

716-101BX-37

Bill No. CS/CS/HB 167

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Henriquez offered the following:

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Amendment (with title amendment)

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On page 16, line 23,

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remove from the bill: all of said line

15

16

and insert in lieu thereof:

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Section 9. Effective October 1, 2001, section 938.14,

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Florida Statutes, is created to read:

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938.14 Additional court costs in domestic violence

20

cases.--

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(1) When a person pleads guilty or nolo contendere to,

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or is found guilty of, regardless of adjudication, an act of

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domestic violence as defined in s. 741.28, the court shall

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impose on the person as a cost in the case, in addition to any

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other cost or penalty required to be imposed by law, a court

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cost in the sum of \$36. This additional court cost must be

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assessed against the person unless specifically waived by the

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court on the record.

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(2) The clerk of the court shall collect this court

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cost and, monthly, transfer \$35 of each sum collected to the

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1 State Treasury for deposit in the designated account of the
2 Domestic Violence Trust Fund for disbursement under s.
3 39.903(7). The clerk shall retain the remaining \$1 of each sum
4 collected as a service charge for the clerk's office.

5 Section 10. Effective October 1, 2001, subsection (7)
6 is added to section 39.903, Florida Statutes, to read:

7 39.903 Duties and functions of the department with
8 respect to domestic violence.--

9 (7)(a) The funding transferred to the Domestic Violence
10 Trust Fund under s. 938.14 must be used exclusively to provide
11 legal assistance and legal clearinghouse services to victims
12 of domestic violence served by the certified domestic violence
13 centers of this state. Contingent upon the funding available,
14 the legal assistance and legal clearinghouse services to be
15 provided through this funding include individual legal
16 consultation to victims of domestic violence, legal
17 representation in injunction for protection cases of victims
18 of domestic violence, training for attorneys representing
19 victims of domestic violence, and meetings of the attorneys
20 representing victims of domestic violence to provide an
21 opportunity to share strategies.

22 (b) The department shall contract with a statewide
23 nonprofit association whose primary purpose is to represent
24 domestic violence centers and to provide technical assistance
25 to domestic violence centers, to offer these legal assistance
26 and legal clearinghouse services statewide through
27 subcontracts with local providers.

28 (c) A predominant consideration in the allocation of
29 funds to local providers, excluding the first year, must be
30 the achievement of targeted standards on outcome measures
31 specific to services specified in paragraph (a). The

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1 department shall develop outcome measures that will evaluate
2 the effectiveness of the services and include measures that
3 reflect the permanent injunctions for protection against
4 domestic violence obtained, temporary child support orders
5 obtained, improved competency of attorneys in the area of
6 domestic violence, and recipient satisfaction.

7 (d) The department shall determine which services will
8 be provided, which outcome measures will be applied, and the
9 standards that will be achieved for the identified outcome
10 measures based on the level of funding generated under s.
11 938.14 during the first year. The identified services,
12 required outcome measures, and expected standards must be
13 adjusted for each subsequent year based on available funding
14 and prior performance. Data on services provided and
15 achievement of standards must be collected and maintained by
16 the department and used by the statewide nonprofit association
17 specified in paragraph (b) to approve, reject, or establish
18 conditions in subcontracts with local providers. The
19 department shall adopt rules describing the process by which
20 the allocation of funds to local providers will be determined
21 which must be incorporated into its contract with the
22 statewide nonprofit association to provide direction regarding
23 its subcontracting with local providers under paragraph (b).
24 This process must include the development of outcome measures;
25 the development and adjustment of standards for the identified
26 outcome measures; the determination and adjustment of range
27 and level of services to be provided; the collection of data
28 from local providers; and the criteria for approving,
29 rejecting, and establishing conditions in the funding of local
30 providers, including a mechanism for local providers to
31 correct deficiencies.

1 Section 11. Effective October 1, 2001, subsection (8)
2 is added to section 39.904, Florida Statutes, to read:

3 39.904 Report to the Legislature on the status of
4 domestic violence cases.--On or before January 1 of each year,
5 the department shall furnish to the President of the Senate
6 and the Speaker of the House of Representatives a report on
7 the status of domestic violence in this state, which report
8 shall include, but is not limited to, the following:

9 (8) The amount of funding transferred to the Domestic
10 Violence Trust Fund as a result of the assessments collected
11 for court costs in domestic violence cases under s. 938.14;
12 the allocation of funds to local providers; the services
13 provided; and the achievement of standards for outcome
14 measures.

15 Section 12. Except as otherwise provided herein, this
16 act shall take effect July 1, 2001.

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19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 On page 1 lines 20-21
22 remove from the title of the bill: all of said lines

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24

and insert in lieu thereof:

25 recording of proceedings; creating s. 938.14,
26 F.S.; providing for imposition of an additional
27 mandatory court cost upon a person found to
28 have committed an act of domestic violence;
29 providing for waiver of the court cost;
30 providing for collection by the clerk of the
31 court; providing for deposit of such court

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1 costs in the Domestic Violence Trust Fund;
2 providing for certain disbursements in
3 accordance with specified provisions; providing
4 for the clerk to retain a service charge;
5 amending s. 39.903, F.S.; directing that funds
6 generated pursuant to s. 938.14, F.S., be used
7 for legal services for victims of domestic
8 violence; providing for the Department of
9 Children and Family Services to contract with a
10 statewide nonprofit association to offer the
11 legal services; providing that a predominant
12 consideration in the allocation of funds be
13 achievement of specific outcome measures;
14 providing for the department to develop outcome
15 measures; providing for the department to
16 determine which services will be provided based
17 on funding generated; providing for the
18 department to adopt rules; amending s. 39.904,
19 F.S.; providing for the inclusion of additional
20 provisions in the annual report on domestic
21 violence; providing effective dates.

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