

By Senator Campbell

33-79-98

1 A bill to be entitled
 2 An act relating to domestic violence remedies;
 3 amending s. 28.101, F.S.; increasing the amount
 4 of a charge relating to a petition for
 5 dissolution of marriage; providing for the
 6 proceeds of the charge to be deposited into the
 7 Domestic Violence Trust Fund and used as
 8 specified; amending s. 741.282, F.S.; providing
 9 for a fee to be imposed upon a batterer and for
 10 the proceeds to be deposited into the Domestic
 11 Violence Trust Fund and used as specified;
 12 prohibiting offsetting this fee against any fee
 13 assessed under s. 945.76, F.S.; providing an
 14 effective date.

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

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 18 Section 1. Section 28.101, Florida Statutes, is
 19 amended to read:

20 28.101 Petitions and records of dissolution of
 21 marriage; additional charges.--

22 (1) When a party petitions for a dissolution of
 23 marriage, in addition to the filing charges in s. 28.241, the
 24 clerk shall collect and receive:

25 (a) A charge of \$5. On a monthly basis, the clerk
 26 shall transfer the moneys collected pursuant to this paragraph
 27 for deposit in the Child Welfare Training Trust Fund created
 28 in s. 402.40.

29 (b) A charge of \$5. On a monthly basis, the clerk
 30 shall transfer the moneys collected pursuant to this paragraph
 31 to the State Treasury for deposit in the Displaced Homemaker

1 Trust Fund ~~created in s. 410.30~~. If a petitioner does not have
2 sufficient funds with which to pay this fee and signs an
3 affidavit so stating, all or a portion of the fee shall be
4 waived subject to a subsequent order of the court relative to
5 the payment of the fee.

6 (c) A charge of ~~\$50~~^{\$18}. On a monthly basis, the
7 clerk shall transfer the moneys collected under ~~pursuant to~~
8 this paragraph to the State Treasury for deposit in the
9 Domestic Violence Trust Fund. These funds must ~~Such funds~~
10 ~~which are generated shall~~ be directed to the Department of
11 Children and Family Services for the specific purpose of
12 funding domestic violence centers.

13 (2) Upon receipt of a final judgment of dissolution of
14 marriage for filing, and in addition to the filing charges in
15 s. 28.241, the clerk shall collect and receive a service
16 charge of \$7 pursuant to s. 382.023 for the recording and
17 reporting of such final judgment of dissolution of marriage to
18 the Department of Health.

19 Section 2. Section 741.281, Florida Statutes, is
20 amended to read:

21 741.281 Court to order batterers' intervention program
22 attendance.--If a person is found guilty of, has had
23 adjudication withheld on, or has pled nolo contendere to a
24 crime of domestic violence, as defined in s. 741.28, ~~that~~
25 ~~person shall be ordered by the court~~ shall order the defendant
26 to serve a minimum term of 1 year's probation and to the court
27 ~~shall order that the defendant~~ attend a batterers'
28 intervention program as a condition of probation; and the
29 court shall impose on the defendant a fee in the amount of
30 \$100, the proceeds of which must be deposited into the
31 Domestic Violence Trust Fund and distributed as specified in

1 s. 28.101(1)(c). A fee imposed under this section is in
2 addition to any fees assessed under s. 945.76, and a fee that
3 is assessed under either such provision may not be used to
4 offset or reduce a fee assessed under the other provision.If
5 a person is admitted to a pretrial diversion program and has
6 been charged with an act of domestic violence, as defined in
7 s. 741.28, the court shall order as a condition of the program
8 that the defendant attend a batterers' intervention program.
9 The court must impose the condition of the batterers'
10 intervention program for a defendant placed on probation or
11 pretrial diversion under this section, but the court, in its
12 discretion, may determine not to impose the condition if it
13 states on the record why a batterers' intervention program
14 might be inappropriate. It is preferred, but not mandatory,
15 that such programs be certified under s. 741.32. The
16 imposition of probation under this section does ~~shall~~ not
17 preclude the court from imposing any sentence of imprisonment
18 authorized by s. 775.082.

19 Section 3. This act shall take effect July 1, 1998.

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22 SENATE SUMMARY

23 Provides domestic violence remedies. Increases from \$18
24 to \$50 the amount of a charge relating to a petition for
25 dissolution of marriage. Provides for a fee in the amount
26 of \$100 to be imposed upon a batterer. Provides for the
27 proceeds of both fees to be deposited into the Domestic
28 Violence Trust Fund and used to fund domestic violence
29 centers. Prohibits offsetting the \$100 fee against any
30 fee assessed under s. 945.76, F.S.

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