



167528

LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: SEN1/C
03/08/2012 03:00 PM	.	03/08/2012 05:08 PM
	.	

Senator Storms moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(1) “Coalition” means the Florida Coalition Against
Domestic Violence.

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



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14 39.903 Duties and functions of the department with respect
15 to domestic violence.—The department shall:

16 (1) Operate the domestic violence program and, in
17 collaboration with the coalition, shall coordinate and
18 administer statewide activities related to the prevention of
19 domestic violence. ~~The department shall:~~

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

22 ~~(b) Develop by rule minimum standards for domestic violence~~
23 ~~centers to ensure the health and safety of the clients in the~~
24 ~~centers.~~

25 (2)(e) Receive and approve or reject applications for
26 initial certification of domestic violence centers. The
27 department shall annually renew the certification thereafter
28 upon receipt of a favorable monitoring report by the coalition.
29 ~~If any of the required services are exempted from certification~~
30 ~~by the department under s. 39.905(1)(c), the center shall not~~
31 ~~receive funding for those services.~~

32 (3)(d) Have Evaluate each certified domestic violence
33 center annually to ensure compliance with the minimum standards.
34 ~~The department has the right to enter and inspect the premises~~
35 of domestic violence centers that are applying for an initial
36 certification or facing potential suspension or revocation of
37 certification certified domestic violence centers at any
38 reasonable hour in order to effectively evaluate the state of
39 compliance with minimum standards of these centers with this
40 part and rules relating to this part.

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

42 (4)(f) Promote the involvement of certified domestic



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43 violence centers in the coordination, development, and planning
44 of domestic violence programming in the circuits ~~districts and~~
45 ~~the state.~~

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

48 ~~(3) The department shall operate the domestic violence~~
49 ~~program, which provides supervision, direction, coordination,~~
50 ~~and administration of statewide activities related to the~~
51 ~~prevention of domestic violence.~~

52 ~~(5)~~(4) Coordinate with state agencies that have health,
53 education, or criminal justice responsibilities to raise
54 awareness of domestic violence and promote consistent policy
55 implementation. ~~The department shall enlist the assistance of~~
56 ~~public and voluntary health, education, welfare, and~~
57 ~~rehabilitation agencies in a concerted effort to prevent~~
58 ~~domestic violence and to treat persons engaged in or subject to~~
59 ~~domestic violence. With the assistance of these agencies, the~~
60 ~~department, within existing resources, shall formulate and~~
61 ~~conduct a research and evaluation program on domestic violence.~~
62 ~~Efforts on the part of these agencies to obtain relevant grants~~
63 ~~to fund this research and evaluation program must be supported~~
64 ~~by the department.~~

65 ~~(5) The department shall develop and provide educational~~
66 ~~programs on domestic violence for the benefit of the general~~
67 ~~public, persons engaged in or subject to domestic violence,~~
68 ~~professional persons, or others who care for or may be engaged~~
69 ~~in the care and treatment of persons engaged in or subject to~~
70 ~~domestic violence.~~

71 ~~(6) The department shall Cooperate with, assist in, and~~



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72 participate in, programs of other properly qualified state
73 agencies, including any agency of the Federal Government,
74 schools of medicine, hospitals, and clinics, in planning and
75 conducting research on the prevention of domestic violence and
76 the provision of services to clients,~~care, treatment, and~~
77 ~~rehabilitation of persons engaged in or subject to domestic~~
78 ~~violence.~~

79 (7) ~~The department shall~~ Contract with the coalition for
80 the delivery and management of services for the state's domestic
81 violence program. Services under this contract include, but are
82 not limited to, the administration of contracts and grants. a
83 ~~statewide association whose primary purpose is to represent and~~
84 ~~provide technical assistance to certified domestic violence~~
85 ~~centers. This association shall implement, administer, and~~
86 ~~evaluate all services provided by the certified domestic~~
87 ~~violence centers. The association shall receive and approve or~~
88 ~~reject applications for funding of certified domestic violence~~
89 ~~centers. When approving funding for a newly certified domestic~~
90 ~~violence center, the association shall make every effort to~~
91 ~~minimize any adverse economic impact on existing certified~~
92 ~~domestic violence centers or services provided within the same~~
93 ~~service area. In order to minimize duplication of services, the~~
94 ~~association shall make every effort to encourage subcontracting~~
95 ~~relationships with existing certified domestic violence centers~~
96 ~~within the same service area. In distributing funds allocated by~~
97 ~~the Legislature for certified domestic violence centers, the~~
98 ~~association shall use a formula approved by the department as~~
99 ~~specified in s. 39.905(7) (a).~~

100 (8) Consider applications from certified domestic violence



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101 centers for capital improvement grants and award those grants
102 pursuant to s. 39.9055.

103 (9) Adopt by rule procedures to administer this section,
104 including developing criteria for the approval, suspension, or
105 rejection of certification of domestic violence centers and
106 developing minimum standards for domestic violence centers to
107 ensure the health and safety of the clients in the centers.

108 Section 3. Section 39.9035, Florida Statutes, is created to
109 read:

110 39.9035 Duties and functions of the coalition with respect
111 to domestic violence.-As part of its delivery and management of
112 the delivery of services for the state's domestic violence
113 program, the coalition shall:

114 (1) Implement, administer, and evaluate all domestic
115 violence services provided by the certified domestic violence
116 centers.

117 (2) Receive and approve or reject applications for funding
118 of certified domestic violence centers. When approving funding
119 for a newly certified domestic violence center, the coalition
120 shall make every effort to minimize any adverse economic impact
121 on existing certified domestic violence centers or services
122 provided within the same service area. In order to minimize
123 duplication of services, the coalition shall make every effort
124 to encourage subcontracting relationships with existing
125 certified domestic violence centers within the same service
126 area. In distributing funds allocated by the Legislature for
127 certified domestic violence centers, the coalition shall use a
128 formula approved by the department as specified in s.
129 39.905(7)(a).



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

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

134 Section 4. Section 39.904, Florida Statutes, is amended to
135 read:

136 39.904 Report to the Legislature on the status of domestic
137 violence cases.—On or before January 1 of each year, the
138 coalition department shall furnish to the President of the
139 Senate and the Speaker of the House of Representatives a report
140 on the status of domestic violence in this state, which must
141 ~~report shall~~ include, but need is not be limited to, the
142 following:

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

144 (2) An identification of the areas of the state where
145 domestic violence is of significant proportions, indicating the
146 number of cases of domestic violence officially reported, as
147 well as an assessment of the degree of unreported cases of
148 domestic violence.

149 (3) An identification and description of the types of
150 programs in the state which ~~that~~ assist victims of domestic
151 violence or persons who commit domestic violence, including
152 information on funding for the programs.

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

156 (5) The incidence of domestic violence homicides in the
157 state, including information and data collected from state and
158 local domestic violence fatality review teams. ~~A statement on~~



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159 ~~the effectiveness of such programs in preventing future domestic~~
160 ~~violence.~~

161 ~~(6) An inventory and evaluation of existing prevention~~
162 ~~programs.~~

163 ~~(7) A listing of potential prevention efforts identified by~~
164 ~~the department; the estimated annual cost of providing such~~
165 ~~prevention services, both for a single client and for the~~
166 ~~anticipated target population as a whole; an identification of~~
167 ~~potential sources of funding; and the projected benefits of~~
168 ~~providing such services.~~

169 Section 5. Paragraphs (c), (g), and (i) of subsection (1),
170 subsections (2), (3), and (5), paragraph (a) of subsection (6),
171 and paragraph (b) of subsection (7) of section 39.905, Florida
172 Statutes, are amended, and subsection (8) is added to that
173 section, to read:

174 39.905 Domestic violence centers.-

175 (1) Domestic violence centers certified under this part
176 must:

177 (c) Provide minimum services that ~~which~~ include, but are
178 not limited to, information and referral services, counseling
179 and case management services, temporary emergency shelter for
180 more than 24 hours, a 24-hour hotline, training for law
181 enforcement personnel, assessment and appropriate referral of
182 resident children, and educational services for community
183 awareness relative to the incidence of domestic violence, the
184 prevention of such violence, and the services available ~~care,~~
185 ~~treatment, and rehabilitation~~ for persons engaged in or subject
186 to domestic violence. If a 24-hour hotline, professional
187 training, or community education is already provided by a



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188 certified domestic violence center within its designated service
189 area ~~a district~~, the department may exempt such certification
190 requirements for a new center serving the same service area
191 ~~district~~ in order to avoid duplication of services.

192 (g) File with the coalition ~~department~~ a list of the names
193 of the domestic violence advocates who are employed or who
194 volunteer at the domestic violence center who may claim a
195 privilege under s. 90.5036 to refuse to disclose a confidential
196 communication between a victim of domestic violence and the
197 advocate regarding the domestic violence inflicted upon the
198 victim. The list must include the title of the position held by
199 the advocate whose name is listed and a description of the
200 duties of that position. A domestic violence center must file
201 amendments to this list as necessary.

202 (i) If its center is a new center applying for
203 certification, demonstrate that the services provided address a
204 need identified in the most current statewide needs assessment
205 approved by the department. If the center applying for initial
206 certification proposes providing services in an area that has an
207 existing certified domestic violence center, the center applying
208 for initial certification must demonstrate the unmet need in
209 that service area and describe its efforts to avoid duplication
210 of services.

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

215 (3) The annual certificate ~~shall~~ automatically expires
216 ~~expire~~ on June 30 of each state fiscal year unless the



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217 certification is temporarily extended to allow the center to
218 implement a corrective action plan ~~the termination date shown on~~
219 ~~the certificate.~~

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

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

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

227 (7)

228 (b) A contract between the coalition ~~statewide association~~
229 and a certified domestic violence center shall contain
230 provisions ensuring ~~assuring~~ the availability and geographic
231 accessibility of services throughout the service area ~~district~~.
232 For this purpose, a center may distribute funds through
233 subcontracts or to center satellites, if ~~provided~~ such
234 arrangements and any subcontracts are approved by the coalition
235 ~~statewide association~~.

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

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

241 381.006 Environmental health.—The department shall conduct
242 an environmental health program as part of fulfilling the
243 state's public health mission. The purpose of this program is to
244 detect and prevent disease caused by natural and manmade factors
245 in the environment. The environmental health program shall



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246 include, but not be limited to:

247 (18) A food service inspection function for domestic
248 violence centers that are certified by the Department of
249 Children and Family Services and monitored by the Florida
250 Coalition Against Domestic Violence ~~Department of Children and~~
251 ~~Family Services~~ under part XII of chapter 39 and group care
252 homes as described in subsection (16), which shall be conducted
253 annually and be limited to the requirements in department rule
254 applicable to community-based residential facilities with five
255 or fewer residents.

256
257 The department may adopt rules to carry out the provisions of
258 this section.

259 Section 7. Paragraph (b) of subsection (1) of section
260 381.0072, Florida Statutes, is amended to read:

261 381.0072 Food service protection.—It shall be the duty of
262 the Department of Health to adopt and enforce sanitation rules
263 consistent with law to ensure the protection of the public from
264 food-borne illness. These rules shall provide the standards and
265 requirements for the storage, preparation, serving, or display
266 of food in food service establishments as defined in this
267 section and which are not permitted or licensed under chapter
268 500 or chapter 509.

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

270 (b) "Food service establishment" means detention
271 facilities, public or private schools, migrant labor camps,
272 assisted living facilities, adult family-care homes, adult day
273 care centers, short-term residential treatment centers,
274 residential treatment facilities, homes for special services,



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275 transitional living facilities, crisis stabilization units,
276 hospices, prescribed pediatric extended care centers,
277 intermediate care facilities for persons with developmental
278 disabilities, boarding schools, civic or fraternal
279 organizations, bars and lounges, vending machines that dispense
280 potentially hazardous foods at facilities expressly named in
281 this paragraph, and facilities used as temporary food events or
282 mobile food units at any facility expressly named in this
283 paragraph, where food is prepared and intended for individual
284 portion service, including the site at which individual portions
285 are provided, regardless of whether consumption is on or off the
286 premises and regardless of whether there is a charge for the
287 food. The term does not include any entity not expressly named
288 in this paragraph; nor does the term include a domestic violence
289 center certified by the Department of Children and Family
290 Services and monitored by the Florida Coalition Against Domestic
291 Violence ~~Department of Children and Family Services~~ under part
292 XII of chapter 39 if the center does not prepare and serve food
293 to its residents and does not advertise food or drink for public
294 consumption.

295 Section 8. Section 741.281, Florida Statutes, is amended to
296 read:

297 741.281 Court to order batterers' intervention program
298 attendance.—If a person is found guilty of, has ~~had~~ adjudication
299 withheld on, or pleads ~~has pled~~ nolo contendere to a crime of
300 domestic violence, as defined in s. 741.28, that person shall be
301 ordered by the court to a minimum term of 1 year's probation and
302 the court shall order that the defendant attend a batterers'
303 intervention program as a condition of probation. The court must



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304 impose the condition of the batterers' intervention program for
305 a defendant under this section, but the court, in its
306 discretion, may determine not to impose the condition if it
307 states on the record why a batterers' intervention program might
308 be inappropriate. The court must impose the condition of the
309 batterers' intervention program for a defendant placed on
310 probation unless the court determines that the person does not
311 qualify for the batterers' intervention program pursuant to s.
312 741.325. ~~Effective July 1, 2002, the batterers' intervention~~
313 ~~program must be a certified program under s. 741.32.~~ The
314 imposition of probation under this section does ~~shall~~ not
315 preclude the court from imposing any sentence of imprisonment
316 authorized by s. 775.082.

317 Section 9. Paragraph (g) of subsection (2) of section
318 741.2902, Florida Statutes, is amended to read:

319 741.2902 Domestic violence; legislative intent with respect
320 to judiciary's role.-

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

324 (g) Consider requiring the perpetrator to complete a
325 batterers' intervention program. It is preferred that such
326 program meet the requirements specified in s. 741.325 ~~be~~
327 ~~certified under s. 741.32.~~

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

330 741.30 Domestic violence; injunction; powers and duties of
331 court and clerk; petition; notice and hearing; temporary
332 injunction; issuance of injunction; statewide verification



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333 system; enforcement.-

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

340 1. Restraining the respondent from committing any acts of
341 domestic violence.

342 2. Awarding to the petitioner the exclusive use and
343 possession of the dwelling that the parties share or excluding
344 the respondent from the residence of the petitioner.

345 3. On the same basis as provided in chapter 61, providing
346 the petitioner with 100 percent of the time-sharing in a
347 temporary parenting plan that remains ~~shall remain~~ in effect
348 until the order expires or an order is entered by a court of
349 competent jurisdiction in a pending or subsequent civil action
350 or proceeding affecting the placement of, access to, parental
351 time with, adoption of, or parental rights and responsibilities
352 for the minor child.

353 4. On the same basis as provided in chapter 61,
354 establishing temporary support for a minor child or children or
355 the petitioner. An order of temporary support remains in effect
356 until the order expires or an order is entered by a court of
357 competent jurisdiction in a pending or subsequent civil action
358 or proceeding affecting child support.

359 5. Ordering the respondent to participate in treatment,
360 intervention, or counseling services to be paid for by the
361 respondent. When the court orders the respondent to participate



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362 in a batterers' intervention program, the court, or any entity
363 designated by the court, must provide the respondent with a list
364 of ~~all certified batterers' intervention programs and all~~
365 ~~programs which have submitted an application to the Department~~
366 ~~of Children and Family Services to become certified under s.~~
367 ~~741.32,~~ from which the respondent must choose a program in which
368 to participate. ~~If there are no certified batterers'~~
369 ~~intervention programs in the circuit, the court shall provide a~~
370 ~~list of acceptable programs from which the respondent must~~
371 ~~choose a program in which to participate.~~

372 6. Referring a petitioner to a certified domestic violence
373 center. The court must provide the petitioner with a list of
374 certified domestic violence centers in the circuit which the
375 petitioner may contact.

376 7. Ordering such other relief as the court deems necessary
377 for the protection of a victim of domestic violence, including
378 injunctions or directives to law enforcement agencies, as
379 provided in this section.

380 (e) An injunction for protection against domestic violence
381 entered pursuant to this section, on its face, may order that
382 the respondent attend a batterers' intervention program as a
383 condition of the injunction. Unless the court makes written
384 factual findings in its judgment or order which are based on
385 substantial evidence, stating why batterers' intervention
386 programs would be inappropriate, the court shall order the
387 respondent to attend a batterers' intervention program if:

388 1. It finds that the respondent willfully violated the ex
389 parte injunction;

390 2. The respondent, in this state or any other state, has



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391 been convicted of, had adjudication withheld on, or pled nolo
392 contendere to a crime involving violence or a threat of
393 violence; or

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

397
398 ~~It is mandatory that such programs be certified under s. 741.32.~~

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

401 741.316 Domestic violence fatality review teams;
402 definition; membership; duties.-

403 (5) The domestic violence fatality review teams are
404 assigned to the Florida Coalition Against Domestic Violence
405 ~~Department of Children and Family Services~~ for administrative
406 purposes.

407 Section 12. Section 741.32, Florida Statutes, is amended to
408 read:

409 741.32 ~~Certification of~~ Batterers' intervention programs.-

410 ~~(1)~~ The Legislature finds that the incidence of domestic
411 violence in this state ~~Florida~~ is disturbingly high, and that,
412 despite the efforts of many to curb this violence, ~~that~~ one
413 person dies at the hands of a spouse, ex-spouse, or cohabitant
414 approximately every 3 days. Further, a child who witnesses the
415 perpetration of this violence becomes a victim as he or she
416 hears or sees it occurring. This child is at high risk of also
417 being the victim of physical abuse by the parent who is
418 perpetrating the violence and, to a lesser extent, by the parent
419 who is the victim. These children are also at a high risk of



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420 perpetrating violent crimes as juveniles and, later, becoming
421 perpetrators of the same violence that they witnessed as
422 children. The Legislature finds that there should be
423 standardized programming available to the justice system to
424 protect victims and their children and to hold the perpetrators
425 of domestic violence accountable for their acts. Finally, the
426 Legislature recognizes that in order for batterers' intervention
427 programs to be successful in protecting victims and their
428 children, all participants in the justice system as well as
429 social service agencies and local and state governments must
430 coordinate their efforts at the community level.

431 ~~(2) There is hereby established in the Department of~~
432 ~~Children and Family Services an Office for Certification and~~
433 ~~Monitoring of Batterers' Intervention Programs. The department~~
434 ~~may certify and monitor both programs and personnel providing~~
435 ~~direct services to those persons who are adjudged to have~~
436 ~~committed an act of domestic violence as defined in s. 741.28,~~
437 ~~those against whom an injunction for protection against domestic~~
438 ~~violence is entered, those referred by the department, and those~~
439 ~~who volunteer to attend such programs. The purpose of~~
440 ~~certification of programs is to uniformly and systematically~~
441 ~~standardize programs to hold those who perpetrate acts of~~
442 ~~domestic violence responsible for those acts and to ensure~~
443 ~~safety for victims of domestic violence. The certification and~~
444 ~~monitoring shall be funded by user fees as provided in s.~~
445 ~~741.327.~~

446 Section 13. Section 741.325, Florida Statutes, is amended
447 to read:

448 741.325 Requirements for batterers' intervention programs



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449 ~~Guideline authority.-~~

450 (1) A batterers' intervention program must meet the
451 following requirements ~~The Department of Children and Family~~
452 ~~Services shall promulgate guidelines to govern purpose,~~
453 ~~policies, standards of care, appropriate intervention~~
454 ~~approaches, inappropriate intervention approaches during the~~
455 ~~batterers' program intervention phase (to include couples~~
456 ~~counseling and mediation), conflicts of interest, assessment,~~
457 ~~program content and specifics, qualifications of providers, and~~
458 ~~credentials for facilitators, supervisors, and trainees. The~~
459 ~~department shall, in addition, establish specific procedures~~
460 ~~governing all aspects of program operation, including~~
461 ~~administration, personnel, fiscal matters, victim and batterer~~
462 ~~records, education, evaluation, referral to treatment and other~~
463 ~~matters as needed. In addition, the rules shall establish:~~

464 (a) ~~(1) That~~ The primary purpose of the program ~~programs~~
465 shall be victim safety and the safety of ~~the~~ children, if
466 present.

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

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

472 (d) ~~(4) That~~ The program content shall be based on ~~be~~ a
473 psychoeducational model that addresses ~~employs a program content~~
474 ~~based on~~ tactics of power and control by one person over
475 another.

476 ~~(5) That the programs and those who are facilitators,~~
477 ~~supervisors, and trainees be certified to provide these programs~~



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478 ~~through initial certification and that the programs and~~
479 ~~personnel be annually monitored to ensure that they are meeting~~
480 ~~specified standards.~~

481 ~~(e)(6) The intent that~~ The program shall ~~programs be user-~~
482 ~~fee funded by user with fees paid by from~~ the batterers who
483 attend the program, which allows them to take as payment for
484 ~~programs is important to the batterer taking~~ responsibility for
485 their acts ~~the act of violence, and from those seeking~~
486 ~~certification.~~ An exception shall be made for ~~those~~ local,
487 state, or federal programs that fund batterers' intervention
488 programs in whole or in part.

489 ~~(7) Standards for rejection and suspension for failure to~~
490 ~~meet certification standards.~~

491 ~~(2)(8) The requirements of this section~~ That these
492 ~~standards shall~~ apply only to programs that address the
493 perpetration of violence between intimate partners, spouses, ex-
494 spouses, or those who share a child in common or who are
495 cohabitants in intimate relationships for the purpose of
496 exercising power and control by one over the other. It will
497 endanger victims if courts and other referral agencies refer
498 family and household members who are not perpetrators of the
499 type of domestic violence encompassed by these requirements
500 ~~standards~~. Accordingly, the court and others who make referrals
501 should refer perpetrators only to programming that appropriately
502 addresses the violence committed.

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

504 Section 15. Section 948.038, Florida Statutes, is amended
505 to read:

506 948.038 Batterers' intervention program as a condition of



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507 probation, community control, or other court-ordered community
508 supervision.—As a condition of probation, community control, or
509 any other court-ordered community supervision, the court shall
510 order a person convicted of an offense of domestic violence, as
511 defined in s. 741.28, to attend and successfully complete a
512 batterers' intervention program unless the court determines that
513 the person does not qualify for the batterers' intervention
514 program pursuant to s. 741.325. The ~~batterers' intervention~~
515 ~~program must be a program certified under s. 741.32, and the~~
516 offender must pay the cost of attending the program.

517 Section 16. Paragraph (a) of subsection (1) of section
518 938.01, Florida Statutes, is amended to read:

519 938.01 Additional Court Cost Clearing Trust Fund.—

520 (1) All courts created by Art. V of the State Constitution
521 shall, in addition to any fine or other penalty, require every
522 person convicted for violation of a state penal or criminal
523 statute or convicted for violation of a municipal or county
524 ordinance to pay \$3 as a court cost. Any person whose
525 adjudication is withheld pursuant to the provisions of s.
526 318.14(9) or (10) shall also be liable for payment of such cost.
527 In addition, \$3 from every bond estreature or forfeited bail
528 bond related to such penal statutes or penal ordinances shall be
529 remitted to the Department of Revenue as described in this
530 subsection. However, no such assessment may be made against any
531 person convicted for violation of any state statute, municipal
532 ordinance, or county ordinance relating to the parking of
533 vehicles.

534 (a) All costs collected by the courts pursuant to this
535 subsection shall be remitted to the Department of Revenue in



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536 accordance with administrative rules adopted by the executive
537 director of the Department of Revenue for deposit in the
538 Additional Court Cost Clearing Trust Fund. These funds and the
539 funds deposited in the Additional Court Cost Clearing Trust Fund
540 pursuant to s. 318.21(2)(c) shall be distributed as follows:

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

543 2. Six and three-tenths percent to the Department of Law
544 Enforcement Operating Trust Fund for the Criminal Justice Grant
545 Program.

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

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

550

551 ===== T I T L E A M E N D M E N T =====

552 And the title is amended as follows:

553 Delete everything before the enacting clause
554 and insert:

555 A bill to be entitled
556 An act relating to domestic violence; amending s.
557 39.902, F.S.; defining the term "coalition" as it
558 relates to domestic violence; amending s. 39.903,
559 F.S.; revising provisions relating to certification of
560 domestic violence centers; providing specified
561 additional duties for and authority of the Florida
562 Coalition Against Domestic Violence; revising the
563 duties of the Department of Children and Family
564 Services; requiring the department to contract with



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565 coalition for specified purposes; creating s. 39.9035,
566 F.S.; providing the duties of the coalition as it
567 manages the delivery of services to the state's
568 domestic violence program; amending s. 39.904, F.S.;
569 requiring the coalition, rather than the department,
570 to make a specified annual report; revising the
571 contents of the report; amending s. 39.905, F.S.;
572 requiring the coalition, rather than the department,
573 to perform certain duties relating to certification of
574 domestic violence centers; revising provisions
575 relating to certification of domestic violence
576 centers; requiring a demonstration of need for
577 certification of a new domestic violence center;
578 revising provisions relating to expiration of a
579 center's annual certificate; prohibiting a domestic
580 violence center from receiving funding from the
581 coalition for services that are exempted from
582 certification; amending ss. 381.006, 381.0072,
583 741.281, 741.2902, 741.30, and 741.316, F.S.;
584 conforming provisions to changes made by the act;
585 amending s. 741.32, F.S.; deleting provisions relating
586 to the certification of batterers' intervention
587 programs; amending s. 741.325, F.S.; revising the
588 requirements for batterers' intervention programs;
589 repealing s. 741.327, F.S., relating to the
590 certification and monitoring of batterers'
591 intervention programs; amending ss. 948.038 and
592 938.01, F.S.; conforming provisions to changes made by
593 the act; providing an effective date.