

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 of such
12 certification; authorizing domestic violence service
13 providers to be certified throughout the state if
14 certain specifications are demonstrated; providing
15 requirements for certified domestic violence service
16 providers to receive state funds; authorizing
17 certified domestic violence service providers to enter
18 into subcontracts if approved by the department;
19 authorizing certified domestic violence service
20 providers to carry forward funds; providing
21 requirements for funds that are carried forward;
22 amending ss. 39.0121, 39.903, 39.9057, 39.906,
23 90.5036, 381.0072, 383.402, 414.065 414.095, 415.1103,
24 456.031, 490.014, 491.014, 741.29, 741.30, 741.316,
25 784.046, 784.0485, 944.705, 960.198, 984.071, and

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26 1002.81, F.S.; conforming provisions to changes made
27 by the act; providing an effective date.
28

29 Be It Enacted by the Legislature of the State of Florida:
30

31 Section 1. Subsection (3) of section 39.902, Florida
32 Statutes, is renumbered as subsection (4), and a new subsection
33 (3) is added to that section, to read:

34 39.902 Definitions.—As used in this part, the term:

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

38 Section 2. Section 39.9051, Florida Statutes, is created
39 to read:

40 39.9051 Domestic violence service providers.—

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

50 (2) Domestic violence service providers certified under

51 this part must:

52 (a) Provide services to victims of domestic violence,
53 dating violence, or stalking, and the minor children and other
54 dependents of such victim. However, services provided by
55 certified domestic violence service providers may not include
56 sheltering in a facility the victim of domestic violence, dating
57 violence, or stalking, or the minor children and other
58 dependents of such victim. Services may be designed to serve
59 culturally or ethnically specific populations or reach
60 underserved communities.

61 (b) Receive the annual written endorsement of local law
62 enforcement agencies.

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

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

76 (e) Demonstrate local need and ability to sustain
77 operations through a history of 18 consecutive months' operation
78 as a domestic violence service provider and a business plan
79 which addresses future operations and funding of future
80 operations.

81 (f) If the domestic violence service provider is a new
82 service provider applying for certification, demonstrate that
83 the services provided address a need identified in the most
84 current statewide needs assessment approved by the department.
85 If the service provider applying for initial certification
86 proposes providing services in an area that has an existing
87 certified domestic violence center or another certified domestic
88 violence service provider, the service provider applying for
89 initial certification must demonstrate the unmet need in that
90 service area and describe its efforts to avoid duplication of
91 services.

92 (g) Establish procedures to facilitate persons subject to
93 domestic violence, dating violence, and stalking to seek
94 services from domestic violence service providers voluntarily.

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

96 (3) If the department finds that there is failure by a
97 domestic violence service provider to comply with the
98 requirements provided, or rules adopted, under this part, the
99 department may deny, suspend, or revoke the certification of the
100 service provider.

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101 (4) A domestic violence service provider certification
102 shall automatically expire on June 30 of each state fiscal year
103 unless the service provider applies for renewal and
104 certification is renewed by the department or the certification
105 is temporarily extended by the department to allow the service
106 provider to implement a corrective action plan.

107 (5) Domestic violence service providers may be certified
108 throughout the state when private, local, state, or federal
109 funds are available and a need is demonstrated.

110 (6) To receive state funds, a domestic violence service
111 provider must obtain certification under this part and enter
112 into a contract with the department which ensures the
113 availability and geographic accessibility of services throughout
114 the service area. For this purpose, a service provider may
115 distribute funds through subcontracts, if such arrangements and
116 subcontracts are approved by the department. However, the
117 issuance of a certificate does not obligate the department to
118 enter into a contract or provide funding to a service provider.

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

124 (a) The funds carried forward may not be used in a manner
125 that would increase future recurring obligations or for any

126 program or service that is not authorized by the existing
 127 contract.

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

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

132 (d) Funds carried forward under this subsection may be
 133 retained through any contract renewals as long as the same
 134 certified domestic violence service provider is retained by the
 135 department.

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

138 39.0121 Specific rulemaking authority.—Pursuant to the
 139 requirements of s. 120.536, the department is specifically
 140 authorized to adopt, amend, and repeal administrative rules
 141 which implement or interpret law or policy, or describe the
 142 procedure and practice requirements necessary to implement this
 143 chapter, including, but not limited to, the following:

144 (14) Injunctions and other protective orders, domestic-
 145 violence-related cases, and certification of domestic violence
 146 centers and domestic violence service providers.

147 Section 4. Subsections (2), (4), and (9) of section
 148 39.903, Florida Statutes, are amended to read:

149 39.903 Duties and functions of the department with respect
 150 to domestic violence.—The department shall:

151 (2) Receive and approve or reject applications for initial
 152 certification of domestic violence centers and domestic violence
 153 service providers, and annually renew the certification
 154 thereafter.

155 (4) Promote the involvement of certified domestic violence
 156 centers and certified domestic violence service providers in the
 157 coordination, development, and planning of domestic violence
 158 programming in the circuits.

159 (9) Adopt by rule procedures to administer this section,
 160 including developing criteria for the approval, suspension, or
 161 rejection of certification of domestic violence centers and
 162 domestic violence service providers, and developing minimum
 163 standards for domestic violence centers to ensure the health and
 164 safety of the clients residing in the centers.

165 Section 5. Section 39.9057, Florida Statutes, is amended
 166 to read:

167 39.9057 Unlawful disclosure of certified domestic violence
 168 center or service provider location; penalties.—Any person who
 169 maliciously publishes, disseminates, or discloses any
 170 descriptive information or image that may identify the location
 171 of a domestic violence center certified under s. 39.905 or a
 172 domestic violence service provider certified under s. 39.9051 or
 173 who otherwise maliciously discloses the location of a center or
 174 service provider commits a:

175 (1) Misdemeanor of the first degree, punishable as

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176 provided in s. 775.082 or s. 775.083.

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

180 Section 6. Section 39.906, Florida Statutes, is amended to
181 read:

182 39.906 Referral to centers and service providers; notice
183 of rights.—Any law enforcement officer who investigates an
184 alleged incident of domestic violence shall advise the victim of
185 such violence that there are ~~is a~~ domestic violence centers and
186 domestic violence service providers ~~center~~ from which the victim
187 may receive services. The law enforcement officer shall give the
188 victim immediate notice of the legal rights and remedies
189 available under ~~in accordance with the provisions of~~ s. 741.29.

190 Section 7. Paragraph (a) of subsection (1) of section
191 90.5036, Florida Statutes, is amended to read:

192 90.5036 Domestic violence advocate-victim privilege.—

193 (1) For purposes of this section:

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

198 Section 8. Paragraph (c) of subsection (2) of section
199 381.0072, Florida Statutes, is amended to read:

200 381.0072 Food service protection.—

201 (2) DEFINITIONS.—As used in this section, the term:
 202 (c) "Food service establishment" means detention
 203 facilities, public or private schools, migrant labor camps,
 204 assisted living facilities, facilities participating in the
 205 United States Department of Agriculture Afterschool Meal Program
 206 that are located at a facility or site that is not inspected by
 207 another state agency for compliance with sanitation standards,
 208 adult family-care homes, adult day care centers, short-term
 209 residential treatment centers, residential treatment facilities,
 210 homes for special services, transitional living facilities,
 211 crisis stabilization units, hospices, prescribed pediatric
 212 extended care centers, intermediate care facilities for persons
 213 with developmental disabilities, boarding schools, civic or
 214 fraternal organizations, bars and lounges, vending machines that
 215 dispense potentially hazardous foods at facilities expressly
 216 named in this paragraph, and facilities used as temporary food
 217 events or mobile food units at any facility expressly named in
 218 this paragraph, where food is prepared and intended for
 219 individual portion service, including the site at which
 220 individual portions are provided, regardless of whether
 221 consumption is on or off the premises and regardless of whether
 222 there is a charge for the food. The term includes a culinary
 223 education program where food is prepared and intended for
 224 individual portion service, regardless of whether there is a
 225 charge for the food or whether the program is inspected by

226 another state agency for compliance with sanitation standards.
 227 The term does not include any entity not expressly named in this
 228 paragraph; nor does the term include a domestic violence center
 229 or domestic violence service provider certified and monitored by
 230 the Department of Children and Families under part XII of
 231 chapter 39 if the center or service provider does not prepare
 232 and serve food ~~to its residents~~ and does not advertise food or
 233 drink for public consumption.

234 Section 9. Paragraph (a) of subsection (3) of section
 235 383.402, Florida Statutes, is amended to read:

236 383.402 Child abuse death review; State Child Abuse Death
 237 Review Committee; local child abuse death review committees.—

238 (3) LOCAL CHILD ABUSE DEATH REVIEW COMMITTEES.—At the
 239 direction of the State Surgeon General, a county or multicounty
 240 child abuse death review committee shall be convened and
 241 supported by the county health department directors in
 242 accordance with the protocols established by the State Child
 243 Abuse Death Review Committee.

244 (a) Membership.—The local death review committees shall
 245 include, at a minimum, the following organizations'
 246 representatives, appointed by the county health department
 247 directors in consultation with those organizations:

- 248 1. The state attorney's office.
- 249 2. The medical examiner's office.
- 250 3. The local Department of Children and Families child

251 protective investigations unit.

252 4. The Department of Health Child Protection Team.

253 5. The community-based care lead agency.

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

255 7. The school district.

256 8. A mental health treatment provider.

257 9. A certified domestic violence center or certified
 258 domestic violence service provider.

259 10. A substance abuse treatment provider.

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

262
 263 To the extent possible, individuals from these organizations or
 264 entities who, in a professional capacity, dealt with a child
 265 whose death is verified as caused by abuse or neglect, or with
 266 the family of the child, shall attend any meetings where the
 267 child's case is reviewed. The members of a local committee shall
 268 be appointed to 2-year terms and may be reappointed. Members
 269 shall serve without compensation but may receive reimbursement
 270 for per diem and travel expenses incurred in the performance of
 271 their duties as provided in s. 112.061 and to the extent that
 272 funds are available.

273 Section 10. Paragraph (c) of subsection (4) of section
 274 414.065, Florida Statutes, is amended to read:

275 414.065 Noncompliance with work requirements.-

276 (4) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.—Unless
 277 otherwise provided, the situations listed in this subsection
 278 shall constitute exceptions to the penalties for noncompliance
 279 with participation requirements, except that these situations do
 280 not constitute exceptions to the applicable time limit for
 281 receipt of temporary cash assistance:

282 (c) Noncompliance related to treatment or remediation of
 283 past effects of domestic violence.—An individual who is
 284 determined to be unable to comply with the work requirements
 285 under this section due to mental or physical impairment related
 286 to past incidents of domestic violence may be exempt from work
 287 requirements, except that such individual shall comply with a
 288 plan that specifies alternative requirements that prepare the
 289 individual for self-sufficiency while providing for the safety
 290 of the individual and the individual's dependents. A participant
 291 who is determined to be out of compliance with the alternative
 292 requirement plan shall be subject to the penalties under
 293 subsection (1). The plan must include counseling or a course of
 294 treatment necessary for the individual to resume participation.
 295 The need for treatment and the expected duration of such
 296 treatment must be verified by a physician licensed under chapter
 297 458 or chapter 459; a psychologist licensed under s. 490.005(1),
 298 s. 490.006, or the provision identified as s. 490.013(2) in s.
 299 1, chapter 81-235, Laws of Florida; a therapist as defined in s.
 300 491.003(2) or (6); or a treatment professional listed ~~who is~~

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301 ~~registered~~ under s. 39.905(1)(g), is authorized to maintain
302 confidentiality under s. 90.5036(1)(d), and has a minimum of 2
303 years' ~~years~~ experience at a certified domestic violence center
304 or certified domestic violence service provider. An exception
305 granted under this paragraph does not automatically constitute
306 an exception from the time limitations on benefits specified
307 under s. 414.105.

308 Section 11. Paragraph (g) of subsection (9) of section
309 414.095, Florida Statutes, is amended to read:

310 414.095 Determining eligibility for temporary cash
311 assistance.—

312 (9) OPPORTUNITIES AND OBLIGATIONS.—An applicant for
313 temporary cash assistance has the following opportunities and
314 obligations:

315 (g) To receive information regarding services available
316 from certified domestic violence centers, certified domestic
317 violence service providers, or other organizations that provide
318 counseling and supportive services to individuals who are past
319 or present victims of domestic violence, dating violence, or
320 stalking or who are at risk of domestic violence, dating
321 violence, or stalking and, upon request, to be referred to such
322 organizations in a manner which protects the individual's
323 confidentiality.

324 Section 12. Paragraph (b) of subsection (1) of section
325 415.1103, Florida Statutes, is amended to read:

326 415.1103 Elder abuse fatality review teams.—
 327 (1)
 328 (b) An elder abuse fatality review team may include, but
 329 is not limited to, representatives from any of the following
 330 entities or persons located in the review team's judicial
 331 circuit:

- 332 1. Law enforcement agencies.
- 333 2. The state attorney.
- 334 3. The medical examiner.
- 335 4. A county court judge.
- 336 5. Adult protective services.
- 337 6. The area agency on aging.
- 338 7. The State Long-Term Care Ombudsman Program.
- 339 8. The Agency for Health Care Administration.
- 340 9. The Office of the Attorney General.
- 341 10. The Office of the State Courts Administrator.
- 342 11. The clerk of the court.
- 343 12. A victim services program.
- 344 13. An elder law attorney.
- 345 14. Emergency services personnel.
- 346 15. A certified domestic violence center or certified
 347 domestic violence service provider.
- 348 16. An advocacy organization for victims of sexual
 349 violence.
- 350 17. A funeral home director.

- 351 18. A forensic pathologist.
- 352 19. A geriatrician.
- 353 20. A geriatric nurse.
- 354 21. A geriatric psychiatrist or other individual licensed
- 355 to offer behavioral health services.
- 356 22. A hospital discharge planner.
- 357 23. A public guardian.
- 358 24. Any other persons who have knowledge regarding fatal
- 359 incidents of elder abuse, domestic violence, or sexual violence,
- 360 including knowledge of research, policy, law, and other matters
- 361 connected with such incidents involving elders, or who are
- 362 recommended for inclusion by the review team.

363 Section 13. Paragraph (a) of subsection (1) of section
 364 456.031, Florida Statutes, is amended to read:

365 456.031 Requirement for instruction on domestic violence.—

366 (1)(a) The appropriate board shall require each person
 367 licensed or certified under chapter 458, chapter 459, part I of
 368 chapter 464, chapter 466, chapter 467, chapter 490, or chapter
 369 491 to complete a 2-hour continuing education course, approved
 370 by the board, on domestic violence, as defined in s. 741.28, as
 371 part of every third biennial relicensure or recertification. The
 372 course shall consist of information on the number of patients in
 373 that professional's practice who are likely to be victims of
 374 domestic violence and the number who are likely to be
 375 perpetrators of domestic violence, screening procedures for

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376 determining whether a patient has any history of being either a
377 victim or a perpetrator of domestic violence, and instruction on
378 how to provide such patients with information on, or how to
379 refer such patients to, resources in the local community, such
380 as domestic violence centers, domestic violence service
381 providers, and other advocacy groups, that provide legal aid,
382 shelter, victim counseling, batterer counseling, or child
383 protection services.

384 Section 14. Paragraph (a) of subsection (2) of section
385 490.014, Florida Statutes, is amended to read:

386 490.014 Exemptions.—

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

389 (a) Is a salaried employee of a government agency; a
390 developmental disability facility or program; a mental health,
391 alcohol, or drug abuse facility operating under chapter 393,
392 chapter 394, or chapter 397; the statewide child care resource
393 and referral network operating under s. 1002.92; a child-placing
394 or child-caring agency licensed pursuant to chapter 409; a
395 domestic violence center or domestic violence service provider
396 certified pursuant to chapter 39; an accredited academic
397 institution; or a research institution, if such employee is
398 performing duties for which he or she was trained and hired
399 solely within the confines of such agency, facility, or
400 institution, so long as the employee is not held out to the

401 public as a psychologist pursuant to s. 490.012(1)(a).

402 Section 15. Paragraph (a) of subsection (4) of section
403 491.014, Florida Statutes, is amended to read:

404 491.014 Exemptions.—

405 (4) No person shall be required to be licensed,
406 provisionally licensed, registered, or certified under this
407 chapter who:

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

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

424 741.29 Domestic violence; investigation of incidents;
425 notice to victims of legal rights and remedies; reporting.—

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

442 (a) The resource listing, including telephone number, for
443 the local certified ~~area~~ domestic violence center and local
444 certified domestic violence service provider, if any, designated
445 by the Department of Children and Families; and

446 (b) A copy of the following statement: "IF YOU ARE THE
447 VICTIM OF DOMESTIC VIOLENCE, you may ask the state attorney to
448 file a criminal complaint. You also have the right to go to
449 court and file a petition requesting an injunction for
450 protection from domestic violence which may include, but need

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451 not be limited to, provisions which restrain the abuser from
452 further acts of abuse; direct the abuser to leave your
453 household; prevent the abuser from entering your residence,
454 school, business, or place of employment; award you custody of
455 your minor child or children; and direct the abuser to pay
456 support to you and the minor children if the abuser has a legal
457 obligation to do so."

458 (2) When a law enforcement officer investigates an
459 allegation that an incident of domestic violence has occurred,
460 the officer shall handle the incident pursuant to the arrest
461 policy provided in s. 901.15(7), and as developed in accordance
462 with subsections (3), (4), and (5). Whether or not an arrest is
463 made, the officer shall make a written police report that is
464 complete and clearly indicates the alleged offense was an
465 incident of domestic violence. Such report shall be given to the
466 officer's supervisor and filed with the law enforcement agency
467 in a manner that will permit data on domestic violence cases to
468 be compiled. Such report must include:

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

470 (b) If a law enforcement officer decides not to make an
471 arrest or decides to arrest two or more parties, the officer
472 shall include in the report the grounds for not arresting anyone
473 or for arresting two or more parties.

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

476
477 Whenever possible, the law enforcement officer shall obtain a
478 written statement from the victim and witnesses concerning the
479 alleged domestic violence. The officer shall submit the report
480 to the supervisor or other person to whom the employer's rules
481 or policies require reports of similar allegations of criminal
482 activity to be made. The law enforcement agency shall, without
483 charge, send a copy of the initial police report, as well as any
484 subsequent, supplemental, or related report, which excludes
485 victim/witness statements or other materials that are part of an
486 active criminal investigation and are exempt from disclosure
487 under chapter 119, to the nearest local ~~locally~~ certified
488 domestic violence center and local certified domestic violence
489 service provider, if any, within 24 hours after the agency's
490 receipt of the report. The report furnished to the domestic
491 violence center or domestic violence service provider must
492 include a narrative description of the domestic violence
493 incident.

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

497 741.30 Domestic violence; injunction; powers and duties of
498 court and clerk; petition; notice and hearing; temporary
499 injunction; issuance of injunction; statewide verification
500 system; enforcement; public records exemption.-

501 (2)

502 (c)1. The clerk of the court shall assist petitioners in
503 seeking both injunctions for protection against domestic
504 violence and enforcement for a violation thereof as specified in
505 this section.

506 2. All clerks' offices shall provide simplified petition
507 forms for the injunction, any modifications, and the enforcement
508 thereof, including instructions for completion.

509 3. The clerk of the court shall advise petitioners of the
510 opportunity to apply for a certificate of indigence in lieu of
511 prepayment for the cost of the filing fee, as provided in
512 paragraph (a).

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

516 5. The clerk of the court shall provide petitioners with a
517 minimum of two certified copies of the order of injunction, one
518 of which is serviceable and will inform the petitioner of the
519 process for service and enforcement.

520 6. Clerks of court and appropriate staff in each county
521 shall receive training in the effective assistance of
522 petitioners as provided or approved by the Florida Association
523 of Court Clerks.

524 7. The clerk of the court in each county shall make
525 available informational brochures on domestic violence when such

526 brochures are provided by local certified domestic violence
527 centers or local certified domestic violence service providers.

528 8. The clerk of the court in each county shall distribute
529 a statewide uniform informational brochure to petitioners at the
530 time of filing for an injunction for protection against domestic
531 or repeat violence when such brochures become available. The
532 brochure must include information about the effect of giving the
533 court false information about domestic violence.

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

540 1. Restraining the respondent from committing any acts of
541 domestic violence.

542 2. Awarding to the petitioner the exclusive use and
543 possession of the dwelling that the parties share or excluding
544 the respondent from the residence of the petitioner.

545 3. On the same basis as provided in chapter 61, providing
546 the petitioner with 100 percent of the time-sharing in a
547 temporary parenting plan that remains in effect until the order
548 expires or an order is entered by a court of competent
549 jurisdiction in a pending or subsequent civil action or
550 proceeding affecting the placement of, access to, parental time

551 with, adoption of, or parental rights and responsibilities for
552 the minor child.

553 4. On the same basis as provided in chapter 61,
554 establishing temporary support for a minor child or children or
555 the petitioner. An order of temporary support remains in effect
556 until the order expires or an order is entered by a court of
557 competent jurisdiction in a pending or subsequent civil action
558 or proceeding affecting child support.

559 5. Ordering the respondent to participate in treatment,
560 intervention, or counseling services to be paid for by the
561 respondent. When the court orders the respondent to participate
562 in a batterers' intervention program, the court, or any entity
563 designated by the court, must provide the respondent with a list
564 of batterers' intervention programs from which the respondent
565 must choose a program in which to participate.

566 6. Referring a petitioner to a certified domestic violence
567 center or certified domestic violence service provider. The
568 court must provide the petitioner with a list of certified
569 domestic violence centers or certified domestic violence service
570 providers in the circuit which the petitioner may contact.

571 7. Awarding to the petitioner the exclusive care,
572 possession, or control of an animal that is owned, possessed,
573 harbored, kept, or held by the petitioner, the respondent, or a
574 minor child residing in the residence or household of the
575 petitioner or respondent. The court may order the respondent to

576 have no contact with the animal and prohibit the respondent from
 577 taking, transferring, encumbering, concealing, harming, or
 578 otherwise disposing of the animal. This subparagraph does not
 579 apply to an animal owned primarily for a bona fide agricultural
 580 purpose, as defined under s. 193.461, or to a service animal, as
 581 defined under s. 413.08, if the respondent is the service
 582 animal's handler.

583 8. Ordering such other relief as the court deems necessary
 584 for the protection of a victim of domestic violence, including
 585 injunctions or directives to law enforcement agencies, as
 586 provided in this section.

587 (7) The court shall allow an advocate from a state
 588 attorney's office, an advocate from a law enforcement agency, or
 589 an advocate from a certified domestic violence center or
 590 certified domestic violence service provider ~~who is registered~~
 591 ~~under s. 39.905~~ to be present with the petitioner or respondent
 592 during any court proceedings or hearings related to the
 593 injunction for protection, provided the petitioner or respondent
 594 has made such a request and the advocate is able to be present.

595 Section 18. Paragraph (d) of subsection (1) of section
 596 741.316, Florida Statutes, is amended to read:

597 741.316 Domestic violence fatality review teams;
 598 definition; membership; duties.—

599 (1) As used in this section, the term "domestic violence
 600 fatality review team" means an organization that includes, but

601 is not limited to, representatives from the following agencies
 602 or organizations:

603 (d) Certified domestic violence centers or certified
 604 domestic violence service providers.

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

607 784.046 Action by victim of repeat violence, sexual
 608 violence, or dating violence for protective injunction; dating
 609 violence investigations, notice to victims, and reporting;
 610 pretrial release violations; public records exemption.—

611 (11) Any law enforcement officer who investigates an
 612 alleged incident of dating violence shall assist the victim to
 613 obtain medical treatment if such is required as a result of the
 614 alleged incident to which the officer responds. Any law
 615 enforcement officer who investigates an alleged incident of
 616 dating violence shall advise the victim of such violence that
 617 there are ~~is a~~ domestic violence centers or domestic violence
 618 service providers ~~center~~ from which the victim may receive
 619 services. The law enforcement officer shall give the victim
 620 immediate notice of the legal rights and remedies available on a
 621 standard form developed and distributed by the Department of Law
 622 Enforcement. As necessary, the Department of Law Enforcement
 623 shall revise the Legal Rights and Remedies Notice to Victims to
 624 include a general summary of this section, using simple English
 625 as well as Spanish, and shall distribute the notice as a model

626 form to be used by all law enforcement agencies throughout the
627 state. The notice shall include:

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

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

641 (12) When a law enforcement officer investigates an
642 allegation that an incident of dating violence has occurred, the
643 officer shall handle the incident pursuant to the arrest policy
644 provided in s. 901.15(7), and as developed in accordance with
645 subsections (13), (14), and (16). Whether or not an arrest is
646 made, the officer shall make a written police report that is
647 complete and clearly indicates that the alleged offense was an
648 incident of dating violence. Such report shall be given to the
649 officer's supervisor and filed with the law enforcement agency
650 in a manner that will permit data on dating violence cases to be

651 compiled. Such report must include:

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

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

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

658

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

675 Section 20. Paragraph (c) of subsection (2), paragraph (a)

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676 of subsection (6), and subsection (7) of section 784.0485,
677 Florida Statutes, are amended to read:

678 784.0485 Stalking; injunction; powers and duties of court
679 and clerk; petition; notice and hearing; temporary injunction;
680 issuance of injunction; statewide verification system;
681 enforcement.—

682 (2)

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

686 2. All offices of the clerk of the court shall provide
687 simplified petition forms for the injunction and any
688 modifications to and the enforcement thereof, including
689 instructions for completion.

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

693 4. The clerk of the court shall provide a petitioner with
694 a minimum of two certified copies of the order of injunction,
695 one of which is serviceable and will inform the petitioner of
696 the process for service and enforcement.

697 5. The clerk of the court and appropriate staff in each
698 county shall receive training in the effective assistance of
699 petitioners as provided or approved by the Florida Association
700 of Court Clerks and Comptrollers.

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701 6. The clerk of the court in each county shall make
702 available informational brochures on stalking when such a
703 brochure is provided by the local certified domestic violence
704 center, local certified domestic violence service provider, or
705 certified rape crisis center.

706 7. The clerk of the court in each county shall distribute
707 a statewide uniform informational brochure to petitioners at the
708 time of filing for an injunction for protection against stalking
709 when such brochures become available. The brochure must include
710 information about the effect of giving the court false
711 information.

712 (6) (a) Upon notice and hearing, when it appears to the
713 court that the petitioner is the victim of stalking, the court
714 may grant such relief as the court deems proper, including an
715 injunction:

716 1. Restraining the respondent from committing any act of
717 stalking.

718 2. Ordering the respondent to participate in treatment,
719 intervention, or counseling services to be paid for by the
720 respondent.

721 3. Referring a petitioner to appropriate services. The
722 court may provide the petitioner with a list of certified
723 domestic violence centers, certified domestic violence service
724 providers, certified rape crisis centers, and other appropriate
725 referrals in the circuit which the petitioner may contact.

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726 4. Ordering such other relief as the court deems necessary
727 for the protection of a victim of stalking, including
728 injunctions or directives to law enforcement agencies, as
729 provided in this section.

730 (7) The court shall allow an advocate from a state
731 attorney's office, a law enforcement agency, a certified rape
732 crisis center, ~~or~~ a certified domestic violence center, or a
733 certified domestic violence service provider who is registered
734 under s. 39.905 to be present with the petitioner or respondent
735 during any court proceedings or hearings related to the
736 injunction for protection if the petitioner or respondent has
737 made such a request and the advocate is able to be present.

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

740 944.705 Release orientation program.—

741 (4) Any inmate who claims to be a victim of domestic
742 violence as defined in s. 741.28 shall receive, as part of the
743 release orientation program, referral to the nearest domestic
744 violence center and domestic violence service provider, if any,
745 certified under chapter 39.

746 Section 22. Paragraph (c) of subsection (2) of section
747 960.198, Florida Statutes, is amended to read:

748 960.198 Relocation assistance for victims of domestic
749 violence.—

750 (2) In order for an award to be granted to a victim for

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751 relocation assistance:

752 (c) The victim's need for assistance must be certified by
753 a certified domestic violence center or certified domestic
754 violence service provider in the ~~this~~ state; and

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

757 984.071 Resources and information.—

758 (2) The department, in collaboration with organizations
759 that provide expertise, training, and advocacy in the areas of
760 family and domestic violence, shall develop and maintain updated
761 information and materials describing resources and services
762 available to parents and legal custodians who are victims of
763 domestic violence committed by children or who fear that they
764 will become victims of such acts and to children who have
765 committed acts of domestic violence or who demonstrate behaviors
766 that may escalate into domestic violence. Such resources and
767 services shall include, but are not limited to, those available
768 under this chapter, domestic violence services available under
769 chapter 39, and juvenile justice services available pursuant to
770 chapter 985, including prevention, diversion, detention, and
771 alternative placements. The materials shall describe how parents
772 and legal custodians may access the resources and services in
773 their local area. The department shall post this information on
774 its website and make the materials available to certified
775 domestic violence centers, certified domestic violence service

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776 providers, other organizations serving victims of domestic
777 violence, clerks of court, law enforcement agencies, and other
778 appropriate organizations for distribution to the public.

779 Section 24. Paragraph (e) of subsection (1) of section
780 1002.81, Florida Statutes, is amended to read:

781 1002.81 Definitions.—Consistent with the requirements of
782 45 C.F.R. parts 98 and 99 and as used in this part, the term:

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

784 (e) A child in the custody of a parent who is considered a
785 victim of domestic violence and is receiving services through a
786 certified domestic violence center or certified domestic
787 violence service provider.

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