

By the Fiscal Responsibility Council and Representative
Ball

1 A bill to be entitled
2 An act relating to the Department of
3 Corrections; transferring the Office for
4 Certification and Monitoring of Batterers'
5 Intervention Programs from the Department of
6 Corrections to the Department of Children and
7 Family Services; amending ss. 741.32 and
8 741.325, F.S.; revising references to conform
9 to the transfer of the office; amending s.
10 921.0024, F.S.; removing the Department of
11 Corrections' responsibility for preparing
12 sentencing scoresheets; renumbering and
13 amending s. 945.76, F.S.; transferring
14 authority for certain fee assessment and
15 collection from the Department of Corrections
16 to the Department of Children and Family
17 Services; providing an effective date.

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

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21 Section 1. The Office for Certification and Monitoring
22 of Batterers' Intervention Programs within the Department of
23 Corrections is transferred by a type two transfer, as defined
24 in section 20.06(2), Florida Statutes, to the Department of
25 Children and Family Services. All powers, duties, and
26 functions, rules, records, personnel, property, and unexpended
27 balances of appropriations, allocations, or other funds of the
28 Department of Corrections relating to the Office for
29 Certification and Monitoring of Batterers' Intervention
30 Programs are transferred by a type two transfer, as defined in
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1 section 20.06(2), Florida Statutes, to the Department of
2 Children and Family Services.

3 Section 2. Subsection (2) of section 741.32, Florida
4 Statutes, is amended to read:

5 741.32 Certification of batterers' intervention
6 programs.--

7 (2) There is hereby established in the Department of
8 Children and Family Services ~~Corrections~~ an Office for
9 Certification and Monitoring of Batterers' Intervention
10 Programs. The department may certify and monitor both programs
11 and personnel providing direct services to those persons who
12 are adjudged to have committed an act of domestic violence as
13 defined in s. 741.28, those against whom an injunction for
14 protection against domestic violence is entered, those
15 referred by the department ~~of Children and Family Services,~~
16 and those who volunteer to attend such programs. The purpose
17 of certification of programs is to uniformly and
18 systematically standardize programs to hold those who
19 perpetrate acts of domestic violence responsible for those
20 acts and to ensure safety for victims of domestic violence.
21 The certification and monitoring shall be funded by user fees
22 as provided in s. 741.327 ~~945.76~~.

23 Section 3. Section 741.325, Florida Statutes, is
24 amended to read:

25 741.325 Guideline authority.--The Department of
26 Children and Family Services ~~Corrections~~ shall promulgate
27 guidelines to govern purpose, policies, standards of care,
28 appropriate intervention approaches, inappropriate
29 intervention approaches during the batterers' program
30 intervention phase (to include couples counseling and
31 mediation), conflicts of interest, assessment, program content

1 and specifics, qualifications of providers, and credentials
2 for facilitators, supervisors, and trainees. The department
3 shall, in addition, establish specific procedures governing
4 all aspects of program operation, including administration,
5 personnel, fiscal matters, victim and batterer records,
6 education, evaluation, referral to treatment and other matters
7 as needed. In addition, the rules shall establish:

8 (1) That the primary purpose of the programs shall be
9 victim safety and the safety of the children, if present.

10 (2) That the batterer shall be held accountable for
11 acts of domestic violence.

12 (3) That the programs shall be at least 29 weeks in
13 length and shall include 24 weekly sessions, plus appropriate
14 intake, assessment, and orientation programming.

15 (4) That the program be a psychoeducational model that
16 employs a program content based on tactics of power and
17 control by one person over another.

18 (5) That the programs and those who are facilitators,
19 supervisors, and trainees be certified to provide these
20 programs through initial certification and that the programs
21 and personnel be annually monitored to ensure that they are
22 meeting specified standards.

23 (6) The intent that the programs be user-fee funded
24 with fees from the batterers who attend the program as payment
25 for programs is important to the batterer taking
26 responsibility for the act of violence, and from those seeking
27 certification. Exception shall be made for those local, state,
28 or federal programs that fund batterers' intervention programs
29 in whole or in part.

30 (7) Standards for rejection and suspension for failure
31 to meet certification standards.

1 (8) That these standards shall apply only to programs
2 that address the perpetration of violence between intimate
3 partners, spouses, ex-spouses, or those who share a child in
4 common or who are cohabitants in intimate relationships for
5 the purpose of exercising power and control by one over the
6 other. It will endanger victims if courts and other referral
7 agencies refer family and household members who are not
8 perpetrators of the type of domestic violence encompassed by
9 these standards. Accordingly, the court and others who make
10 referrals should refer perpetrators only to programming that
11 appropriately addresses the violence committed.

12 Section 4. Subsection (3) of section 921.0024, Florida
13 Statutes, is amended to read:

14 921.0024 Criminal Punishment Code; worksheet
15 computations; scoresheets.--

16 (3) A single scoresheet shall be prepared for each
17 defendant to determine the permissible range for the sentence
18 that the court may impose, except that if the defendant is
19 before the court for sentencing for more than one felony and
20 the felonies were committed under more than one version or
21 revision of the guidelines or the code, separate scoresheets
22 must be prepared. The scoresheet or scoresheets must cover all
23 the defendant's offenses pending before the court for
24 sentencing. ~~Either the office of The state attorney or the~~
25 ~~Department of Corrections, or both where appropriate,~~ shall
26 prepare the scoresheet or scoresheets, which must be presented
27 to the defense counsel for review for accuracy in all cases
28 unless the judge directs otherwise. The defendant's scoresheet
29 or scoresheets must be approved and signed by the sentencing
30 judge.

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1 Section 5. Section 945.76, Florida Statutes, is
2 renumbered as section 741.327, Florida Statutes, and amended
3 to read:

4 741.327 ~~945.76~~ Certification and monitoring of
5 batterers' intervention programs; fees.--

6 (1) Pursuant to s. 741.32, the Department of Children
7 and Family Services ~~Corrections~~ is authorized to assess and
8 collect:

9 (a) An annual certification fee not to exceed \$300 for
10 the certification and monitoring of batterers' intervention
11 programs.

12 (b) An annual certification fee not to exceed \$200 for
13 the certification and monitoring of assessment personnel
14 providing direct services to persons who:

15 1. Are ordered by the court to participate in a
16 domestic violence prevention program;

17 2. Are adjudged to have committed an act of domestic
18 violence as defined in s. 741.28;

19 3. Have an injunction entered for protection against
20 domestic violence; or

21 4. Agree to attend a program as part of a diversion or
22 pretrial intervention agreement by the offender with the state
23 attorney.

24 (2) All persons required by the court to attend
25 domestic violence programs certified by the Department of
26 Children and Family Services ~~Corrections~~ Office for of
27 Certification and Monitoring of Batterers' Intervention
28 Programs shall pay an additional \$30 fee for each 29-week
29 program to the Department of Children and Family Services
30 ~~Corrections~~.

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1 (3) The fees assessed and collected under this section
2 shall be deposited in the Executive Office of the Governor's
3 Domestic Violence ~~department's Operating~~ Trust Fund
4 established in s. 741.01 and directed to the Department of
5 Children and Family Services to fund the cost of certifying
6 and monitoring batterers' intervention programs.

7 Section 6. This act shall take effect July 1, 2001.

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HOUSE SUMMARY

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Revises provisions relating to the Department of Corrections. Transfers the Office for Certification and Monitoring of Batterers' Intervention Programs from the Department of Corrections to the Department of Children and Family Services. Removes the Department of Corrections' responsibility for preparing sentencing scoresheets. Transfers authority for fee assessment and collections from the Department of Corrections to the Department of Children and Family Services.