

FOR CONSIDERATION By the Committee on Children, Families, and Elder Affairs

586-01623-12

20127168

1 A bill to be entitled
2 An act relating to domestic violence; amending s.
3 39.903, F.S.; revising provisions relating to
4 certification of domestic violence centers; providing
5 specified additional duties for and authority of the
6 Florida Coalition Against Domestic Violence; revising
7 the duties of the Department of Children and Family
8 Services; requiring the department to contract with
9 the Florida Coalition Against Domestic Violence for
10 specified purposes; amending s. 39.904, F.S.;
11 requiring the Florida Coalition Against Domestic
12 Violence, rather than the department, to make a
13 specified annual report; revising the contents of the
14 report; amending s. 39.905, F.S.; requiring the
15 Florida Coalition Against Domestic Violence, rather
16 than the department, to perform certain duties
17 relating to certification of domestic violence
18 centers; revising provisions relating to certification
19 of domestic violence centers; requiring a
20 demonstration of need for certification of a new
21 domestic violence center; providing the grant, denial,
22 suspension, or revocation of certification of a
23 domestic violence center is not agency action for
24 purposes of appeal under ch. 120, F.S.; revising
25 provisions relating to expiration of a center's annual
26 certificate; amending ss. 381.006, 381.0072, 741.281,
27 741.2902, 741.30, and 741.316, F.S.; conforming
28 provisions to changes made by the act; amending s.
29 741.32, F.S.; deleting provisions relating to the

586-01623-12

20127168

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

38
39 Be It Enacted by the Legislature of the State of Florida:

40
41 Section 1. Section 39.903, Florida Statutes, is amended to
42 read:

43 39.903 Duties and functions of the department with respect
44 to domestic violence.-

45 (1) The department shall:

46 (a) Develop by rule criteria for the approval, suspension,
47 or rejection of certification ~~or funding~~ of domestic violence
48 centers.

49 (b) Develop by rule minimum standards for domestic violence
50 centers to ensure the health and safety of the clients in the
51 centers.

52 (c) Receive and approve or reject applications for initial
53 certification of domestic violence centers. The certification
54 shall be renewed annually thereafter by the department upon
55 receipt of a favorable monitoring report by the Florida
56 Coalition Against Domestic Violence. If any of the required
57 services are exempted from certification by the department under
58 s. 39.905(1)(c), the center may ~~shall~~ not receive funding from

586-01623-12

20127168

59 the coalition for those services.

60 (d) ~~Have Evaluate each certified domestic violence center~~
61 ~~annually to ensure compliance with the minimum standards. The~~
62 ~~department has~~ the right to enter and inspect the premises of
63 domestic violence centers applying for an initial certification
64 or facing potential suspension or revocation of certification
65 ~~certified domestic violence centers at any reasonable hour in~~
66 ~~order~~ to effectively evaluate the state of compliance with
67 minimum standards of these centers with this part and rules
68 ~~relating to this part. The coalition has the right to enter and~~
69 inspect the premises of certified domestic violence centers for
70 monitoring purposes.

71 (e) Adopt rules to implement this part.

72 (f) Promote the involvement of certified domestic violence
73 centers in the coordination, development, and planning of
74 domestic violence programming in the circuits ~~districts and the~~
75 ~~state.~~

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

78 ~~(2)(3)~~ The department shall operate the domestic violence
79 program and enter into partnerships with the coalition for the
80 ~~which provides supervision, direction, coordination, and~~
81 administration of statewide activities related to the prevention
82 of domestic violence.

83 ~~(3)(4)~~ The department shall coordinate with state agencies
84 that have health, education, or criminal justice
85 responsibilities to raise awareness of domestic violence and
86 promote consistent policy implementation ~~enlist the assistance~~
87 ~~of public and voluntary health, education, welfare, and~~

586-01623-12

20127168

88 ~~rehabilitation agencies in a concerted effort to prevent~~
89 ~~domestic violence and to treat persons engaged in or subject to~~
90 ~~domestic violence. With the assistance of these agencies, the~~
91 ~~department, within existing resources, shall formulate and~~
92 ~~conduct a research and evaluation program on domestic violence.~~
93 ~~Efforts on the part of these agencies to obtain relevant grants~~
94 ~~to fund this research and evaluation program must be supported~~
95 ~~by the department.~~

96 ~~(4) The department shall develop and provide educational~~
97 ~~programs on domestic violence for the benefit of the general~~
98 ~~public, persons engaged in or subject to domestic violence,~~
99 ~~professional persons, or others who care for or may be engaged~~
100 ~~in the care and treatment of persons engaged in or subject to~~
101 ~~domestic violence.~~

102 ~~(4)(6)~~ The department shall cooperate with, assist in, and
103 participate in, programs of other properly qualified state
104 agencies, federal agencies, private organizations ~~including any~~
105 ~~agency of the Federal Government, schools of medicine,~~
106 ~~hospitals, and clinics,~~ in planning and conducting research on
107 the prevention of domestic violence and the provision of
108 services to clients, ~~care, treatment, and rehabilitation of~~
109 ~~persons engaged in or subject to domestic violence.~~

110 ~~(5)(7)~~ The department shall contract with the statewide
111 coalition that represents and provides a statewide association
112 ~~whose primary purpose is to represent and provide technical~~
113 ~~assistance to certified domestic violence centers~~ for the
114 delivery and management of services for the state's domestic
115 violence program. Services under this contract include, but are
116 not limited to, the administration of contracts and grants as

586-01623-12

20127168

117 directed by the department. As part of its management of the
118 delivery of services for the state's domestic violence program,
119 the coalition ~~This association~~ shall implement, administer, and
120 evaluate all services provided by ~~the~~ certified domestic
121 violence centers; ~~The association shall receive and approve or~~
122 ~~reject applications for funding of certified domestic violence~~
123 centers; and evaluate certified domestic violence centers in
124 order to determine compliance with minimum certification
125 standards. When approving funding for a newly certified domestic
126 violence center, the coalition ~~association~~ shall make every
127 effort to minimize any adverse economic impact on existing
128 certified domestic violence centers or services provided within
129 the same service area. In order to minimize duplication of
130 services, the coalition ~~association~~ shall make every effort to
131 encourage subcontracting relationships with existing certified
132 domestic violence centers within the same service area. In
133 distributing funds allocated by the Legislature for certified
134 domestic violence centers, the coalition ~~association~~ shall use a
135 formula approved by the department as specified in s.
136 39.905(7) (a).

137 (6) The department shall consider and award applications
138 from certified domestic violence centers for capital improvement
139 grants pursuant to s. 39.9055.

140 Section 2. Section 39.904, Florida Statutes, is amended to
141 read:

142 39.904 Report to the Legislature on the status of domestic
143 violence cases.—On or before January 1 of each year, the Florida
144 Coalition Against Domestic Violence ~~department~~ shall furnish to
145 the President of the Senate and the Speaker of the House of

586-01623-12

20127168

146 Representatives a report on the status of domestic violence in
147 this state, which must ~~report shall~~ include, but need is not be
148 limited to, the following:

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

150 (2) An identification of the areas of the state where
151 domestic violence is of significant proportions, indicating the
152 number of cases of domestic violence officially reported, as
153 well as an assessment of the degree of unreported cases of
154 domestic violence.

155 (3) An identification and description of the types of
156 programs in the state which ~~that~~ assist victims of domestic
157 violence or persons who commit domestic violence, including
158 information on funding for the programs.

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

162 (5) The incidence of domestic violence homicides in the
163 state, including information and data collected from state and
164 local domestic violence fatality review teams. ~~A statement on~~
165 ~~the effectiveness of such programs in preventing future domestic~~
166 ~~violence.~~

167 ~~(6) An inventory and evaluation of existing prevention~~
168 ~~programs.~~

169 ~~(7) A listing of potential prevention efforts identified by~~
170 ~~the department; the estimated annual cost of providing such~~
171 ~~prevention services, both for a single client and for the~~
172 ~~anticipated target population as a whole; an identification of~~
173 ~~potential sources of funding; and the projected benefits of~~
174 ~~providing such services.~~

586-01623-12

20127168

175 Section 3. Paragraphs (c), (g), and (i) of subsection (1),
176 subsections (2), (3), and (5), paragraph (a) of subsection (6),
177 and paragraph (b) of subsection (7) of section 39.905, Florida
178 Statutes, are amended to read:

179 39.905 Domestic violence centers.—

180 (1) Domestic violence centers certified under this part
181 must:

182 (c) Provide minimum services that ~~which~~ include, but are
183 not limited to, information and referral services, counseling
184 and case management services, temporary emergency shelter for
185 more than 24 hours, a 24-hour hotline, training for law
186 enforcement personnel, assessment and appropriate referral of
187 resident children, and educational services for community
188 awareness relative to the incidence of domestic violence, the
189 prevention of such violence, and the services available ~~care,~~
190 ~~treatment, and rehabilitation~~ for persons engaged in or subject
191 to domestic violence. If a 24-hour hotline, professional
192 training, or community education is already provided by a
193 certified domestic violence center within its designated service
194 area ~~a district~~, the department may exempt such certification
195 requirements for a new center serving the same service area
196 ~~district~~ in order to avoid duplication of services.

197 (g) File with the Florida Coalition Against Domestic
198 Violence ~~department~~ a list of the names of the domestic violence
199 advocates who are employed or who volunteer at the domestic
200 violence center who may claim a privilege under s. 90.5036 to
201 refuse to disclose a confidential communication between a victim
202 of domestic violence and the advocate regarding the domestic
203 violence inflicted upon the victim. The list must include the

586-01623-12

20127168

204 title of the position held by the advocate whose name is listed
205 and a description of the duties of that position. A domestic
206 violence center must file amendments to this list as necessary.

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

216 (2) If the department finds that there is failure by a
217 center to comply with the requirements established under this
218 part or with the rules adopted pursuant thereto, the department
219 may deny, suspend, or revoke the certification of the center.
220 The grant, denial, suspension, or revocation of certification
221 does not constitute agency action under chapter 120.

222 (3) The annual certificate ~~shall~~ automatically expires
223 expire on June 30 of each state fiscal year unless the
224 certification is temporarily extended to allow the center to
225 implement a corrective action plan the termination date shown on
226 the certificate.

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

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

231 (a) Obtain certification pursuant to this part. However,
232 the issuance of a certificate does ~~will~~ not obligate the Florida

586-01623-12

20127168

233 Coalition Against Domestic Violence ~~department~~ to provide
234 funding.

235 (7)

236 (b) A contract between the coalition ~~statewide association~~
237 and a certified domestic violence center shall contain
238 provisions ensuring ~~assuring~~ the availability and geographic
239 accessibility of services throughout the service area ~~district~~.
240 For this purpose, a center may distribute funds through
241 subcontracts or to center satellites, if provided ~~if provided~~ such
242 arrangements and any subcontracts are approved by the Florida
243 Coalition Against Domestic Violence ~~statewide association~~.

244 Section 4. Subsection (18) of section 381.006, Florida
245 Statutes, is amended to read:

246 381.006 Environmental health.—The department shall conduct
247 an environmental health program as part of fulfilling the
248 state's public health mission. The purpose of this program is to
249 detect and prevent disease caused by natural and manmade factors
250 in the environment. The environmental health program shall
251 include, but not be limited to:

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

261

586-01623-12

20127168

262 The department may adopt rules to carry out the provisions of
263 this section.

264 Section 5. Paragraph (b) of subsection (1) of section
265 381.0072, Florida Statutes, is amended to read:

266 381.0072 Food service protection.—It shall be the duty of
267 the Department of Health to adopt and enforce sanitation rules
268 consistent with law to ensure the protection of the public from
269 food-borne illness. These rules shall provide the standards and
270 requirements for the storage, preparation, serving, or display
271 of food in food service establishments as defined in this
272 section and which are not permitted or licensed under chapter
273 500 or chapter 509.

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

275 (b) "Food service establishment" means detention
276 facilities, public or private schools, migrant labor camps,
277 assisted living facilities, adult family-care homes, adult day
278 care centers, short-term residential treatment centers,
279 residential treatment facilities, homes for special services,
280 transitional living facilities, crisis stabilization units,
281 hospices, prescribed pediatric extended care centers,
282 intermediate care facilities for persons with developmental
283 disabilities, boarding schools, civic or fraternal
284 organizations, bars and lounges, vending machines that dispense
285 potentially hazardous foods at facilities expressly named in
286 this paragraph, and facilities used as temporary food events or
287 mobile food units at any facility expressly named in this
288 paragraph, where food is prepared and intended for individual
289 portion service, including the site at which individual portions
290 are provided, regardless of whether consumption is on or off the

586-01623-12

20127168

291 premises and regardless of whether there is a charge for the
292 food. The term does not include any entity not expressly named
293 in this paragraph; nor does the term include a domestic violence
294 center certified by the Department of Children and Family
295 Services and monitored by the Florida Coalition Against Domestic
296 Violence ~~Department of Children and Family Services~~ under part
297 XII of chapter 39 if the center does not prepare and serve food
298 to its residents and does not advertise food or drink for public
299 consumption.

300 Section 6. Section 741.281, Florida Statutes, is amended to
301 read:

302 741.281 Court to order batterers' intervention program
303 attendance.—If a person is found guilty of, has ~~had~~ adjudication
304 withheld on, or pleads ~~has pled~~ nolo contendere to a crime of
305 domestic violence, as defined in s. 741.28, that person shall be
306 ordered by the court to a minimum term of 1 year's probation and
307 the court shall order that the defendant attend a batterers'
308 intervention program as a condition of probation. The court must
309 impose the condition of the batterers' intervention program for
310 a defendant under this section, but the court, in its
311 discretion, may determine not to impose the condition if it
312 states on the record why a batterers' intervention program might
313 be inappropriate. The court must impose the condition of the
314 batterers' intervention program for a defendant placed on
315 probation unless the court determines that the person does not
316 qualify for the batterers' intervention program pursuant to s.
317 741.325. ~~Effective July 1, 2002, the batterers' intervention~~
318 ~~program must be a certified program under s. 741.32.~~ The
319 imposition of probation under this section does ~~shall~~ not

586-01623-12

20127168

320 preclude the court from imposing any sentence of imprisonment
321 authorized by s. 775.082.

322 Section 7. Paragraph (g) of subsection (2) of section
323 741.2902, Florida Statutes, is amended to read:

324 741.2902 Domestic violence; legislative intent with respect
325 to judiciary's role.—

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

329 (g) Consider requiring the perpetrator to complete a
330 batterers' intervention program. It is preferred that such
331 program meet the requirements specified in s. 741.325 ~~be~~
332 ~~certified under s. 741.32.~~

333 Section 8. Paragraphs (a) and (e) of subsection (6) of
334 section 741.30, Florida Statutes, are amended to read:

335 741.30 Domestic violence; injunction; powers and duties of
336 court and clerk; petition; notice and hearing; temporary
337 injunction; issuance of injunction; statewide verification
338 system; enforcement.—

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

345 1. Restraining the respondent from committing any acts of
346 domestic violence.

347 2. Awarding to the petitioner the exclusive use and
348 possession of the dwelling that the parties share or excluding

586-01623-12

20127168

349 the respondent from the residence of the petitioner.

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

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

364 5. Ordering the respondent to participate in treatment,
365 intervention, or counseling services to be paid for by the
366 respondent. When the court orders the respondent to participate
367 in a batterers' intervention program, the court, or any entity
368 designated by the court, must provide the respondent with a list
369 of ~~all certified~~ batterers' intervention programs ~~and all~~
370 ~~programs which have submitted an application to the Department~~
371 ~~of Children and Family Services to become certified under s.~~
372 ~~741.32,~~ from which the respondent must choose a program in which
373 to participate. ~~If there are no certified batterers'~~
374 ~~intervention programs in the circuit, the court shall provide a~~
375 ~~list of acceptable programs from which the respondent must~~
376 ~~choose a program in which to participate.~~

377 6. Referring a petitioner to a certified domestic violence

586-01623-12

20127168

378 center. The court must provide the petitioner with a list of
379 certified domestic violence centers in the circuit which the
380 petitioner may contact.

381 7. Ordering such other relief as the court deems necessary
382 for the protection of a victim of domestic violence, including
383 injunctions or directives to law enforcement agencies, as
384 provided in this section.

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

393 1. It finds that the respondent willfully violated the ex
394 parte injunction;

395 2. The respondent, in this state or any other state, has
396 been convicted of, had adjudication withheld on, or pled nolo
397 contendere to a crime involving violence or a threat of
398 violence; or

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

402

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

404 Section 9. Subsection (5) of section 741.316, Florida
405 Statutes, is amended to read:

406 741.316 Domestic violence fatality review teams;

586-01623-12

20127168

407 definition; membership; duties.—

408 (5) The domestic violence fatality review teams are
409 assigned to the Florida Coalition Against Domestic Violence
410 ~~Department of Children and Family Services~~ for administrative
411 purposes.

412 Section 10. Section 741.32, Florida Statutes, is amended to
413 read:

414 741.32 ~~Certification of~~ Batterers' intervention programs.—

415 ~~(1)~~ The Legislature finds that the incidence of domestic
416 violence in this state ~~Florida~~ is disturbingly high, and that,
417 despite the efforts of many to curb this violence, ~~that~~ one
418 person dies at the hands of a spouse, ex-spouse, or cohabitant
419 approximately every 3 days. Further, a child who witnesses the
420 perpetration of this violence becomes a victim as he or she
421 hears or sees it occurring. This child is at high risk of also
422 being the victim of physical abuse by the parent who is
423 perpetrating the violence and, to a lesser extent, by the parent
424 who is the victim. These children are also at a high risk of
425 perpetrating violent crimes as juveniles and, later, becoming
426 perpetrators of the same violence that they witnessed as
427 children. The Legislature finds that there should be
428 standardized programming available to the justice system to
429 protect victims and their children and to hold the perpetrators
430 of domestic violence accountable for their acts. Finally, the
431 Legislature recognizes that in order for batterers' intervention
432 programs to be successful in protecting victims and their
433 children, all participants in the justice system as well as
434 social service agencies and local and state governments must
435 coordinate their efforts at the community level.

586-01623-12

20127168

436 ~~(2) There is hereby established in the Department of~~
437 ~~Children and Family Services an Office for Certification and~~
438 ~~Monitoring of Batterers' Intervention Programs. The department~~
439 ~~may certify and monitor both programs and personnel providing~~
440 ~~direct services to those persons who are adjudged to have~~
441 ~~committed an act of domestic violence as defined in s. 741.28,~~
442 ~~those against whom an injunction for protection against domestic~~
443 ~~violence is entered, those referred by the department, and those~~
444 ~~who volunteer to attend such programs. The purpose of~~
445 ~~certification of programs is to uniformly and systematically~~
446 ~~standardize programs to hold those who perpetrate acts of~~
447 ~~domestic violence responsible for those acts and to ensure~~
448 ~~safety for victims of domestic violence. The certification and~~
449 ~~monitoring shall be funded by user fees as provided in s.~~
450 ~~741.327.~~

451 Section 11. Section 741.325, Florida Statutes, is amended
452 to read:

453 741.325 Requirements for batterers' intervention programs
454 Guideline authority.—

455 (1) A batterers' intervention program must meet the
456 following requirements ~~The Department of Children and Family~~
457 ~~Services shall promulgate guidelines to govern purpose,~~
458 ~~policies, standards of care, appropriate intervention~~
459 ~~approaches, inappropriate intervention approaches during the~~
460 ~~batterers' program intervention phase (to include couples~~
461 ~~counseling and mediation), conflicts of interest, assessment,~~
462 ~~program content and specifics, qualifications of providers, and~~
463 ~~credentials for facilitators, supervisors, and trainees. The~~
464 ~~department shall, in addition, establish specific procedures~~

586-01623-12

20127168

465 ~~governing all aspects of program operation, including~~
466 ~~administration, personnel, fiscal matters, victim and batterer~~
467 ~~records, education, evaluation, referral to treatment and other~~
468 ~~matters as needed. In addition, the rules shall establish:~~

469 (a) ~~(1) That~~ The primary purpose of the program ~~programs~~
470 shall be victim safety and the safety of ~~the~~ children, if
471 present.

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

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

477 (d) ~~(4) That~~ The program content shall be based on ~~be a~~
478 psychoeducational model that addresses ~~employs a program content~~
479 ~~based on~~ tactics of power and control by one person over
480 another.

481 ~~(5) That the programs and those who are facilitators,~~
482 ~~supervisors, and trainees be certified to provide these programs~~
483 ~~through initial certification and that the programs and~~
484 ~~personnel be annually monitored to ensure that they are meeting~~
485 ~~specified standards.~~

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

586-01623-12

20127168

494 ~~(7) Standards for rejection and suspension for failure to~~
495 ~~meet certification standards.~~

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

508 Section 12. Section 741.327, Florida Statutes, is repealed.

509 Section 13. Section 948.038, Florida Statutes, is amended
510 to read:

511 948.038 Batterers' intervention program as a condition of
512 probation, community control, or other court-ordered community
513 supervision.~~As a condition of probation, community control, or~~
514 ~~any other court-ordered community supervision, the court shall~~
515 ~~order a person convicted of an offense of domestic violence, as~~
516 ~~defined in s. 741.28, to attend and successfully complete a~~
517 ~~batterers' intervention program unless the court determines that~~
518 ~~the person does not qualify for the batterers' intervention~~
519 ~~program pursuant to s. 741.325. The ~~batterers' intervention~~~~
520 ~~program must be a program certified under s. 741.32, and the~~
521 ~~offender must pay the cost of attending the program.~~

522 Section 14. Paragraph (a) of subsection (1) of section

586-01623-12

20127168

523 938.01, Florida Statutes, is amended to read:

524 938.01 Additional Court Cost Clearing Trust Fund.—

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

539 (a) All costs collected by the courts pursuant to this
540 subsection shall be remitted to the Department of Revenue in
541 accordance with administrative rules adopted by the executive
542 director of the Department of Revenue for deposit in the
543 Additional Court Cost Clearing Trust Fund. These funds and the
544 funds deposited in the Additional Court Cost Clearing Trust Fund
545 pursuant to s. 318.21(2)(c) shall be distributed as follows:

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

548 2. Six and three-tenths percent to the Department of Law
549 Enforcement Operating Trust Fund for the Criminal Justice Grant
550 Program.

551 3. One and seven-tenths percent to the Department of

586-01623-12

20127168__

552 Children and Family Services Domestic Violence Trust Fund for
553 the domestic violence program pursuant to s. 39.903 (2) ~~(3)~~.
554 Section 15. This act shall take effect July 1, 2012.