

By the Committees on Children, Families, and Elder Affairs; and  
Children, Families, and Elder Affairs

586-02385-12

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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. a~~  
124 ~~statewide association whose primary purpose is to represent and~~  
125 ~~provide technical assistance to certified domestic violence~~  
126 ~~centers. This association shall implement, administer, and~~  
127 ~~evaluate all services provided by the certified domestic~~  
128 ~~violence centers. The association shall receive and approve or~~  
129 ~~reject applications for funding of certified domestic violence~~  
130 ~~centers. When approving funding for a newly certified domestic~~  
131 ~~violence center, the association shall make every effort to~~  
132 ~~minimize any adverse economic impact on existing certified~~  
133 ~~domestic violence centers or services provided within the same~~  
134 ~~service area. In order to minimize duplication of services, the~~  
135 ~~association shall make every effort to encourage subcontracting~~  
136 ~~relationships with existing certified domestic violence centers~~  
137 ~~within the same service area. In distributing funds allocated by~~  
138 ~~the Legislature for certified domestic violence centers, the~~  
139 ~~association shall use a formula approved by the department as~~  
140 ~~specified in s. 39.905(7)(a).~~

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

144 ~~(9) Adopt by rule procedures to administer this section,~~  
145 ~~including developing criteria for the approval, suspension, or~~

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146 rejection of certification of domestic violence centers and  
147 developing minimum standards for domestic violence centers to  
148 ensure the health and safety of the clients in the centers.

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

151 39.9035 Duties and functions of the coalition with respect  
152 to domestic violence.—As part of its delivery and management of  
153 the delivery of services for the state's domestic violence  
154 program, the coalition shall:

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