

By Senator Garcia

37-00999B-22

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1                   A bill to be entitled  
2           An act relating to the Domestic Violence Task Force;  
3           creating s. 39.909, F.S.; creating the Domestic  
4           Violence Task Force adjunct to the Department of  
5           Children and Families; requiring the department to  
6           provide certain services to the task force; providing  
7           purposes of the task force; specifying the composition  
8           of the task force; providing for the appointment of  
9           task force members and requirements for meetings;  
10          specifying duties of the task force; requiring state  
11          departments and agencies to provide requested  
12          assistance to the task force; requiring the task force  
13          to submit reports to the Governor and the Legislature  
14          by certain dates; providing for dissolution of the  
15          task force; providing for future repeal, unless saved  
16          by the Legislature through reenactment; providing an  
17          effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

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21           Section 1. Section 39.909, Florida Statutes, is created to  
22           read:

23           39.909 Domestic Violence Task Force.—

24           (1) CREATION.—The Domestic Violence Task Force, a task  
25           force as defined in s. 20.03(8), is created adjunct to the  
26           department. The department shall provide administrative and  
27           support staff services relating to the functions of the task  
28           force.

29           (2) PURPOSES.—The purposes of the task force are to

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30 evaluate the child welfare system in relation to domestic  
31 violence investigations and cases in this state, to consider  
32 proposed legislation, and to make recommended changes to  
33 existing laws, rules, and policies.

34 (3) MEMBERSHIP; APPOINTMENT; MEETINGS.—

35 (a) The task force shall be composed of the following  
36 members:

37 1. The Secretary of Children and Families or the  
38 secretary's designee, who shall serve as chair;

39 2. The president of the Florida Partnership to End Domestic  
40 Violence or the president's designee;

41 3. A representative of domestic violence courts, appointed  
42 by the Governor;

43 4. A domestic violence victim, appointed by the President  
44 of the Senate;

45 5. A representative of a certified domestic violence  
46 center, appointed by the Speaker of the House of  
47 Representatives;

48 6. A representative of a certified batterers' intervention  
49 program, appointed by the Governor;

50 7. A child protective investigator from the department,  
51 appointed by the President of the Senate;

52 8. A representative from a county sheriff's office  
53 protective investigation team, appointed by the Speaker of the  
54 House of Representatives;

55 9. A representative from the field of law enforcement,  
56 appointed by the Governor;

57 10. A chief executive officer of a community-based care  
58 lead agency, appointed by the President of the Senate; and

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59 11. A licensed therapist who specializes in treating  
60 victims of domestic violence, appointed by the Speaker of the  
61 House of Representatives.

62 (b) Appointments to the task force must be made by August  
63 1, 2022. Members shall be appointed to serve at the pleasure of  
64 the appointing authority. A vacancy on the task force must be  
65 filled in the same manner as the original appointment.

66 (c) The task force shall convene for its first meeting by  
67 no later than September 1, 2022. The task force shall meet  
68 quarterly or upon the call of the chair and hold its meetings by  
69 teleconference or other electronic means.

70 (4) DUTIES.—

71 (a) The duties of the Domestic Violence Task Force shall  
72 include all of the following:

73 1. Examining the effectiveness of current operations and  
74 treatment in batterers' intervention programs, the consistency  
75 in enforcement of laws, and the level of accountability of  
76 agencies and providers that conduct protective investigations  
77 and that are responsible for handling dependency cases for  
78 domestic violence incidents.

79 2. Eliciting feedback and seeking input from stakeholders  
80 who are responsible for domestic violence investigations and  
81 cases in the child welfare system regarding necessary policy or  
82 rule changes.

83 3. Developing best practices, policies, and procedures  
84 relating to domestic abuse reports and delivery of services to  
85 the victims and perpetrators of domestic violence acts, and  
86 addressing the specific challenges when such incidents involve  
87 children.

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88           4. Developing updated protocols, as necessary, to ensure  
89 that policies and procedures relating to domestic violence abuse  
90 reports, dependency cases, and termination of parental rights  
91 cases are consistently enforced.

92           5. Developing policies relating to the roles of the  
93 department and the Florida Partnership to End Domestic Violence  
94 with respect to domestic violence incidents, including, but not  
95 limited to, such incidents that involve children. Such policies  
96 must evaluate their oversight of domestic violence services with  
97 a goal of optimizing accountability.

98           6. Evaluating the appropriateness of establishing a  
99 diversion program model for victims of domestic violence who  
100 become subject to dependency proceedings related to children in  
101 their custody as a result of such domestic violence, which  
102 allows for judicial oversight if certain criteria are met but  
103 which permits the dependency petition to be dismissed without  
104 prejudice if the victim completes narrowly tailored services  
105 related to intimate partner violence which are deemed necessary  
106 to keep the child safe.

107           7. Determining the need for updated definitions and  
108 corresponding provisions applicable to domestic violence abuse  
109 reports and dependency cases, such as "failure to protect" and  
110 "intimate partner violence."

111           8. Determining when a domestic violence victim's failure to  
112 protect his or her child may be used as a basis to file a  
113 shelter petition.

114           9. Evaluating steps needed, as appropriate, to ensure  
115 proper implementation of and adherence to, as appropriate, the  
116 Safe and Together model that has been used in this state.

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117 10. Determining what steps should be taken during a  
118 domestic violence investigation to ensure a nonoffending or  
119 victim parent is aware of the option to seek an injunction and  
120 request to remain in the home with the child, if appropriate.

121 (b) The task force may call upon appropriate departments  
122 and agencies of state government for such professional  
123 assistance as may be needed in the discharge of its duties, and  
124 such departments and agencies shall provide such assistance in a  
125 timely manner.

126 (5) REPORTS.—By March 1, 2023, the task force shall submit  
127 an interim report to the Governor, the President of the Senate,  
128 and the Speaker of the House of Representatives which contains  
129 its findings and recommendations on best practices, policies,  
130 and procedures relating to domestic abuse reports and cases  
131 involving children, as well as proposed changes to current  
132 legislation to implement the task force's recommendations. The  
133 task force shall submit its final report to the Governor, the  
134 President of the Senate, and the Speaker of the House of  
135 Representatives by September 1, 2023. The task force is  
136 dissolved upon submission of the final report.

137 (6) REPEAL.—This section is repealed September 1, 2024,  
138 unless saved from repeal through reenactment by the Legislature.

139 Section 2. This act shall take effect July 1, 2022.