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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: C
03/05/2020 10:36 AM	.	03/12/2020 12:44 PM
	.	

Senator Rouson moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. This act may be cited as "Jordan's Law."

Section 2. Section 25.385, Florida Statutes, is amended to
read:

25.385 Standards for instruction of circuit and county
court judges ~~in handling domestic violence cases.~~

(1) The Florida Court Educational Council shall establish
standards for instruction of circuit and county court judges who



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12 have responsibility for domestic violence cases, and the council
13 shall provide such instruction on a periodic and timely basis.

14 ~~(2) As used in this subsection, section:~~

15 ~~(a) the term "domestic violence" has the meaning set forth~~
16 ~~in s. 741.28.~~

17 ~~(b) "Family or household member" has the meaning set forth~~
18 ~~in s. 741.28.~~

19 (2) The Florida Court Educational Council shall establish
20 standards for instruction of circuit and county court judges who
21 have responsibility for dependency cases regarding the
22 recognition of and responses to head trauma and brain injury in
23 a child under 6 years of age. The council shall provide such
24 instruction on a periodic and timely basis.

25 Section 3. Section 39.0142, Florida Statutes, is created to
26 read:

27 39.0142 Notifying law enforcement officers of parent or
28 caregiver names.—Beginning March 1, 2021, the Department of Law
29 Enforcement shall provide information to law enforcement
30 officers stating whether a person is a parent or caregiver who
31 is currently the subject of a child protective investigation for
32 alleged child abuse, abandonment, or neglect or is a parent or
33 caregiver of a child who has been allowed to return to or remain
34 in the home under judicial supervision after an adjudication of
35 dependency. The Florida Department of Law Enforcement shall
36 provide this data via a Florida Crime Information Center query
37 into the department's child protection database.

38 (1) If a law enforcement officer has an interaction with a
39 parent or caregiver as described in this section and the
40 interaction results in the officer having concern about a



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41 child's health, safety, or well-being, the officer shall report
42 relevant details of the interaction to the central abuse hotline
43 immediately after the interaction even if the requirements of s.
44 39.201, relating to a person having actual knowledge or
45 suspicion of abuse, abandonment, or neglect, are not met.

46 (2) The central abuse hotline shall provide any relevant
47 information to:

48 (a) The child protective investigator, if the parent or
49 caregiver is the subject of a child protective investigation; or

50 (b) The child's case manager and the attorney representing
51 the department, if the parent or caregiver has a child under
52 judicial supervision after an adjudication of dependency.

53 Section 4. Paragraph (h) of subsection (3) of section
54 39.303, Florida Statutes, is amended to read:

55 39.303 Child Protection Teams and sexual abuse treatment
56 programs; services; eligible cases.—

57 (3) The Department of Health shall use and convene the
58 Child Protection Teams to supplement the assessment and
59 protective supervision activities of the family safety and
60 preservation program of the Department of Children and Families.
61 This section does not remove or reduce the duty and
62 responsibility of any person to report pursuant to this chapter
63 all suspected or actual cases of child abuse, abandonment, or
64 neglect or sexual abuse of a child. The role of the Child
65 Protection Teams is to support activities of the program and to
66 provide services deemed by the Child Protection Teams to be
67 necessary and appropriate to abused, abandoned, and neglected
68 children upon referral. The specialized diagnostic assessment,
69 evaluation, coordination, consultation, and other supportive



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70 services that a Child Protection Team must be capable of
71 providing include, but are not limited to, the following:

72 (h) Such training services for program and other employees
73 of the Department of Children and Families, employees of the
74 Department of Health, and other medical professionals as is
75 deemed appropriate to enable them to develop and maintain their
76 professional skills and abilities in handling child abuse,
77 abandonment, and neglect cases. The training service must
78 include training in the recognition of and appropriate responses
79 to head trauma and brain injury in a child under 6 years of age
80 as required by ss. 402.402(2) and 409.988.

81
82 A Child Protection Team that is evaluating a report of medical
83 neglect and assessing the health care needs of a medically
84 complex child shall consult with a physician who has experience
85 in treating children with the same condition.

86 Section 5. Section 39.820, Florida Statutes, is amended to
87 read:

88 39.820 Definitions.—As used in this chapter part, the term:

89 (1) "Guardian ad litem" as referred to in any civil or
90 criminal proceeding includes the following: the Statewide
91 Guardian Ad Litem Office, which includes circuit a certified
92 guardian ad litem programs; program, a duly certified volunteer,
93 a staff member, a staff attorney, a contract attorney, or a
94 certified pro bono attorney working on behalf of a guardian ad
95 litem ~~or the program; staff members of a program office;~~ a
96 court-appointed attorney; or a responsible adult who is
97 appointed by the court to represent the best interests of a
98 child in a proceeding as provided for by law, including, but not



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99 limited to, this chapter, who is a party to any judicial
100 proceeding as a representative of the child, and who serves
101 until discharged by the court.

102 (2) "Guardian advocate" means a person appointed by the
103 court to act on behalf of a drug dependent newborn under
104 ~~pursuant to the provisions of~~ this part.

105 Section 6. Paragraph (b) of subsection (2) of section
106 39.8296, Florida Statutes, is amended to read:

107 39.8296 Statewide Guardian Ad Litem Office; legislative
108 findings and intent; creation; appointment of executive
109 director; duties of office.-

110 (2) STATEWIDE GUARDIAN AD LITEM OFFICE.-There is created a
111 Statewide Guardian Ad Litem Office within the Justice
112 Administrative Commission. The Justice Administrative Commission
113 shall provide administrative support and service to the office
114 to the extent requested by the executive director within the
115 available resources of the commission. The Statewide Guardian Ad
116 Litem Office is ~~shall~~ not be subject to control, supervision, or
117 direction by the Justice Administrative Commission in the
118 performance of its duties, but the employees of the office are
119 ~~shall be~~ governed by the classification plan and salary and
120 benefits plan approved by the Justice Administrative Commission.

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

125 1. The office shall identify the resources required to
126 implement methods of collecting, reporting, and tracking
127 reliable and consistent case data.



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

130 3. The office, in consultation with local guardian ad litem
131 offices, shall develop statewide performance measures and
132 standards.

133 4. The office shall develop a guardian ad litem training
134 program, which shall include, but is not limited to, training on
135 the recognition of and responses to head trauma and brain injury
136 in a child under 6 years of age. The office shall establish a
137 curriculum committee to develop the training program specified
138 in this subparagraph. The curriculum committee shall include,
139 but not be limited to, dependency judges, directors of circuit
140 guardian ad litem programs, active certified guardians ad litem,
141 a mental health professional who specializes in the treatment of
142 children, a member of a child advocacy group, a representative
143 of a domestic violence advocacy group ~~the Florida Coalition~~
144 ~~Against Domestic Violence~~, an individual with a degree in social
145 work, and a social worker experienced in working with victims
146 and perpetrators of child abuse.

147 5. The office shall review the various methods of funding
148 guardian ad litem programs, ~~shall~~ maximize the use of those
149 funding sources to the extent possible, and ~~shall~~ review the
150 kinds of services being provided by circuit guardian ad litem
151 programs.

152 6. The office shall determine the feasibility or
153 desirability of new concepts of organization, administration,
154 financing, or service delivery designed to preserve the civil
155 and constitutional rights and fulfill other needs of dependent
156 children.



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157 7. In an effort to promote normalcy and establish trust
158 between a court-appointed volunteer guardian ad litem and a
159 child alleged to be abused, abandoned, or neglected under this
160 chapter, a guardian ad litem may transport a child. However, a
161 guardian ad litem volunteer may not be required or directed by
162 the program or a court to transport a child.

163 8. The office shall submit to the Governor, the President
164 of the Senate, the Speaker of the House of Representatives, and
165 the Chief Justice of the Supreme Court an interim report
166 describing the progress of the office in meeting the goals as
167 described in this section. The office shall submit to the
168 Governor, the President of the Senate, the Speaker of the House
169 of Representatives, and the Chief Justice of the Supreme Court a
170 proposed plan including alternatives for meeting the state's
171 guardian ad litem and attorney ad litem needs. This plan may
172 include recommendations for less than the entire state, may
173 include a phase-in system, and shall include estimates of the
174 cost of each of the alternatives. Each year the office shall
175 provide a status report and provide further recommendations to
176 address the need for guardian ad litem services and related
177 issues.

178 Section 7. Subsection (3) of section 402.40, Florida
179 Statutes, is amended to read:

180 402.40 Child welfare training and certification.—

181 (3) THIRD-PARTY CREDENTIALING ENTITIES.—The department
182 shall approve one or more third-party credentialing entities for
183 the purpose of developing and administering child welfare
184 certification programs for persons who provide child welfare
185 services. A third-party credentialing entity shall request such



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186 approval in writing from the department. In order to obtain
187 approval, the third-party credentialing entity must:

188 (a) Establish professional requirements and standards that
189 applicants must achieve in order to obtain a child welfare
190 certification and to maintain such certification.

191 (b) Develop and apply core competencies and examination
192 instruments according to nationally recognized certification and
193 psychometric standards.

194 (c) Maintain a professional code of ethics and a
195 disciplinary process that apply to all persons holding child
196 welfare certification.

197 (d) Maintain a database, accessible to the public, of all
198 persons holding child welfare certification, including any
199 history of ethical violations.

200 (e) Require annual continuing education for persons holding
201 child welfare certification.

202 (f) Administer a continuing education provider program to
203 ensure that only qualified providers offer continuing education
204 opportunities for certificateholders.

205 (g) Review the findings and all relevant records involving
206 the death of a child or other critical incident following
207 completion of any reviews by the department, the inspector
208 general, or the Office of the Attorney General. Such review may
209 occur only upon the filing of a complaint from an outside party
210 involving certified personnel. This review shall assess the
211 certified personnel's compliance with the third-party
212 credentialing entity's published code of ethical and
213 professional conduct and disciplinary procedures.

214 (h) ~~(g)~~ Maintain an advisory committee, including



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215 representatives from each region of the department, each
216 sheriff's office providing child protective services, and each
217 community-based care lead agency, who shall be appointed by the
218 organization they represent. The third-party credentialing
219 entity may appoint additional members to the advisory committee.

220 Section 8. Subsections (2) and (4) of section 402.402,
221 Florida Statutes, are amended to read:

222 402.402 Child protection and child welfare personnel;
223 attorneys employed by the department.—

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

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

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

239
240 The specialized training may be used to fulfill continuing
241 education requirements under s. 402.40(3)(e). Individuals hired
242 before July 1, 2014, shall complete the specialized training by
243 June 30, 2016, and individuals hired on or after July 1, 2014,



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244 shall complete the specialized training within 2 years after
245 hire. An individual may receive specialized training in multiple
246 areas.

247 (4) ATTORNEYS EMPLOYED BY THE DEPARTMENT TO HANDLE CHILD
248 WELFARE CASES.—Attorneys hired on or after July 1, 2014, whose
249 primary responsibility is representing the department in child
250 welfare cases shall, within the first 6 months of employment,
251 receive training in all of the following:

252 (a) The dependency court process, including the attorney's
253 role in preparing and reviewing documents prepared for
254 dependency court for accuracy and completeness.†

255 (b) Preparing and presenting child welfare cases, including
256 at least 1 week shadowing an experienced children's legal
257 services attorney preparing and presenting cases.†

258 (c) Safety assessment, safety decisionmaking tools, and
259 safety plans.†

260 (d) Developing information presented by investigators and
261 case managers to support decisionmaking in the best interest of
262 children.†~~and~~

263 (e) The experiences and techniques of case managers and
264 investigators, including shadowing an experienced child
265 protective investigator and an experienced case manager for at
266 least 8 hours.

267 (f) The recognition of and responses to head trauma and
268 brain injury in a child under 6 years of age.

269 Section 9. Paragraph (f) of subsection (1) and subsection
270 (3) of section 409.988, Florida Statutes, are amended to read:

271 409.988 Lead agency duties; general provisions.—

272 (1) DUTIES.—A lead agency:



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273 (f) Shall ensure that all individuals providing care for
274 dependent children receive appropriate training and meet the
275 minimum employment standards established by the department.
276 Appropriate training shall include, but is not limited to,
277 training on the recognition of and responses to head trauma and
278 brain injury in a child under 6 years of age developed by the
279 Child Protection Team Program within the Department of Health.

280 (3) SERVICES.—A lead agency must provide dependent children
281 with services that are supported by research or that are
282 recognized as best practices in the child welfare field. The
283 agency shall give priority to the use of services that are
284 evidence-based and trauma-informed and may also provide other
285 innovative services, including, but not limited to, family-
286 centered and cognitive-behavioral interventions designed to
287 mitigate out-of-home placements and intensive family
288 reunification services that combine child welfare and mental
289 health services for families with dependent children under 6
290 years of age.

291 Section 10. Section 943.17298, Florida Statutes, is created
292 to read:

293 943.17298 Training in the recognition of and responses to
294 head trauma and brain injury.—The commission shall establish
295 standards for the instruction of law enforcement officers in the
296 subject of recognition of and responses to head trauma and brain
297 injury in a child under 6 years of age to aid an officer in the
298 detection of head trauma and brain injury due to child abuse.
299 Each law enforcement officer must successfully complete the
300 training as part of the basic recruit training for a law
301 enforcement officer, as required under s. 943.13(9), or as a



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302 part of continuing training or education required under s.
303 943.135(1), before July 1, 2022.

304 Section 11. Until all systems enhancements and integrations
305 required to implement the provisions of s. 39.0142, Florida
306 Statutes, are complete and in production, the Florida Department
307 of Law Enforcement, in collaboration with the Department of
308 Children and Families, shall submit quarterly status reports to
309 the Office of Policy and Budget in the Executive Office of the
310 Governor and the chair of each legislative appropriations
311 committee. Each report must detail progress made to date on each
312 activity needed to implement the technology provisions of the
313 bill.

314 Section 12. This act shall take effect July 1, 2020.

315
316 ===== T I T L E A M E N D M E N T =====

317 And the title is amended as follows:

318 Delete everything before the enacting clause
319 and insert:

320 A bill to be entitled
321 An act relating to child welfare; providing a short
322 title; amending s. 25.385, F.S.; requiring the Florida
323 Court Educational Council to establish certain
324 standards for instruction of circuit and county court
325 judges for dependency cases; deleting obsolete
326 language; creating s. 39.0142, F.S.; requiring the
327 Department of Law Enforcement to provide certain
328 information to law enforcement officers relating to
329 specified individuals; requiring that such information
330 be provided in a specified manner; providing



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331 requirements for law enforcement officers relating to
332 specified interactions with certain persons; requiring
333 the central abuse hotline to provide relevant
334 information to certain persons; amending s. 39.303,
335 F.S.; requiring Child Protection Teams to be capable
336 of providing certain training relating to head trauma
337 and brain injuries in children younger than a
338 specified age; amending s. 39.820, F.S.; revising the
339 definition of the term "guardian ad litem;" making
340 technical changes; amending s. 39.8296, F.S.;
341 requiring that the guardian ad litem training program
342 include training on the recognition of and responses
343 to head trauma and brain injury in specified children;
344 revising the membership of the curriculum committee
345 established by the Statewide Guardian Ad Litem Office
346 within the Justice Administrative Commission; amending
347 s. 402.40, F.S.; requiring third-party credentialing
348 entities to conduct reviews to ensure compliance with
349 the entity's published code of ethical and
350 professional conduct and disciplinary procedures under
351 certain circumstances; amending s. 402.402, F.S.;
352 requiring certain child protective investigators,
353 child protective investigation supervisors, and
354 attorneys to complete training on the recognition of
355 and responses to head trauma and brain injury in
356 specified children; amending s. 409.988, F.S.;
357 requiring lead agencies to provide certain individuals
358 with training on the recognition of and responses to
359 head trauma and brain injury in specified children;



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360 authorizing lead agencies to provide intensive family
361 reunification services that combine child welfare and
362 mental health services to certain families; creating
363 s. 943.17298, F.S.,; requiring the Criminal Justice
364 Standards and Training Commission to establish
365 standards for the instruction of law enforcement
366 officers in a specified subject; requiring law
367 enforcement officers to complete such training as part
368 of either basic recruit training, continuing training,
369 or education by a specified date; requiring the
370 Florida Department of Law Enforcement, in
371 collaboration with the Department of Children and
372 Families, to submit quarterly status reports
373 containing specified information to the Office of
374 Policy and Budget in the Executive Office of the
375 Governor and to the chair of each legislative
376 appropriations committee until certain requirements
377 are met; providing an effective date.