

## CHAPTER 2020-6

### Committee Substitute for House Bill No. 1087

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 39.903, Florida Statutes, are amended to read:

39.903 Duties and functions of the department with respect to domestic violence.—The department shall:

(1) Operate the domestic violence program and, ~~in collaboration with the coalition~~, shall coordinate and administer statewide activities related to the prevention of domestic violence.

(2) Receive and approve or reject applications for initial certification of domestic violence centers, ~~and~~. The department shall annually renew the certification thereafter upon receipt of a favorable monitoring report by the coalition.

(7) Contract with an entity or entities the coalition for the delivery and management of services for the state's domestic violence program ~~if the department determines that doing so is in the best interest of the state. Services under this contract include, but are not limited to, the administration of contracts and grants.~~

(8) Consider applications from certified domestic violence centers for capital improvement grants and award those grants in accordance with ~~pursuant to~~ s. 39.9055.

Section 3. Section 39.9035, Florida Statutes, is repealed.

Section 4. Section 39.904, Florida Statutes, is amended to read:

39.904 Report to the Legislature on the status of domestic violence cases. On or before January 1 of each year, the department coalition shall furnish to the President of the Senate and the Speaker of the House of Representatives a report on the status of domestic violence in this state, which must include, but need not be limited to, the following:

(1) The incidence of domestic violence in this state.

(2) An identification of the areas of the state where domestic violence is of significant proportions, indicating the number of cases of domestic violence officially reported, as well as an assessment of the degree of unreported cases of domestic violence.

(3) An identification and description of the types of programs in the state which assist victims of domestic violence or persons who commit domestic violence, including information on funding for the programs.

(4) The number of persons who receive services from local certified domestic violence programs that receive funding through the department coalition.

(5) The incidence of domestic violence homicides in the state, including information and data collected from state and local domestic violence fatality review teams.

Section 5. Paragraphs (f) and (g) of subsection (1), subsections (2) and (4), paragraph (a) of subsection (6), and subsections (7) and (8) of section 39.905, Florida Statutes, are amended to read:

39.905 Domestic violence centers.—

(1) Domestic violence centers certified under this part must:

(f) Comply with rules adopted under pursuant to this part.

(g) File with the department coalition a list of the names of the domestic violence advocates who are employed or who volunteer at the domestic violence center who may claim a privilege under s. 90.5036 to refuse to disclose a confidential communication between a victim of domestic violence and the advocate regarding the domestic violence inflicted upon the victim. The list must include the title of the position held by the advocate whose name is listed and a description of the duties of that position. A domestic violence center must file amendments to this list as necessary.

(2) If the department finds that there is failure by a center to comply with the requirements established, or rules adopted, under this part or with

the rules adopted pursuant thereto, the department may deny, suspend, or revoke the certification of the center.

(4) The domestic violence centers shall establish procedures to facilitate pursuant to which persons subject to domestic violence to may seek services from these centers voluntarily.

(6) In order to receive state funds, a center must:

(a) Obtain certification under pursuant to this part. However, the issuance of a certificate does not obligate the department coalition to provide funding.

(7)(a) All funds collected and appropriated to the domestic violence program for certified domestic violence centers shall be distributed annually according to an allocation formula approved by the department. In developing the formula, the factors of population, rural characteristics, geographical area, and the incidence of domestic violence must shall be considered.

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

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

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

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

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

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

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

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

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

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

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

(g) Evidence of ability to generate local match.

(2) Certified domestic violence centers as defined in s. 39.905 may receive funding subject to legislative appropriation, upon application to the department of Children and Families, for projects to construct, acquire, repair, improve, or upgrade systems, facilities, or equipment, subject to availability of funds. An award of funds under this section must be made in accordance with a needs assessment developed by the Florida Coalition Against Domestic Violence and the department of Children and Families. The department annually shall perform this needs assessment and shall rank in order of need those centers that are requesting funds for capital improvement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. The office shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court an interim report describing the progress of the office in meeting the goals as described in this section. The office shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court a proposed plan including alternatives for meeting the state's guardian ad litem and

attorney ad litem needs. This plan may include recommendations for less than the entire state, may include a phase-in system, and shall include estimates of the cost of each of the alternatives. Each year the office shall provide a status report and provide further recommendations to address the need for guardian ad litem services and related issues.

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

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

(18) A food service inspection function for domestic violence centers that are certified and monitored by the Department of Children and Families and monitored by the Florida Coalition Against Domestic Violence under part XII of chapter 39 and group care homes as described in subsection (16), which shall be conducted annually and be limited to the requirements in department rule applicable to community-based residential facilities with five or fewer residents.

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

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

381.0072 Food service protection.—

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

(c) "Food service establishment" means detention facilities, public or private schools, migrant labor camps, assisted living facilities, facilities participating in the United States Department of Agriculture Afterschool Meal Program that are located at a facility or site that is not inspected by another state agency for compliance with sanitation standards, adult family-care homes, adult day care centers, short-term residential treatment centers, residential treatment facilities, homes for special services, transitional living facilities, crisis stabilization units, hospices, prescribed pediatric extended care centers, intermediate care facilities for persons with developmental disabilities, boarding schools, civic or fraternal organizations, bars and lounges, vending machines that dispense potentially hazardous foods at facilities expressly named in this paragraph, and facilities used as temporary food events or mobile food units at any facility expressly named in this paragraph, where food is prepared and intended for individual portion service, including the site at which individual portions are provided, regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term includes a culinary education program where food is prepared and intended for

individual portion service, regardless of whether there is a charge for the food or whether the program is inspected by another state agency for compliance with sanitation standards. The term does not include any entity not expressly named in this paragraph; nor does the term include a domestic violence center certified and monitored by the Department of Children and Families ~~and monitored by the Florida Coalition Against Domestic Violence~~ under part XII of chapter 39 if the center does not prepare and serve food to its residents and does not advertise food or drink for public consumption.

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

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

(2) STATE CHILD ABUSE DEATH REVIEW COMMITTEE.—

(a) Membership.—

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

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

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

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

- d. An employee of the Department of Children and Families who supervises family services counselors and who has at least 5 years of experience in child protective investigations.
  - e. The medical director of a Child Protection Team.
  - f. A member of a child advocacy organization.
  - g. A social worker who has experience in working with victims and perpetrators of child abuse.
  - h. A person trained as a paraprofessional in patient resources who is employed in a child abuse prevention program.
  - i. A law enforcement officer who has at least 5 years of experience in children's issues.
  - j. A representative of a domestic violence advocacy group the Florida Coalition Against Domestic Violence.
  - k. A representative from a private provider of programs on preventing child abuse and neglect.
  - l. A substance abuse treatment professional.
3. The members of the state committee shall be appointed to staggered terms not to exceed 2 years each, as determined by the State Surgeon General. Members may be appointed to no more than three consecutive terms. The state committee shall elect a chairperson from among its members to serve for a 2-year term, and the chairperson may appoint ad hoc committees as necessary to carry out the duties of the committee.
4. Members of the state committee shall serve without compensation but may receive reimbursement for per diem and travel expenses incurred in the performance of their duties as provided in s. 112.061 and to the extent that funds are available.

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

- 1. Develop a system for collecting data from local committees on deaths that are reported to the central abuse hotline. The system must include a protocol for the uniform collection of data statewide, which must, at a minimum, use the National Child Death Review Case Reporting System administered by the National Center for the Review and Prevention of Child Deaths.
- 2. Provide training to cooperating agencies, individuals, and local child abuse death review committees on the use of the child abuse death data system.
- 3. Provide training to local child abuse death review committee members on the dynamics and impact of domestic violence, substance abuse, or mental

health disorders when there is a co-occurrence of child abuse. Training must be provided by the Department of Children and Families Florida Coalition Against Domestic Violence, the Florida Alcohol and Drug Abuse Association, and the Florida Council for Community Mental Health in each entity's respective area of expertise.

4. Develop statewide uniform guidelines, standards, and protocols, including a protocol for standardized data collection and reporting, for local child abuse death review committees and provide training and technical assistance to local committees.

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

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

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

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

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

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

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

**402.40 Child welfare training and certification.—**

**(5) CORE COMPETENCIES AND SPECIALIZATIONS.—**

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

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

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

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

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

753.03 Standards for supervised visitation and supervised exchange programs.—

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

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

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

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

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

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

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

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

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

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

- (7) Tenancy issues and domestic violence.
- (8) The impact of law enforcement intervention in preventing future violence.
- (9) Special needs of children at the scene of domestic violence and the subsequent impact on their lives.
- (10) The services and facilities available to victims and batterers.
- (11) The use and application of sections of the Florida Statutes as they relate to domestic violence situations.
- (12) Verification, enforcement, and service of injunctions for protection when the suspect is present and when the suspect has fled.
- (13) Emergency assistance to victims and how to assist victims in pursuing criminal justice options.
- (14) Working with uncooperative victims, when the officer becomes the complainant.

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

**1004.615 Florida Institute for Child Welfare.—**

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

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

Approved by the Governor February 27, 2020.

Filed in Office Secretary of State February 27, 2020.