, a guardian ad litem may transport a child. However, a  
223 guardian ad litem volunteer may not be required or directed by  
224 the program or a court to transport a child.

225 8. The office shall submit to the Governor, the President  
226 of the Senate, the Speaker of the House of Representatives, and  
227 the Chief Justice of the Supreme Court an interim report  
228 describing the progress of the office in meeting the goals as  
229 described in this section. The office shall submit to the  
230 Governor, the President of the Senate, the Speaker of the House  
231 of Representatives, and the Chief Justice of the Supreme Court a  
232 proposed plan including alternatives for meeting the state's



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233 guardian ad litem and attorney ad litem needs. This plan may  
234 include recommendations for less than the entire state, may  
235 include a phase-in system, and shall include estimates of the  
236 cost of each of the alternatives. Each year the office shall  
237 provide a status report and provide further recommendations to  
238 address the need for guardian ad litem services and related  
239 issues.

240 Section 8. Subsection (18) of section 381.006, Florida  
241 Statutes, is amended to read:

242 381.006 Environmental health.—The department shall conduct  
243 an environmental health program as part of fulfilling the  
244 state's public health mission. The purpose of this program is to  
245 detect and prevent disease caused by natural and manmade factors  
246 in the environment. The environmental health program shall  
247 include, but not be limited to:

248 (18) A food service inspection function for domestic  
249 violence centers that are certified and monitored by the  
250 Department of Children and Families ~~and monitored by the Florida~~  
251 ~~Coalition Against Domestic Violence~~ under part XII of chapter 39  
252 and group care homes as described in subsection (16), which  
253 shall be conducted annually and be limited to the requirements  
254 in department rule applicable to community-based residential  
255 facilities with five or fewer residents.

256  
257 The department may adopt rules to carry out the provisions of  
258 this section.

259 Section 9. Paragraph (c) of subsection (2) of section  
260 381.0072, Florida Statutes, is amended to read:

261 381.0072 Food service protection.—

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262 (2) DEFINITIONS.—As used in this section, the term:  
263 (c) "Food service establishment" means detention  
264 facilities, public or private schools, migrant labor camps,  
265 assisted living facilities, facilities participating in the  
266 United States Department of Agriculture Afterschool Meal Program  
267 that are located at a facility or site that is not inspected by  
268 another state agency for compliance with sanitation standards,  
269 adult family-care homes, adult day care centers, short-term  
270 residential treatment centers, residential treatment facilities,  
271 homes for special services, transitional living facilities,  
272 crisis stabilization units, hospices, prescribed pediatric  
273 extended care centers, intermediate care facilities for persons  
274 with developmental disabilities, boarding schools, civic or  
275 fraternal organizations, bars and lounges, vending machines that  
276 dispense potentially hazardous foods at facilities expressly  
277 named in this paragraph, and facilities used as temporary food  
278 events or mobile food units at any facility expressly named in  
279 this paragraph, where food is prepared and intended for  
280 individual portion service, including the site at which  
281 individual portions are provided, regardless of whether  
282 consumption is on or off the premises and regardless of whether  
283 there is a charge for the food. The term includes a culinary  
284 education program where food is prepared and intended for  
285 individual portion service, regardless of whether there is a  
286 charge for the food or whether the program is inspected by  
287 another state agency for compliance with sanitation standards.  
288 The term does not include any entity not expressly named in this  
289 paragraph; nor does the term include a domestic violence center  
290 certified and monitored by the Department of Children and

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291 Families and ~~monitored by the Florida Coalition Against Domestic~~  
292 ~~Violence~~ under part XII of chapter 39 if the center does not  
293 prepare and serve food to its residents and does not advertise  
294 food or drink for public consumption.

295 Section 10. Subsection (2) of section 383.402, Florida  
296 Statutes, is amended to read:

297 383.402 Child abuse death review; State Child Abuse Death  
298 Review Committee; local child abuse death review committees.—

299 (2) STATE CHILD ABUSE DEATH REVIEW COMMITTEE.—

300 (a) *Membership*.—

301 1. The State Child Abuse Death Review Committee is  
302 established within the Department of Health and shall consist of  
303 a representative of the Department of Health, appointed by the  
304 State Surgeon General, who shall serve as the state committee  
305 coordinator. The head of each of the following agencies or  
306 organizations shall also appoint a representative to the state  
307 committee:

- 308 a. The Department of Legal Affairs.  
309 b. The Department of Children and Families.  
310 c. The Department of Law Enforcement.  
311 d. The Department of Education.  
312 e. The Florida Prosecuting Attorneys Association, Inc.  
313 f. The Florida Medical Examiners Commission, whose  
314 representative must be a forensic pathologist.

315 2. In addition, the State Surgeon General shall appoint the  
316 following members to the state committee, based on  
317 recommendations from the Department of Health and the agencies  
318 listed in subparagraph 1., and ensuring that the committee  
319 represents the regional, gender, and ethnic diversity of the

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- 320 state to the greatest extent possible:
- 321 a. The Department of Health Statewide Child Protection Team
- 322 Medical Director.
- 323 b. A public health nurse.
- 324 c. A mental health professional who treats children or
- 325 adolescents.
- 326 d. An employee of the Department of Children and Families
- 327 who supervises family services counselors and who has at least 5
- 328 years of experience in child protective investigations.
- 329 e. The medical director of a Child Protection Team.
- 330 f. A member of a child advocacy organization.
- 331 g. A social worker who has experience in working with
- 332 victims and perpetrators of child abuse.
- 333 h. A person trained as a paraprofessional in patient
- 334 resources who is employed in a child abuse prevention program.
- 335 i. A law enforcement officer who has at least 5 years of
- 336 experience in children's issues.
- 337 j. A representative of a domestic violence advocacy group
- 338 ~~the Florida Coalition Against Domestic Violence.~~
- 339 k. A representative from a private provider of programs on
- 340 preventing child abuse and neglect.
- 341 1. A substance abuse treatment professional.
- 342 3. The members of the state committee shall be appointed to
- 343 staggered terms not to exceed 2 years each, as determined by the
- 344 State Surgeon General. Members may be appointed to no more than
- 345 three consecutive terms. The state committee shall elect a
- 346 chairperson from among its members to serve for a 2-year term,
- 347 and the chairperson may appoint ad hoc committees as necessary
- 348 to carry out the duties of the committee.

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349 4. Members of the state committee shall serve without  
350 compensation but may receive reimbursement for per diem and  
351 travel expenses incurred in the performance of their duties as  
352 provided in s. 112.061 and to the extent that funds are  
353 available.

354 (b) *Duties.*—The State Child Abuse Death Review Committee  
355 shall:

356 1. Develop a system for collecting data from local  
357 committees on deaths that are reported to the central abuse  
358 hotline. The system must include a protocol for the uniform  
359 collection of data statewide, which must, at a minimum, use the  
360 National Child Death Review Case Reporting System administered  
361 by the National Center for the Review and Prevention of Child  
362 Deaths.

363 2. Provide training to cooperating agencies, individuals,  
364 and local child abuse death review committees on the use of the  
365 child abuse death data system.

366 3. Provide training to local child abuse death review  
367 committee members on the dynamics and impact of domestic  
368 violence, substance abuse, or mental health disorders when there  
369 is a co-occurrence of child abuse. Training must be provided by  
370 the Department of Children and Families ~~Florida Coalition~~  
371 ~~Against Domestic Violence~~, the Florida Alcohol and Drug Abuse  
372 Association, and the Florida Council for Community Mental Health  
373 in each entity's respective area of expertise.

374 4. Develop statewide uniform guidelines, standards, and  
375 protocols, including a protocol for standardized data collection  
376 and reporting, for local child abuse death review committees and  
377 provide training and technical assistance to local committees.

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378           5. Develop statewide uniform guidelines for reviewing  
379 deaths that are the result of child abuse, including guidelines  
380 to be used by law enforcement agencies, prosecutors, medical  
381 examiners, health care practitioners, health care facilities,  
382 and social service agencies.

383           6. Study the adequacy of laws, rules, training, and  
384 services to determine what changes are needed to decrease the  
385 incidence of child abuse deaths and develop strategies and  
386 recruit partners to implement these changes.

387           7. Provide consultation on individual cases to local  
388 committees upon request.

389           8. Educate the public regarding the provisions of chapter  
390 99-168, Laws of Florida, the incidence and causes of child abuse  
391 death, and ways by which such deaths may be prevented.

392           9. Promote continuing education for professionals who  
393 investigate, treat, and prevent child abuse or neglect.

394           10. Recommend, when appropriate, the review of the death  
395 certificate of a child who died as a result of abuse or neglect.

396           Section 11. Paragraph (b) of subsection (5) of section  
397 402.40, Florida Statutes, is amended to read:

398           402.40 Child welfare training and certification.-

399           (5) CORE COMPETENCIES AND SPECIALIZATIONS.-

400           (b) The identification of these core competencies and  
401 development of preservice curricula shall be a collaborative  
402 effort that includes professionals who have expertise in child  
403 welfare services, department-approved third-party credentialing  
404 entities, and providers that will be affected by the curriculum,  
405 including, but not limited to, representatives from the  
406 community-based care lead agencies, ~~the Florida Coalition~~

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407 ~~Against Domestic Violence,~~ the Florida Alcohol and Drug Abuse  
408 Association, the Florida Council for Community Mental Health,  
409 sheriffs' offices conducting child protection investigations,  
410 and child welfare legal services providers.

411 Section 12. Subsection (5) of section 741.316, Florida  
412 Statutes, is amended to read:

413 741.316 Domestic violence fatality review teams;  
414 definition; membership; duties.—

415 (5) The domestic violence fatality review teams are  
416 assigned to the Department of Children and Families ~~Florida~~  
417 ~~Coalition Against Domestic Violence~~ for administrative purposes.

418 Section 13. Paragraph (d) of subsection (2) of section  
419 753.03, Florida Statutes, is amended to read:

420 753.03 Standards for supervised visitation and supervised  
421 exchange programs.—

422 (2) The clearinghouse shall use an advisory board to assist  
423 in developing the standards. The advisory board must include:

424 ~~(d) A representative of the Florida Coalition Against~~  
425 ~~Domestic Violence, appointed by the executive director of the~~  
426 ~~Florida Coalition Against Domestic Violence.~~

427 Section 14. Paragraph (a) of subsection (1) and subsection  
428 (5) of section 943.0542, Florida Statutes, are amended to read:

429 943.0542 Access to criminal history information provided by  
430 the department to qualified entities.—

431 (1) As used in this section, the term:

432 (a) "Care" means the provision of care, treatment,  
433 education, training, instruction, supervision, or recreation to  
434 children, the elderly, victims of domestic violence, or  
435 individuals with disabilities.

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436 (5) The determination whether the criminal history record  
437 shows that the employee or volunteer has been convicted of or is  
438 under pending indictment for any crime that bears upon the  
439 fitness of the employee or volunteer to have responsibility for  
440 the safety and well-being of children, the elderly, victims of  
441 domestic violence, or disabled persons shall solely be made by  
442 the qualified entity. This section does not require the  
443 department to make such a determination on behalf of any  
444 qualified entity.

445 Section 15. Section 943.1701, Florida Statutes, is amended  
446 to read:

447 943.1701 Uniform statewide policies and procedures; duty of  
448 the commission.—The commission, with the advice and cooperation  
449 of the Department of Children and Families ~~Florida Coalition~~  
450 ~~Against Domestic Violence~~, the Florida Sheriffs Association, the  
451 Florida Police Chiefs Association, and other agencies that  
452 verify, serve, and enforce injunctions for protection against  
453 domestic violence, shall develop by rule uniform statewide  
454 policies and procedures to be incorporated into required courses  
455 of basic law enforcement training and continuing education.  
456 These statewide policies and procedures shall include:

457 (1) The duties and responsibilities of law enforcement in  
458 response to domestic violence calls, enforcement of injunctions,  
459 and data collection.

460 (2) The legal duties imposed on law enforcement officers to  
461 make arrests and offer protection and assistance, including  
462 guidelines for making felony and misdemeanor arrests.

463 (3) Techniques for handling incidents of domestic violence  
464 that minimize the likelihood of injury to the officer and that



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465 promote safety of the victim.

466 (4) The dynamics of domestic violence and the magnitude of  
467 the problem.

468 (5) The legal rights of, and remedies available to, victims  
469 of domestic violence.

470 (6) Documentation, report writing, and evidence collection.

471 (7) Tenancy issues and domestic violence.

472 (8) The impact of law enforcement intervention in  
473 preventing future violence.

474 (9) Special needs of children at the scene of domestic  
475 violence and the subsequent impact on their lives.

476 (10) The services and facilities available to victims and  
477 batterers.

478 (11) The use and application of sections of the Florida  
479 Statutes as they relate to domestic violence situations.

480 (12) Verification, enforcement, and service of injunctions  
481 for protection when the suspect is present and when the suspect  
482 has fled.

483 (13) Emergency assistance to victims and how to assist  
484 victims in pursuing criminal justice options.

485 (14) Working with uncooperative victims, when the officer  
486 becomes the complainant.

487 Section 16. Subsection (3) of section 1004.615, Florida  
488 Statutes, is amended to read:

489 1004.615 Florida Institute for Child Welfare.—

490 (3) The institute shall work with the department, sheriffs  
491 providing child protective investigative services, community-  
492 based care lead agencies, community-based care provider  
493 organizations, the court system, the Department of Juvenile

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494 Justice, ~~the Florida Coalition Against Domestic Violence,~~ and  
495 other partners who contribute to and participate in providing  
496 child protection and child welfare services.

497 Section 17. This act shall take effect July 1, 2020.