

By the Committee on Children, Families, and Elder Affairs

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1 A bill to be entitled
2 An act relating to domestic violence; amending s.
3 39.902, F.S.; defining the term "coalition" as it
4 relates to domestic violence; amending s. 39.903,
5 F.S.; revising provisions relating to certification of
6 domestic violence centers; providing specified
7 additional duties for and authority of the Florida
8 Coalition Against Domestic Violence; revising the
9 duties of the Department of Children and Family
10 Services; requiring the department to contract with
11 coalition for specified purposes; creating s. 39.9035,
12 F.S.; providing the duties of the coalition as it
13 manages the delivery of services to the state's
14 domestic violence program; amending s. 39.904, F.S.;
15 requiring the coalition, rather than the department,
16 to make a specified annual report; revising the
17 contents of the report; amending s. 39.905, F.S.;
18 requiring the coalition, rather than the department,
19 to perform certain duties relating to certification of
20 domestic violence centers; revising provisions
21 relating to certification of domestic violence
22 centers; requiring a demonstration of need for
23 certification of a new domestic violence center;
24 providing the grant, denial, suspension, or revocation
25 of certification of a domestic violence center is not
26 agency action for purposes of appeal under ch. 120,
27 F.S.; revising provisions relating to expiration of a
28 center's annual certificate; prohibiting a domestic
29 violence center from receiving funding from the

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30 coalition for services that are exempted from
31 certification; amending ss. 381.006, 381.0072,
32 741.281, 741.2902, 741.30, and 741.316, F.S.;
33 conforming provisions to changes made by the act;
34 amending s. 741.32, F.S.; deleting provisions relating
35 to the certification of batterers' intervention
36 programs; amending s. 741.325, F.S.; revising the
37 requirements for batterers' intervention programs;
38 repealing s. 741.327, F.S., relating to the
39 certification and monitoring of batterers'
40 intervention programs; amending ss. 948.038 and
41 938.01, F.S.; conforming provisions to changes made by
42 the act; providing an effective date.

43
44 Be It Enacted by the Legislature of the State of Florida:

45
46 Section 1. Present subsections (1), (2), and (3) of section
47 39.902, Florida Statutes, are redesignated as subsections (2),
48 (3), and (4), respectively, and a new subsection (1) is added to
49 that section, to read:

50 39.902 Definitions.—As used in this part, the term:

51 (1) "Coalition" means the Florida Coalition Against
52 Domestic Violence.

53 Section 2. Section 39.903, Florida Statutes, is amended to
54 read:

55 39.903 Duties and functions of the department with respect
56 to domestic violence.—The department shall:

57 (1) Operate the domestic violence program and, in
58 collaboration with the coalition, shall coordinate and

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59 administer statewide activities related to the prevention of
60 domestic violence. ~~The department shall:~~

61 ~~(a) Develop by rule criteria for the approval or rejection~~
62 ~~of certification or funding of domestic violence centers.~~

63 ~~(b) Develop by rule minimum standards for domestic violence~~
64 ~~centers to ensure the health and safety of the clients in the~~
65 ~~centers.~~

66 (2)(e) Receive and approve or reject applications for
67 initial certification of domestic violence centers. The
68 department shall annually renew the certification thereafter
69 upon receipt of a favorable monitoring report by the coalition.
70 ~~If any of the required services are exempted from certification~~
71 ~~by the department under s. 39.905(1)(c), the center shall not~~
72 ~~receive funding for those services.~~

73 (3)(d) Have Evaluate ~~each certified domestic violence~~
74 ~~center annually to ensure compliance with the minimum standards.~~
75 ~~The department has the right to enter and inspect the premises~~
76 ~~of domestic violence centers that are applying for an initial~~
77 ~~certification or facing potential suspension or revocation of~~
78 ~~certification certified domestic violence centers at any~~
79 ~~reasonable hour in order to effectively evaluate the state of~~
80 ~~compliance with minimum standards of these centers with this~~
81 ~~part and rules relating to this part.~~

82 ~~(e) Adopt rules to implement this part.~~

83 (4)(f) Promote the involvement of certified domestic
84 violence centers in the coordination, development, and planning
85 of domestic violence programming in the circuits ~~districts~~ ~~and~~
86 ~~the state.~~

87 ~~(2) The department shall serve as a clearinghouse for~~

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88 ~~information relating to domestic violence.~~

89 ~~(3) The department shall operate the domestic violence~~
90 ~~program, which provides supervision, direction, coordination,~~
91 ~~and administration of statewide activities related to the~~
92 ~~prevention of domestic violence.~~

93 ~~(5)~~(4) Coordinate with state agencies that have health,
94 education, or criminal justice responsibilities to raise
95 awareness of domestic violence and promote consistent policy
96 implementation. ~~The department shall enlist the assistance of~~
97 ~~public and voluntary health, education, welfare, and~~
98 ~~rehabilitation agencies in a concerted effort to prevent~~
99 ~~domestic violence and to treat persons engaged in or subject to~~
100 ~~domestic violence. With the assistance of these agencies, the~~
101 ~~department, within existing resources, shall formulate and~~
102 ~~conduct a research and evaluation program on domestic violence.~~
103 ~~Efforts on the part of these agencies to obtain relevant grants~~
104 ~~to fund this research and evaluation program must be supported~~
105 ~~by the department.~~

106 ~~(5) The department shall develop and provide educational~~
107 ~~programs on domestic violence for the benefit of the general~~
108 ~~public, persons engaged in or subject to domestic violence,~~
109 ~~professional persons, or others who care for or may be engaged~~
110 ~~in the care and treatment of persons engaged in or subject to~~
111 ~~domestic violence.~~

112 ~~(6) The department shall~~ Cooperate with, assist in, and
113 participate in, programs of other properly qualified state
114 agencies, including any agency of the Federal Government,
115 schools of medicine, hospitals, and clinics, in planning and
116 conducting research on the prevention of domestic violence and

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117 ~~the provision of services to clients, care, treatment, and~~
118 ~~rehabilitation of persons engaged in or subject to domestic~~
119 ~~violence.~~

120 (7) ~~The department shall~~ Contract with the coalition for
121 the delivery and management of services for the state's domestic
122 violence program. Services under this contract include, but are
123 not limited to, the administration of contracts and grants as
124 directed by the department. ~~a statewide association whose~~
125 ~~primary purpose is to represent and provide technical assistance~~
126 ~~to certified domestic violence centers. This association shall~~
127 ~~implement, administer, and evaluate all services provided by the~~
128 ~~certified domestic violence centers. The association shall~~
129 ~~receive and approve or reject applications for funding of~~
130 ~~certified domestic violence centers. When approving funding for~~
131 ~~a newly certified domestic violence center, the association~~
132 ~~shall make every effort to minimize any adverse economic impact~~
133 ~~on existing certified domestic violence centers or services~~
134 ~~provided within the same service area. In order to minimize~~
135 ~~duplication of services, the association shall make every effort~~
136 ~~to encourage subcontracting relationships with existing~~
137 ~~certified domestic violence centers within the same service~~
138 ~~area. In distributing funds allocated by the Legislature for~~
139 ~~certified domestic violence centers, the association shall use a~~
140 ~~formula approved by the department as specified in s.~~
141 ~~39.905(7)(a).~~

142 (8) Consider applications from certified domestic violence
143 centers for capital improvement grants and award those grants
144 pursuant to s. 39.9055.

145 (9) Adopt by rule procedures to administer this section,

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146 including developing criteria for the approval, suspension, or
147 rejection of certification of domestic violence centers and
148 developing minimum standards for domestic violence centers to
149 ensure the health and safety of the clients in the centers.

150 Section 3. Section 39.9035, Florida Statutes, is created to
151 read:

152 39.9035 Duties and functions of the coalition with respect
153 to domestic violence.—As part of its management of the delivery
154 of services for the state's domestic violence program, the
155 coalition shall:

156 (1) Implement, administer, and evaluate all services
157 provided by the certified domestic violence centers.

158 (2) Receive and approve or reject applications for funding
159 of certified domestic violence centers. When approving funding
160 for a newly certified domestic violence center, the coalition
161 shall make every effort to minimize any adverse economic impact
162 on existing certified domestic violence centers or services
163 provided within the same service area. In order to minimize
164 duplication of services, the coalition shall make every effort
165 to encourage subcontracting relationships with existing
166 certified domestic violence centers within the same service
167 area. In distributing funds allocated by the Legislature for
168 certified domestic violence centers, the coalition shall use a
169 formula approved by the department as specified in s.

170 39.905(7)(a).

171 (3) Evaluate certified domestic violence centers in order
172 to determine compliance with minimum certification standards.

173 (4) Have the right to enter and inspect the premises of
174 certified domestic violence centers for monitoring purposes.

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175 Section 4. Section 39.904, Florida Statutes, is amended to
176 read:

177 39.904 Report to the Legislature on the status of domestic
178 violence cases.—On or before January 1 of each year, the
179 coalition department shall furnish to the President of the
180 Senate and the Speaker of the House of Representatives a report
181 on the status of domestic violence in this state, which must
182 ~~report shall~~ include, but need is not be limited to, the
183 following:

184 (1) The incidence of domestic violence in this state.

185 (2) An identification of the areas of the state where
186 domestic violence is of significant proportions, indicating the
187 number of cases of domestic violence officially reported, as
188 well as an assessment of the degree of unreported cases of
189 domestic violence.

190 (3) An identification and description of the types of
191 programs in the state which ~~that~~ assist victims of domestic
192 violence or persons who commit domestic violence, including
193 information on funding for the programs.

194 (4) The number of persons who receive services from ~~are~~
195 ~~treated by or assisted by~~ local certified domestic violence
196 programs that receive funding through the coalition department.

197 (5) The incidence of domestic violence homicides in the
198 state, including information and data collected from state and
199 local domestic violence fatality review teams. ~~A statement on~~
200 ~~the effectiveness of such programs in preventing future domestic~~
201 ~~violence.~~

202 (6) ~~An inventory and evaluation of existing prevention~~
203 ~~programs.~~

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204 ~~(7) A listing of potential prevention efforts identified by~~
205 ~~the department; the estimated annual cost of providing such~~
206 ~~prevention services, both for a single client and for the~~
207 ~~anticipated target population as a whole; an identification of~~
208 ~~potential sources of funding; and the projected benefits of~~
209 ~~providing such services.~~

210 Section 5. Paragraphs (c), (g), and (i) of subsection (1),
211 subsections (2), (3), and (5), paragraph (a) of subsection (6),
212 and paragraph (b) of subsection (7) of section 39.905, Florida
213 Statutes, are amended, and subsection (8) is added to that
214 section, to read:

215 39.905 Domestic violence centers.—

216 (1) Domestic violence centers certified under this part
217 must:

218 (c) Provide minimum services that ~~which~~ include, but are
219 not limited to, information and referral services, counseling
220 and case management services, temporary emergency shelter for
221 more than 24 hours, a 24-hour hotline, training for law
222 enforcement personnel, assessment and appropriate referral of
223 resident children, and educational services for community
224 awareness relative to the incidence of domestic violence, the
225 prevention of such violence, and the services available ~~care,~~
226 ~~treatment, and rehabilitation~~ for persons engaged in or subject
227 to domestic violence. If a 24-hour hotline, professional
228 training, or community education is already provided by a
229 certified domestic violence center within its designated service
230 area ~~a district~~, the department may exempt such certification
231 requirements for a new center serving the same service area
232 ~~district~~ in order to avoid duplication of services.

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233 (g) File with the coalition ~~department~~ a list of the names
234 of the domestic violence advocates who are employed or who
235 volunteer at the domestic violence center who may claim a
236 privilege under s. 90.5036 to refuse to disclose a confidential
237 communication between a victim of domestic violence and the
238 advocate regarding the domestic violence inflicted upon the
239 victim. The list must include the title of the position held by
240 the advocate whose name is listed and a description of the
241 duties of that position. A domestic violence center must file
242 amendments to this list as necessary.

243 (i) If its center is a new center applying for
244 certification, demonstrate that the services provided address a
245 need identified in the most current statewide needs assessment
246 approved by the department. If the center applying for initial
247 certification proposes providing services in an area that has an
248 existing certified domestic violence center, the center applying
249 for initial certification must demonstrate the unmet need in
250 that service area and describe its efforts to avoid duplication
251 of services.

252 (2) If the department finds that there is failure by a
253 center to comply with the requirements established under this
254 part or with the rules adopted pursuant thereto, the department
255 may deny, suspend, or revoke the certification of the center.
256 The grant, denial, suspension, or revocation of certification
257 does not constitute agency action under chapter 120.

258 (3) The annual certificate ~~shall~~ automatically expires
259 expire on June 30 of each state fiscal year unless the
260 certification is temporarily extended to allow the center to
261 implement a corrective action plan ~~the termination date shown on~~

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262 ~~the certificate.~~

263 (5) Domestic violence centers may be established throughout
264 the state when private, local, state, or federal funds are
265 available and a need is demonstrated.

266 (6) In order to receive state funds, a center must:

267 (a) Obtain certification pursuant to this part. However,
268 the issuance of a certificate does ~~will~~ not obligate the
269 coalition ~~department~~ to provide funding.

270 (7)

271 (b) A contract between the coalition ~~statewide association~~
272 and a certified domestic violence center shall contain
273 provisions ensuring ~~assuring~~ the availability and geographic
274 accessibility of services throughout the service area ~~district~~.
275 For this purpose, a center may distribute funds through
276 subcontracts or to center satellites, if ~~provided~~ such
277 arrangements and any subcontracts are approved by the coalition
278 ~~statewide association~~.

279 (8) If any of the required services are exempted from
280 certification by the department under this section, the center
281 may not receive funding from the coalition for those services.

282 Section 6. Subsection (18) of section 381.006, Florida
283 Statutes, is amended to read:

284 381.006 Environmental health.—The department shall conduct
285 an environmental health program as part of fulfilling the
286 state's public health mission. The purpose of this program is to
287 detect and prevent disease caused by natural and manmade factors
288 in the environment. The environmental health program shall
289 include, but not be limited to:

290 (18) A food service inspection function for domestic

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291 violence centers that are certified by department and monitored
292 by the coalition ~~Department of Children and Family Services~~
293 under part XII of chapter 39 and group care homes as described
294 in subsection (16), which shall be conducted annually and be
295 limited to the requirements in department rule applicable to
296 community-based residential facilities with five or fewer
297 residents.

298

299 The department may adopt rules to carry out the provisions of
300 this section.

301 Section 7. Paragraph (b) of subsection (1) of section
302 381.0072, Florida Statutes, is amended to read:

303 381.0072 Food service protection.—It shall be the duty of
304 the Department of Health to adopt and enforce sanitation rules
305 consistent with law to ensure the protection of the public from
306 food-borne illness. These rules shall provide the standards and
307 requirements for the storage, preparation, serving, or display
308 of food in food service establishments as defined in this
309 section and which are not permitted or licensed under chapter
310 500 or chapter 509.

311 (1) DEFINITIONS.—As used in this section, the term:

312 (b) "Food service establishment" means detention
313 facilities, public or private schools, migrant labor camps,
314 assisted living facilities, adult family-care homes, adult day
315 care centers, short-term residential treatment centers,
316 residential treatment facilities, homes for special services,
317 transitional living facilities, crisis stabilization units,
318 hospices, prescribed pediatric extended care centers,
319 intermediate care facilities for persons with developmental

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320 disabilities, boarding schools, civic or fraternal
321 organizations, bars and lounges, vending machines that dispense
322 potentially hazardous foods at facilities expressly named in
323 this paragraph, and facilities used as temporary food events or
324 mobile food units at any facility expressly named in this
325 paragraph, where food is prepared and intended for individual
326 portion service, including the site at which individual portions
327 are provided, regardless of whether consumption is on or off the
328 premises and regardless of whether there is a charge for the
329 food. The term does not include any entity not expressly named
330 in this paragraph; nor does the term include a domestic violence
331 center certified by the department and monitored by the
332 coalition ~~Department of Children and Family Services~~ under part
333 XII of chapter 39 if the center does not prepare and serve food
334 to its residents and does not advertise food or drink for public
335 consumption.

336 Section 8. Section 741.281, Florida Statutes, is amended to
337 read:

338 741.281 Court to order batterers' intervention program
339 attendance.—If a person is found guilty of, has ~~had~~ adjudication
340 withheld on, or pleads ~~has pled~~ nolo contendere to a crime of
341 domestic violence, as defined in s. 741.28, that person shall be
342 ordered by the court to a minimum term of 1 year's probation and
343 the court shall order that the defendant attend a batterers'
344 intervention program as a condition of probation. The court must
345 impose the condition of the batterers' intervention program for
346 a defendant under this section, but the court, in its
347 discretion, may determine not to impose the condition if it
348 states on the record why a batterers' intervention program might

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349 be inappropriate. The court must impose the condition of the
350 batterers' intervention program for a defendant placed on
351 probation unless the court determines that the person does not
352 qualify for the batterers' intervention program pursuant to s.
353 741.325. ~~Effective July 1, 2002, the batterers' intervention~~
354 ~~program must be a certified program under s. 741.32.~~ The
355 imposition of probation under this section does ~~shall~~ not
356 preclude the court from imposing any sentence of imprisonment
357 authorized by s. 775.082.

358 Section 9. Paragraph (g) of subsection (2) of section
359 741.2902, Florida Statutes, is amended to read:

360 741.2902 Domestic violence; legislative intent with respect
361 to judiciary's role.—

362 (2) It is the intent of the Legislature, with respect to
363 injunctions for protection against domestic violence, issued
364 pursuant to s. 741.30, that the court shall:

365 (g) Consider requiring the perpetrator to complete a
366 batterers' intervention program. It is preferred that such
367 program meet the requirements specified in s. 741.325 ~~be~~
368 ~~certified under s. 741.32.~~

369 Section 10. Paragraphs (a) and (e) of subsection (6) of
370 section 741.30, Florida Statutes, are amended to read:

371 741.30 Domestic violence; injunction; powers and duties of
372 court and clerk; petition; notice and hearing; temporary
373 injunction; issuance of injunction; statewide verification
374 system; enforcement.—

375 (6) (a) Upon notice and hearing, when it appears to the
376 court that the petitioner is either the victim of domestic
377 violence as defined by s. 741.28 or has reasonable cause to

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378 believe he or she is in imminent danger of becoming a victim of
379 domestic violence, the court may grant such relief as the court
380 deems proper, including an injunction:

381 1. Restraining the respondent from committing any acts of
382 domestic violence.

383 2. Awarding to the petitioner the exclusive use and
384 possession of the dwelling that the parties share or excluding
385 the respondent from the residence of the petitioner.

386 3. On the same basis as provided in chapter 61, providing
387 the petitioner with 100 percent of the time-sharing in a
388 temporary parenting plan that remains ~~shall remain~~ in effect
389 until the order expires or an order is entered by a court of
390 competent jurisdiction in a pending or subsequent civil action
391 or proceeding affecting the placement of, access to, parental
392 time with, adoption of, or parental rights and responsibilities
393 for the minor child.

394 4. On the same basis as provided in chapter 61,
395 establishing temporary support for a minor child or children or
396 the petitioner. An order of temporary support remains in effect
397 until the order expires or an order is entered by a court of
398 competent jurisdiction in a pending or subsequent civil action
399 or proceeding affecting child support.

400 5. Ordering the respondent to participate in treatment,
401 intervention, or counseling services to be paid for by the
402 respondent. When the court orders the respondent to participate
403 in a batterers' intervention program, the court, or any entity
404 designated by the court, must provide the respondent with a list
405 of ~~all certified~~ batterers' intervention programs ~~and all~~
406 ~~programs which have submitted an application to the Department~~

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407 ~~of Children and Family Services to become certified under s.~~
408 ~~741.32,~~ from which the respondent must choose a program in which
409 to participate. ~~If there are no certified batterers'~~
410 ~~intervention programs in the circuit, the court shall provide a~~
411 ~~list of acceptable programs from which the respondent must~~
412 ~~choose a program in which to participate.~~

413 6. Referring a petitioner to a certified domestic violence
414 center. The court must provide the petitioner with a list of
415 certified domestic violence centers in the circuit which the
416 petitioner may contact.

417 7. Ordering such other relief as the court deems necessary
418 for the protection of a victim of domestic violence, including
419 injunctions or directives to law enforcement agencies, as
420 provided in this section.

421 (e) An injunction for protection against domestic violence
422 entered pursuant to this section, on its face, may order that
423 the respondent attend a batterers' intervention program as a
424 condition of the injunction. Unless the court makes written
425 factual findings in its judgment or order which are based on
426 substantial evidence, stating why batterers' intervention
427 programs would be inappropriate, the court shall order the
428 respondent to attend a batterers' intervention program if:

429 1. It finds that the respondent willfully violated the ex
430 parte injunction;

431 2. The respondent, in this state or any other state, has
432 been convicted of, had adjudication withheld on, or pled nolo
433 contendere to a crime involving violence or a threat of
434 violence; or

435 3. The respondent, in this state or any other state, has

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436 had at any time a prior injunction for protection entered
437 against the respondent after a hearing with notice.

438

439 ~~It is mandatory that such programs be certified under s. 741.32.~~

440 Section 11. Subsection (5) of section 741.316, Florida
441 Statutes, is amended to read:

442 741.316 Domestic violence fatality review teams;
443 definition; membership; duties.-

444 (5) The domestic violence fatality review teams are
445 assigned to the Florida Coalition Against Domestic Violence
446 ~~Department of Children and Family Services~~ for administrative
447 purposes.

448 Section 12. Section 741.32, Florida Statutes, is amended to
449 read:

450 741.32 ~~Certification of~~ Batterers' intervention programs.-

451 ~~(1)~~ The Legislature finds that the incidence of domestic
452 violence in this state ~~Florida~~ is disturbingly high, and that,
453 despite the efforts of many to curb this violence, ~~that~~ one
454 person dies at the hands of a spouse, ex-spouse, or cohabitant
455 approximately every 3 days. Further, a child who witnesses the
456 perpetration of this violence becomes a victim as he or she
457 hears or sees it occurring. This child is at high risk of also
458 being the victim of physical abuse by the parent who is
459 perpetrating the violence and, to a lesser extent, by the parent
460 who is the victim. These children are also at a high risk of
461 perpetrating violent crimes as juveniles and, later, becoming
462 perpetrators of the same violence that they witnessed as
463 children. The Legislature finds that there should be
464 standardized programming available to the justice system to

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465 protect victims and their children and to hold the perpetrators
466 of domestic violence accountable for their acts. Finally, the
467 Legislature recognizes that in order for batterers' intervention
468 programs to be successful in protecting victims and their
469 children, all participants in the justice system as well as
470 social service agencies and local and state governments must
471 coordinate their efforts at the community level.

472 ~~(2) There is hereby established in the Department of~~
473 ~~Children and Family Services an Office for Certification and~~
474 ~~Monitoring of Batterers' Intervention Programs. The department~~
475 ~~may certify and monitor both programs and personnel providing~~
476 ~~direct services to those persons who are adjudged to have~~
477 ~~committed an act of domestic violence as defined in s. 741.28,~~
478 ~~those against whom an injunction for protection against domestic~~
479 ~~violence is entered, those referred by the department, and those~~
480 ~~who volunteer to attend such programs. The purpose of~~
481 ~~certification of programs is to uniformly and systematically~~
482 ~~standardize programs to hold those who perpetrate acts of~~
483 ~~domestic violence responsible for those acts and to ensure~~
484 ~~safety for victims of domestic violence. The certification and~~
485 ~~monitoring shall be funded by user fees as provided in s.~~
486 ~~741.327.~~

487 Section 13. Section 741.325, Florida Statutes, is amended
488 to read:

489 741.325 Requirements for batterers' intervention programs
490 Guideline authority.—

491 (1) A batterers' intervention program must meet the
492 following requirements ~~The Department of Children and Family~~
493 ~~Services shall promulgate guidelines to govern purpose,~~

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494 ~~policies, standards of care, appropriate intervention~~
495 ~~approaches, inappropriate intervention approaches during the~~
496 ~~batterers' program intervention phase (to include couples~~
497 ~~counseling and mediation), conflicts of interest, assessment,~~
498 ~~program content and specifics, qualifications of providers, and~~
499 ~~credentials for facilitators, supervisors, and trainees. The~~
500 ~~department shall, in addition, establish specific procedures~~
501 ~~governing all aspects of program operation, including~~
502 ~~administration, personnel, fiscal matters, victim and batterer~~
503 ~~records, education, evaluation, referral to treatment and other~~
504 ~~matters as needed. In addition, the rules shall establish:~~

505 (a) ~~(1)~~ That The primary purpose of the program ~~programs~~
506 shall be victim safety and the safety of ~~the~~ children, if
507 present.

508 (b) ~~(2)~~ That The batterer shall be held accountable for acts
509 of domestic violence.

510 (c) ~~(3)~~ That The program ~~programs~~ shall be at least 29 weeks
511 in length and ~~shall~~ include 24 weekly sessions, plus appropriate
512 intake, assessment, and orientation programming.

513 (d) ~~(4)~~ That The program content shall be based on ~~be~~ a
514 psychoeducational model that addresses ~~employs a program content~~
515 ~~based on~~ tactics of power and control by one person over
516 another.

517 ~~(5)~~ That ~~the programs and those who are facilitators,~~
518 ~~supervisors, and trainees be certified to provide these programs~~
519 ~~through initial certification and that the programs and~~
520 ~~personnel be annually monitored to ensure that they are meeting~~
521 ~~specified standards.~~

522 (e) ~~(6)~~ The intent that The program shall ~~programs~~ be user-

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523 fee funded by user ~~with fees paid by~~ ~~from~~ the batterers who
524 attend the program, which allows them to take as payment for
525 ~~programs is important to the batterer taking~~ responsibility for
526 their acts ~~the act of violence, and from those seeking~~
527 ~~certification.~~ An exception shall be made for ~~these~~ local,
528 state, or federal programs that fund batterers' intervention
529 programs in whole or in part.

530 ~~(7) Standards for rejection and suspension for failure to~~
531 ~~meet certification standards.~~

532 ~~(2)(8)~~ The requirements of this section ~~That these~~
533 ~~standards shall~~ apply only to programs that address the
534 perpetration of violence between intimate partners, spouses, ex-
535 spouses, or those who share a child in common or who are
536 cohabitants in intimate relationships for the purpose of
537 exercising power and control by one over the other. It will
538 endanger victims if courts and other referral agencies refer
539 family and household members who are not perpetrators of the
540 type of domestic violence encompassed by these requirements
541 ~~standards~~. Accordingly, the court and others who make referrals
542 should refer perpetrators only to programming that appropriately
543 addresses the violence committed.

544 Section 14. Section 741.327, Florida Statutes, is repealed.

545 Section 15. Section 948.038, Florida Statutes, is amended
546 to read:

547 948.038 Batterers' intervention program as a condition of
548 probation, community control, or other court-ordered community
549 supervision.—As a condition of probation, community control, or
550 any other court-ordered community supervision, the court shall
551 order a person convicted of an offense of domestic violence, as

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552 defined in s. 741.28, to attend and successfully complete a
553 batterers' intervention program unless the court determines that
554 the person does not qualify for the batterers' intervention
555 program pursuant to s. 741.325. The ~~batterers' intervention~~
556 ~~program must be a program certified under s. 741.32, and the~~
557 offender must pay the cost of attending the program.

558 Section 16. Paragraph (a) of subsection (1) of section
559 938.01, Florida Statutes, is amended to read:

560 938.01 Additional Court Cost Clearing Trust Fund.—

561 (1) All courts created by Art. V of the State Constitution
562 shall, in addition to any fine or other penalty, require every
563 person convicted for violation of a state penal or criminal
564 statute or convicted for violation of a municipal or county
565 ordinance to pay \$3 as a court cost. Any person whose
566 adjudication is withheld pursuant to the provisions of s.
567 318.14(9) or (10) shall also be liable for payment of such cost.
568 In addition, \$3 from every bond estreature or forfeited bail
569 bond related to such penal statutes or penal ordinances shall be
570 remitted to the Department of Revenue as described in this
571 subsection. However, no such assessment may be made against any
572 person convicted for violation of any state statute, municipal
573 ordinance, or county ordinance relating to the parking of
574 vehicles.

575 (a) All costs collected by the courts pursuant to this
576 subsection shall be remitted to the Department of Revenue in
577 accordance with administrative rules adopted by the executive
578 director of the Department of Revenue for deposit in the
579 Additional Court Cost Clearing Trust Fund. These funds and the
580 funds deposited in the Additional Court Cost Clearing Trust Fund

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581 pursuant to s. 318.21(2)(c) shall be distributed as follows:

582 1. Ninety-two percent to the Department of Law Enforcement
583 Criminal Justice Standards and Training Trust Fund.

584 2. Six and three-tenths percent to the Department of Law
585 Enforcement Operating Trust Fund for the Criminal Justice Grant
586 Program.

587 3. One and seven-tenths percent to the Department of
588 Children and Family Services Domestic Violence Trust Fund for
589 the domestic violence program pursuant to s. 39.903 (1) ~~(3)~~.

590 Section 17. This act shall take effect July 1, 2012.