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HB 7093, Engrossed 1

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1
2 An act relating to domestic violence; amending s.
3 39.902, F.S.; defining the term "coalition" as it
4 relates to domestic violence; amending s. 39.903,
5 F.S.; revising provisions relating to certification of
6 domestic violence centers; providing specified
7 additional duties for and authority of the Florida
8 Coalition Against Domestic Violence; revising the
9 duties of the Department of Children and Family
10 Services; requiring the department to contract with
11 coalition for specified purposes; creating s. 39.9035,
12 F.S.; providing the duties of the coalition as it
13 manages the delivery of services to the state's
14 domestic violence program; amending s. 39.904, F.S.;
15 requiring the coalition, rather than the department,
16 to make a specified annual report; revising the
17 contents of the report; amending s. 39.905, F.S.;
18 requiring the coalition, rather than the department,
19 to perform certain duties relating to certification of
20 domestic violence centers; revising provisions
21 relating to certification of domestic violence
22 centers; requiring a demonstration of need for
23 certification of a new domestic violence center;
24 revising provisions relating to expiration of a
25 center's annual certificate; prohibiting a domestic
26 violence center from receiving funding from the
27 coalition for services that are exempted from
28 certification; amending ss. 381.006, 381.0072,

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29 741.281, 741.2902, 741.30, and 741.316, F.S.;

30 conforming provisions to changes made by the act;

31 amending s. 741.32, F.S.; deleting provisions relating

32 to the certification of batterers' intervention

33 programs; amending s. 741.325, F.S.; revising the

34 requirements for batterers' intervention programs;

35 repealing s. 741.327, F.S., relating to the

36 certification and monitoring of batterers'

37 intervention programs; amending ss. 948.038 and

38 938.01, F.S.; conforming provisions to changes made by

39 the act; providing an effective date.

40

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

42

43 Section 1. Present subsections (1), (2), and (3) of

44 section 39.902, Florida Statutes, are redesignated as

45 subsections (2), (3), and (4), respectively, and a new

46 subsection (1) is added to that section, to read:

47 39.902 Definitions.—As used in this part, the term:

48 (1) "Coalition" means the Florida Coalition Against

49 Domestic Violence.

50 Section 2. Section 39.903, Florida Statutes, is amended to

51 read:

52 39.903 Duties and functions of the department with respect

53 to domestic violence.—The department shall:

54 (1) Operate the domestic violence program and, in

55 collaboration with the coalition, shall coordinate and

56 administer statewide activities related to the prevention of

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57 domestic violence. ~~The department shall:~~
 58 ~~(a) Develop by rule criteria for the approval or rejection~~
 59 ~~of certification or funding of domestic violence centers.~~
 60 ~~(b) Develop by rule minimum standards for domestic~~
 61 ~~violence centers to ensure the health and safety of the clients~~
 62 ~~in the centers.~~
 63 (2)(e) Receive and approve or reject applications for
 64 initial certification of domestic violence centers. The
 65 department shall annually renew the certification thereafter
 66 upon receipt of a favorable monitoring report by the coalition.
 67 ~~If any of the required services are exempted from certification~~
 68 ~~by the department under s. 39.905(1)(c), the center shall not~~
 69 ~~receive funding for those services.~~
 70 (3)(d) Have Evaluate each certified domestic violence
 71 ~~center annually to ensure compliance with the minimum standards.~~
 72 ~~The department has the right to enter and inspect the premises~~
 73 ~~of domestic violence centers that are applying for an initial~~
 74 ~~certification or facing potential suspension or revocation of~~
 75 ~~certification certified domestic violence centers at any~~
 76 ~~reasonable hour in order to effectively evaluate the state of~~
 77 ~~compliance with minimum standards of these centers with this~~
 78 ~~part and rules relating to this part.~~
 79 ~~(c) Adopt rules to implement this part.~~
 80 (4)(f) Promote the involvement of certified domestic
 81 violence centers in the coordination, development, and planning
 82 of domestic violence programming in the circuits ~~districts and~~
 83 ~~the state.~~
 84 ~~(2) The department shall serve as a clearinghouse for~~

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85 ~~information relating to domestic violence.~~

86 ~~(3) The department shall operate the domestic violence~~
 87 ~~program, which provides supervision, direction, coordination,~~
 88 ~~and administration of statewide activities related to the~~
 89 ~~prevention of domestic violence.~~

90 (5)-(4) Coordinate with state agencies that have health,
 91 education, or criminal justice responsibilities to raise
 92 awareness of domestic violence and promote consistent policy
 93 implementation. ~~The department shall enlist the assistance of~~
 94 ~~public and voluntary health, education, welfare, and~~
 95 ~~rehabilitation agencies in a concerted effort to prevent~~
 96 ~~domestic violence and to treat persons engaged in or subject to~~
 97 ~~domestic violence. With the assistance of these agencies, the~~
 98 ~~department, within existing resources, shall formulate and~~
 99 ~~conduct a research and evaluation program on domestic violence.~~
 100 ~~Efforts on the part of these agencies to obtain relevant grants~~
 101 ~~to fund this research and evaluation program must be supported~~
 102 ~~by the department.~~

103 ~~(5) The department shall develop and provide educational~~
 104 ~~programs on domestic violence for the benefit of the general~~
 105 ~~public, persons engaged in or subject to domestic violence,~~
 106 ~~professional persons, or others who care for or may be engaged~~
 107 ~~in the care and treatment of persons engaged in or subject to~~
 108 ~~domestic violence.~~

109 ~~(6) The department shall~~ Cooperate with, assist in, and
 110 participate in, programs of other properly qualified state
 111 agencies, including any agency of the Federal Government,
 112 schools of medicine, hospitals, and clinics, in planning and

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113 conducting research on the prevention of domestic violence and
 114 the provision of services to clients, ~~care, treatment, and~~
 115 ~~rehabilitation of persons engaged in or subject to domestic~~
 116 ~~violence.~~

117 (7) ~~The department shall~~ Contract with the coalition for
 118 the delivery and management of services for the state's domestic
 119 violence program. Services under this contract include, but are
 120 not limited to, the administration of contracts and grants. a
 121 ~~statewide association whose primary purpose is to represent and~~
 122 ~~provide technical assistance to certified domestic violence~~
 123 ~~centers. This association shall implement, administer, and~~
 124 ~~evaluate all services provided by the certified domestic~~
 125 ~~violence centers. The association shall receive and approve or~~
 126 ~~reject applications for funding of certified domestic violence~~
 127 ~~centers. When approving funding for a newly certified domestic~~
 128 ~~violence center, the association shall make every effort to~~
 129 ~~minimize any adverse economic impact on existing certified~~
 130 ~~domestic violence centers or services provided within the same~~
 131 ~~service area. In order to minimize duplication of services, the~~
 132 ~~association shall make every effort to encourage subcontracting~~
 133 ~~relationships with existing certified domestic violence centers~~
 134 ~~within the same service area. In distributing funds allocated by~~
 135 ~~the Legislature for certified domestic violence centers, the~~
 136 ~~association shall use a formula approved by the department as~~
 137 ~~specified in s. 39.905(7) (a).~~

138 (8) Consider applications from certified domestic violence
 139 centers for capital improvement grants and award those grants
 140 pursuant to s. 39.9055.

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141 (9) Adopt by rule procedures to administer this section,
 142 including developing criteria for the approval, suspension, or
 143 rejection of certification of domestic violence centers and
 144 developing minimum standards for domestic violence centers to
 145 ensure the health and safety of the clients in the centers.

146 Section 3. Section 39.9035, Florida Statutes, is created
 147 to read:

148 39.9035 Duties and functions of the coalition with respect
 149 to domestic violence.—As part of its delivery and management of
 150 the delivery of services for the state's domestic violence
 151 program, the coalition shall:

152 (1) Implement, administer, and evaluate all domestic
 153 violence services provided by the certified domestic violence
 154 centers.

155 (2) Receive and approve or reject applications for funding
 156 of certified domestic violence centers. When approving funding
 157 for a newly certified domestic violence center, the coalition
 158 shall make every effort to minimize any adverse economic impact
 159 on existing certified domestic violence centers or services
 160 provided within the same service area. In order to minimize
 161 duplication of services, the coalition shall make every effort
 162 to encourage subcontracting relationships with existing
 163 certified domestic violence centers within the same service
 164 area. In distributing funds allocated by the Legislature for
 165 certified domestic violence centers, the coalition shall use a
 166 formula approved by the department as specified in s.

167 39.905(7)(a).

168 (3) Evaluate certified domestic violence centers in order

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169 to determine compliance with minimum certification standards.

170 (4) Have the right to enter and inspect the premises of
 171 certified domestic violence centers for monitoring purposes.

172 Section 4. Section 39.904, Florida Statutes, is amended to
 173 read:

174 39.904 Report to the Legislature on the status of domestic
 175 violence cases.—On or before January 1 of each year, the
 176 coalition department shall furnish to the President of the
 177 Senate and the Speaker of the House of Representatives a report
 178 on the status of domestic violence in this state, which must
 179 ~~report shall~~ include, but need is not be limited to, the
 180 following:

181 (1) The incidence of domestic violence in this state.

182 (2) An identification of the areas of the state where
 183 domestic violence is of significant proportions, indicating the
 184 number of cases of domestic violence officially reported, as
 185 well as an assessment of the degree of unreported cases of
 186 domestic violence.

187 (3) An identification and description of the types of
 188 programs in the state which ~~that~~ assist victims of domestic
 189 violence or persons who commit domestic violence, including
 190 information on funding for the programs.

191 (4) The number of persons who receive services from ~~are~~
 192 ~~treated by or assisted by~~ local certified domestic violence
 193 programs that receive funding through the coalition department.

194 (5) The incidence of domestic violence homicides in the
 195 state, including information and data collected from state and
 196 local domestic violence fatality review teams. ~~A statement on~~

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197 ~~the effectiveness of such programs in preventing future domestic~~
 198 ~~violence.~~

199 ~~(6) An inventory and evaluation of existing prevention~~
 200 ~~programs.~~

201 ~~(7) A listing of potential prevention efforts identified~~
 202 ~~by the department; the estimated annual cost of providing such~~
 203 ~~prevention services, both for a single client and for the~~
 204 ~~anticipated target population as a whole; an identification of~~
 205 ~~potential sources of funding; and the projected benefits of~~
 206 ~~providing such services.~~

207 Section 5. Paragraphs (c), (g), and (i) of subsection (1),
 208 subsections (2), (3), and (5), paragraph (a) of subsection (6),
 209 and paragraph (b) of subsection (7) of section 39.905, Florida
 210 Statutes, are amended, and subsection (8) is added to that
 211 section, to read:

212 39.905 Domestic violence centers.—

213 (1) Domestic violence centers certified under this part
 214 must:

215 (c) Provide minimum services that ~~which~~ include, but are
 216 not limited to, information and referral services, counseling
 217 and case management services, temporary emergency shelter for
 218 more than 24 hours, a 24-hour hotline, training for law
 219 enforcement personnel, assessment and appropriate referral of
 220 resident children, and educational services for community
 221 awareness relative to the incidence of domestic violence, the
 222 prevention of such violence, and the services available ~~care,~~
 223 ~~treatment, and rehabilitation~~ for persons engaged in or subject
 224 to domestic violence. If a 24-hour hotline, professional

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225 training, or community education is already provided by a
226 certified domestic violence center within its designated service
227 area ~~a district~~, the department may exempt such certification
228 requirements for a new center serving the same service area
229 ~~district~~ in order to avoid duplication of services.

230 (g) File with the coalition ~~department~~ a list of the names
231 of the domestic violence advocates who are employed or who
232 volunteer at the domestic violence center who may claim a
233 privilege under s. 90.5036 to refuse to disclose a confidential
234 communication between a victim of domestic violence and the
235 advocate regarding the domestic violence inflicted upon the
236 victim. The list must include the title of the position held by
237 the advocate whose name is listed and a description of the
238 duties of that position. A domestic violence center must file
239 amendments to this list as necessary.

240 (i) If its center is a new center applying for
241 certification, demonstrate that the services provided address a
242 need identified in the most current statewide needs assessment
243 approved by the department. If the center applying for initial
244 certification proposes providing services in an area that has an
245 existing certified domestic violence center, the center applying
246 for initial certification must demonstrate the unmet need in
247 that service area and describe its efforts to avoid duplication
248 of services.

249 (2) If the department finds that there is failure by a
250 center to comply with the requirements established under this
251 part or with the rules adopted pursuant thereto, the department
252 may deny, suspend, or revoke the certification of the center.

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253 (3) The annual certificate ~~shall~~ automatically expires
 254 ~~expire~~ on June 30 of each state fiscal year unless the
 255 certification is temporarily extended to allow the center to
 256 implement a corrective action plan ~~the termination date shown on~~
 257 ~~the certificate.~~

258 (5) Domestic violence centers may be established
 259 throughout the state when private, local, state, or federal
 260 funds are available and a need is demonstrated.

261 (6) In order to receive state funds, a center must:

262 (a) Obtain certification pursuant to this part. However,
 263 the issuance of a certificate does ~~will~~ not obligate the
 264 coalition ~~department~~ to provide funding.

265 (7)

266 (b) A contract between the coalition ~~statewide association~~
 267 and a certified domestic violence center shall contain
 268 provisions ensuring ~~assuring~~ the availability and geographic
 269 accessibility of services throughout the service area ~~district~~.
 270 For this purpose, a center may distribute funds through
 271 subcontracts or to center satellites, if ~~provided~~ such
 272 arrangements and any subcontracts are approved by the coalition
 273 ~~statewide association.~~

274 (8) If any of the required services are exempted from
 275 certification by the department under this section, the center
 276 may not receive funding from the coalition for those services.

277 Section 6. Subsection (18) of section 381.006, Florida
 278 Statutes, is amended to read:

279 381.006 Environmental health.—The department shall conduct
 280 an environmental health program as part of fulfilling the

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281 state's public health mission. The purpose of this program is to
 282 detect and prevent disease caused by natural and manmade factors
 283 in the environment. The environmental health program shall
 284 include, but not be limited to:

285 (18) A food service inspection function for domestic
 286 violence centers that are certified by the Department of
 287 Children and Family Services and monitored by the Florida
 288 Coalition Against Domestic Violence ~~Department of Children and~~
 289 ~~Family Services~~ under part XII of chapter 39 and group care
 290 homes as described in subsection (16), which shall be conducted
 291 annually and be limited to the requirements in department rule
 292 applicable to community-based residential facilities with five
 293 or fewer residents.

294
 295 The department may adopt rules to carry out the provisions of
 296 this section.

297 Section 7. Paragraph (b) of subsection (1) of section
 298 381.0072, Florida Statutes, is amended to read:

299 381.0072 Food service protection.—It shall be the duty of
 300 the Department of Health to adopt and enforce sanitation rules
 301 consistent with law to ensure the protection of the public from
 302 food-borne illness. These rules shall provide the standards and
 303 requirements for the storage, preparation, serving, or display
 304 of food in food service establishments as defined in this
 305 section and which are not permitted or licensed under chapter
 306 500 or chapter 509.

307 (1) DEFINITIONS.—As used in this section, the term:

308 (b) "Food service establishment" means detention

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309 facilities, public or private schools, migrant labor camps,
 310 assisted living facilities, adult family-care homes, adult day
 311 care centers, short-term residential treatment centers,
 312 residential treatment facilities, homes for special services,
 313 transitional living facilities, crisis stabilization units,
 314 hospices, prescribed pediatric extended care centers,
 315 intermediate care facilities for persons with developmental
 316 disabilities, boarding schools, civic or fraternal
 317 organizations, bars and lounges, vending machines that dispense
 318 potentially hazardous foods at facilities expressly named in
 319 this paragraph, and facilities used as temporary food events or
 320 mobile food units at any facility expressly named in this
 321 paragraph, where food is prepared and intended for individual
 322 portion service, including the site at which individual portions
 323 are provided, regardless of whether consumption is on or off the
 324 premises and regardless of whether there is a charge for the
 325 food. The term does not include any entity not expressly named
 326 in this paragraph; nor does the term include a domestic violence
 327 center certified by the Department of Children and Family
 328 Services and monitored by the Florida Coalition Against Domestic
 329 Violence ~~Department of Children and Family Services~~ under part
 330 XII of chapter 39 if the center does not prepare and serve food
 331 to its residents and does not advertise food or drink for public
 332 consumption.

333 Section 8. Section 741.281, Florida Statutes, is amended
 334 to read:

335 741.281 Court to order batterers' intervention program
 336 attendance.—If a person is found guilty of, has ~~had~~ adjudication

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337 withheld on, or pleads ~~has pled~~ nolo contendere to a crime of
 338 domestic violence, as defined in s. 741.28, that person shall be
 339 ordered by the court to a minimum term of 1 year's probation and
 340 the court shall order that the defendant attend a batterers'
 341 intervention program as a condition of probation. The court must
 342 impose the condition of the batterers' intervention program for
 343 a defendant under this section, but the court, in its
 344 discretion, may determine not to impose the condition if it
 345 states on the record why a batterers' intervention program might
 346 be inappropriate. The court must impose the condition of the
 347 batterers' intervention program for a defendant placed on
 348 probation unless the court determines that the person does not
 349 qualify for the batterers' intervention program pursuant to s.
 350 741.325. ~~Effective July 1, 2002, the batterers' intervention~~
 351 ~~program must be a certified program under s. 741.32.~~ The
 352 imposition of probation under this section does ~~shall~~ not
 353 preclude the court from imposing any sentence of imprisonment
 354 authorized by s. 775.082.

355 Section 9. Paragraph (g) of subsection (2) of section
 356 741.2902, Florida Statutes, is amended to read:

357 741.2902 Domestic violence; legislative intent with
 358 respect to judiciary's role.—

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

362 (g) Consider requiring the perpetrator to complete a
 363 batterers' intervention program. It is preferred that such
 364 program meet the requirements specified in s. 741.325 ~~be~~

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365 ~~certified under s. 741.32.~~

366 Section 10. Paragraphs (a) and (e) of subsection (6) of
 367 section 741.30, Florida Statutes, are amended to read:

368 741.30 Domestic violence; injunction; powers and duties of
 369 court and clerk; petition; notice and hearing; temporary
 370 injunction; issuance of injunction; statewide verification
 371 system; enforcement.—

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

378 1. Restraining the respondent from committing any acts of
 379 domestic violence.

380 2. Awarding to the petitioner the exclusive use and
 381 possession of the dwelling that the parties share or excluding
 382 the respondent from the residence of the petitioner.

383 3. On the same basis as provided in chapter 61, providing
 384 the petitioner with 100 percent of the time-sharing in a
 385 temporary parenting plan that remains ~~shall remain~~ in effect
 386 until the order expires or an order is entered by a court of
 387 competent jurisdiction in a pending or subsequent civil action
 388 or proceeding affecting the placement of, access to, parental
 389 time with, adoption of, or parental rights and responsibilities
 390 for the minor child.

391 4. On the same basis as provided in chapter 61,
 392 establishing temporary support for a minor child or children or

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393 the petitioner. An order of temporary support remains in effect
 394 until the order expires or an order is entered by a court of
 395 competent jurisdiction in a pending or subsequent civil action
 396 or proceeding affecting child support.

397 5. Ordering the respondent to participate in treatment,
 398 intervention, or counseling services to be paid for by the
 399 respondent. When the court orders the respondent to participate
 400 in a batterers' intervention program, the court, or any entity
 401 designated by the court, must provide the respondent with a list
 402 of ~~all certified batterers' intervention programs and all~~
 403 ~~programs which have submitted an application to the Department~~
 404 ~~of Children and Family Services to become certified under s.~~
 405 ~~741.32,~~ from which the respondent must choose a program in which
 406 to participate. ~~If there are no certified batterers'~~
 407 ~~intervention programs in the circuit, the court shall provide a~~
 408 ~~list of acceptable programs from which the respondent must~~
 409 ~~choose a program in which to participate.~~

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

414 7. Ordering such other relief as the court deems necessary
 415 for the protection of a victim of domestic violence, including
 416 injunctions or directives to law enforcement agencies, as
 417 provided in this section.

418 (e) An injunction for protection against domestic violence
 419 entered pursuant to this section, on its face, may order that
 420 the respondent attend a batterers' intervention program as a

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421 condition of the injunction. Unless the court makes written
 422 factual findings in its judgment or order which are based on
 423 substantial evidence, stating why batterers' intervention
 424 programs would be inappropriate, the court shall order the
 425 respondent to attend a batterers' intervention program if:

426 1. It finds that the respondent willfully violated the ex
 427 parte injunction;

428 2. The respondent, in this state or any other state, has
 429 been convicted of, had adjudication withheld on, or pled nolo
 430 contendere to a crime involving violence or a threat of
 431 violence; or

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

435
 436 ~~It is mandatory that such programs be certified under s. 741.32.~~

437 Section 11. Subsection (5) of section 741.316, Florida
 438 Statutes, is amended to read:

439 741.316 Domestic violence fatality review teams;
 440 definition; membership; duties.—

441 (5) The domestic violence fatality review teams are
 442 assigned to the Florida Coalition Against Domestic Violence
 443 ~~Department of Children and Family Services~~ for administrative
 444 purposes.

445 Section 12. Section 741.32, Florida Statutes, is amended
 446 to read:

447 741.32 ~~Certification of~~ Batterers' intervention programs.—
 448 ~~(1)~~ The Legislature finds that the incidence of domestic

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449 | violence in this state ~~Florida~~ is disturbingly high, and that,
450 | despite the efforts of many to curb this violence, ~~that~~ one
451 | person dies at the hands of a spouse, ex-spouse, or cohabitant
452 | approximately every 3 days. Further, a child who witnesses the
453 | perpetration of this violence becomes a victim as he or she
454 | hears or sees it occurring. This child is at high risk of also
455 | being the victim of physical abuse by the parent who is
456 | perpetrating the violence and, to a lesser extent, by the parent
457 | who is the victim. These children are also at a high risk of
458 | perpetrating violent crimes as juveniles and, later, becoming
459 | perpetrators of the same violence that they witnessed as
460 | children. The Legislature finds that there should be
461 | standardized programming available to the justice system to
462 | protect victims and their children and to hold the perpetrators
463 | of domestic violence accountable for their acts. Finally, the
464 | Legislature recognizes that in order for batterers' intervention
465 | programs to be successful in protecting victims and their
466 | children, all participants in the justice system as well as
467 | social service agencies and local and state governments must
468 | coordinate their efforts at the community level.

469 | ~~(2) There is hereby established in the Department of~~
470 | ~~Children and Family Services an Office for Certification and~~
471 | ~~Monitoring of Batterers' Intervention Programs. The department~~
472 | ~~may certify and monitor both programs and personnel providing~~
473 | ~~direct services to those persons who are adjudged to have~~
474 | ~~committed an act of domestic violence as defined in s. 741.28,~~
475 | ~~those against whom an injunction for protection against domestic~~
476 | ~~violence is entered, those referred by the department, and those~~

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477 ~~who volunteer to attend such programs. The purpose of~~
 478 ~~certification of programs is to uniformly and systematically~~
 479 ~~standardize programs to hold those who perpetrate acts of~~
 480 ~~domestic violence responsible for those acts and to ensure~~
 481 ~~safety for victims of domestic violence. The certification and~~
 482 ~~monitoring shall be funded by user fees as provided in s.~~
 483 ~~741.327.~~

484 Section 13. Section 741.325, Florida Statutes, is amended
 485 to read:

486 741.325 Requirements for batterers' intervention programs
 487 ~~Guideline authority.~~-

488 (1) A batterers' intervention program must meet the
 489 following requirements ~~The Department of Children and Family~~
 490 ~~Services shall promulgate guidelines to govern purpose,~~
 491 ~~policies, standards of care, appropriate intervention~~
 492 ~~approaches, inappropriate intervention approaches during the~~
 493 ~~batterers' program intervention phase (to include couples~~
 494 ~~counseling and mediation), conflicts of interest, assessment,~~
 495 ~~program content and specifics, qualifications of providers, and~~
 496 ~~credentials for facilitators, supervisors, and trainees. The~~
 497 ~~department shall, in addition, establish specific procedures~~
 498 ~~governing all aspects of program operation, including~~
 499 ~~administration, personnel, fiscal matters, victim and batterer~~
 500 ~~records, education, evaluation, referral to treatment and other~~
 501 ~~matters as needed. In addition, the rules shall establish:~~

502 (a) (1) ~~That~~ The primary purpose of the program ~~programs~~
 503 shall be victim safety and the safety of the children, if
 504 present.

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505 ~~(b)(2) That~~ The batterer shall be held accountable for
 506 acts of domestic violence.

507 ~~(c)(3) That~~ The program ~~programs~~ shall be at least 29
 508 weeks in length and ~~shall~~ include 24 weekly sessions, plus
 509 appropriate intake, assessment, and orientation programming.

510 ~~(d)(4) That~~ The program content shall be based on ~~be~~ a
 511 psychoeducational model that addresses ~~employs a program content~~
 512 ~~based on~~ tactics of power and control by one person over
 513 another.

514 ~~(5) That the programs and those who are facilitators,~~
 515 ~~supervisors, and trainees be certified to provide these programs~~
 516 ~~through initial certification and that the programs and~~
 517 ~~personnel be annually monitored to ensure that they are meeting~~
 518 ~~specified standards.~~

519 ~~(e)(6) The intent that~~ The program shall ~~programs~~ be user-
 520 fee funded by user with fees paid by ~~from~~ the batterers who
 521 attend the program, which allows them to take as payment for
 522 ~~programs is important to the batterer taking~~ responsibility for
 523 their acts ~~the act of violence, and from those seeking~~
 524 certification. An exception shall be made for ~~those~~ local,
 525 state, or federal programs that fund batterers' intervention
 526 programs in whole or in part.

527 ~~(7) Standards for rejection and suspension for failure to~~
 528 ~~meet certification standards.~~

529 ~~(2)(8) The requirements of this section~~ That these
 530 ~~standards shall~~ apply only to programs that address the
 531 perpetration of violence between intimate partners, spouses, ex-
 532 spouses, or those who share a child in common or who are

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533 | cohabitants in intimate relationships for the purpose of
 534 | exercising power and control by one over the other. It will
 535 | endanger victims if courts and other referral agencies refer
 536 | family and household members who are not perpetrators of the
 537 | type of domestic violence encompassed by these requirements
 538 | ~~standards~~. Accordingly, the court and others who make referrals
 539 | should refer perpetrators only to programming that appropriately
 540 | addresses the violence committed.

541 | Section 14. Section 741.327, Florida Statutes, is
 542 | repealed.

543 | Section 15. Section 948.038, Florida Statutes, is amended
 544 | to read:

545 | 948.038 Batterers' intervention program as a condition of
 546 | probation, community control, or other court-ordered community
 547 | supervision.—As a condition of probation, community control, or
 548 | any other court-ordered community supervision, the court shall
 549 | order a person convicted of an offense of domestic violence, as
 550 | defined in s. 741.28, to attend and successfully complete a
 551 | batterers' intervention program unless the court determines that
 552 | the person does not qualify for the batterers' intervention
 553 | program pursuant to s. 741.325. The ~~batterers' intervention~~
 554 | ~~program must be a program certified under s. 741.32, and the~~
 555 | offender must pay the cost of attending the program.

556 | Section 16. Paragraph (a) of subsection (1) of section
 557 | 938.01, Florida Statutes, is amended to read:

558 | 938.01 Additional Court Cost Clearing Trust Fund.—

559 | (1) All courts created by Art. V of the State Constitution
 560 | shall, in addition to any fine or other penalty, require every

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561 person convicted for violation of a state penal or criminal
562 statute or convicted for violation of a municipal or county
563 ordinance to pay \$3 as a court cost. Any person whose
564 adjudication is withheld pursuant to the provisions of s.
565 318.14(9) or (10) shall also be liable for payment of such cost.
566 In addition, \$3 from every bond estreature or forfeited bail
567 bond related to such penal statutes or penal ordinances shall be
568 remitted to the Department of Revenue as described in this
569 subsection. However, no such assessment may be made against any
570 person convicted for violation of any state statute, municipal
571 ordinance, or county ordinance relating to the parking of
572 vehicles.

573 (a) All costs collected by the courts pursuant to this
574 subsection shall be remitted to the Department of Revenue in
575 accordance with administrative rules adopted by the executive
576 director of the Department of Revenue for deposit in the
577 Additional Court Cost Clearing Trust Fund. These funds and the
578 funds deposited in the Additional Court Cost Clearing Trust Fund
579 pursuant to s. 318.21(2)(c) shall be distributed as follows:

580 1. Ninety-two percent to the Department of Law Enforcement
581 Criminal Justice Standards and Training Trust Fund.

582 2. Six and three-tenths percent to the Department of Law
583 Enforcement Operating Trust Fund for the Criminal Justice Grant
584 Program.

585 3. One and seven-tenths percent to the Department of
586 Children and Family Services Domestic Violence Trust Fund for
587 the domestic violence program pursuant to s. 39.903(1)~~(3)~~.

588 Section 17. This act shall take effect July 1, 2012.