

By Senator Bracy

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1 A bill to be entitled
2 An act relating to certified domestic violence service
3 providers; amending s. 39.902, F.S.; defining the term
4 "domestic violence service provider"; creating s.
5 39.9051, F.S.; requiring the Department of Children
6 and Families to certify domestic violence service
7 providers; providing requirements for certified
8 domestic violence service providers; authorizing the
9 department, under certain circumstances, to deny,
10 suspend, or revoke certification of a service
11 provider; providing for the expiration, renewal, and
12 temporary extension of such certification; authorizing
13 domestic violence service providers to be certified
14 throughout this state if certain criteria are met;
15 providing requirements for certified domestic violence
16 service providers to receive state funds; authorizing
17 certified domestic violence service providers to enter
18 into subcontracts approved by the department;
19 authorizing certified domestic violence service
20 providers to carry forward certain funds; providing
21 requirements for funds that are carried forward;
22 amending s. 39.0121, F.S.; conforming a provision to
23 changes made by the act; amending s. 39.903, F.S.;
24 requiring the department to adopt certain rules;
25 conforming provisions to changes made by the act;
26 amending s. 39.9057, F.S.; providing criminal
27 penalties for the unlawful disclosure of certified
28 domestic violence service provider locations; amending
29 ss. 39.906, 90.5036, 381.0072, 383.402, 414.065,

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30 414.095, 415.1103, 456.031, 490.014, 491.014, 741.29,
31 741.30, 741.316, 784.046, 784.0485, 944.705, 960.198,
32 984.071, and 1002.81, F.S.; conforming provisions to
33 changes made by the act; providing an effective date.
34

35 Be It Enacted by the Legislature of the State of Florida:
36

37 Section 1. Present subsection (3) of section 39.902,
38 Florida Statutes, is redesignated as subsection (4), and a new
39 subsection (3) is added to that section, to read:

40 39.902 Definitions.—As used in this part, the term:

41 (3) "Domestic violence service provider" means an agency
42 that provides nonsheltered services to victims of domestic
43 violence, dating violence, and stalking as its primary mission.

44 Section 2. Section 39.9051, Florida Statutes, is created to
45 read:

46 39.9051 Domestic violence service providers.—

47 (1) In order to expand the services available to victims of
48 domestic violence, dating violence, or stalking, the department
49 shall certify domestic violence service providers to monitor and
50 regulate nonsheltered services and protections for those who
51 seek such services and protections from domestic violence
52 service providers. The department and certified domestic
53 violence service providers shall serve as partners and provide a
54 coordinated response to address victim safety, hold batterers
55 accountable, and prevent future violence in this state.

56 (2) Domestic violence service providers certified under
57 this part shall:

58 (a) Provide services to victims of domestic violence,

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59 dating violence, or stalking, and the minor children and other
60 dependents of such victims. However, services provided by
61 certified domestic violence service providers may not include
62 sheltering in a facility the victim of domestic violence, dating
63 violence, or stalking, or the minor children and other
64 dependents of such victim. Services may be designed to serve
65 culturally or ethnically specific populations or reach
66 underserved communities.

67 (b) Receive the annual written endorsement of local law
68 enforcement agencies.

69 (c) Establish and maintain a board of directors composed of
70 at least three citizens.

71 (d) File with the department a list of the names of the
72 domestic violence advocates who are employed by or who volunteer
73 with the domestic violence service provider and who may claim a
74 privilege under s. 90.5036 to refuse to disclose a confidential
75 communication between a victim of domestic violence, dating
76 violence, or stalking and the advocate regarding the incident of
77 such violence or stalking. The list must include the title of
78 the position held by the domestic violence advocate whose name
79 is listed and a description of the duties of that position. A
80 domestic violence service provider must file amendments to this
81 list as necessary.

82 (e) Demonstrate local need and ability to sustain
83 operations through a history of 18 consecutive months' operation
84 as a domestic violence service provider and a business plan that
85 addresses future operations and funding of future operations.

86 (f) If the domestic violence service provider is a new
87 service provider applying for certification, demonstrate that

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88 the services provided address a need identified in the most
89 current statewide needs assessment approved by the department.
90 If the service provider applying for initial certification
91 proposes providing services in an area that has an existing
92 certified domestic violence center or another certified domestic
93 violence service provider, the service provider applying for
94 initial certification must demonstrate the unmet need in that
95 service area and describe its efforts to avoid duplication of
96 services.

97 (g) Establish procedures to facilitate persons subject to
98 domestic violence, dating violence, or stalking to seek services
99 from domestic violence service providers.

100 (h) Comply with rules adopted under this part.

101 (3) If the department finds that there is failure by a
102 domestic violence service provider to comply with the
103 requirements provided, or rules adopted, under this part, the
104 department may deny, suspend, or revoke the certification of the
105 service provider.

106 (4) A domestic violence service provider certification
107 shall automatically expire on June 30 of each state fiscal year
108 unless the service provider applies for renewal and the
109 department renews the certification or temporarily extends it to
110 allow the service provider to implement a corrective action
111 plan.

112 (5) Domestic violence service providers may be certified
113 throughout this state when private, local, state, or federal
114 funds are available and a need is demonstrated.

115 (6) To receive state funds, a domestic violence service
116 provider must obtain certification under this part and enter

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117 into a contract with the department which ensures the
118 availability and geographic accessibility of services throughout
119 the service area. For this purpose, a service provider may
120 distribute funds through subcontracts if approved by the
121 department. However, the issuance of a certificate does not
122 obligate the department to enter into a contract or provide
123 funding to a service provider.

124 (7) A certified domestic violence center may carry forward
125 from 1 fiscal year to the next during the contract period
126 documented unexpended state funds in a cumulative amount that
127 does not exceed 8 percent of its total contract with the
128 department.

129 (a) The funds carried forward may not be used in a manner
130 that would increase future recurring obligations or for any
131 program or service that is not authorized by the existing
132 contract.

133 (b) Expenditures of funds carried forward must be
134 separately reported to the department.

135 (c) Any unexpended funds that remain at the end of the
136 contract period must be returned to the department.

137 (d) Funds carried forward under this subsection may be
138 retained through any contract renewals as long as the same
139 certified domestic violence service provider is retained by the
140 department.

141 Section 3. Subsection (14) of section 39.0121, Florida
142 Statutes, is amended to read:

143 39.0121 Specific rulemaking authority.—Pursuant to the
144 requirements of s. 120.536, the department is specifically
145 authorized to adopt, amend, and repeal administrative rules

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146 which implement or interpret law or policy, or describe the
147 procedure and practice requirements necessary to implement this
148 chapter, including, but not limited to, the following:

149 (14) Injunctions and other protective orders, domestic-
150 violence-related cases, and certification of domestic violence
151 centers and domestic violence service providers.

152 Section 4. Subsections (2), (4), and (9) of section 39.903,
153 Florida Statutes, are amended to read:

154 39.903 Duties and functions of the department with respect
155 to domestic violence.—The department shall:

156 (2) Receive and approve or reject applications for initial
157 certification of domestic violence centers and domestic violence
158 service providers, and annually renew the certification
159 thereafter.

160 (4) Promote the involvement of certified domestic violence
161 centers and certified domestic violence service providers in the
162 coordination, development, and planning of domestic violence
163 programming in the circuits.

164 (9) Adopt by rule procedures to administer this section,
165 including:

166 (a) Developing criteria for the approval, suspension, or
167 rejection of certification of domestic violence centers and
168 developing minimum standards for domestic violence centers to
169 ensure the health and safety of the clients residing in the
170 centers; and

171 (b) Developing criteria for the approval, suspension, or
172 rejection of certification of domestic violence service
173 providers and developing minimum standards for domestic violence
174 service providers to ensure the health and safety of persons

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175 receiving services.

176 Section 5. Section 39.9057, Florida Statutes, is amended to
177 read:

178 39.9057 Unlawful disclosure of certified domestic violence
179 center or service provider location; penalties.—Any person who
180 maliciously publishes, disseminates, or discloses any
181 descriptive information or image that may identify the location
182 of a domestic violence center certified under s. 39.905 or a
183 domestic violence service provider certified under s. 39.9051 or
184 who otherwise maliciously discloses the location of a center or
185 service provider commits a:

186 (1) Misdemeanor of the first degree, punishable as provided
187 in s. 775.082 or s. 775.083.

188 (2) Felony of the third degree, punishable as provided in
189 s. 775.082, s. 775.083, or s. 775.084, upon a second or
190 subsequent conviction.

191 Section 6. Section 39.906, Florida Statutes, is amended to
192 read:

193 39.906 Referral to centers and service providers; notice of
194 rights.—Any law enforcement officer who investigates an alleged
195 incident of domestic violence shall advise the victim of such
196 violence that there are ~~is a~~ domestic violence centers and
197 domestic violence service providers ~~center~~ from which the victim
198 may receive services. The law enforcement officer shall give the
199 victim immediate notice of the legal rights and remedies
200 available under ~~in accordance with the provisions of~~ s. 741.29.

201 Section 7. Paragraph (a) of subsection (1) of section
202 90.5036, Florida Statutes, is amended to read:

203 90.5036 Domestic violence advocate-victim privilege.—

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204 (1) For purposes of this section:

205 (a) A "domestic violence center" is any public or private
206 agency that offers assistance to victims of domestic violence,
207 as defined in s. 741.28, and their families. The term includes a
208 domestic violence service provider as defined in s. 39.902.

209 Section 8. Paragraph (c) of subsection (2) of section
210 381.0072, Florida Statutes, is amended to read:

211 381.0072 Food service protection.—

212 (2) DEFINITIONS.—As used in this section, the term:

213 (c) "Food service establishment" means detention
214 facilities, public or private schools, migrant labor camps,
215 assisted living facilities, facilities participating in the
216 United States Department of Agriculture Afterschool Meal Program
217 that are located at a facility or site that is not inspected by
218 another state agency for compliance with sanitation standards,
219 adult family-care homes, adult day care centers, short-term
220 residential treatment centers, residential treatment facilities,
221 homes for special services, transitional living facilities,
222 crisis stabilization units, hospices, prescribed pediatric
223 extended care centers, intermediate care facilities for persons
224 with developmental disabilities, boarding schools, civic or
225 fraternal organizations, bars and lounges, vending machines that
226 dispense potentially hazardous foods at facilities expressly
227 named in this paragraph, and facilities used as temporary food
228 events or mobile food units at any facility expressly named in
229 this paragraph, where food is prepared and intended for
230 individual portion service, including the site at which
231 individual portions are provided, regardless of whether
232 consumption is on or off the premises and regardless of whether

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233 there is a charge for the food. The term includes a culinary
234 education program where food is prepared and intended for
235 individual portion service, regardless of whether there is a
236 charge for the food or whether the program is inspected by
237 another state agency for compliance with sanitation standards.
238 The term does not include any entity not expressly named in this
239 paragraph; nor does the term include a domestic violence center
240 or domestic violence service provider certified and monitored by
241 the Department of Children and Families under part XII of
242 chapter 39 if the center or service provider does not prepare
243 and serve food ~~to its residents~~ and does not advertise food or
244 drink for public consumption.

245 Section 9. Paragraph (a) of subsection (3) of section
246 383.402, Florida Statutes, is amended to read:

247 383.402 Child abuse death review; State Child Abuse Death
248 Review Committee; local child abuse death review committees.—

249 (3) LOCAL CHILD ABUSE DEATH REVIEW COMMITTEES.—At the
250 direction of the State Surgeon General, a county or multicounty
251 child abuse death review committee shall be convened and
252 supported by the county health department directors in
253 accordance with the protocols established by the State Child
254 Abuse Death Review Committee.

255 (a) *Membership*.—The local death review committees shall
256 include, at a minimum, the following organizations'
257 representatives, appointed by the county health department
258 directors in consultation with those organizations:

- 259 1. The state attorney's office.
- 260 2. The medical examiner's office.
- 261 3. The local Department of Children and Families child

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262 protective investigations unit.

263 4. The Department of Health Child Protection Team.

264 5. The community-based care lead agency.

265 6. State, county, or local law enforcement agencies.

266 7. The school district.

267 8. A mental health treatment provider.

268 9. A certified domestic violence center or certified
269 domestic violence service provider.

270 10. A substance abuse treatment provider.

271 11. Any other members that are determined by guidelines
272 developed by the State Child Abuse Death Review Committee.

273

274 To the extent possible, individuals from these organizations or
275 entities who, in a professional capacity, dealt with a child
276 whose death is verified as caused by abuse or neglect, or with
277 the family of the child, shall attend any meetings where the
278 child's case is reviewed. The members of a local committee shall
279 be appointed to 2-year terms and may be reappointed. Members
280 shall serve without compensation but may receive reimbursement
281 for per diem and travel expenses incurred in the performance of
282 their duties as provided in s. 112.061 and to the extent that
283 funds are available.

284 Section 10. Paragraph (c) of subsection (4) of section
285 414.065, Florida Statutes, is amended to read:

286 414.065 Noncompliance with work requirements.—

287 (4) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.—Unless otherwise
288 provided, the situations listed in this subsection shall
289 constitute exceptions to the penalties for noncompliance with
290 participation requirements, except that these situations do not

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291 constitute exceptions to the applicable time limit for receipt
292 of temporary cash assistance:

293 (c) *Noncompliance related to treatment or remediation of*
294 *past effects of domestic violence.*—An individual who is
295 determined to be unable to comply with the work requirements
296 under this section due to mental or physical impairment related
297 to past incidents of domestic violence may be exempt from work
298 requirements, except that such individual shall comply with a
299 plan that specifies alternative requirements that prepare the
300 individual for self-sufficiency while providing for the safety
301 of the individual and the individual's dependents. A participant
302 who is determined to be out of compliance with the alternative
303 requirement plan shall be subject to the penalties under
304 subsection (1). The plan must include counseling or a course of
305 treatment necessary for the individual to resume participation.
306 The need for treatment and the expected duration of such
307 treatment must be verified by a physician licensed under chapter
308 458 or chapter 459; a psychologist licensed under s. 490.005(1),
309 s. 490.006, or the provision identified as s. 490.013(2) in s.
310 1, chapter 81-235, Laws of Florida; a therapist as defined in s.
311 491.003(2) or (6); or a treatment professional who is listed
312 ~~registered~~ under s. 39.905(1)(g), is authorized to maintain
313 confidentiality under s. 90.5036(1)(d), and has a minimum of 2
314 years' ~~years~~ experience at a certified domestic violence center
315 or certified domestic violence service provider. An exception
316 granted under this paragraph does not automatically constitute
317 an exception from the time limitations on benefits specified
318 under s. 414.105.

319 Section 11. Paragraph (g) of subsection (9) of section

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320 414.095, Florida Statutes, is amended to read:

321 414.095 Determining eligibility for temporary cash
322 assistance.—

323 (9) OPPORTUNITIES AND OBLIGATIONS.—An applicant for
324 temporary cash assistance has the following opportunities and
325 obligations:

326 (g) To receive information regarding services available
327 from certified domestic violence centers, certified domestic
328 violence service providers, or other organizations that provide
329 counseling and supportive services to individuals who are past
330 or present victims of domestic violence, dating violence, or
331 stalking or who are at risk of domestic violence, dating
332 violence, or stalking and, upon request, to be referred to such
333 organizations in a manner which protects the individual's
334 confidentiality.

335 Section 12. Paragraph (b) of subsection (1) of section
336 415.1103, Florida Statutes, is amended to read:

337 415.1103 Elder abuse fatality review teams.—

338 (1)

339 (b) An elder abuse fatality review team may include, but is
340 not limited to, representatives from any of the following
341 entities or persons located in the review team's judicial
342 circuit:

- 343 1. Law enforcement agencies.
- 344 2. The state attorney.
- 345 3. The medical examiner.
- 346 4. A county court judge.
- 347 5. Adult protective services.
- 348 6. The area agency on aging.

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- 349 7. The State Long-Term Care Ombudsman Program.
350 8. The Agency for Health Care Administration.
351 9. The Office of the Attorney General.
352 10. The Office of the State Courts Administrator.
353 11. The clerk of the court.
354 12. A victim services program.
355 13. An elder law attorney.
356 14. Emergency services personnel.
357 15. A certified domestic violence center or certified
358 domestic violence service provider.
359 16. An advocacy organization for victims of sexual
360 violence.
361 17. A funeral home director.
362 18. A forensic pathologist.
363 19. A geriatrician.
364 20. A geriatric nurse.
365 21. A geriatric psychiatrist or other individual licensed
366 to offer behavioral health services.
367 22. A hospital discharge planner.
368 23. A public guardian.
369 24. Any other persons who have knowledge regarding fatal
370 incidents of elder abuse, domestic violence, or sexual violence,
371 including knowledge of research, policy, law, and other matters
372 connected with such incidents involving elders, or who are
373 recommended for inclusion by the review team.
- 374 Section 13. Paragraph (a) of subsection (1) of section
375 456.031, Florida Statutes, is amended to read:
376 456.031 Requirement for instruction on domestic violence.-
377 (1) (a) The appropriate board shall require each person

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378 licensed or certified under chapter 458, chapter 459, part I of
379 chapter 464, chapter 466, chapter 467, chapter 490, or chapter
380 491 to complete a 2-hour continuing education course, approved
381 by the board, on domestic violence, as defined in s. 741.28, as
382 part of every third biennial relicensure or recertification. The
383 course shall consist of information on the number of patients in
384 that professional's practice who are likely to be victims of
385 domestic violence and the number who are likely to be
386 perpetrators of domestic violence, screening procedures for
387 determining whether a patient has any history of being either a
388 victim or a perpetrator of domestic violence, and instruction on
389 how to provide such patients with information on, or how to
390 refer such patients to, resources in the local community, such
391 as domestic violence centers, domestic violence service
392 providers, and other advocacy groups, that provide legal aid,
393 shelter, victim counseling, batterer counseling, or child
394 protection services.

395 Section 14. Paragraph (a) of subsection (2) of section
396 490.014, Florida Statutes, is amended to read:

397 490.014 Exemptions.—

398 (2) No person shall be required to be licensed or
399 provisionally licensed under this chapter who:

400 (a) Is a salaried employee of a government agency; a
401 developmental disability facility or program; a mental health,
402 alcohol, or drug abuse facility operating under chapter 393,
403 chapter 394, or chapter 397; the statewide child care resource
404 and referral network operating under s. 1002.92; a child-placing
405 or child-caring agency licensed pursuant to chapter 409; a
406 domestic violence center or domestic violence service provider

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407 certified pursuant to chapter 39; an accredited academic
408 institution; or a research institution, if such employee is
409 performing duties for which he or she was trained and hired
410 solely within the confines of such agency, facility, or
411 institution, so long as the employee is not held out to the
412 public as a psychologist pursuant to s. 490.012(1)(a).

413 Section 15. Paragraph (a) of subsection (4) of section
414 491.014, Florida Statutes, is amended to read:

415 491.014 Exemptions.—

416 (4) No person shall be required to be licensed,
417 provisionally licensed, registered, or certified under this
418 chapter who:

419 (a) Is a salaried employee of a government agency; a
420 developmental disability facility or program; a mental health,
421 alcohol, or drug abuse facility operating under chapter 393,
422 chapter 394, or chapter 397; the statewide child care resource
423 and referral network operating under s. 1002.92; a child-placing
424 or child-caring agency licensed pursuant to chapter 409; a
425 domestic violence center or domestic violence service provider
426 certified pursuant to chapter 39; an accredited academic
427 institution; or a research institution, if such employee is
428 performing duties for which he or she was trained and hired
429 solely within the confines of such agency, facility, or
430 institution, so long as the employee is not held out to the
431 public as a clinical social worker, mental health counselor, or
432 marriage and family therapist.

433 Section 16. Subsections (1) and (2) of section 741.29,
434 Florida Statutes, are amended to read:

435 741.29 Domestic violence; investigation of incidents;

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436 notice to victims of legal rights and remedies; reporting.—

437 (1) Any law enforcement officer who investigates an alleged
438 incident of domestic violence shall assist the victim to obtain
439 medical treatment if such is required as a result of the alleged
440 incident to which the officer responds. Any law enforcement
441 officer who investigates an alleged incident of domestic
442 violence shall advise the victim of such violence that there is
443 a domestic violence center or domestic violence service provider
444 from which the victim may receive services. The law enforcement
445 officer shall give the victim immediate notice of the legal
446 rights and remedies available on a standard form developed and
447 distributed by the department. As necessary, the department
448 shall revise the Legal Rights and Remedies Notice to Victims to
449 include a general summary of s. 741.30 using simple English as
450 well as Spanish, and shall distribute the notice as a model form
451 to be used by all law enforcement agencies throughout the state.
452 The notice shall include:

453 (a) The resource listing, including telephone number, for
454 the local certified ~~area~~ domestic violence center and local
455 certified domestic violence service provider, if any, designated
456 by the Department of Children and Families; and

457 (b) A copy of the following statement: "IF YOU ARE THE
458 VICTIM OF DOMESTIC VIOLENCE, you may ask the state attorney to
459 file a criminal complaint. You also have the right to go to
460 court and file a petition requesting an injunction for
461 protection from domestic violence which may include, but need
462 not be limited to, provisions which restrain the abuser from
463 further acts of abuse; direct the abuser to leave your
464 household; prevent the abuser from entering your residence,

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465 school, business, or place of employment; award you custody of
466 your minor child or children; and direct the abuser to pay
467 support to you and the minor children if the abuser has a legal
468 obligation to do so.”

469 (2) When a law enforcement officer investigates an
470 allegation that an incident of domestic violence has occurred,
471 the officer shall handle the incident pursuant to the arrest
472 policy provided in s. 901.15(7), and as developed in accordance
473 with subsections (3), (4), and (5). Whether or not an arrest is
474 made, the officer shall make a written police report that is
475 complete and clearly indicates the alleged offense was an
476 incident of domestic violence. Such report shall be given to the
477 officer’s supervisor and filed with the law enforcement agency
478 in a manner that will permit data on domestic violence cases to
479 be compiled. Such report must include:

480 (a) A description of physical injuries observed, if any.

481 (b) If a law enforcement officer decides not to make an
482 arrest or decides to arrest two or more parties, the officer
483 shall include in the report the grounds for not arresting anyone
484 or for arresting two or more parties.

485 (c) A statement which indicates that a copy of the legal
486 rights and remedies notice was given to the victim.

487
488 Whenever possible, the law enforcement officer shall obtain a
489 written statement from the victim and witnesses concerning the
490 alleged domestic violence. The officer shall submit the report
491 to the supervisor or other person to whom the employer’s rules
492 or policies require reports of similar allegations of criminal
493 activity to be made. The law enforcement agency shall, without

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494 charge, send a copy of the initial police report, as well as any
495 subsequent, supplemental, or related report, which excludes
496 victim/witness statements or other materials that are part of an
497 active criminal investigation and are exempt from disclosure
498 under chapter 119, to the nearest local ~~locally~~ certified
499 domestic violence center and local certified domestic violence
500 service provider, if any, within 24 hours after the agency's
501 receipt of the report. The report furnished to the domestic
502 violence center and domestic violence service provider must
503 include a narrative description of the domestic violence
504 incident.

505 Section 17. Paragraph (c) of subsection (2), paragraph (a)
506 of subsection (6), and subsection (7) of section 741.30, Florida
507 Statutes, are amended to read:

508 741.30 Domestic violence; injunction; powers and duties of
509 court and clerk; petition; notice and hearing; temporary
510 injunction; issuance of injunction; statewide verification
511 system; enforcement; public records exemption.—

512 (2)

513 (c)1. The clerk of the court shall assist petitioners in
514 seeking both injunctions for protection against domestic
515 violence and enforcement for a violation thereof as specified in
516 this section.

517 2. All clerks' offices shall provide simplified petition
518 forms for the injunction, any modifications, and the enforcement
519 thereof, including instructions for completion.

520 3. The clerk of the court shall advise petitioners of the
521 opportunity to apply for a certificate of indigence in lieu of
522 prepayment for the cost of the filing fee, as provided in

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523 paragraph (a).

524 4. The clerk of the court shall ensure the petitioner's
525 privacy to the extent practical while completing the forms for
526 injunctions for protection against domestic violence.

527 5. The clerk of the court shall provide petitioners with a
528 minimum of two certified copies of the order of injunction, one
529 of which is serviceable and will inform the petitioner of the
530 process for service and enforcement.

531 6. Clerks of court and appropriate staff in each county
532 shall receive training in the effective assistance of
533 petitioners as provided or approved by the Florida Association
534 of Court Clerks.

535 7. The clerk of the court in each county shall make
536 available informational brochures on domestic violence when such
537 brochures are provided by local certified domestic violence
538 centers or local certified domestic violence service providers.

539 8. The clerk of the court in each county shall distribute a
540 statewide uniform informational brochure to petitioners at the
541 time of filing for an injunction for protection against domestic
542 or repeat violence when such brochures become available. The
543 brochure must include information about the effect of giving the
544 court false information about domestic violence.

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

551 1. Restraining the respondent from committing any acts of

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552 domestic violence.

553 2. Awarding to the petitioner the exclusive use and
554 possession of the dwelling that the parties share or excluding
555 the respondent from the residence of the petitioner.

556 3. On the same basis as provided in chapter 61, providing
557 the petitioner with 100 percent of the time-sharing in a
558 temporary parenting plan that remains in effect until the order
559 expires or an order is entered by a court of competent
560 jurisdiction in a pending or subsequent civil action or
561 proceeding affecting the placement of, access to, parental time
562 with, adoption of, or parental rights and responsibilities for
563 the minor child.

564 4. On the same basis as provided in chapter 61,
565 establishing temporary support for a minor child or children or
566 the petitioner. An order of temporary support remains in effect
567 until the order expires or an order is entered by a court of
568 competent jurisdiction in a pending or subsequent civil action
569 or proceeding affecting child support.

570 5. Ordering the respondent to participate in treatment,
571 intervention, or counseling services to be paid for by the
572 respondent. When the court orders the respondent to participate
573 in a batterers' intervention program, the court, or any entity
574 designated by the court, must provide the respondent with a list
575 of batterers' intervention programs from which the respondent
576 must choose a program in which to participate.

577 6. Referring a petitioner to a certified domestic violence
578 center or certified domestic violence service provider. The
579 court must provide the petitioner with a list of certified
580 domestic violence centers or certified domestic violence service

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581 providers in the circuit which the petitioner may contact.

582 7. Awarding to the petitioner the exclusive care,
583 possession, or control of an animal that is owned, possessed,
584 harbored, kept, or held by the petitioner, the respondent, or a
585 minor child residing in the residence or household of the
586 petitioner or respondent. The court may order the respondent to
587 have no contact with the animal and prohibit the respondent from
588 taking, transferring, encumbering, concealing, harming, or
589 otherwise disposing of the animal. This subparagraph does not
590 apply to an animal owned primarily for a bona fide agricultural
591 purpose, as defined under s. 193.461, or to a service animal, as
592 defined under s. 413.08, if the respondent is the service
593 animal's handler.

594 8. Ordering such other relief as the court deems necessary
595 for the protection of a victim of domestic violence, including
596 injunctions or directives to law enforcement agencies, as
597 provided in this section.

598 (7) The court shall allow an advocate from a state
599 attorney's office, an advocate from a law enforcement agency, or
600 an advocate from a certified domestic violence center or
601 certified domestic violence service provider ~~who is registered~~
602 ~~under s. 39.905~~ to be present with the petitioner or respondent
603 during any court proceedings or hearings related to the
604 injunction for protection, provided the petitioner or respondent
605 has made such a request and the advocate is able to be present.

606 Section 18. Paragraph (d) of subsection (1) of section
607 741.316, Florida Statutes, is amended to read:

608 741.316 Domestic violence fatality review teams;
609 definition; membership; duties.-

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610 (1) As used in this section, the term "domestic violence
611 fatality review team" means an organization that includes, but
612 is not limited to, representatives from the following agencies
613 or organizations:

614 (d) Certified domestic violence centers or certified
615 domestic violence service providers.

616 Section 19. Subsections (11) and (12) of section 784.046,
617 Florida Statutes, are amended to read:

618 784.046 Action by victim of repeat violence, sexual
619 violence, or dating violence for protective injunction; dating
620 violence investigations, notice to victims, and reporting;
621 pretrial release violations; public records exemption.—

622 (11) Any law enforcement officer who investigates an
623 alleged incident of dating violence shall assist the victim to
624 obtain medical treatment if such is required as a result of the
625 alleged incident to which the officer responds. Any law
626 enforcement officer who investigates an alleged incident of
627 dating violence shall advise the victim of such violence that
628 there are ~~is a~~ domestic violence centers or domestic violence
629 service providers ~~center~~ from which the victim may receive
630 services. The law enforcement officer shall give the victim
631 immediate notice of the legal rights and remedies available on a
632 standard form developed and distributed by the Department of Law
633 Enforcement. As necessary, the Department of Law Enforcement
634 shall revise the Legal Rights and Remedies Notice to Victims to
635 include a general summary of this section, using simple English
636 as well as Spanish, and shall distribute the notice as a model
637 form to be used by all law enforcement agencies throughout the
638 state. The notice shall include:

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639 (a) The resource listing, including telephone number, for
640 the local certified ~~area~~ domestic violence center or local
641 certified domestic violence service provider, if any, designated
642 by the Department of Children and Families; and

643 (b) A copy of the following statement: "IF YOU ARE THE
644 VICTIM OF DATING VIOLENCE, you may ask the state attorney to
645 file a criminal complaint. You also have the right to go to
646 court and file a petition requesting an injunction for
647 protection from dating violence which may include, but need not
648 be limited to, provisions that restrain the abuser from further
649 acts of abuse; direct the abuser to leave your household; and
650 prevent the abuser from entering your residence, school,
651 business, or place of employment."

652 (12) When a law enforcement officer investigates an
653 allegation that an incident of dating violence has occurred, the
654 officer shall handle the incident pursuant to the arrest policy
655 provided in s. 901.15(7), and as developed in accordance with
656 subsections (13), (14), and (16). Whether or not an arrest is
657 made, the officer shall make a written police report that is
658 complete and clearly indicates that the alleged offense was an
659 incident of dating violence. Such report shall be given to the
660 officer's supervisor and filed with the law enforcement agency
661 in a manner that will permit data on dating violence cases to be
662 compiled. Such report must include:

663 (a) A description of physical injuries observed, if any.

664 (b) If a law enforcement officer decides not to make an
665 arrest or decides to arrest two or more parties, the grounds for
666 not arresting anyone or for arresting two or more parties.

667 (c) A statement which indicates that a copy of the legal

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668 rights and remedies notice was given to the victim.

669

670 Whenever possible, the law enforcement officer shall obtain a
671 written statement from the victim and witnesses concerning the
672 alleged dating violence. The officer shall submit the report to
673 the supervisor or other person to whom the employer's rules or
674 policies require reports of similar allegations of criminal
675 activity to be made. The law enforcement agency shall, without
676 charge, send a copy of the initial police report, as well as any
677 subsequent, supplemental, or related report, which excludes
678 victim or witness statements or other materials that are part of
679 an active criminal investigation and are exempt from disclosure
680 under chapter 119, to the nearest local ~~locally~~ certified
681 domestic violence center and local certified domestic violence
682 service provider, if any, within 24 hours after the agency's
683 receipt of the report. The report furnished to the domestic
684 violence center and domestic violence service provider must
685 include a narrative description of the dating violence incident.

686 Section 20. Paragraph (c) of subsection (2), paragraph (a)
687 of subsection (6), and subsection (7) of section 784.0485,
688 Florida Statutes, are amended to read:

689 784.0485 Stalking; injunction; powers and duties of court
690 and clerk; petition; notice and hearing; temporary injunction;
691 issuance of injunction; statewide verification system;
692 enforcement.—

693 (2)

694 (c)1. The clerk of the court shall assist petitioners in
695 seeking both injunctions for protection against stalking and
696 enforcement of a violation thereof as specified in this section.

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697 2. All offices of the clerk of the court shall provide
698 simplified petition forms for the injunction and any
699 modifications to and the enforcement thereof, including
700 instructions for completion.

701 3. The clerk of the court shall ensure the petitioner's
702 privacy to the extent practicable while completing the forms for
703 an injunction for protection against stalking.

704 4. The clerk of the court shall provide a petitioner with a
705 minimum of two certified copies of the order of injunction, one
706 of which is serviceable and will inform the petitioner of the
707 process for service and enforcement.

708 5. The clerk of the court and appropriate staff in each
709 county shall receive training in the effective assistance of
710 petitioners as provided or approved by the Florida Association
711 of Court Clerks and Comptrollers.

712 6. The clerk of the court in each county shall make
713 available informational brochures on stalking when such a
714 brochure is provided by the local certified domestic violence
715 center, local certified domestic violence service provider, or
716 local certified rape crisis center.

717 7. The clerk of the court in each county shall distribute a
718 statewide uniform informational brochure to petitioners at the
719 time of filing for an injunction for protection against stalking
720 when such brochures become available. The brochure must include
721 information about the effect of giving the court false
722 information.

723 (6) (a) Upon notice and hearing, when it appears to the
724 court that the petitioner is the victim of stalking, the court
725 may grant such relief as the court deems proper, including an

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726 injunction:

727 1. Restraining the respondent from committing any act of
728 stalking.

729 2. Ordering the respondent to participate in treatment,
730 intervention, or counseling services to be paid for by the
731 respondent.

732 3. Referring a petitioner to appropriate services. The
733 court may provide the petitioner with a list of certified
734 domestic violence centers, certified domestic violence service
735 providers, certified rape crisis centers, and other appropriate
736 referrals in the circuit which the petitioner may contact.

737 4. Ordering such other relief as the court deems necessary
738 for the protection of a victim of stalking, including
739 injunctions or directives to law enforcement agencies, as
740 provided in this section.

741 (7) The court shall allow an advocate from a state
742 attorney's office, a law enforcement agency, a certified rape
743 crisis center, ~~or~~ a certified domestic violence center, or a
744 certified domestic violence service provider ~~who is registered~~
745 ~~under s. 39.905~~ to be present with the petitioner or respondent
746 during any court proceedings or hearings related to the
747 injunction for protection if the petitioner or respondent has
748 made such a request and the advocate is able to be present.

749 Section 21. Subsection (4) of section 944.705, Florida
750 Statutes, is amended to read:

751 944.705 Release orientation program.—

752 (4) Any inmate who claims to be a victim of domestic
753 violence as defined in s. 741.28 shall receive, as part of the
754 release orientation program, referral to the nearest domestic

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755 violence center and domestic violence service provider, if any,
756 certified under chapter 39.

757 Section 22. Subsection (2) of section 960.198, Florida
758 Statutes, is amended to read:

759 960.198 Relocation assistance for victims of domestic
760 violence.—

761 (2) In order for an award to be granted to a victim for
762 relocation assistance:

763 (a) There must be proof that a domestic violence offense
764 was committed;

765 (b) The domestic violence offense must be reported to the
766 proper authorities;

767 (c) The victim's need for assistance must be certified by a
768 certified domestic violence center or certified domestic
769 violence service provider in this state; and

770 (d) The center certification must assert that the victim is
771 cooperating with law enforcement officials, if applicable, and
772 must include documentation that the victim has developed a
773 safety plan.

774 Section 23. Subsection (2) of section 984.071, Florida
775 Statutes, is amended to read:

776 984.071 Resources and information.—

777 (2) The department, in collaboration with organizations
778 that provide expertise, training, and advocacy in the areas of
779 family and domestic violence, shall develop and maintain updated
780 information and materials describing resources and services
781 available to parents and legal custodians who are victims of
782 domestic violence committed by children or who fear that they
783 will become victims of such acts and to children who have

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784 committed acts of domestic violence or who demonstrate behaviors
785 that may escalate into domestic violence. Such resources and
786 services shall include, but are not limited to, those available
787 under this chapter, domestic violence services available under
788 chapter 39, and juvenile justice services available pursuant to
789 chapter 985, including prevention, diversion, detention, and
790 alternative placements. The materials shall describe how parents
791 and legal custodians may access the resources and services in
792 their local area. The department shall post this information on
793 its website and make the materials available to certified
794 domestic violence centers, certified domestic violence service
795 providers, other organizations serving victims of domestic
796 violence, clerks of court, law enforcement agencies, and other
797 appropriate organizations for distribution to the public.

798 Section 24. Paragraph (e) of subsection (1) of section
799 1002.81, Florida Statutes, is amended to read:

800 1002.81 Definitions.—Consistent with the requirements of 45
801 C.F.R. parts 98 and 99 and as used in this part, the term:

802 (1) "At-risk child" means:

803 (e) A child in the custody of a parent who is considered a
804 victim of domestic violence and is receiving services through a
805 certified domestic violence center or certified domestic
806 violence service provider.

807 Section 25. This act shall take effect July 1, 2022.