

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Judicial Oversight offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

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

938.14 Additional court costs in domestic violence
cases.--

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

(2) The clerk of the court shall collect this court
cost and, monthly, transfer \$35 of each sum collected to the
State Treasury for deposit in the designated account of the

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

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

6 39.903 Duties and functions of the department with
7 respect to domestic violence.--

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

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

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

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

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

31 Section 3. Subsection (8) is added to section 39.904,

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1 Florida Statutes, to read:

2 39.904 Report to the Legislature on the status of
3 domestic violence cases.--On or before January 1 of each year,
4 the department shall furnish to the President of the Senate
5 and the Speaker of the House of Representatives a report on
6 the status of domestic violence in this state, which report
7 shall include, but is not limited to, the following:

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

14 Section 4. This act shall take effect October 1, 2001.

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

18 And the title is amended as follows:
19 remove from the title of the bill: the entire title
20
21 and insert in lieu thereof:

22 A bill to be entitled
23 An act relating to court costs in domestic
24 violence cases; creating s. 938.14, F.S.;
25 providing for imposition of an additional
26 mandatory court cost upon a person found to
27 have committed an act of domestic violence;
28 providing for waiver of the court cost;
29 providing for collection by the clerk of the
30 court; providing for deposit of such court
31 costs in the Domestic Violence Trust Fund;

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

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