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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to domestic violence services;
amending s. 39.902, F.S.; deleting the definition of
the term "coalition"; amending s. 39.903, F.S.;
revising the duties of the Department of Children and
Families in relation to the domestic violence program;
repealing s. 39.9035, F.S., relating to the duties and
functions of the Florida Coalition Against Domestic
Violence with respect to domestic violence; amending
s. 39.904, F.S.; requiring the department to provide a
specified report; amending s. 39.905, F.S.; revising
the requirements of domestic violence centers;
amending s. 39.9055, F.S.; removing the coalition from
the capital improvement grant program process;
amending ss. 39.8296, 381.006, 381.0072, 383.402,
402.40, 741.316, 753.03, 943.1701, and 1004.615, F.S.;
conforming provisions to changes made by the act;
providing an effective date.

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

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

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

Section 2. Subsections (1), (2), (7), and (8) of section



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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:

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:



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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.

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



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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:

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



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115 satellites, if such arrangements and any subcontracts are
116 approved by the department ~~coalition~~.

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.



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144 (g) Evidence of ability to generate local match.
145 (2) Certified domestic violence centers as defined in s.
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



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173 findings and intent; creation; appointment of executive
174 director; duties of office.—

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,



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202 dependency judges, directors of circuit guardian ad litem
203 programs, active certified guardians ad litem, a mental health
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



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231 of Representatives, and the Chief Justice of the Supreme Court a
232 proposed plan including alternatives for meeting the state's
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



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260 381.0072, Florida Statutes, is amended to read:
261 381.0072 Food service protection.—
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



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289 paragraph; nor does the term include a domestic violence center
290 certified and monitored by the Department of Children and
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



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318 listed in subparagraph 1., and ensuring that the committee
319 represents the regional, gender, and ethnic diversity of the
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 l. 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,



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347 and the chairperson may appoint ad hoc committees as necessary
348 to carry out the duties of the committee.

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



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376 and reporting, for local child abuse death review committees and
377 provide training and technical assistance to local committees.

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,



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405 including, but not limited to, representatives from the
406 community-based care lead agencies, ~~the Florida Coalition~~
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. Section 943.1701, Florida Statutes, is amended
428 to read:

429 943.1701 Uniform statewide policies and procedures; duty of
430 the commission.—The commission, with the advice and cooperation
431 of the Department of Children and Families ~~Florida Coalition~~
432 ~~Against Domestic Violence~~, the Florida Sheriffs Association, the
433 Florida Police Chiefs Association, and other agencies that



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434 verify, serve, and enforce injunctions for protection against
435 domestic violence, shall develop by rule uniform statewide
436 policies and procedures to be incorporated into required courses
437 of basic law enforcement training and continuing education.
438 These statewide policies and procedures shall include:

439 (1) The duties and responsibilities of law enforcement in
440 response to domestic violence calls, enforcement of injunctions,
441 and data collection.

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

445 (3) Techniques for handling incidents of domestic violence
446 that minimize the likelihood of injury to the officer and that
447 promote safety of the victim.

448 (4) The dynamics of domestic violence and the magnitude of
449 the problem.

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

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

453 (7) Tenancy issues and domestic violence.

454 (8) The impact of law enforcement intervention in
455 preventing future violence.

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

458 (10) The services and facilities available to victims and
459 batterers.

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

462 (12) Verification, enforcement, and service of injunctions



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463 for protection when the suspect is present and when the suspect
464 has fled.

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

467 (14) Working with uncooperative victims, when the officer
468 becomes the complainant.

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

471 1004.615 Florida Institute for Child Welfare.—

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

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