

1 A bill to be entitled
2 An act relating to domestic violence; amending s.
3 39.901, F.S.; revising legislative findings; amending
4 s. 39.905, F.S.; adding nonresidential outreach
5 services to the list of services certified domestic
6 violence centers must provide; revising requirements
7 for receipt of state funds; authorizing certified
8 domestic violence centers to carry forward unexpended
9 state funds in a specified amount from one fiscal year
10 to the next during the contract period; providing
11 limitations on and reporting requirements for the use
12 of such funds; requiring centers to return to the
13 department any remaining unexpended funds at the end
14 of the contract period; authorizing certain centers to
15 carry forward unexpended funds through contract
16 renewals; amending s. 741.32, F.S.; revising
17 legislative findings; amending s. 741.325, F.S.;
18 revising the program content requirements for
19 batterers' intervention programs; reviving,
20 reenacting, and amending s. 741.327, F.S., relating to
21 the certification and monitoring of batterers'
22 intervention programs; requiring the Department of
23 Children and Families to certify and monitor
24 batterers' intervention programs; requiring the
25 department to adopt certain rules; amending s. 741.30,

26 F.S.; conforming a provision to changes made by the
 27 act; providing an effective date.

28
 29 Be It Enacted by the Legislature of the State of Florida:

30
 31 Section 1. Section 39.901, Florida Statutes, is amended to
 32 read:

33 (Substantial rewording of section. See s. 39.901,
 34 F.S., for present text.)

35 39.901 Domestic violence centers; legislative findings;
 36 requirements.-

37 (1) The Legislature recognizes that the perpetration of
 38 violence by persons against their intimate partners, spouses,
 39 ex-spouses, or those with whom they share a child in common
 40 poses a significant public health threat that has adverse
 41 physical, emotional, and financial impacts on families and
 42 communities in this state. The Legislature further finds that it
 43 is critical that victims of domestic violence and their
 44 dependents have access to safe emergency shelter, advocacy, and
 45 crisis intervention services to assist them with the resources
 46 necessary to be safe and live free of violence.

47 (2) To ensure statewide consistency in the provision of
 48 confidential, comprehensive, and effective services to victims
 49 of domestic violence and their families, the Department of
 50 Children and Families shall certify and monitor domestic

51 violence centers. The department and certified domestic violence
52 centers shall serve as partners and together provide a
53 coordinated response to address victim safety, hold batterers
54 accountable, and prevent future violence in this state.

55 Section 2. Paragraph (c) of subsection (1) and paragraph
56 (b) of subsection (6) of section 39.905, Florida Statutes, are
57 amended, and subsection (8) is added to that section, to read:

58 39.905 Domestic violence centers.—

59 (1) Domestic violence centers certified under this part
60 must:

61 (c) Provide minimum services that include, but are not
62 limited to, information and referral services, counseling and
63 case management services, temporary emergency shelter for more
64 than 24 hours, a 24-hour hotline, nonresidential outreach
65 services, training for law enforcement personnel, assessment and
66 appropriate referral of resident children, and educational
67 services for community awareness relative to the incidence of
68 domestic violence, the prevention of such violence, and the
69 services available for persons engaged in or subject to domestic
70 violence. If a 24-hour hotline, professional training, or
71 community education is already provided by a certified domestic
72 violence center within its designated service area, the
73 department may exempt such certification requirements for a new
74 center serving the same service area in order to avoid
75 duplication of services.

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

77 (b) Obtain public or private ~~Receive at least 25 percent~~

78 ~~of its~~ funding from one or more local, municipal, or county

79 ~~sources, public or private~~ in an amount that equals at least 25

80 percent of the amount of funding the center receives from the

81 Domestic Violence Trust Fund established in s. 741.01.

82 Contributions in kind, whether materials, commodities,

83 transportation, office space, other types of facilities, or

84 personal services, may be evaluated and counted as part of the

85 required local funding.

86 (8) A certified domestic violence center may carry forward

87 from one fiscal year to the next during the contract period

88 documented unexpended state funds in a cumulative amount that

89 does not exceed 8 percent of its total contract with the

90 department.

91 (a) The funds carried forward may not be used in a manner

92 that would increase future recurring obligations or for any

93 program or service that is not authorized by the existing

94 contract.

95 (b) Expenditures of funds carried forward must be

96 separately reported to the department.

97 (c) Any unexpended funds that remain at the end of the

98 contract period must be returned to the department.

99 (d) Funds carried forward under this subsection may be

100 retained through any contract renewals as long as the same

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101 certified domestic violence center is retained by the
102 department.

103 Section 3. Section 741.32, Florida Statutes, is amended to
104 read:

105 741.32 Batterers' intervention programs.—The Legislature
106 finds that the incidence of domestic violence in this state is
107 disturbingly high and that, despite the efforts of many to curb
108 this violence, one person dies at the hands of a spouse, ex-
109 spouse, or cohabitant approximately every 3 days. Further, a
110 child who witnesses the perpetration of this violence becomes a
111 victim as he or she hears or sees it occurring. This child is at
112 high risk of also being the victim of physical abuse by the
113 parent who is perpetrating the violence and, to a lesser extent,
114 by the parent who is the victim. These children are also at a
115 high risk of perpetrating violent crimes as juveniles and,
116 later, becoming perpetrators of the same violence that they
117 witnessed as children. The Legislature finds that there should
118 be standardized programming available to the justice system to
119 protect victims and their children and to hold the perpetrators
120 of domestic violence accountable for their acts. To ensure
121 statewide consistency in such programming, the Department of
122 Children and Families shall certify and monitor batterers'
123 intervention programs to be used by the justice system. Finally,
124 the Legislature recognizes that in order for batterers'
125 intervention programs to be successful in protecting victims and

126 | their children, all participants in the justice system as well
 127 | as social service agencies and local and state governments must
 128 | coordinate their efforts at the community level.

129 | Section 4. Paragraph (d) of subsection (1) of section
 130 | 741.325, Florida Statutes, is amended to read:

131 | 741.325 Requirements for batterers' intervention
 132 | programs.—

133 | (1) A batterers' intervention program must meet the
 134 | following requirements:

135 | (d) The program content shall be based on a cognitive
 136 | behavioral therapy model or psychoeducational model that
 137 | addresses tactics of power and control by one person over
 138 | another.

139 | Section 5. Notwithstanding the repeal of section 741.327,
 140 | Florida Statutes, in section 14 of chapter 2012-147, Laws of
 141 | Florida, that section is revived, reenacted, and amended to
 142 | read:

143 | 741.327 Certification and monitoring of batterers'
 144 | intervention programs; rules fees.—

145 | (1) Pursuant to s. 741.32, the Department of Children and
 146 | Families shall ~~Family Services is authorized to~~ certify and
 147 | monitor batterers' intervention programs ~~assess and collect:~~

148 | ~~(a) An annual certification fee not to exceed \$300 for the~~
 149 | ~~certification and monitoring of batterers' intervention~~
 150 | ~~programs.~~

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151 ~~(b) An annual certification fee not to exceed \$200 for the~~
152 ~~certification and monitoring of assessment personnel providing~~
153 ~~direct services to persons who:~~

154 ~~1. Are ordered by the court to participate in a domestic~~
155 ~~violence prevention program;~~

156 ~~2. Are adjudged to have committed an act of domestic~~
157 ~~violence as defined in s. 741.28;~~

158 ~~3. Have an injunction entered for protection against~~
159 ~~domestic violence; or~~

160 ~~4. Agree to attend a program as part of a diversion or~~
161 ~~pretrial intervention agreement by the offender with the state~~
162 ~~attorney.~~

163 ~~(2) The department shall adopt by rule procedures to~~
164 ~~administer this section, including, but not limited to,~~
165 ~~procedures related to the development of criteria for the~~
166 ~~approval, suspension, or rejection of certification of~~
167 ~~batterers' intervention programs All persons required by the~~
168 ~~court to attend domestic violence programs certified by the~~
169 ~~Department of Children and Family Services' Office for~~
170 ~~Certification and Monitoring of Batterers' Intervention Programs~~
171 ~~shall pay an additional \$30 fee for each 29-week program to the~~
172 ~~Department of Children and Family Services.~~

173 ~~(3) The fees assessed and collected under this section~~
174 ~~shall be deposited in the Executive Office of the Governor's~~
175 ~~Domestic Violence Trust Fund established in s. 741.01 and~~

176 | ~~directed to the Department of Children and Family Services to~~
 177 | ~~fund the cost of certifying and monitoring batterers'~~
 178 | ~~intervention programs.~~

179 | Section 6. Subsection (3) of section 741.30, Florida
 180 | Statutes, is amended to read:

181 | 741.30 Domestic violence; injunction; powers and duties of
 182 | court and clerk; petition; notice and hearing; temporary
 183 | injunction; issuance of injunction; statewide verification
 184 | system; enforcement; public records exemption.—

185 | (3) (a) The sworn petition must ~~shall~~ allege the existence
 186 | of such domestic violence and must ~~shall~~ include the specific
 187 | facts and circumstances upon the basis of which relief is
 188 | sought.

189 | (b) The sworn petition shall be in substantially the
 190 | following form:

192 | PETITION FOR
 193 | INJUNCTION FOR PROTECTION
 194 | AGAINST DOMESTIC VIOLENCE

195 |
 196 | Before me, the undersigned authority, personally appeared
 197 | Petitioner ...(Name)..., who has been sworn and says that the
 198 | following statements are true:

199 | (a) Petitioner resides at: ...(address)...

200 | (Petitioner may furnish address to the court in a separate

201 confidential filing if, for safety reasons, the petitioner
 202 requires the location of the current residence to be
 203 confidential.)

204 (b) Respondent resides at: ...(last known address)...

205 (c) Respondent's last known place of employment: ...(name
 206 of business and address)...

207 (d) Physical description of respondent:....

208 Race....

209 Sex....

210 Date of birth....

211 Height....

212 Weight....

213 Eye color....

214 Hair color....

215 Distinguishing marks or scars....

216 (e) Aliases of respondent:....

217 (f) Respondent is the spouse or former spouse of the
 218 petitioner or is any other person related by blood or marriage
 219 to the petitioner or is any other person who is or was residing
 220 within a single dwelling unit with the petitioner, as if a
 221 family, or is a person with whom the petitioner has a child in
 222 common, regardless of whether the petitioner and respondent are
 223 or were married or residing together, as if a family.

224 (g) The following describes any other cause of action
 225 currently pending between the petitioner and respondent:

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The petitioner should also describe any previous or pending attempts by the petitioner to obtain an injunction for protection against domestic violence in this or any other circuit, and the results of that attempt:

Case numbers should be included if available.

(h) Petitioner is either a victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence because respondent has: (mark all sections that apply and describe in the spaces below the incidents of violence or threats of violence, specifying when and where they occurred, including, but not limited to, locations such as a home, school, place of employment, or visitation exchange)

....committed or threatened to commit domestic violence defined in s. 741.28, Florida Statutes, as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another. With the exception of persons who are parents of a child in common, the family or household members must be currently residing or have in the past resided together in the same single

251 dwelling unit.

252 previously threatened, harassed, stalked, or physically

253 abused the petitioner.

254 attempted to harm the petitioner or family members or

255 individuals closely associated with the petitioner.

256 threatened to conceal, kidnap, or harm the petitioner's

257 child or children.

258 intentionally injured or killed a family pet.

259 used, or has threatened to use, against the petitioner

260 any weapons such as guns or knives.

261 physically restrained the petitioner from leaving the

262 home or calling law enforcement.

263 a criminal history involving violence or the threat of

264 violence (if known).

265 another order of protection issued against him or her

266 previously or from another jurisdiction (if known).

267 destroyed personal property, including, but not limited

268 to, telephones or other communication equipment, clothing, or

269 other items belonging to the petitioner.

270 engaged in any other behavior or conduct that leads the

271 petitioner to have reasonable cause to believe he or she is in

272 imminent danger of becoming a victim of domestic violence.

273 (i) Petitioner alleges the following additional specific

274 facts: (mark appropriate sections)

275 A minor child or minor children reside with the

276 | petitioner whose names and ages are as follows:

277 |

278 | Petitioner needs the exclusive use and possession of
279 | the dwelling that the parties share.

280 | Petitioner is unable to obtain safe alternative housing
281 | because:

282 | Petitioner genuinely fears that respondent imminently
283 | will abuse, remove, or hide the minor child or children from
284 | petitioner because:

285 |

286 | (j) Petitioner genuinely fears imminent domestic violence
287 | by respondent.

288 | (k) Petitioner seeks an injunction: (mark appropriate
289 | section or sections)

290 | Immediately restraining the respondent from committing
291 | any acts of domestic violence.

292 | Restraining the respondent from committing any acts of
293 | domestic violence.

294 | Awarding to the petitioner the temporary exclusive use
295 | and possession of the dwelling that the parties share or
296 | excluding the respondent from the residence of the petitioner.

297 | Providing a temporary parenting plan, including a
298 | temporary time-sharing schedule, with regard to the minor child
299 | or children of the parties which might involve prohibiting or
300 | limiting time-sharing or requiring that it be supervised by a

301 third party.

302Establishing temporary support for the minor child or
 303 children or the petitioner.

304Directing the respondent to participate in a batterers'
 305 intervention program ~~or other treatment pursuant to s. 39.901,~~
 306 ~~Florida Statutes.~~

307Providing any terms the court deems necessary for the
 308 protection of a victim of domestic violence, or any minor
 309 children of the victim, including any injunctions or directives
 310 to law enforcement agencies.

311 (c) Every petition for an injunction against domestic
 312 violence must ~~shall~~ contain, directly above the signature line,
 313 a statement in all capital letters and bold type not smaller
 314 than the surrounding text, as follows:

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316 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND
 317 EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT
 318 THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE
 319 UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN
 320 SECTION 837.02, FLORIDA STATUTES.

321 ... (initials) ...

322 (d) If the sworn petition seeks to determine a parenting
 323 plan and time-sharing schedule with regard to the minor child or
 324 children of the parties, the sworn petition must ~~shall~~ be
 325 accompanied by or must ~~shall~~ incorporate the allegations

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326 | required by s. 61.522 of the Uniform Child Custody Jurisdiction
327 | and Enforcement Act.

328 | Section 7. This act shall take effect July 1, 2021.