

**HOUSE OF REPRESENTATIVES  
FINAL BILL ANALYSIS**

<b>BILL #:</b>	CS/HB 1199	<b>FINAL HOUSE FLOOR ACTION:</b>		
<b>SUBJECT/SHORT TITLE</b>	Support for Parental Victims of Child Domestic Violence	120	Y's 0	N's
<b>SPONSOR(S):</b>	Criminal Justice Subcommittee; Brown; Mercado and others	<b>GOVERNOR'S ACTION:</b>	Approved	
<b>COMPANION BILLS:</b>	CS/SB 1694			

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**SUMMARY ANALYSIS**

CS/HB 1199 passed the House on May 3, 2017, as CS/SB 1694.

The bill requires the Department of Juvenile Justice (DJJ), in collaboration with organizations that provide expertise, training, and advocacy in the areas of family and domestic violence, to develop and maintain updated information and materials detailing the resources and services available in this state to:

- Parents and legal custodians who are victims of domestic violence committed by children or who fear that they will become victims; and
- Children who have committed acts of domestic violence or demonstrated behaviors that may escalate into domestic violence.

The DJJ must post such information and materials on its website and make the materials available for distribution through specified entities to the public.

The bill also requires the Criminal Justice Standards and Training Commission to ensure that its six-hour basic skills training course in handling domestic violence cases also includes instruction on the issues involved in child-to-parent domestic violence cases.

The bill will have a minimal fiscal impact on the DJJ and Florida Department of Law Enforcement which can be absorbed by existing agency resources. Please see "FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT," *infra*.

The bill was approved by the Governor on June 16, 2017, ch. 2017-123, L.O.F., and will become effective on July 1, 2017.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### **Present Situation**

##### *Domestic Violence*

Domestic violence affects thousands of individuals and families in Florida. In 2015, there were 107,666 domestic violence offenses reported to law enforcement.<sup>1</sup> Law enforcement officers who investigate alleged domestic violence incidents have to inform victims of the domestic violence centers where the victims can receive services.<sup>2</sup>

Florida statute defines domestic violence as “any criminal offense resulting in [the] physical injury or death of one family or household member by another family or household member.”<sup>3</sup> The term “family or household member” in this context means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. The family or household members must be currently residing together or have resided together in the past. Persons with children in common need not live or have lived together.<sup>4</sup>

##### *Families in Need of Services*

Florida allows certain families to request assistance from the state if they wish to receive it. A “family in need of services” is one that has a child who is running away, persistently disobeying reasonable and lawful parental demands, or habitually truant<sup>5</sup> from school. The family may also qualify if the child is engaging in any acts that place the child at risk of future abuse, neglect, or abandonment or at risk of entering the juvenile justice system.<sup>6</sup>

The Department of Juvenile Justice (DJJ) provides services to those families determined to be in need of services.<sup>7</sup> These services can include intensive crisis counseling, parent training, recreational services, or other services determined appropriate by the DJJ.<sup>8</sup> The department is required to advise the parents or legal guardians that they are responsible for contributing to the cost of such services and treatment to the extent of their ability to pay.<sup>9</sup>

##### *Law Enforcement Training*

The Criminal Justice Standards and Training Commission is tasked with certifying law enforcement officers in Florida, establishing curriculum requirements for criminal justice training schools, and establishing training standards for officers in the various criminal justice disciplines.<sup>10</sup> In general, the details of the standards and curriculum for law enforcement recruits are left to the determination of the Commission; however, since 1986, statute has required that each law enforcement officer recruit take at least six hours of training on how to handle domestic violence cases.<sup>11</sup>

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<sup>1</sup> Florida Department of Law Enforcement, *Domestic Violence*, available at <http://www.fdle.state.fl.us/cms/FSAC/Crime-Trends/Domestic-Violence.aspx> (last visited March 27, 2017).

<sup>2</sup> s. 741.29(1), F.S.

<sup>3</sup> s. 741.28, F.S.

<sup>4</sup> s. 741.28(3), F.S.

<sup>5</sup> “Habitually truant” means having 15 unexcused absences from school within 90 calendar days. s. 984.03(27)(a), F.S.

<sup>6</sup> s. 984.03(25), F.S.

<sup>7</sup> s. 984.11, F.S.

<sup>8</sup> s. 984.11(2), F.S.

<sup>9</sup> s. 984.11(3), F.S.

<sup>10</sup> s. 943.12, F.S.

<sup>11</sup> s. 943.171, F.S.

## Effect of Changes

### *Resources for Parents, Guardians, and Children*

The bill amends s. 984.071, F.S., to require the DJJ, in collaboration with organizations that provide expertise, training, and advocacy in the areas of family and domestic violence, to develop and maintain updated information and materials detailing the resources and services available to:

- Parents and legal custodians who are victims of domestic violence committed by children or who fear they will become victims; and
- Children who have committed acts of domestic violence or who demonstrate behaviors that may escalate into domestic violence.

The bill specifies that the materials and services must include, but are not limited to:

- The services available under ch. 984, F.S.;
- Domestic violence services available under ch. 39, F.S.; and
- Juvenile justice services available under ch. 985, F.S., including prevention, diversion, detention, and alternative placements.

The materials must also describe how to access the resources and services throughout the state.

The DJJ must post the information and materials on its website and make the materials available for distribution to the public by providing it to:

- Certified domestic violence centers;
- Other organizations serving victims of domestic violence;
- The clerks of courts;
- Law enforcement agencies; and
- Other appropriate organizations.

### *Law Enforcement Basic Skills Training*

The bill amends s. 943.171(1), F.S., to require that the six-hour basic skills training in handling domestic violence cases also include instruction on the issues involved in child-to-parent domestic violence cases.

The bill makes technical changes to remove an obsolete date.

The bill takes effect July 1, 2017.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.
2. Expenditures: The bill requires the DJJ, in collaboration with certain organizations, to develop and maintain materials specifying the resources and services available for certain victims of domestic violence. It also requires the DJJ to post such information on its website and to make the materials available to specified entities. The DJJ has indicated that the fiscal impact of the bill can be absorbed by existing agency resources.

The bill also requires the issues involved in child-to-parent domestic violence cases to be included in the domestic violence portion of an officer's basic skills course for his or her initial certification.

The Florida Department of Law Enforcement has indicated that the fiscal impact of the bill can be absorbed by existing agency resources.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues: None.

2. Expenditures: None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.**

**D. FISCAL COMMENTS: None.**