

By Senator Meek

36-9-01

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 of, regardless of adjudication, an act of
9 domestic violence as defined in s. 741.28, the court shall
10 impose on the person as a cost in the case, in addition to any
11 other cost or penalty required to be imposed by law, a court
12 cost in the sum of \$36. This additional court cost must be
13 assessed against the person unless specifically waived by the
14 court on the record.

15 (2) The clerk of the court shall collect this court
16 cost and, monthly, transfer \$35 of each sum collected to the
17 State Treasury for deposit in the designated account of the
18 Domestic Violence Trust Fund for disbursement under s.
19 39.903(7). The clerk shall retain the remaining \$1 of each sum
20 collected as a service charge for the clerk's office.

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

23 39.903 Duties and functions of the department with
24 respect to domestic violence.--

25 (7)(a) The funding transferred to the Domestic Violence
26 Trust Fund under s. 938.14 must be used exclusively to provide
27 legal assistance and legal clearinghouse services to victims
28 of domestic violence served by the certified domestic violence
29 centers of this state. Contingent upon the funding available,
30 the legal assistance and legal clearinghouse services to be
31 provided through this funding include individual legal

1 consultation to victims of domestic violence, legal
2 representation in injunction for protection cases of victims
3 of domestic violence, training for attorneys representing
4 victims of domestic violence, and meeting of the attorneys
5 representing victims of domestic violence to provide an
6 opportunity to share strategies.

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

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

23 (d) The department shall determine which services will
24 be provided, which outcome measures will be applied, and the
25 standards that will be achieved for the identified outcome
26 measures based on the level of funding generated under s.
27 938.14 during the first year. The identified services,
28 required outcome measures, and expected standards must be
29 adjusted for each subsequent year based on available funding
30 and prior performance. Data on services provided and
31 achievement of standards must be collected and maintained by

1 the department and used by the statewide nonprofit association
2 specified in paragraph (b) to approve, reject, or establish
3 conditions in subcontracts with local providers. The
4 department shall adopt rules describing the process by which
5 the allocation of funds to local providers will be determined
6 which must be incorporated into its contract with the
7 statewide nonprofit association to provide direction regarding
8 its subcontracting with local providers under paragraph (b).
9 This process must include the development of outcome measures;
10 the development and adjustment of standards for the identified
11 outcome measures; the determination and adjustment of range
12 and level of services to be provided; the collection of data
13 from local providers; and the criteria for approving,
14 rejecting, and establishing conditions in the funding of local
15 providers, including a mechanism for local providers to
16 correct deficiencies.

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

19 39.904 Report to the Legislature on the status of
20 domestic violence cases.--On or before January 1 of each year,
21 the department shall furnish to the President of the Senate
22 and the Speaker of the House of Representatives a report on
23 the status of domestic violence in this state, which report
24 shall include, but is not limited to, the following:

25 (8) The amount of funding transferred to the Domestic
26 Violence Trust Fund as a result of the assessments collected
27 for court costs in domestic violence cases under s. 938.14;
28 the allocation of funds to local providers; the services
29 provided; and the achievement of standards for outcome
30 measures.

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

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SENATE SUMMARY

Provides for imposition of an additional mandatory court cost upon a person found to have committed an act of domestic violence. Provides for specific waiver of the cost on the record. Provides for collection by the clerk of the court. Provides for deposit of such court costs in the Domestic Violence Trust Fund and authorizes certain disbursements from the fund under specified provisions relating to funding of domestic violence centers. Authorizes the clerk to retain a service charge. Provides that money transferred to the fund be used to provide legal assistance and clearinghouse services to victims of domestic violence. Requires the Department of Children and Family Services to contract with a statewide nonprofit association to offer legal services. Requires the department to develop outcome measures to evaluate the effectiveness of the services. Requires the department to determine which services will be provided. Provides rulemaking authority. Requires that the department's annual report on the status of domestic violence in this state include information on the use of the funds collected from the court costs.