

By the Committees on Judiciary; Children, Families, and Elder Affairs; and Children, Families, and Elder Affairs; and Senator Lynn

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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 revising provisions relating to expiration of a
25 center's annual certificate; prohibiting a domestic
26 violence center from receiving funding from the
27 coalition for services that are exempted from
28 certification; amending ss. 381.006, 381.0072,
29 741.281, 741.2902, 741.30, and 741.316, F.S.;

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30 conforming provisions to changes made by the act;
31 amending s. 741.32, F.S.; deleting provisions relating
32 to the certification of batterers' intervention
33 programs; amending s. 741.325, F.S.; revising the
34 requirements for batterers' intervention programs;
35 repealing s. 741.327, F.S., relating to the
36 certification and monitoring of batterers'
37 intervention programs; amending ss. 948.038 and
38 938.01, F.S.; conforming provisions to changes made by
39 the act; providing an effective date.

40
41 Be It Enacted by the Legislature of the State of Florida:

42
43 Section 1. Present subsections (1), (2), and (3) of section
44 39.902, Florida Statutes, are redesignated as subsections (2),
45 (3), and (4), respectively, and a new subsection (1) is added to
46 that section, to read:

47 39.902 Definitions.—As used in this part, the term:

48 (1) "Coalition" means the Florida Coalition Against
49 Domestic Violence.

50 Section 2. Section 39.903, Florida Statutes, is amended to
51 read:

52 39.903 Duties and functions of the department with respect
53 to domestic violence.—The department shall:

54 (1) Operate the domestic violence program and, in
55 collaboration with the coalition, shall coordinate and
56 administer statewide activities related to the prevention of
57 domestic violence. The department shall:

58 ~~(a) Develop by rule criteria for the approval or rejection~~

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59 ~~of certification or funding of domestic violence centers.~~

60 ~~(b) Develop by rule minimum standards for domestic violence~~
61 ~~centers to ensure the health and safety of the clients in the~~
62 ~~centers.~~

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

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

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

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

84 ~~(2) The department shall serve as a clearinghouse for~~
85 ~~information relating to domestic violence.~~

86 ~~(3) The department shall operate the domestic violence~~
87 ~~program, which provides supervision, direction, coordination,~~

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88 ~~and administration of statewide activities related to the~~
89 ~~prevention of domestic violence.~~

90 (5)-(4) Coordinate with state agencies that have health,
91 education, or criminal justice responsibilities to raise
92 awareness of domestic violence and promote consistent policy
93 implementation. ~~The department shall enlist the assistance of~~
94 ~~public and voluntary health, education, welfare, and~~
95 ~~rehabilitation agencies in a concerted effort to prevent~~
96 ~~domestic violence and to treat persons engaged in or subject to~~
97 ~~domestic violence. With the assistance of these agencies, the~~
98 ~~department, within existing resources, shall formulate and~~
99 ~~conduct a research and evaluation program on domestic violence.~~
100 ~~Efforts on the part of these agencies to obtain relevant grants~~
101 ~~to fund this research and evaluation program must be supported~~
102 ~~by the department.~~

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

109 (6) ~~The department shall~~ Cooperate with, assist in, and
110 participate in, programs of other properly qualified state
111 agencies, including any agency of the Federal Government,
112 schools of medicine, hospitals, and clinics, in planning and
113 conducting research on the prevention of domestic violence and
114 the provision of services to clients, ~~care, treatment, and~~
115 ~~rehabilitation of persons engaged in or subject to domestic~~
116 ~~violence.~~

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

138 (8) Consider applications from certified domestic violence
139 centers for capital improvement grants and award those grants
140 pursuant to s. 39.9055.

141 (9) Adopt by rule procedures to administer this section,
142 including developing criteria for the approval, suspension, or
143 rejection of certification of domestic violence centers and
144 developing minimum standards for domestic violence centers to
145 ensure the health and safety of the clients in the centers.

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146 Section 3. Section 39.9035, Florida Statutes, is created to
147 read:

148 39.9035 Duties and functions of the coalition with respect
149 to domestic violence.-As part of its delivery and management of
150 the delivery of services for the state's domestic violence
151 program, the coalition shall:

152 (1) Implement, administer, and evaluate all domestic
153 violence services provided by the certified domestic violence
154 centers.

155 (2) Receive and approve or reject applications for funding
156 of certified domestic violence centers. When approving funding
157 for a newly certified domestic violence center, the coalition
158 shall make every effort to minimize any adverse economic impact
159 on existing certified domestic violence centers or services
160 provided within the same service area. In order to minimize
161 duplication of services, the coalition shall make every effort
162 to encourage subcontracting relationships with existing
163 certified domestic violence centers within the same service
164 area. In distributing funds allocated by the Legislature for
165 certified domestic violence centers, the coalition shall use a
166 formula approved by the department as specified in s.
167 39.905(7)(a).

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

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

172 Section 4. Section 39.904, Florida Statutes, is amended to
173 read:

174 39.904 Report to the Legislature on the status of domestic

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

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

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

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

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

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

199 ~~(6) An inventory and evaluation of existing prevention~~
200 ~~programs.~~

201 ~~(7) A listing of potential prevention efforts identified by~~
202 ~~the department; the estimated annual cost of providing such~~
203 ~~prevention services, both for a single client and for the~~

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204 ~~anticipated target population as a whole; an identification of~~
205 ~~potential sources of funding; and the projected benefits of~~
206 ~~providing such services.~~

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

212 39.905 Domestic violence centers.—

213 (1) Domestic violence centers certified under this part
214 must:

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

230 (g) File with the coalition ~~department~~ a list of the names
231 of the domestic violence advocates who are employed or who
232 volunteer at the domestic violence center who may claim a

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233 privilege under s. 90.5036 to refuse to disclose a confidential
234 communication between a victim of domestic violence and the
235 advocate regarding the domestic violence inflicted upon the
236 victim. The list must include the title of the position held by
237 the advocate whose name is listed and a description of the
238 duties of that position. A domestic violence center must file
239 amendments to this list as necessary.

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

249 (2) If the department finds that there is failure by a
250 center to comply with the requirements established under this
251 part or with the rules adopted pursuant thereto, the department
252 may deny, suspend, or revoke the certification of the center.

253 (3) The annual certificate ~~shall~~ automatically expires
254 expire on June 30 of each state fiscal year unless the
255 certification is temporarily extended to allow the center to
256 implement a corrective action plan ~~the termination date shown on~~
257 ~~the certificate.~~

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

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

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

265 (7)

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

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

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

279 381.006 Environmental health.—The department shall conduct
280 an environmental health program as part of fulfilling the
281 state's public health mission. The purpose of this program is to
282 detect and prevent disease caused by natural and manmade factors
283 in the environment. The environmental health program shall
284 include, but not be limited to:

285 (18) A food service inspection function for domestic
286 violence centers that are certified by department and monitored
287 by the coalition ~~Department of Children and Family Services~~
288 under part XII of chapter 39 and group care homes as described
289 in subsection (16), which shall be conducted annually and be
290 limited to the requirements in department rule applicable to

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291 community-based residential facilities with five or fewer
292 residents.

293

294 The department may adopt rules to carry out the provisions of
295 this section.

296 Section 7. Paragraph (b) of subsection (1) of section
297 381.0072, Florida Statutes, is amended to read:

298 381.0072 Food service protection.—It shall be the duty of
299 the Department of Health to adopt and enforce sanitation rules
300 consistent with law to ensure the protection of the public from
301 food-borne illness. These rules shall provide the standards and
302 requirements for the storage, preparation, serving, or display
303 of food in food service establishments as defined in this
304 section and which are not permitted or licensed under chapter
305 500 or chapter 509.

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

307 (b) "Food service establishment" means detention
308 facilities, public or private schools, migrant labor camps,
309 assisted living facilities, adult family-care homes, adult day
310 care centers, short-term residential treatment centers,
311 residential treatment facilities, homes for special services,
312 transitional living facilities, crisis stabilization units,
313 hospices, prescribed pediatric extended care centers,
314 intermediate care facilities for persons with developmental
315 disabilities, boarding schools, civic or fraternal
316 organizations, bars and lounges, vending machines that dispense
317 potentially hazardous foods at facilities expressly named in
318 this paragraph, and facilities used as temporary food events or
319 mobile food units at any facility expressly named in this

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320 paragraph, where food is prepared and intended for individual
321 portion service, including the site at which individual portions
322 are provided, regardless of whether consumption is on or off the
323 premises and regardless of whether there is a charge for the
324 food. The term does not include any entity not expressly named
325 in this paragraph; nor does the term include a domestic violence
326 center certified by the department and monitored by the
327 coalition ~~Department of Children and Family Services~~ under part
328 XII of chapter 39 if the center does not prepare and serve food
329 to its residents and does not advertise food or drink for public
330 consumption.

331 Section 8. Section 741.281, Florida Statutes, is amended to
332 read:

333 741.281 Court to order batterers' intervention program
334 attendance.—If a person is found guilty of, has ~~had~~ adjudication
335 withheld on, or pleads ~~has pled~~ nolo contendere to a crime of
336 domestic violence, as defined in s. 741.28, that person shall be
337 ordered by the court to a minimum term of 1 year's probation and
338 the court shall order that the defendant attend a batterers'
339 intervention program as a condition of probation. The court must
340 impose the condition of the batterers' intervention program for
341 a defendant under this section, but the court, in its
342 discretion, may determine not to impose the condition if it
343 states on the record why a batterers' intervention program might
344 be inappropriate. The court must impose the condition of the
345 batterers' intervention program for a defendant placed on
346 probation unless the court determines that the person does not
347 qualify for the batterers' intervention program pursuant to s.
348 741.325. ~~Effective July 1, 2002, the batterers' intervention~~

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349 ~~program must be a certified program under s. 741.32.~~ The
350 imposition of probation under this section does ~~shall~~ not
351 preclude the court from imposing any sentence of imprisonment
352 authorized by s. 775.082.

353 Section 9. Paragraph (g) of subsection (2) of section
354 741.2902, Florida Statutes, is amended to read:

355 741.2902 Domestic violence; legislative intent with respect
356 to judiciary's role.—

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

360 (g) Consider requiring the perpetrator to complete a
361 batterers' intervention program. It is preferred that such
362 program meet the requirements specified in s. 741.325 ~~be~~
363 ~~certified under s. 741.32.~~

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

366 741.30 Domestic violence; injunction; powers and duties of
367 court and clerk; petition; notice and hearing; temporary
368 injunction; issuance of injunction; statewide verification
369 system; enforcement.—

370 (6) (a) Upon notice and hearing, when it appears to the
371 court that the petitioner is either the victim of domestic
372 violence as defined by s. 741.28 or has reasonable cause to
373 believe he or she is in imminent danger of becoming a victim of
374 domestic violence, the court may grant such relief as the court
375 deems proper, including an injunction:

376 1. Restraining the respondent from committing any acts of
377 domestic violence.

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378 2. Awarding to the petitioner the exclusive use and
379 possession of the dwelling that the parties share or excluding
380 the respondent from the residence of the petitioner.

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

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

395 5. Ordering the respondent to participate in treatment,
396 intervention, or counseling services to be paid for by the
397 respondent. When the court orders the respondent to participate
398 in a batterers' intervention program, the court, or any entity
399 designated by the court, must provide the respondent with a list
400 of ~~all certified batterers' intervention programs and all~~
401 ~~programs which have submitted an application to the Department~~
402 ~~of Children and Family Services to become certified under s.~~
403 ~~741.32,~~ from which the respondent must choose a program in which
404 to participate. ~~If there are no certified batterers'~~
405 ~~intervention programs in the circuit, the court shall provide a~~
406 ~~list of acceptable programs from which the respondent must~~

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407 ~~choose a program in which to participate.~~

408 6. Referring a petitioner to a certified domestic violence
409 center. The court must provide the petitioner with a list of
410 certified domestic violence centers in the circuit which the
411 petitioner may contact.

412 7. Ordering such other relief as the court deems necessary
413 for the protection of a victim of domestic violence, including
414 injunctions or directives to law enforcement agencies, as
415 provided in this section.

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

424 1. It finds that the respondent willfully violated the ex
425 parte injunction;

426 2. The respondent, in this state or any other state, has
427 been convicted of, had adjudication withheld on, or pled nolo
428 contendere to a crime involving violence or a threat of
429 violence; or

430 3. The respondent, in this state or any other state, has
431 had at any time a prior injunction for protection entered
432 against the respondent after a hearing with notice.

433

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

435 Section 11. Subsection (5) of section 741.316, Florida

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436 Statutes, is amended to read:

437 741.316 Domestic violence fatality review teams;
438 definition; membership; duties.-

439 (5) The domestic violence fatality review teams are
440 assigned to the Florida Coalition Against Domestic Violence
441 ~~Department of Children and Family Services~~ for administrative
442 purposes.

443 Section 12. Section 741.32, Florida Statutes, is amended to
444 read:

445 741.32 ~~Certification of~~ Batterers' intervention programs.-

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

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465 social service agencies and local and state governments must
466 coordinate their efforts at the community level.

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

482 Section 13. Section 741.325, Florida Statutes, is amended
483 to read:

484 741.325 Requirements for batterers' intervention programs
485 Guideline authority.-

486 (1) A batterers' intervention program must meet the
487 following requirements ~~The Department of Children and Family~~
488 ~~Services shall promulgate guidelines to govern purpose,~~
489 ~~policies, standards of care, appropriate intervention~~
490 ~~approaches, inappropriate intervention approaches during the~~
491 ~~batterers' program intervention phase (to include couples~~
492 ~~counseling and mediation), conflicts of interest, assessment,~~
493 ~~program content and specifics, qualifications of providers, and~~

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494 ~~credentials for facilitators, supervisors, and trainees. The~~
495 ~~department shall, in addition, establish specific procedures~~
496 ~~governing all aspects of program operation, including~~
497 ~~administration, personnel, fiscal matters, victim and batterer~~
498 ~~records, education, evaluation, referral to treatment and other~~
499 ~~matters as needed. In addition, the rules shall establish:~~

500 (a)~~(1)~~ ~~That~~ The primary purpose of the program ~~programs~~
501 shall be victim safety and the safety of ~~the~~ children, if
502 present.

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

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

508 (d)~~(4)~~ ~~That~~ The program content shall be based on ~~be~~ a
509 psychoeducational model that addresses ~~employs a program content~~
510 ~~based on~~ tactics of power and control by one person over
511 another.

512 ~~(5) That the programs and those who are facilitators,~~
513 ~~supervisors, and trainees be certified to provide these programs~~
514 ~~through initial certification and that the programs and~~
515 ~~personnel be annually monitored to ensure that they are meeting~~
516 ~~specified standards.~~

517 (e)~~(6)~~ ~~The intent that~~ The program shall ~~programs~~ be user-
518 fee funded by user ~~with~~ fees paid by ~~from~~ the batterers who
519 attend the program, which allows them to take as payment for
520 ~~programs is important to the batterer taking~~ responsibility for
521 their acts ~~the act of violence, and from those seeking~~
522 certification. An exception shall be made for ~~those~~ local,

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523 state, or federal programs that fund batterers' intervention
524 programs in whole or in part.

525 ~~(7) Standards for rejection and suspension for failure to~~
526 ~~meet certification standards.~~

527 (2)~~(8)~~ The requirements of this section ~~That these~~
528 ~~standards shall~~ apply only to programs that address the
529 perpetration of violence between intimate partners, spouses, ex-
530 spouses, or those who share a child in common or who are
531 cohabitants in intimate relationships for the purpose of
532 exercising power and control by one over the other. It will
533 endanger victims if courts and other referral agencies refer
534 family and household members who are not perpetrators of the
535 type of domestic violence encompassed by these requirements
536 ~~standards~~. Accordingly, the court and others who make referrals
537 should refer perpetrators only to programming that appropriately
538 addresses the violence committed.

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

540 Section 15. Section 948.038, Florida Statutes, is amended
541 to read:

542 948.038 Batterers' intervention program as a condition of
543 probation, community control, or other court-ordered community
544 supervision.—As a condition of probation, community control, or
545 any other court-ordered community supervision, the court shall
546 order a person convicted of an offense of domestic violence, as
547 defined in s. 741.28, to attend and successfully complete a
548 batterers' intervention program unless the court determines that
549 the person does not qualify for the batterers' intervention
550 program pursuant to s. 741.325. ~~The batterers' intervention~~
551 ~~program must be a program certified under s. 741.32, and the~~

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552 offender must pay the cost of attending the program.

553 Section 16. Paragraph (a) of subsection (1) of section
554 938.01, Florida Statutes, is amended to read:

555 938.01 Additional Court Cost Clearing Trust Fund.—

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

570 (a) All costs collected by the courts pursuant to this
571 subsection shall be remitted to the Department of Revenue in
572 accordance with administrative rules adopted by the executive
573 director of the Department of Revenue for deposit in the
574 Additional Court Cost Clearing Trust Fund. These funds and the
575 funds deposited in the Additional Court Cost Clearing Trust Fund
576 pursuant to s. 318.21(2)(c) shall be distributed as follows:

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

579 2. Six and three-tenths percent to the Department of Law
580 Enforcement Operating Trust Fund for the Criminal Justice Grant

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581 Program.

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

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