

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [CS/HB 391](#)

TITLE: Faith-based Content in Batterers' Intervention Programs

SPONSOR(S): Blanco

COMPANION BILL: [CS/SB 894](#) (Rodriguez)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Human Services](#)

17 Y, 0 N, As CS

[Criminal Justice](#)

[Health & Human Services](#)

SUMMARY

Effect of the Bill:

HB 391 authorizes Batterers' Intervention Programs (BIPs) to offer supplemental faith-based activities only as a voluntary elective offering to participants referred to a BIP by court-order or by consent. The bill maintains the requirement that programs use cognitive behavioral therapy or psychoeducational models that address tactics of power and control.

Fiscal or Economic Impact:

None.

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ANALYSIS

EFFECT OF THE BILL:

The Office of Domestic Violence (ODV) within the Department of Children and Families (DCF) certifies Batterer's Intervention Programs (BIPs), which are court-ordered punitive and rehabilitative programs created by statute to hold defendants accountable for acts of domestic violence, as long as the BIP's curriculum complies with current law and DCF regulation. ODV annually monitors BIP curricula for compliance.

The bill authorizes a BIP to offer supplemental faith-based activities only as a voluntary elective offering to participants referred to a BIP by court-order or by consent. The bill, however, preserves the current law that requires all BIP curricula must be based on a psychoeducational or cognitive behavioral therapy intervention model and the current rule that prohibits the inclusion of "faith-based ideology associated with a particular religion or denomination" as a component to the BIP curriculum. (Section [1](#)).

The bill provides for an effective date of July 1, 2025. (Section [2](#)).

RULEMAKING:

The bill modifies a provision of law that is already under the DCF's existing rulemaking authority, pursuant to [s. 741.327\(2\), F.S.](#), thus allowing DCF to repeal, amend, or adopt rules, as necessary, to implement the bill.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

STORAGE NAME: h0391a.HSS

DATE: 4/2/2025

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Domestic Violence

Occurrences of Domestic Violence

Current law equates domestic violence with any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense by one family or household member against another family or household member that results in physical injury or death.¹ The Department of Children and Families emphasizes that domestic violence is a pattern of behaviors, violence, or threats of violence, that one person uses to establish power and control over a current or former intimate partner.²

The Bureau of Justice Statistics within the U.S. Department of Justice (DOJ) publishes an annual criminal victimization report that includes statistics on nonfatal violent crimes and property crimes.³ For the 2023 reporting period⁴, DOJ estimates there were 1,165,890 domestic violence victimizations⁵ in the U.S. – a rate of 4.1 per 1,000 persons aged 12 or older.⁶ Of these domestic violence victimizations, only 47.7% were reported to law enforcement.⁷

For Florida specific-data, the Florida Department of Law Enforcement (FDLE) previously relied on summary-based crime data collected by the Federal Bureau of Investigation (FBI), which the FBI stopped collecting following the 2020 reporting cycle. In response, FLDE is implementing an incident-based crime data collection system in coordination with local law enforcement. Until FDLE makes this new reporting system operational, summary data from 2020 is the most recent comprehensive data available.⁸ For 2020, Florida law enforcement agencies received 106,615 reports of domestic violence crime, which led to 63,217 arrests.⁹ From the total reports, the relationship

¹ S. [731.28, F.S.](#); “Family or household member,” 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. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

² Office of Domestic Violence, *Domestic Violence Annual Report 2023-2024*, Department of Children and Families, pp. 2, (Jan. 2025) <https://www.myflfamilies.com/sites/default/files/2024-12/Domestic%20Violence%20Annual%20Report%202024.pdf> (last visited Mar. 19, 2025).

³ Bureau of Justice Statistics, *Criminal Victimization, 2023, U.S. Department of Justice*, p. 18 (Sept. 2024) <https://bjs.ojp.gov/document/cv23.pdf> (last visited Mar. 19, 2025). The Bureau of Justice Statistics National Crime Victimization Survey (NCVS) is an annual data collection carried out by the U.S. Census Bureau. The NCVS is a self-report survey administered annually, from January 1 to December 31 in 2023, which covered crimes experienced from July 1, 2022 to November 30, 2023.

⁴ *Id.* Since annual NCVS estimates are based on the number and characteristics of crimes that respondents experienced during the prior 6 months, crimes are classified by the year of the survey and not by the year of the crime.

⁵ Bureau of Justice Statistics, *Domestic Violence in the U.S.: Key Findings from the 2023 National Crime Victimization Survey*, U.S. Department of Justice, (Sept. 2024) https://bjs.ojp.gov/document/DomesticViolence_2023.pdf (last visited Mar. 19, 2025). The Bureau of Justice defines domestic violence as violence committed by an intimate partner (current or former spouse, boyfriend, or girlfriend) or another family member.

⁶ *Supra*, FN 3. at 3. In the 2022 reporting cycle, there were 1,370,440 domestic violence victimizations in the United States, at a rate of 4.9 per 1,000 persons aged 12 or older.

⁷ *Supra*, FN 3 at 6. The reporting rate in 2022 was 53.8%. The Bureau of Justice reports that victims may not report a crime for a variety of reasons, including out of a fear of reprisal or getting the offender in trouble, out of a belief that police would not or could not do anything to help, and out of a belief that the crime is a personal issue or too trivial to report.

⁸ Florida Department of Law Enforcement, *Annual State Summary Crime Data Reports*, <https://www.fdle.state.fl.us/CJAB/UCR/Annual-Reports> (last visited Mar. 19, 2025).

⁹ Florida Department of Law Enforcement, *Crime in Florida: Florida Uniform Crime Report*, <https://www.fdle.state.fl.us/CJAB/UCR/Annual-Reports/UCR-Domestic-Violence> (last visited Mar. 7, 2024). The Federal Bureau of Investigation stopped collecting summary-based crime data following the 2020 collection cycle. In response, Florida began its transition away from reporting annual summary-based crime data towards reporting annual incident-based crime data. This explains why 2020 data is the most recent comprehensive data available until all law enforcement agencies complete their transition to annual incident-based crime data. Florida Department of Law Enforcement, *Annual State Summary Crime Data Reports*, <https://www.fdle.state.fl.us/CJAB/UCR/Annual-Reports> (last visited Mar. 7, 2024).

of the victims to the offenders varied (e.g., 20,735 spouses,¹⁰ 29,663 co-habitants,¹¹ and 20,142 others¹²). In 2020, there were 217 domestic violence homicides in Florida.¹³

Judicial Relief

Civil Court

Individuals can directly petition the court for an injunction against the perpetrator of domestic violence. The petitioning individual may either be a victim or another family or household member with reasonable cause to believe that he or she is in imminent danger of becoming a victim of domestic violence.¹⁴

An injunctive order may include one or more of the following orders:¹⁵

- A restraining order.
- An order for temporary exclusive use and possession of shared dwelling or residence of the petitioner.
- An order for a temporary parenting plan if the petitioner and respondent share a minor child or children.
- An order for a neutral, safe exchange location for exchange of a minor child or children.
- An order of temporary child support for a shared minor child or children.
- An order directing the perpetrator of domestic violence to participate in a batterers' intervention program.
- An order with terms that the presiding judge finds necessary, which may include directives to law enforcement.

After a hearing and final judgment, the presiding judge may issue an injunction ordering that the perpetrator of domestic violence attend a batterers' intervention program (BIP). However, unless the presiding judge finds BIPs would be inappropriate, the presiding judge must order BIP attendance if the perpetrator of domestic violence willfully violated an ex parte injunction,¹⁶ has a conviction of a crime involving violence or the threat of violence, had adjudication withheld relating to a crime involving violence or the threat of violence, pled no contest to a crime involving violence or a threat of violence, or had a prior injunction for protection against him or her after proper notice and hearing.¹⁷ Upon final judgment, the perpetrator will commit a first-degree misdemeanor for exercising care, custody, possession, or control over any firearm or ammunition.¹⁸

Criminal Court

The court may enforce a violation of injunction for protection against domestic violence through a civil or criminal contempt proceeding, or the state attorney may prosecute it as a crime.¹⁹ If the state attorney successfully prosecutes a crime of domestic violence, by securing a conviction or a plea deal, the court must order the perpetrator of domestic violence to a minimum term of 1 years' probation, which typically includes the completion of a BIP as a condition of probation.²⁰

¹⁰ Florida Department of Law Enforcement, *Domestic Violence, Victim of Offender Relationships*, <https://www.fdle.state.fl.us/CJAB/UCR/Annual-Reports/UCR-Domestic-Violence/Domestic-Violence-Relationships-Chart.aspx> (last visited Mar. 7, 2024). Spouse means the victim and offender are married by law or were previously married. This category includes ex-spouses.

¹¹ *Id.* Co-habitant means the victim lived with the offender as a married couple without a legal marriage. This category includes former co-habitants.

¹² *Id.* Other means the victim and offender had a child together but were never married and never lived together.

¹³ Florida Department of Law Enforcement, *Reported Domestic Violence in Florida: Victim Totals by Offense, 1992-2020*, (last updated May 2021) https://www.fdle.state.fl.us/CJAB/UCR/Annual-Reports/UCR-Domestic-Violence/04/DV_Victim_Totals_by_Offense.aspx (last visited Mar. 20, 2024). FDLE breakdowns domestic violence homicides into two offenses: criminal homicide and manslaughter.

¹⁴ S. [741.30\(1\), F.S.](#)

¹⁵ S. [741.30\(3\)\(k\), F.S.](#)

¹⁶ In this context, the ex parte injunction allows the court to award a temporary 15-day protective order to someone who appears to be in immediate and present danger of domestic violence without the perpetrator of domestic violence provided notice or a full hearing. *See* s. [741.30\(5\), F.S.](#)

¹⁷ S. [741.30\(6\)\(e\), F.S.](#)

¹⁸ S. [741.30\(6\)\(g\), F.S.](#)

¹⁹ S. [741.30\(9\), F.S.](#)

²⁰ S. [741.281, F.S.](#) Current law allows the judge discretion to withhold the BIP condition if he or she states on the record why the batterer's participation in a BIP is inappropriate or why the batterer does not qualify for BIP participation.

Batterers' Intervention Programs

Batterers' intervention programs (BIPs) are specialized, court-ordered interventions tailored to the perpetrators of domestic violence, which aim to hold perpetrators accountable for their abusive behavior under the full weight of the criminal justice system, to address the root cause of domestic violence, and to deter participants from committing acts of domestic violence again in the future.²¹ This whole-of-system approach involves judges, prosecutors, defense counsel, victim advocates, probation officers, agency administrators, and BIP service providers. To help participants take responsibility for their behavior and to reform, BIPs address, among other variables, a perpetrator's underlying psychology, propensity to future violence, and substance abuse history.²²

In 1995, the Florida Legislature enacted a comprehensive domestic violence legislative package to advance the administration of justice for victims of domestic violence and to prosecute and reform perpetrators of domestic violence. To this end, the Legislature adopted a BIP model framework, originally authorizing the Department of Corrections (DOC) to adopt administrative rules.²³ Current law requires the Department of Children and Families (DCF) to adopt rules to certify and monitor BIPs, to ensure statewide consistency; this rulemaking authority includes, but is not limited to, the development of the criteria and procedures to approve, suspend, or reject certification.²⁴

Certification

The DCF Office of Domestic Violence (ODV), which operates as the central clearinghouse and administrator of state and federal funding initiatives for domestic violence prevention and intervention programs,²⁵ receives BIP service provider applications.²⁶ Current law requires BIP curriculum to be based on either a cognitive behavioral therapy model or a psychoeducational model that address tactics of power and control exercised by one person over another. BIPs must be at least 29 weeks in length and include 24 weekly sessions. BIPs must administer appropriate intake, assessment, and orientation programming. Current law requires user fees to fund BIPs, to emphasize individual responsibility for domestic violence; however, current law excuses the user-fee requirement if a local, state, or federal funding initiative funds BIPs, in whole or in part.²⁷

DCF ODV reviews the proposed BIP's policy and procedure manual, the curriculum, and the screening and assessment tools to ensure the BIP meets minimum standards. ODV may collaborate with the applicant to remedy a proposed BIP's shortcomings during the approval process.²⁸ BIPs must establish protocols to effectively communicate to community stakeholders (i.e., victims and their families, the local justice system, and social service agencies) any potential danger a BIP participant poses to the victim and, or, children. The BIP provider must keep the courts, prosecutors, probation and parole officers, the victim, and other community stakeholders, as appropriate, informed of the participant's progress through the BIP as well as instances of noncompliance or emerging risks of repeat violence or homicide.²⁹

DCF ODV monitors programs for compliance, assessing programs sites within 6 months of certification. Certification is valid for one year.³⁰

²¹ Department of Children and Families, Agency Bill Analysis for HB 391 (2025), pp. 2 (Mar. 7, 2025).

²² See Kerry Healey, Christine Smith, and Chris O'Sullivan, *Batterer Intervention: Program Approaches and Criminal Justice Strategies*, United States Department of Justice, (Feb. 1998) <https://www.ojp.gov/library/publications/batterer-intervention-program-approaches-and-criminal-justice-strategies> pp. Foreword, xii (last visited Mar. 19, 2025).

²³ See Ch. 95-195, L.O.F., Section 16.

²⁴ S. 741.32, F.S., s. 741.327, F.S.

²⁵ Office of Domestic Violence, *Domestic Violence Annual Report 2023-2024*, Department of Children and Families, pp. 2, (Jan. 2025) <https://www.myflfamilies.com/sites/default/files/2024-12/Domestic%20Violence%20Annual%20Report%202024.pdf> (last visited Mar. 19, 2025).

²⁶ Rule 65H-2.014(18), F.A.C., Rule 65H-2.015(2), F.A.C.

²⁷ S. 741.235(1) F.S.

²⁸ Department of Children and Families, Agency Bill Analysis for HB 391 (2025), pp. 2 (Mar. 7, 2025).

²⁹ Rule 65H-2.016(1), F.A.C.

³⁰ Department of Children and Families, Agency Bill Analysis for HB 391 (2025), pp. 2 (Mar. 7, 2025).

DCF ODV provides the Office of the State Courts Administrator the list of DCF ODV-certified BIPs for distribution to the criminal justice system so that judges can refer a batterer to a BIP.³¹ As of February 2025, ODV certified 80 BIPs.³²

Program Curriculum

DCF ODV regulations delineate the required and prohibited curriculum components of a BIP, which the table below depicts.³³

| BIP Program Curriculum | |
|---|--|
| Required Components | Prohibited Components |
| <ul style="list-style-type: none"> - Assign responsibility for domestic violence solely to the batterer. - Assist batterer in accepting responsibility. - Develop batterer’s critical thinking skills that allow the batterer to rethink their behavior and identify behavior choices other than violence (i.e., identify and articulate feelings; listening with empathy; overcoming distorted thinking on emotions and behavior), and negotiation and conflict resolution skills. - Address intimate partner violence as a learned behavior, not an impulse control issue. - Recognizes that domestic violence is not provoked, or the result of, substance abuse. - Recognizes substance abuse patterns in domestic violence. - Address gender specific forms of violence. - Challenge stereotypical gender role expectations. - Help batterers develop and improve support systems. - Address the effects of domestic violence on children. | <ul style="list-style-type: none"> - Couples, marriage, or family therapy or any manner of victim participation. - Anger management techniques that identify anger as the cause of domestic violence. - Theories or techniques that identify poor impulse control as the primary cause of domestic violence or that identify psychopathology on part of either party as a primary cause of domestic violence. - Fair-fighting techniques. - Faith-based ideology associated with a particular religion or denomination. |

ODV annually monitors curriculum components for compliance with rule and statute.³⁴

Faith-Based Components

DCF ODV regulation currently prohibits faith-based components associated with a particular religion or denomination as a required component of programming for BIP certification.³⁵ However, DCF advises that this regulation does not preclude BIP programs from offering faith-based activities to participants as supplemental electives; faith-based components cannot be required components of a mandatory, court-ordered BIP curriculum.

³¹ Rule 65H-2.016(5), F.A.C.

³² Department of Children and Families, Agency Bill Analysis for HB 391 (2025), pp. 2 (Mar. 7, 2025).

³³ Rule 65H-2.017(1)-(2), F.A.C.

³⁴ Rule 65H-2.017(3), F.A.C.

³⁵ Rule 65H-2.017(2), F.A.C.

ODV certifies BIPs with faith-based elements operated by the Salvation Army, Healing Hearts Ministry, Community Hands of Hope, and Free Spirit Evangelistic Outreach Ministries, to name a few.³⁶

The First Amendment of the United States Constitution contain what is known as the Establishment and Free Exercise Clauses. Together those clauses read:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...”³⁷

This has been interpreted by the United States Supreme Court to mean that federal and state governments cannot create laws that establish the belief in a particular religion or prohibit citizens from freely exercising their religious beliefs.

DCF recently defended a First Amendment challenge in federal court related to the current provision of Rule 65H-2.017, F.A.C., that prohibits BIP curriculum from including faith-based ideology associated with a particular religion or denomination.³⁸ The court held that the DCF rule prohibiting “faith-based ideology associated with a particular religion or denomination” was government speech and not violative of the free expression or exercise clause of the First Amendment and that “an observer of court-ordered BIP sessions would reasonably believe the government has endorsed the message expressed during that program.”³⁹ This case is currently under appeal.⁴⁰

RECENT LEGISLATION:

| YEAR | BILL # | HOUSE SPONSOR(S) | SENATE SPONSOR | OTHER INFORMATION |
|------|-------------------------|------------------|----------------|-----------------------------|
| 2021 | HB 1231 | Melo | Bean | Became law on July 1, 2021. |

OTHER RESOURCES:

[Lee v. Weisman, 505 U.S. 577 \(1992\).](#)

[Town of Greece, N.Y. v. Galloway, 572 U.S. 565 \(2014\).](#)

[Shurtleff v. City of Boston, 596 U.S. 243 \(2022\).](#)

³⁶ Department of Children and Families, Agency Bill Analysis for HB 391 (2025), pp. 2 (Mar. 7, 2025).

³⁷ U.S. CONST. amend. I.

³⁸ *Nussbaumer v. Harris*, United States District Court, Northern District of Fla., Case No. 4:22cv448-MW-MAF (November 15, 2024).

³⁹ *Id.*, at Note 4, p. 5.

⁴⁰ *Nussbaumer v. Harris*, United States Court of Appeals, Eleventh Circuit, 2025 WL 692142 (February 26, 2025).

BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|------------------|----------|---------------------------------|----------------------|
| Human Services Subcommittee | 17 Y, 0 N, As CS | 4/1/2025 | Mitz | DesRochers |

THE CHANGES ADOPTED BY THE COMMITTEE:

- Allows BIPs to offer supplemental faith-based activities only as a voluntary elective offering to participants referred to a BIP by court-order or by consent.

[Criminal Justice Subcommittee](#)

[Health & Human Services Committee](#)

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
