

By the Committee on Children, Families, and Elder Affairs; and
Senators Bracy and Stewart

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1 A bill to be entitled
2 An act relating to batterers' intervention programs;
3 amending s. 741.325, F.S.; requiring the Department of
4 Children and Families to certify and monitor certain
5 batterers' intervention programs; providing that the
6 department's certification and monitoring activities
7 will be funded by specified fees; requiring batterers'
8 intervention programs to satisfy specified
9 requirements for certification by the department;
10 requiring programs to have certain safety measures in
11 place; requiring programs to employ certain measures
12 to hold batterers accountable; providing requirements
13 for program orientation and weekly group sessions;
14 revising program content requirements; specifying
15 elements and techniques that programs may not include;
16 prohibiting programs from admitting batterers who have
17 not paid the user fee, with an exception; requiring
18 the department to annually review programs for
19 compliance with certification requirements;
20 authorizing the department to reject or suspend
21 certification of a program for failure to comply with
22 the requirements; requiring the department to annually
23 provide a list of certified programs and to
24 immediately notify the courts if it suspends a
25 program's certification; requiring the department to
26 adopt specified rules; amending ss. 741.281, 741.2902,
27 741.30, 741.31, and 948.038, F.S.; conforming
28 provisions to changes made by the act; providing an
29 effective date.

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

Section 1. Section 741.325, Florida Statutes, is amended to read:

741.325 Requirements for batterers' intervention programs.—

(1) The Department of Children and Families shall certify and monitor batterers' intervention programs that provide direct intervention services to those persons who are adjudged to have committed an act of domestic violence as defined in s. 741.28, those against whom an injunction for protection against domestic violence is entered, those referred by the department, and those who voluntarily attend such programs. The certification and monitoring shall be funded by certification application and user fees as provided in s. 741.327.

(2) To be certified, a batterers' intervention program must meet all of the following requirements:

(a) The primary purpose of the program must shall be victim safety and the safety of children, if present. Safety measures must include, but need not be limited to, all of the following:

1. Coordination with the criminal justice system, domestic violence centers, social service agencies, and state and local governmental agencies.

2. A requirement that all program personnel undergo a level 2 background screening in accordance with chapter 435.

a. Fees for state and federal fingerprint processing and retention must be borne by the applicant. The state cost for fingerprint processing must be as provided in s. 943.053(3)(e) for records provided to persons or entities other than those

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59 specified as exceptions therein.

60 b. Fingerprints submitted to the Department of Law
61 Enforcement pursuant to this paragraph must be retained as
62 provided in s. 435.12 and, when the Department of Law
63 Enforcement begins participation in the program, must be
64 enrolled in the Federal Bureau of Investigation's national
65 retained fingerprint arrest notification program as provided in
66 s. 943.05(4). Any arrest record identified must be reported to
67 the department.

68 3. A prohibition on the employment of perpetrators of
69 domestic violence as program personnel.

70 4. Requirements and procedures for victim notification when
71 a batterer is enrolled in or discharged from the program.

72 5. Extensive recordkeeping requirements.

73 6. Written operating policies and manuals.

74 7. Rigorous facilitator credentialing procedures and
75 continuing education requirements.

76 (b) The batterer must ~~shall~~ be held accountable for acts of
77 domestic violence. The program must include measures that do all
78 of the following:

79 1. Assign responsibility to batterers for their acts of
80 domestic violence.

81 2. Provide a strategy to assist batterers in taking
82 responsibility for their acts of domestic violence.

83 3. Improve batterers' ability to articulate and identify
84 emotions.

85 4. Encourage batterers to develop critical thinking skills
86 and healthier behavior patterns.

87 5. Teach batterers the effects domestic violence has on

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88 children.

89 6. Improve batterers' negotiation and conflict resolution
90 skills.

91 7. Teach batterers communication skills and how to listen
92 to others with empathy.

93 8. Challenge batterers' gender role expectations.

94 9. Educate batterers on the relationship between substance
95 abuse and domestic violence.

96 10. Support the principle that domestic violence is
97 primarily a learned behavior and is not a natural response to
98 provocation.

99 11. Teach batterers how distorted thinking can affect a
100 person's emotions and behavior.

101 (c) The program must ~~shall~~ be at least 29 weeks in length
102 and include at least 24 weekly group sessions, plus appropriate
103 intake, assessment, and orientation programming.

104 1. Orientation sessions must be at least 90 minutes in
105 length, with breaks at appropriate intervals, and must include
106 all of the following content:

107 a. The definition of domestic violence.

108 b. Statistics related to domestic violence.

109 c. An explanation of the cycle of abuse and introduction of
110 the power and control wheel.

111 d. An overview of the program's rules and expectations.

112 e. An introduction to the program's content, which must
113 include the dynamics of power and control in domestic violence;
114 the effects of domestic violence on the victim, children, and
115 others; and the connection between gender roles, socialization,
116 and the nature of domestic violence.

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117 2. Each weekly group session must be at least 90 minutes in
118 length, with breaks at appropriate intervals. A group session
119 must consist of at least 3 participants and a maximum of 24
120 participants with 2 facilitators or a maximum of 15 participants
121 with 1 facilitator. A program may accept new participants into
122 the weekly group sessions on an ongoing basis. However, programs
123 must ensure that all participants of a group session are of the
124 same gender.

125 3. If a participant in the group session is not fluent in
126 the English language, at least one facilitator must be able to
127 translate or effectively communicate in the participant's native
128 language. A program may not allow a person who is not affiliated
129 with the program to serve as an interpreter for a participant
130 during a group session.

131 (d) The program content must ~~shall~~ be based on an
132 intervention a ~~psychoeducational~~ model that recognizes the use
133 ~~addresses tactics~~ of power and control tactics by one person to
134 inflict emotional or physical abuse on ~~over~~ another. The program
135 content must be submitted to the department at the time of
136 application for certification for review of compliance with
137 program standards under this section. The program content may
138 not include any of the following:

139 1. Couples, marriage, or family therapy or any technique
140 that requires victim participation.

141 2. Anger management techniques that identify anger as the
142 cause of domestic violence.

143 3. Identification of poor impulse control as a primary
144 cause of domestic violence.

145 4. Identification of psychopathology on the part of the

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146 perpetrator or the victim as a primary cause of domestic
147 violence.

148 5. Instruction on fair fighting techniques.

149 6. Any other content the department deems inappropriate for
150 the program.

151 (e) The program must ~~shall~~ be funded by user fees paid by
152 the batterers who attend the program, which allows them to take
153 responsibility for their acts of violence. An exception must
154 ~~shall~~ be made for local, state, or federal programs that fund
155 batterers' intervention programs in whole or in part. The
156 program may not admit a batterer into the program until he or
157 she has paid the user fee. However, the program may not refuse
158 to admit a batterer into the program if the batterer has been
159 deemed indigent by the court and is unable to pay the user fee.

160 (3)(2) The requirements of this section apply only to
161 programs that address the perpetration of violence between
162 intimate partners, spouses, ex-spouses, or those who share a
163 child in common or who are cohabitants in intimate relationships
164 for the purpose of exercising power and control by one over the
165 other. It will endanger victims if courts and other referral
166 agencies refer family and household members who are not
167 perpetrators of the type of domestic violence encompassed by
168 these requirements. Accordingly, the court and others who make
169 referrals should refer perpetrators only to programming that
170 appropriately addresses the violence committed.

171 (4) The department shall annually review certified
172 batterers' intervention programs to ensure that they continue to
173 meet the requirements of this section. The department may reject
174 or suspend certification of a program if it fails to meet the

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175 requirements of this section.

176 (5) The department shall annually provide to the courts a
177 list of certified batterers' intervention programs and
178 immediately notify the courts of any suspension of a certified
179 batterers' program.

180 (6) The department shall adopt rules to implement this
181 section, including, at a minimum, all of the following:

182 (a) The programs' purpose, policies, and standards of care.

183 (b) The intervention approaches considered appropriate for
184 use by programs.

185 (c) Policies addressing conflicts of interest and ethical
186 standards.

187 (d) Curriculum and assessments for programs.

188 (e) The qualifications of providers and credentials for
189 program facilitators, supervisors, and trainees.

190 (f) The standards for program operations, including
191 administrative, personnel, and fiscal operations.

192 (g) Record maintenance and retention policies for victim
193 and batterer records.

194 (h) Procedures for educating, evaluating, and referring
195 program participants for treatment.

196 Section 2. Section 741.281, Florida Statutes, is amended to
197 read:

198 741.281 Court to order batterers' intervention program
199 attendance.—If a person is found guilty of, has adjudication
200 withheld on, or pleads nolo contendere to a crime of domestic
201 violence, as defined in s. 741.28, that person shall be ordered
202 by the court to a minimum term of 1 year's probation and the
203 court shall order that the defendant attend and complete a

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204 batterers' intervention program certified under s. 741.325 as a
205 condition of probation. The court must impose the condition of
206 the batterers' intervention program for a defendant under this
207 section, but the court, in its discretion, may determine not to
208 impose the condition if it states on the record why a batterers'
209 intervention program might be inappropriate. The court must
210 impose the condition of the batterers' intervention program for
211 a defendant placed on probation unless the court determines that
212 the person does not qualify for the batterers' intervention
213 program pursuant to s. 741.325. The imposition of probation
214 under this section does not preclude the court from imposing any
215 sentence of imprisonment authorized by s. 775.082.

216 Section 3. Paragraph (g) of subsection (2) of section
217 741.2902, Florida Statutes, is amended to read:

218 741.2902 Domestic violence; legislative intent with respect
219 to judiciary's role.—

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

223 (g) Consider requiring the perpetrator to complete a
224 batterers' intervention program certified under. ~~It is preferred~~
225 ~~that such program meet the requirements specified in s. 741.325.~~

226 Section 4. Subsection (3) and paragraphs (a) and (e) of
227 subsection (6) of section 741.30, Florida Statutes, are amended
228 to read:

229 741.30 Domestic violence; injunction; powers and duties of
230 court and clerk; petition; notice and hearing; temporary
231 injunction; issuance of injunction; statewide verification
232 system; enforcement; public records exemption.—

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233 (3) (a) The sworn petition must ~~shall~~ allege the existence
 234 of such domestic violence and must ~~shall~~ include the specific
 235 facts and circumstances upon the basis of which relief is
 236 sought.

237 (b) The sworn petition must ~~shall~~ be in substantially the
 238 following form:

240 PETITION FOR
 241 INJUNCTION FOR PROTECTION
 242 AGAINST DOMESTIC VIOLENCE
 243

244 Before me, the undersigned authority, personally appeared
 245 Petitioner ...(Name)..., who has been sworn and says that the
 246 following statements are true:

247 (a) Petitioner resides at: ...(address)...

248 (Petitioner may furnish address to the court in a separate
 249 confidential filing if, for safety reasons, the petitioner
 250 requires the location of the current residence to be
 251 confidential.)

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

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

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

256 Race....

257 Sex....

258 Date of birth....

259 Height....

260 Weight....

261 Eye color....

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262 Hair color....

263 Distinguishing marks or scars....

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

265 (f) Respondent is the spouse or former spouse of the
266 petitioner or is any other person related by blood or marriage
267 to the petitioner or is any other person who is or was residing
268 within a single dwelling unit with the petitioner, as if a
269 family, or is a person with whom the petitioner has a child in
270 common, regardless of whether the petitioner and respondent are
271 or were married or residing together, as if a family.

272 (g) The following describes any other cause of action
273 currently pending between the petitioner and respondent:.....
274

275 The petitioner should also describe any previous or pending
276 attempts by the petitioner to obtain an injunction for
277 protection against domestic violence in this or any other
278 circuit, and the results of that attempt:.....
279
280 Case numbers should be included if available.

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

289committed or threatened to commit domestic violence
290 defined in s. 741.28, Florida Statutes, as any assault,

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291 aggravated assault, battery, aggravated battery, sexual assault,
292 sexual battery, stalking, aggravated stalking, kidnapping, false
293 imprisonment, or any criminal offense resulting in physical
294 injury or death of one family or household member by another.

295 With the exception of persons who are parents of a child in
296 common, the family or household members must be currently
297 residing or have in the past resided together in the same single
298 dwelling unit.

299 ...previously threatened, harassed, stalked, or physically
300 abused the petitioner.

301 ...attempted to harm the petitioner or family members or
302 individuals closely associated with the petitioner.

303 ...threatened to conceal, kidnap, or harm the petitioner's
304 child or children.

305 ...intentionally injured or killed a family pet.

306 ...used, or has threatened to use, against the petitioner
307 any weapons such as guns or knives.

308 ...physically restrained the petitioner from leaving the
309 home or calling law enforcement.

310 ...a criminal history involving violence or the threat of
311 violence (if known).

312 ...another order of protection issued against him or her
313 previously or from another jurisdiction (if known).

314 ...destroyed personal property, including, but not limited
315 to, telephones or other communication equipment, clothing, or
316 other items belonging to the petitioner.

317 ...engaged in any other behavior or conduct that leads the
318 petitioner to have reasonable cause to believe he or she is in
319 imminent danger of becoming a victim of domestic violence.

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320 (i) Petitioner alleges the following additional specific
321 facts: (mark appropriate sections)

322A minor child or minor children reside with the
323 petitioner whose names and ages are as follows:

324
325

326Petitioner needs the exclusive use and possession of
327 the dwelling that the parties share.

328Petitioner is unable to obtain safe alternative housing
329 because:

330Petitioner genuinely fears that respondent imminently
331 will abuse, remove, or hide the minor child or children from
332 petitioner because:

333
334 (j) Petitioner genuinely fears imminent domestic violence
335 by respondent.

336 (k) Petitioner seeks an injunction: (mark appropriate
337 section or sections)

338Immediately restraining the respondent from committing
339 any acts of domestic violence.

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

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

345Providing a temporary parenting plan, including a
346 temporary time-sharing schedule, with regard to the minor child
347 or children of the parties which might involve prohibiting or
348 limiting time-sharing or requiring that it be supervised by a

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349 third party.

350Establishing temporary support for the minor child or
351 children or the petitioner.

352Directing the respondent to participate in a batterers'
353 intervention program certified under s. 741.325, Florida
354 Statutes, or other treatment pursuant to s. 39.901, Florida
355 Statutes.

356Providing any terms the court deems necessary for the
357 protection of a victim of domestic violence, or any minor
358 children of the victim, including any injunctions or directives
359 to law enforcement agencies.

360

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

365

366 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND
367 EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT
368 THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE
369 UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN
370 SECTION 837.02, FLORIDA STATUTES.

371 ... (initials) ...

372

373 (d) If the sworn petition seeks to determine a parenting
374 plan and time-sharing schedule with regard to the minor child or
375 children of the parties, the sworn petition must ~~shall~~ be
376 accompanied by or must ~~shall~~ incorporate the allegations
377 required by s. 61.522 of the Uniform Child Custody Jurisdiction

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378 and Enforcement Act.

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

385 1. Restraining the respondent from committing any acts of
386 domestic violence.

387 2. Awarding to the petitioner the exclusive use and
388 possession of the dwelling that the parties share or excluding
389 the respondent from the residence of the petitioner.

390 3. On the same basis as provided in chapter 61, providing
391 the petitioner with 100 percent of the time-sharing in a
392 temporary parenting plan that remains in effect until the order
393 expires or an order is entered by a court of competent
394 jurisdiction in a pending or subsequent civil action or
395 proceeding affecting the placement of, access to, parental time
396 with, adoption of, or parental rights and responsibilities for
397 the minor child.

398 4. On the same basis as provided in chapter 61,
399 establishing temporary support for a minor child or children or
400 the petitioner. An order of temporary support remains in effect
401 until the order expires or an order is entered by a court of
402 competent jurisdiction in a pending or subsequent civil action
403 or proceeding affecting child support.

404 5. Ordering the respondent to participate in treatment,
405 intervention, or counseling services to be paid for by the
406 respondent. When the court orders the respondent to participate

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407 in a batterers' intervention program certified under s. 741.325,
408 the court, or any entity designated by the court, must provide
409 the respondent with a list of batterers' intervention programs
410 from which the respondent must choose a program in which to
411 participate.

412 6. Referring a petitioner to a certified domestic violence
413 center. The court must provide the petitioner with a list of
414 certified domestic violence centers in the circuit which the
415 petitioner may contact.

416 7. Awarding to the petitioner the exclusive care,
417 possession, or control of an animal that is owned, possessed,
418 harbored, kept, or held by the petitioner, the respondent, or a
419 minor child residing in the residence or household of the
420 petitioner or respondent. The court may order the respondent to
421 have no contact with the animal and prohibit the respondent from
422 taking, transferring, encumbering, concealing, harming, or
423 otherwise disposing of the animal. This subparagraph does not
424 apply to an animal owned primarily for a bona fide agricultural
425 purpose, as defined under s. 193.461, or to a service animal, as
426 defined under s. 413.08, if the respondent is the service
427 animal's handler.

428 8. Ordering such other relief as the court deems necessary
429 for the protection of a victim of domestic violence, including
430 injunctions or directives to law enforcement agencies, as
431 provided in this section.

432 (e) An injunction for protection against domestic violence
433 entered under this section, on its face, may order that the
434 respondent attend a batterers' intervention program certified
435 under s. 741.325 as a condition of the injunction. Unless the

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436 court makes written factual findings in its judgment or order
437 which are based on substantial evidence, stating why batterers'
438 intervention programs would be inappropriate, the court shall
439 order the respondent to attend a batterers' intervention program
440 if:

441 1. It finds that the respondent willfully violated the ex
442 parte injunction;

443 2. The respondent, in this state or any other state, has
444 been convicted of, had adjudication withheld on, or pled nolo
445 contendere to a crime involving violence or a threat of
446 violence; or

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

450 Section 5. Subsection (5) of section 741.31, Florida
451 Statutes, is amended to read:

452 741.31 Violation of an injunction for protection against
453 domestic violence.—

454 (5) Whether or not there is a criminal prosecution under
455 subsection (4), the court shall order the respondent to attend a
456 batterers' intervention program certified under s. 741.325 if it
457 finds a willful violation of a domestic violence injunction,
458 unless the court makes written factual findings in its judgment
459 or order which are based on substantial evidence, stating why a
460 batterers' intervention program would be inappropriate.

461 Section 6. Section 948.038, Florida Statutes, is amended to
462 read:

463 948.038 Batterers' intervention program as a condition of
464 probation, community control, or other court-ordered community

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465 supervision.—As a condition of probation, community control, or
466 any other court-ordered community supervision, the court shall
467 order a person convicted of an offense of domestic violence, as
468 defined in s. 741.28, to attend and successfully complete a
469 batterers' intervention program certified under s. 741.325
470 unless the court determines that the person does not qualify for
471 the batterers' intervention program under ~~pursuant to~~ s.
472 741.325. The offender must pay the cost of attending the
473 program.

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