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CS/HB 43, Engrossed 1

2020 Legislature

1  
 2 An act relating to child welfare; providing a short  
 3 title; amending s. 25.385, F.S.; requiring the Florida  
 4 Court Educational Council to establish certain  
 5 standards for instruction of circuit and county court  
 6 judges for dependency cases; deleting obsolete  
 7 language; creating s. 39.0142, F.S.; requiring the  
 8 Department of Law Enforcement to provide certain  
 9 information to law enforcement officers relating to  
 10 specified individuals; requiring that such information  
 11 be provided in a specified manner; providing  
 12 requirements for law enforcement officers relating to  
 13 specified interactions with certain persons; requiring  
 14 the central abuse hotline to provide relevant  
 15 information to certain persons; amending s. 39.303,  
 16 F.S.; requiring Child Protection Teams to be capable  
 17 of providing certain training relating to head trauma  
 18 and brain injuries in children younger than a  
 19 specified age; amending s. 39.820, F.S.; revising the  
 20 definition of the term "guardian ad litem;" making  
 21 technical changes; amending s. 39.8296, F.S.;  
 22 requiring that the guardian ad litem training program  
 23 include training on the recognition of and responses  
 24 to head trauma and brain injury in specified children;  
 25 revising the membership of the curriculum committee

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26 | established by the Statewide Guardian Ad Litem Office  
27 | within the Justice Administrative Commission; amending  
28 | s. 402.40, F.S.; requiring third-party credentialing  
29 | entities to conduct reviews to ensure compliance with  
30 | the entity's published code of ethical and  
31 | professional conduct and disciplinary procedures under  
32 | certain circumstances; amending s. 402.402, F.S.;  
33 | requiring certain child protective investigators,  
34 | child protective investigation supervisors, and  
35 | attorneys to complete training on the recognition of  
36 | and responses to head trauma and brain injury in  
37 | specified children; amending s. 409.988, F.S.;  
38 | requiring lead agencies to provide certain individuals  
39 | with training on the recognition of and responses to  
40 | head trauma and brain injury in specified children;  
41 | authorizing lead agencies to provide intensive family  
42 | reunification services that combine child welfare and  
43 | mental health services to certain families; creating  
44 | s. 943.17298, F.S.,; requiring the Criminal Justice  
45 | Standards and Training Commission to establish  
46 | standards for the instruction of law enforcement  
47 | officers in a specified subject; requiring law  
48 | enforcement officers to complete such training as part  
49 | of either basic recruit training, continuing training,  
50 | or education by a specified date; requiring the

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51 Florida Department of Law Enforcement, in  
 52 collaboration with the Department of Children and  
 53 Families, to submit quarterly status reports  
 54 containing specified information to the Office of  
 55 Policy and Budget in the Executive Office of the  
 56 Governor and to the chair of each legislative  
 57 appropriations committee until certain requirements  
 58 are met; providing an effective date.

59  
 60 Be It Enacted by the Legislature of the State of Florida:

61  
 62 Section 1. This act may be cited as "Jordan's Law."

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

65 25.385 Standards for instruction of circuit and county  
 66 court judges ~~in handling domestic violence cases.~~

67 (1) The Florida Court Educational Council shall establish  
 68 standards for instruction of circuit and county court judges who  
 69 have responsibility for domestic violence cases, and the council  
 70 shall provide such instruction on a periodic and timely basis.

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

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

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

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

82       Section 3. Section 39.0142, Florida Statutes, is created  
83 to read:

84       39.0142 Notifying law enforcement officers of parent or  
85 caregiver names.—Beginning March 1, 2021, the Department of Law  
86 Enforcement shall provide information to law enforcement  
87 officers stating whether a person is a parent or caregiver who  
88 is currently the subject of a child protective investigation for  
89 alleged child abuse, abandonment, or neglect or is a parent or  
90 caregiver of a child who has been allowed to return to or remain  
91 in the home under judicial supervision after an adjudication of  
92 dependency. The Florida Department of Law Enforcement shall  
93 provide this data via a Florida Crime Information Center query  
94 into the department's child protection database.

95       (1) If a law enforcement officer has an interaction with a  
96 parent or caregiver as described in this section and the  
97 interaction results in the officer having concern about a  
98 child's health, safety, or well-being, the officer shall report  
99 relevant details of the interaction to the central abuse hotline  
100 immediately after the interaction even if the requirements of s.

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101 39.201, relating to a person having actual knowledge or  
 102 suspicion of abuse, abandonment, or neglect, are not met.

103 (2) The central abuse hotline shall provide any relevant  
 104 information to:

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

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

110 Section 4. Paragraph (h) of subsection (3) of section  
 111 39.303, Florida Statutes, is amended to read:

112 39.303 Child Protection Teams and sexual abuse treatment  
 113 programs; services; eligible cases.—

114 (3) The Department of Health shall use and convene the  
 115 Child Protection Teams to supplement the assessment and  
 116 protective supervision activities of the family safety and  
 117 preservation program of the Department of Children and Families.  
 118 This section does not remove or reduce the duty and  
 119 responsibility of any person to report pursuant to this chapter  
 120 all suspected or actual cases of child abuse, abandonment, or  
 121 neglect or sexual abuse of a child. The role of the Child  
 122 Protection Teams is to support activities of the program and to  
 123 provide services deemed by the Child Protection Teams to be  
 124 necessary and appropriate to abused, abandoned, and neglected  
 125 children upon referral. The specialized diagnostic assessment,

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126 | evaluation, coordination, consultation, and other supportive  
 127 | services that a Child Protection Team must be capable of  
 128 | providing include, but are not limited to, the following:

129 |       (h) Such training services for program and other employees  
 130 | of the Department of Children and Families, employees of the  
 131 | Department of Health, and other medical professionals as is  
 132 | deemed appropriate to enable them to develop and maintain their  
 133 | professional skills and abilities in handling child abuse,  
 134 | abandonment, and neglect cases. The training service must  
 135 | include training in the recognition of and appropriate responses  
 136 | to head trauma and brain injury in a child under 6 years of age  
 137 | as required by ss. 402.402(2) and 409.988.

138 |  
 139 | A Child Protection Team that is evaluating a report of medical  
 140 | neglect and assessing the health care needs of a medically  
 141 | complex child shall consult with a physician who has experience  
 142 | in treating children with the same condition.

143 |       Section 5. Section 39.820, Florida Statutes, is amended to  
 144 | read:

145 |       39.820 Definitions.—As used in this chapter part, the  
 146 | term:

147 |       (1) "Guardian ad litem" as referred to in any civil or  
 148 | criminal proceeding includes the following: the Statewide  
 149 | Guardian Ad Litem Office, which includes circuit a certified  
 150 | guardian ad litem programs; program, a duly certified volunteer,

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151 | a staff member, a staff attorney, a contract attorney, or a  
 152 | ~~certified~~ pro bono attorney working on behalf of a guardian ad  
 153 | ~~litem or the program; staff members of a program office;~~ a  
 154 | court-appointed attorney; or a responsible adult who is  
 155 | appointed by the court to represent the best interests of a  
 156 | child in a proceeding as provided for by law, including, but not  
 157 | limited to, this chapter, who is a party to any judicial  
 158 | proceeding as a representative of the child, and who serves  
 159 | until discharged by the court.

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

163 | Section 6. Paragraph (b) of subsection (2) of section  
 164 | 39.8296, Florida Statutes, is amended to read:

165 | 39.8296 Statewide Guardian Ad Litem Office; legislative  
 166 | findings and intent; creation; appointment of executive  
 167 | director; duties of office.—

168 | (2) STATEWIDE GUARDIAN AD LITEM OFFICE.—There is created a  
 169 | Statewide Guardian Ad Litem Office within the Justice  
 170 | Administrative Commission. The Justice Administrative Commission  
 171 | shall provide administrative support and service to the office  
 172 | to the extent requested by the executive director within the  
 173 | available resources of the commission. The Statewide Guardian Ad  
 174 | Litem Office is ~~shall~~ not be subject to control, supervision, or  
 175 | direction by the Justice Administrative Commission in the

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176 performance of its duties, but the employees of the office are  
 177 ~~shall be~~ governed by the classification plan and salary and  
 178 benefits plan approved by the Justice Administrative Commission.

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

183 1. The office shall identify the resources required to  
 184 implement methods of collecting, reporting, and tracking  
 185 reliable and consistent case data.

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

188 3. The office, in consultation with local guardian ad  
 189 litem offices, shall develop statewide performance measures and  
 190 standards.

191 4. The office shall develop a guardian ad litem training  
 192 program, which shall include, but is not limited to, training on  
 193 the recognition of and responses to head trauma and brain injury  
 194 in a child under 6 years of age. The office shall establish a  
 195 curriculum committee to develop the training program specified  
 196 in this subparagraph. The curriculum committee shall include,  
 197 but not be limited to, dependency judges, directors of circuit  
 198 guardian ad litem programs, active certified guardians ad litem,  
 199 a mental health professional who specializes in the treatment of  
 200 children, a member of a child advocacy group, a representative



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201 of a domestic violence advocacy group ~~the Florida Coalition~~  
202 ~~Against Domestic Violence~~, an individual with a degree in social  
203 work, and a social worker experienced in working with victims  
204 and perpetrators of child abuse.

205 5. The office shall review the various methods of funding  
206 guardian ad litem programs, ~~shall~~ maximize the use of those  
207 funding sources to the extent possible, and ~~shall~~ review the  
208 kinds of services being provided by circuit guardian ad litem  
209 programs.

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

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

221 8. The office shall submit to the Governor, the President  
222 of the Senate, the Speaker of the House of Representatives, and  
223 the Chief Justice of the Supreme Court an interim report  
224 describing the progress of the office in meeting the goals as  
225 described in this section. The office shall submit to the

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

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

238 402.40 Child welfare training and certification.—

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

246 (a) Establish professional requirements and standards that  
 247 applicants must achieve in order to obtain a child welfare  
 248 certification and to maintain such certification.

249 (b) Develop and apply core competencies and examination  
 250 instruments according to nationally recognized certification and

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251 psychometric standards.

252 (c) Maintain a professional code of ethics and a  
 253 disciplinary process that apply to all persons holding child  
 254 welfare certification.

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

258 (e) Require annual continuing education for persons  
 259 holding child welfare certification.

260 (f) Administer a continuing education provider program to  
 261 ensure that only qualified providers offer continuing education  
 262 opportunities for certificateholders.

263 (g) Review the findings and all relevant records involving  
 264 the death of a child or other critical incident following  
 265 completion of any reviews by the department, the inspector  
 266 general, or the Office of the Attorney General. Such review may  
 267 occur only upon the filing of a complaint from an outside party  
 268 involving certified personnel. This review shall assess the  
 269 certified personnel's compliance with the third-party  
 270 credentialing entity's published code of ethical and  
 271 professional conduct and disciplinary procedures.

272 (h) ~~(g)~~ Maintain an advisory committee, including  
 273 representatives from each region of the department, each  
 274 sheriff's office providing child protective services, and each  
 275 community-based care lead agency, who shall be appointed by the

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276 organization they represent. The third-party credentialing  
 277 entity may appoint additional members to the advisory committee.

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

280 402.402 Child protection and child welfare personnel;  
 281 attorneys employed by the department.-

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

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

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

297  
 298 The specialized training may be used to fulfill continuing  
 299 education requirements under s. 402.40(3)(e). Individuals hired  
 300 before July 1, 2014, shall complete the specialized training by

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301 June 30, 2016, and individuals hired on or after July 1, 2014,  
 302 shall complete the specialized training within 2 years after  
 303 hire. An individual may receive specialized training in multiple  
 304 areas.

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

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

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

316 (c) Safety assessment, safety decisionmaking tools, and  
 317 safety plans.†

318 (d) Developing information presented by investigators and  
 319 case managers to support decisionmaking in the best interest of  
 320 children.†~~and~~

321 (e) The experiences and techniques of case managers and  
 322 investigators, including shadowing an experienced child  
 323 protective investigator and an experienced case manager for at  
 324 least 8 hours.

325 (f) The recognition of and responses to head trauma and

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326 | brain injury in a child under 6 years of age.

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

329 | 409.988 Lead agency duties; general provisions.—

330 | (1) DUTIES.—A lead agency:

331 | (f) Shall ensure that all individuals providing care for  
332 | dependent children receive appropriate training and meet the  
333 | minimum employment standards established by the department.

334 | Appropriate training shall include, but is not limited to,  
335 | training on the recognition of and responses to head trauma and  
336 | brain injury in a child under 6 years of age developed by the  
337 | Child Protection Team Program within the Department of Health.

338 | (3) SERVICES.—A lead agency must provide dependent  
339 | children with services that are supported by research or that  
340 | are recognized as best practices in the child welfare field. The  
341 | agency shall give priority to the use of services that are  
342 | evidence-based and trauma-informed and may also provide other  
343 | innovative services, including, but not limited to, family-  
344 | centered and cognitive-behavioral interventions designed to  
345 | mitigate out-of-home placements and intensive family  
346 | reunification services that combine child welfare and mental  
347 | health services for families with dependent children under 6  
348 | years of age.

349 | Section 10. Section 943.17298, Florida Statutes, is  
350 | created to read:

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351        943.17298 Training in the recognition of and responses to  
352 head trauma and brain injury.—The commission shall establish  
353 standards for the instruction of law enforcement officers in the  
354 subject of recognition of and responses to head trauma and brain  
355 injury in a child under 6 years of age to aid an officer in the  
356 detection of head trauma and brain injury due to child abuse.  
357 Each law enforcement officer must successfully complete the  
358 training as part of the basic recruit training for a law  
359 enforcement officer, as required under s. 943.13(9), or as a  
360 part of continuing training or education required under s.  
361 943.135(1), before July 1, 2022.

362        Section 11. Until all systems enhancements and  
363 integrations required to implement the provisions of s. 39.0142,  
364 Florida Statutes, are complete and in production, the Florida  
365 Department of Law Enforcement, in collaboration with the  
366 Department of Children and Families, shall submit quarterly  
367 status reports to the Office of Policy and Budget in the  
368 Executive Office of the Governor and the chair of each  
369 legislative appropriations committee. Each report must detail  
370 progress made to date on each activity needed to implement the  
371 technology provisions of the bill.

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