

By the Committee on Children and Families; and Senator Meek

300-1229-00

1 A bill to be entitled
2 An act relating to court costs in domestic
3 violence cases; creating s. 938.14, F.S.;
4 providing for imposition of an additional
5 mandatory court cost upon a person found to
6 have committed an act of domestic violence;
7 providing for waiver of the court cost;
8 providing for collection by the clerk of the
9 court; providing for deposit of such court
10 costs in the Domestic Violence Trust Fund;
11 providing for certain disbursements in
12 accordance with specified provisions; providing
13 for the clerk to retain a service charge;
14 amending s. 39.903, F.S.; directing that funds
15 generated pursuant to s. 938.14, F.S., be used
16 for legal services for victims of domestic
17 violence; providing for the Department of
18 Children and Family Services to contract with a
19 statewide nonprofit association to offer the
20 legal services; providing that a predominant
21 consideration in the allocation of funds be
22 achievement of specific outcome measures;
23 providing for the department to develop outcome
24 measures; providing for the department to
25 determine which services will be provided based
26 on funding generated; providing for the
27 department to adopt rules; amending s. 39.904,
28 F.S.; providing for the inclusion of additional
29 provisions in the annual report on domestic
30 violence; providing an effective date.
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Section 938.14, Florida Statutes, is
4 created to read:

5 938.14 Additional court costs in domestic violence
6 cases.--

7 (1) When a person pleads guilty or nolo contendere to,
8 or is found guilty or convicted of, regardless of
9 adjudication, an act of domestic violence as defined in s.
10 741.28, there shall be imposed on the person as a cost in the
11 case, in addition to any other cost or penalty required to be
12 imposed by law, a court cost in the sum of \$36. This
13 additional court cost shall be assessed against the person
14 unless specifically waived by the court on the record.

15 (2) The clerk of the court shall collect the
16 respective \$36 assessments for court costs provided for in
17 this section and, on a monthly basis, transfer \$35 of the
18 moneys collected to the State Treasury for deposit in the
19 designated account of the Domestic Violence Trust Fund for
20 disbursement in accordance with s. 39.903(7). The clerk shall
21 retain the remaining \$1 of each \$36 collected as a service
22 charge of the clerk's office.

23 Section 2. Subsection (7) is added to section 39.903,
24 Florida Statutes, to read:

25 39.903 Duties and functions of the department with
26 respect to domestic violence.--

27 (7)(a) The funding transferred to the Domestic Violence
28 Trust Fund pursuant to s. 938.14 shall be used exclusively to
29 provide legal assistance and legal clearinghouse services to
30 victims of domestic violence served by the certified domestic
31 violence centers of this state. Contingent upon the funding

1 available, the legal assistance and legal clearinghouse
2 services to be provided through this funding shall include the
3 following: individual legal consultation to victims of
4 domestic violence; legal representation in injunction for
5 protection cases of victims of domestic violence; training for
6 attorneys representing victims of domestic violence; and
7 meeting of the attorneys representing victims of domestic
8 violence to provide an opportunity to share strategies.

9 (b) The department shall contract with a statewide
10 nonprofit association whose primary purpose is to represent
11 domestic violence centers and to provide technical assistance
12 to domestic violence centers, to offer these legal assistance
13 and legal clearinghouse services statewide through
14 subcontracts with local providers.

15 (c) A predominant consideration in the allocation of
16 funds to local providers, excluding the first year, will be
17 the achievement of targeted standards on outcome measures
18 specific to services specified in paragraph (a). The
19 department will develop outcome measures that will evaluate
20 the effectiveness of the services and include measures that
21 reflect the permanent injunctions for protection against
22 domestic violence obtained, temporary child support orders
23 obtained, improved competency of attorneys in the area of
24 domestic violence, and recipient satisfaction.

25 (d) The department will determine which services will
26 be provided, which outcome measures will be applied, and the
27 standards that will be achieved for the identified outcome
28 measures based on the level of funding generated pursuant to
29 s. 938.14 during the first year. The identified services,
30 required outcome measures, and expected standards will be
31 adjusted for each subsequent year based on available funding

1 and prior performance. Data on services provided and
2 achievement of standards will be collected and maintained by
3 the department and used by the statewide nonprofit association
4 specified in paragraph (b) to approve, reject, or establish
5 conditions in subcontracts with local providers. The
6 department is directed to adopt rules describing the process
7 by which the allocation of funds to local providers will be
8 determined which must be incorporated into its contract with
9 the statewide nonprofit association to provide direction
10 regarding its subcontracting with local providers pursuant to
11 paragraph (b). This process is to include, but not be limited
12 to, the development of outcome measures; the development and
13 adjustment of standards for the identified outcome measures;
14 the determination and adjustment of range and level of
15 services to be provided; the collection of data from local
16 providers; and the criteria for approving, rejecting, and
17 establishing conditions in the funding of local providers,
18 including a mechanism for local providers to correct
19 deficiencies.

20 Section 3. Subsection (8) is added to section 39.904,
21 Florida Statutes, to read:

22 39.904 Report to the Legislature on the status of
23 domestic violence cases.--On or before January 1 of each year,
24 the department shall furnish to the President of the Senate
25 and the Speaker of the House of Representatives a report on
26 the status of domestic violence in this state, which report
27 shall include, but is not limited to, the following:

28 (8) The amount of funding transferred to the Domestic
29 Violence Trust Fund as a result of the assessments collected
30 for court costs in domestic violence cases pursuant to s.
31 938.14; the allocation of funds to local providers; the

1 services provided; and the achievement of standards for
2 outcome measures.

3 Section 4. This act shall take effect October 1, 2000.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 48

- 4 - Allows the Clerk of the Court to retain \$1 of the \$36
5 fee collected to cover the cost of processing this
6 assessment.
- 7 - Changes the utilization of the additional funding
8 generated from the court cost to provide legal
9 assistance and legal clearinghouse services to victims
10 of domestic violence served by certified domestic
11 violence centers.
- 12 - Establishes the following specifications for the use of
13 the funds generated:
- 14 - Funding will be used to provide individual legal
15 consultation to victims of domestic violence,
16 legal representation in injunction for protection
17 cases of victims of domestic violence, training
18 for attorneys representing victims of domestic
19 violence, and meetings of the attorneys
20 representing victims of domestic violence to share
21 strategies.
- 22 - The Department of Children and Family Services is
23 to contract with a statewide non-profit
24 association whose primary purpose is to represent
25 domestic violence centers and to provide technical
26 assistance to domestic violence centers, to offer
27 the legal assistance and legal clearinghouse
28 services.
- 29 - The Department of Children and Family Services is
30 to develop outcome measures that will evaluate the
31 effectiveness of the services.
- 32 - Based on the level of funding generated the first
33 year, the Department of Children and Family
34 Services will determine which services will be
35 provided.
- 36 - A predominate consideration in the allocation of
37 the funds to local providers will be the
38 achievement of targeted standards for identified
39 outcome measures.
- 40 - The Department of Children and Family Services is
41 directed to adopt rules describing the process for
42 allocating the funds to local providers for
43 incorporation into the contract with the statewide
44 non-profit association.
- 45 - Requires that the Department of Children and Family
46 Services' annual report on the status of domestic
47 violence in this state include information on the
48 utilization of the funds collected from the court cost
49 provided in this bill.