

By Senator Meek

36-720-02

See HB

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 requiring the court to impose 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 a portion of

10 such court costs in the Domestic Violence Trust

11 Fund; authorizing 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; requiring the Department of Children

18 and Family Services to contract with a

19 statewide nonprofit association to offer legal

20 services; providing that allocation of funds be

21 contingent upon achievement of specific outcome

22 measures to be developed by the department;

23 requiring the department to determine services

24 to be provided based on funding generated;

25 requiring the department to adopt rules;

26 amending s. 39.904, F.S.; including additional

27 provisions in the annual report on domestic

28 violence; providing an effective date.

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

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

3 938.14 Additional court costs in domestic violence
4 cases.--

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

13 (2) The clerk of the court shall collect this court
14 cost and, monthly, transfer \$35 of each sum collected to the
15 State Treasury for deposit in the designated account of the
16 Domestic Violence Trust Fund for disbursement under s.
17 39.903(7). The clerk shall retain the remaining \$1 of each \$36
18 collected as a service charge of the clerk's office.

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

21 39.903 Duties and functions of the department with
22 respect to domestic violence.--

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

1 of domestic violence, training for attorneys representing
2 victims of domestic violence, and meetings of the attorneys
3 representing victims of domestic violence to provide an
4 opportunity to share strategies.

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

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

20 (d) The department shall determine which services shall
21 be provided, which outcome measures shall be applied, and the
22 standards that shall be achieved for the identified outcome
23 measures based on the level of funding generated under s.
24 938.14 during the first year. The identified services,
25 required outcome measures, and expected standards shall be
26 adjusted for each subsequent year based on available funding
27 and prior performance. Data on services provided and
28 achievement of standards shall be collected and maintained by
29 the department and used by the statewide nonprofit association
30 specified in paragraph (b) to approve, reject, or establish
31 conditions in subcontracts with local providers. The

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

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

16 39.904 Report to the Legislature on the status of
17 domestic violence cases.--On or before January 1 of each year,
18 the department shall furnish to the President of the Senate
19 and the Speaker of the House of Representatives a report on
20 the status of domestic violence in this state, which report
21 shall include, but is not limited to, the following:

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

28 Section 4. This act shall take effect October 1, 2002.
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HOUSE SUMMARY

Requires the court to impose an additional mandatory court cost upon a person found to have committed an act of domestic violence. Provides for waiver of the court cost. Provides for collection by the clerk of the court. Provides for deposit of a portion of such court costs in the Domestic Violence Trust Fund. Authorizes certain disbursements in accordance with specified provisions. Provides for the clerk to retain a service charge. Directs that funds generated pursuant to s. 938.14, F.S., be used for legal services for victims of domestic violence. Requires the Department of Children and Family Services to contract with a statewide nonprofit association to offer legal services. Provides that allocation of funds be contingent upon achievement of specific outcome measures to be developed by the department. Requires the department to determine services to be provided based on funding generated. Requires the department to adopt rules. Includes additional provisions in the annual report on domestic violence.