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CS/HB 1087, Engrossed 1

2020 Legislature

1
 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, 943.1701, and 1004.615, F.S.;
 17 conforming provisions to changes made by the act;
 18 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~~

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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
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:

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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 ~~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
 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 ~~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

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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
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:

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

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

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

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

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

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

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

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

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

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

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

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

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

146 (2) Certified domestic violence centers as defined in s.
 147 39.905 may receive funding subject to legislative appropriation,
 148 upon application to the department ~~of Children and Families~~, for
 149 projects to construct, acquire, repair, improve, or upgrade
 150 systems, facilities, or equipment, subject to availability of

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151 funds. An award of funds under this section must be made in
152 accordance with a needs assessment developed by the ~~Florida~~
153 ~~Coalition Against Domestic Violence~~ and the department of
154 ~~Children and Families~~. The department annually shall perform
155 this needs assessment and shall rank in order of need those
156 centers that are requesting funds for capital improvement.

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

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

171 Section 7. Paragraph (b) of subsection (2) of section
172 39.8296, Florida Statutes, is amended to read:

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

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

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

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

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

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

199 4. The office shall develop a guardian ad litem training
 200 program. The office shall establish a curriculum committee to

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201 develop the training program specified in this subparagraph. The
 202 curriculum committee shall include, but not be limited to,
 203 dependency judges, directors of circuit guardian ad litem
 204 programs, active certified guardians ad litem, a mental health
 205 professional who specializes in the treatment of children, a
 206 member of a child advocacy group, a representative of a domestic
 207 violence advocacy group ~~the Florida Coalition Against Domestic~~
 208 ~~Violence~~, and a social worker experienced in working with
 209 victims and perpetrators of child abuse.

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

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

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

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226 8. The office shall submit to the Governor, the President
 227 of the Senate, the Speaker of the House of Representatives, and
 228 the Chief Justice of the Supreme Court an interim report
 229 describing the progress of the office in meeting the goals as
 230 described in this section. The office shall submit to the
 231 Governor, the President of the Senate, the Speaker of the House
 232 of Representatives, and the Chief Justice of the Supreme Court a
 233 proposed plan including alternatives for meeting the state's
 234 guardian ad litem and attorney ad litem needs. This plan may
 235 include recommendations for less than the entire state, may
 236 include a phase-in system, and shall include estimates of the
 237 cost of each of the alternatives. Each year the office shall
 238 provide a status report and provide further recommendations to
 239 address the need for guardian ad litem services and related
 240 issues.

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

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

249 (18) A food service inspection function for domestic
 250 violence centers that are certified and monitored by the

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251 Department of Children and Families ~~and monitored by the Florida~~
 252 ~~Coalition Against Domestic Violence~~ under part XII of chapter 39
 253 and group care homes as described in subsection (16), which
 254 shall be conducted annually and be limited to the requirements
 255 in department rule applicable to community-based residential
 256 facilities with five or fewer residents.

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

260 Section 9. Paragraph (c) of subsection (2) of section
 261 381.0072, Florida Statutes, is amended to read:

262 381.0072 Food service protection.—

263 (2) DEFINITIONS.—As used in this section, the term:

264 (c) "Food service establishment" means detention
 265 facilities, public or private schools, migrant labor camps,
 266 assisted living facilities, facilities participating in the
 267 United States Department of Agriculture Afterschool Meal Program
 268 that are located at a facility or site that is not inspected by
 269 another state agency for compliance with sanitation standards,
 270 adult family-care homes, adult day care centers, short-term
 271 residential treatment centers, residential treatment facilities,
 272 homes for special services, transitional living facilities,
 273 crisis stabilization units, hospices, prescribed pediatric
 274 extended care centers, intermediate care facilities for persons
 275 with developmental disabilities, boarding schools, civic or

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276 fraternal organizations, bars and lounges, vending machines that
 277 dispense potentially hazardous foods at facilities expressly
 278 named in this paragraph, and facilities used as temporary food
 279 events or mobile food units at any facility expressly named in
 280 this paragraph, where food is prepared and intended for
 281 individual portion service, including the site at which
 282 individual portions are provided, regardless of whether
 283 consumption is on or off the premises and regardless of whether
 284 there is a charge for the food. The term includes a culinary
 285 education program where food is prepared and intended for
 286 individual portion service, regardless of whether there is a
 287 charge for the food or whether the program is inspected by
 288 another state agency for compliance with sanitation standards.
 289 The term does not include any entity not expressly named in this
 290 paragraph; nor does the term include a domestic violence center
 291 certified and monitored by the Department of Children and
 292 Families ~~and monitored by the Florida Coalition Against Domestic~~
 293 ~~Violence~~ under part XII of chapter 39 if the center does not
 294 prepare and serve food to its residents and does not advertise
 295 food or drink for public consumption.

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

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

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

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301 (a) Membership.—

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

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

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

- 322 a. The Department of Health Statewide Child Protection
 323 Team Medical Director.
- 324 b. A public health nurse.
- 325 c. A mental health professional who treats children or

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326 adolescents.

327 d. An employee of the Department of Children and Families
 328 who supervises family services counselors and who has at least 5
 329 years of experience in child protective investigations.

330 e. The medical director of a Child Protection Team.

331 f. A member of a child advocacy organization.

332 g. A social worker who has experience in working with
 333 victims and perpetrators of child abuse.

334 h. A person trained as a paraprofessional in patient
 335 resources who is employed in a child abuse prevention program.

336 i. A law enforcement officer who has at least 5 years of
 337 experience in children's issues.

338 j. A representative of a domestic violence advocacy group
 339 ~~the Florida Coalition Against Domestic Violence.~~

340 k. A representative from a private provider of programs on
 341 preventing child abuse and neglect.

342 l. A substance abuse treatment professional.

343 3. The members of the state committee shall be appointed
 344 to staggered terms not to exceed 2 years each, as determined by
 345 the State Surgeon General. Members may be appointed to no more
 346 than three consecutive terms. The state committee shall elect a
 347 chairperson from among its members to serve for a 2-year term,
 348 and the chairperson may appoint ad hoc committees as necessary
 349 to carry out the duties of the committee.

350 4. Members of the state committee shall serve without

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351 compensation but may receive reimbursement for per diem and
 352 travel expenses incurred in the performance of their duties as
 353 provided in s. 112.061 and to the extent that funds are
 354 available.

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

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

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

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

375 4. Develop statewide uniform guidelines, standards, and

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376 | protocols, including a protocol for standardized data collection
 377 | and reporting, for local child abuse death review committees and
 378 | provide training and technical assistance to local committees.

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

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

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

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

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

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

397 | Section 11. Paragraph (b) of subsection (5) of section
 398 | 402.40, Florida Statutes, is amended to read:

399 | 402.40 Child welfare training and certification.—

400 | (5) CORE COMPETENCIES AND SPECIALIZATIONS.—

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

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

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

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

419 Section 13. Paragraph (d) of subsection (2) of section
 420 753.03, Florida Statutes, is amended to read:

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

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

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

429 Section 14. Section 943.1701, Florida Statutes, is amended
 430 to read:

431 943.1701 Uniform statewide policies and procedures; duty
 432 of the commission.—The commission, with the advice and
 433 cooperation of the Department of Children and Families ~~Florida~~
 434 ~~Coalition Against Domestic Violence~~, the Florida Sheriffs
 435 Association, the Florida Police Chiefs Association, and other
 436 agencies that verify, serve, and enforce injunctions for
 437 protection against domestic violence, shall develop by rule
 438 uniform statewide policies and procedures to be incorporated
 439 into required courses of basic law enforcement training and
 440 continuing education. These statewide policies and procedures
 441 shall include:

442 (1) The duties and responsibilities of law enforcement in
 443 response to domestic violence calls, enforcement of injunctions,
 444 and data collection.

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

448 (3) Techniques for handling incidents of domestic violence
 449 that minimize the likelihood of injury to the officer and that
 450 promote safety of the victim.

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451 (4) The dynamics of domestic violence and the magnitude of
452 the problem.

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

455 (6) Documentation, report writing, and evidence
456 collection.

457 (7) Tenancy issues and domestic violence.

458 (8) The impact of law enforcement intervention in
459 preventing future violence.

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

462 (10) The services and facilities available to victims and
463 batterers.

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

466 (12) Verification, enforcement, and service of injunctions
467 for protection when the suspect is present and when the suspect
468 has fled.

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

471 (14) Working with uncooperative victims, when the officer
472 becomes the complainant.

473 Section 15. Subsection (3) of section 1004.615, Florida
474 Statutes, is amended to read:

475 1004.615 Florida Institute for Child Welfare.—

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476 (3) The institute shall work with the department, sheriffs
477 providing child protective investigative services, community-
478 based care lead agencies, community-based care provider
479 organizations, the court system, the Department of Juvenile
480 Justice, ~~the Florida Coalition Against Domestic Violence,~~ and
481 other partners who contribute to and participate in providing
482 child protection and child welfare services.

483 Section 16. This act shall take effect upon becoming a
484 law.