

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 894

INTRODUCER: Senator Rodriguez

SUBJECT: Faith-based Content in Batterers' Intervention Programs

DATE: March 18, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kennedy</u>	<u>Tuszynski</u>	<u>CF</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>JU</u>	_____
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 894 expands the scope of batterers' intervention programs (BIPs) in Florida by allowing the inclusion of faith-based content alongside the existing cognitive behavioral therapy and psychoeducational models required by law. The bill also directs the Florida Department of Children and Families (DCF) to repeal a rule that currently prohibits faith-based ideology associated with a particular religion or denomination in these programs.

The bill likely does not have a fiscal impact on state government. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2025.

II. Present Situation:

Batterers' Intervention Programs

A Batterers' Intervention Program (BIP) is designed to address and change the behavior of an individual who has committed acts of domestic violence. These programs aim to enhance accountability, reduce recidivism, and promote the safety of victims of Domestic Violence by educating participants on the impact of their actions and teaching them non-violent conflict resolution strategies. Unlike anger management programs, BIPs focus on power and control dynamics that fuel abusive behaviors.¹

If an individual is found guilty of, has adjudication withheld on, or pleads nolo contendere to a crime of domestic violence, the court must impose a minimum term of 1 year's probation and require the defendant to attend and complete a batterers' intervention program as a condition of

¹ See generally The Florida Department of Children and Families, *Media Guide for Professionals*, available at: <https://www.myflfamilies.com/services/abuse/domestic-violence/resources/media-guide-professionals> (last visited 3/6/2025).

probation.² The statute allows judicial discretion to waive this requirement if the court states on the record why a batterers' intervention program might be inappropriate.³ The Department of Children and Families currently allows BIP providers to include supplemental faith-based activities,⁴ however this faith-based content cannot be a mandatory part of program curriculum.⁵

State Law

In 1995, the Florida Legislature enacted requirements for Batterers' Intervention Programs, including a minimum duration of 29 weeks and a curriculum based on cognitive behavioral therapy models that focus on power and control dynamics in abusive relationships.⁶ The following year, the Legislature directed the DCF to oversee certification and compliance of BIPs to maintain program integrity and effectiveness.⁷ Unless deemed ineligible the intervention program condition must be imposed.⁸

In September of 2022, the DCF finalized a rule that created certification requirements for BIP.⁹ This rule specifically prohibits BIP curriculum from including faith-based ideology associated with a particular religion or denomination.¹⁰ Generally, BIP curricula must follow a cognitive behavioral therapy or psychoeducational model, addressing power and control dynamics and incorporate elements that include:¹¹

- The batterer taking responsibility for the violence.
- Viewing intimate partner violence as a learned behavior.
- Healthy expression of feelings.
- Communication and listening skills.
- Negotiation and conflict resolution.
- Not involving victim participation, fair fighting techniques, or faith-based ideology associated with a particular religion or denomination.

As of March 14, 2025, there were a total of 110 BIP programs available to circuit courts and individuals who require services.¹² Of these programs there are several who are faith-based, including the Salvation Army, Healing Hearts Ministry, Community Hands of Hope, and Free Spirit Evangelistic Outreach Ministries.¹³

² Section 741.281, F.S.

³ *Id.*

⁴ Florida Department of Children and Families, *2025 Agency Analysis*, p.2 (on file with the Children, Families, and Elder Affairs Committee).

⁵ Rule 65H-2, F.A.C.

⁶ Section 741.325, F.S.; Ch. 95-195, Laws of Fla.

⁷ Section 741.327, F.S.; Ch. 96-312, Laws of Fla.

⁸ Section 741.325, F.S.

⁹ Rule 65H-2.017, F.A.C.

¹⁰ Rule 65H-2.017(2)(e), F.A.C.

¹¹ *See generally* Rule 65H-2.017, F.A.C.

¹² The Florida Department of Children and Families, *Find a Local Batterers' Intervention Program*, available at: <https://www.myflfamilies.com/services/abuse/domestic-violence/resources/find-local-batterers-intervention-program> (last visited 3/14/25).

¹³ *Supra*, Note 4.

First Amendment Free Exercise Challenge

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 . . .”¹⁴

This language has been interpreted by the Supreme Court of the United states to generally mean that the federal and state governments cannot create law that establishes the belief in a religion or prohibit citizens from exercising their religious beliefs freely.

The 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.¹⁵ The court held that the DCF rule prohibiting “faith-based ideology associated with a particular religion or denomination” was government speech and not violitive 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.”¹⁶ This case is currently under appeal.¹⁷

III. Effect of Proposed Changes:

SB 894 amends s. 741.325, F.S., to allow Batterers' Intervention Programs (BIPs) to include faith-based components while maintaining the requirement that programs use cognitive behavioral therapy or psychoeducational models that address tactics of power and control.

The bill also directs the DCF to repeal rule 65H-2.017(2)(e) that prohibits faith-based ideology associated with a particular religion or denomination.

The bill provides for an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹⁴ U.S. CONST. amend. I.

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

¹⁶ *Supra*, Note 4, p. 5.

¹⁷ *Nussbaumer v. Harris*, United States Court of Appeals, Eleventh Circuit, 2025 WL 692142 (February 26, 2025)

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

First Amendment Establishment Clause

Recently, in *Nussbaumer v. Harris*, United States District Court, Northern District of Fla., Tallahassee Division, Case No. 4:22cv448-MW/MAF (November 15, 2024) the DCF defended a First Amendment challenge to the current provisions of Rule 65H-2.017, F.A.C.

The court held that the Department rule prohibiting “faith-based ideology associated with a particular religion or denomination” was government speech and not violitive of the free expression or exercise clause of the First Amendment. In *Nussbaumer*, the Court found that “an observer of court-ordered BIP sessions would reasonably believe the government has endorsed the message expressed during that program.”

Applying that same analysis to the bill language, it could be argued that a person ordered to BIP would reasonably attribute whatever faith-based components a provider is espousing to the state, raising a potential First Amendment Establishment Clause issue.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends s. 741.325 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
