

1 A bill to be entitled
 2 An act relating to domestic violence; amending s. 39.903,
 3 F.S.; revising provisions relating to certification of
 4 domestic violence centers; providing specified additional
 5 duties for and authority of the Florida Coalition Against
 6 Domestic Violence; revising the duties of the Department
 7 of Children and Family Services; requiring the department
 8 to contract with the Florida Coalition Against Domestic
 9 Violence for specified purposes; amending s. 39.904, F.S.;
 10 requiring the Florida Coalition Against Domestic Violence
 11 rather than the department to make a specified annual
 12 report; revising the contents of the report; amending s.
 13 39.905, F.S.; requiring the Florida Coalition Against
 14 Domestic Violence rather than the department to perform
 15 certain duties relating to certification of domestic
 16 violence centers; revising provisions relating to
 17 certification of domestic violence centers; requiring a
 18 demonstration of need for certification of a new domestic
 19 violence center; revising provisions relating to
 20 expiration of a center's annual certificate; amending ss.
 21 381.006, 381.0072, 741.281, 741.2902, 741.30, and 741.316,
 22 F.S.; conforming provisions to changes made by the act;
 23 amending s. 741.32, F.S.; deleting provisions relating to
 24 certification of batterers' intervention programs by the
 25 Department of Children and Family Services; amending s.
 26 741.325, F.S.; revising the requirements for batterers'
 27 intervention programs; repealing s. 741.327, F.S.,
 28 relating to certification and monitoring of batterers'

PCB HCAS 11-05

ORIGINAL

2011

29 intervention programs; amending ss. 948.038 and 938.01,
 30 F.S.; conforming provisions to changes made by the act;
 31 providing an effective date.

32

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

34

35 Section 1. Section 39.903, Florida Statutes, is amended to
 36 read:

37 39.903 Duties and functions of the department with respect
 38 to domestic violence.—

39 (1) The department shall:

40 (a) Develop by rule criteria for the approval or rejection
 41 of domestic violence centers applying for initial certification
 42 after July 1, 2011 ~~certification or funding of domestic violence~~
 43 ~~centers.~~

44 (b) Develop by rule minimum standards for domestic
 45 violence centers to ensure the health and safety of the clients
 46 in the centers.

47 (c) Receive and approve or reject applications for initial
 48 certification of domestic violence centers. Such certification
 49 shall be renewed annually thereafter by the department upon a
 50 favorable monitoring report by the Florida Coalition Against
 51 Domestic Violence. If any of the required services are exempted
 52 from certification by the department under s. 39.905(1)(c), the
 53 center may ~~shall~~ not receive funding from the Florida Coalition
 54 Against Domestic Violence for those services.

55 (d) Have ~~Evaluate each certified domestic violence center~~
 56 ~~annually to ensure compliance with the minimum standards. The~~

57 ~~department has~~ the right to enter and inspect the premises of
 58 domestic violence centers applying for an initial certification
 59 after July 1, 2011, ~~certified domestic violence centers at any~~
 60 ~~reasonable hour in order~~ to effectively evaluate the state of
 61 compliance with minimum standards ~~of these centers with this~~
 62 ~~part and rules relating to this part.~~ The Florida Coalition
 63 Against Domestic Violence has the right to enter and inspect the
 64 premises of certified domestic violence centers for monitoring
 65 purposes.

66 (e) Adopt rules to implement this part.

67 (f) Promote the involvement of certified domestic violence
 68 centers in the coordination, development, and planning of
 69 domestic violence programming in the circuits ~~districts and the~~
 70 ~~state.~~

71 ~~(2) The department shall serve as a clearinghouse for~~
 72 ~~information relating to domestic violence.~~

73 ~~(2)~~(3) The department shall operate the domestic violence
 74 program and partner with the Florida Coalition Against Domestic
 75 Violence in, ~~which provides supervision, direction,~~
 76 ~~coordination,~~ and administration of statewide activities related
 77 to the prevention of domestic violence.

78 ~~(3)~~(4) The department shall coordinate with state agencies
 79 having health, education, or criminal justice responsibilities
 80 to raise awareness of domestic violence and promote consistent
 81 policy implementation ~~enlist the assistance of public and~~
 82 ~~voluntary health, education, welfare, and rehabilitation~~
 83 ~~agencies in a concerted effort to prevent domestic violence and~~
 84 ~~to treat persons engaged in or subject to domestic violence.~~

85 ~~With the assistance of these agencies, the department, within~~
 86 ~~existing resources, shall formulate and conduct a research and~~
 87 ~~evaluation program on domestic violence. Efforts on the part of~~
 88 ~~these agencies to obtain relevant grants to fund this research~~
 89 ~~and evaluation program must be supported by the department.~~

90 (4) The department shall serve as the lead agency for
 91 application of relevant federal grants and the coordinator of
 92 the state's STOP Implementation Plan pursuant to the federal
 93 Violence Against Women Act which promotes domestic violence
 94 awareness, increases services to victims, and strengthens
 95 perpetrator accountability.

96 ~~(5) The department shall develop and provide educational~~
 97 ~~programs on domestic violence for the benefit of the general~~
 98 ~~public, persons engaged in or subject to domestic violence,~~
 99 ~~professional persons, or others who care for or may be engaged~~
 100 ~~in the care and treatment of persons engaged in or subject to~~
 101 ~~domestic violence.~~

102 (5)(6) The department shall cooperate with, assist in, and
 103 participate in, programs of other properly qualified state
 104 agencies, federal agencies, private organizations including any
 105 agency of the Federal Government, schools of medicine,
 106 hospitals, and clinics, in planning and conducting research on
 107 the prevention of domestic violence and provision of services to
 108 clients, care, treatment, and rehabilitation of persons engaged
 109 in or subject to domestic violence.

110 (6)(7) The department shall contract with the Florida
 111 Coalition Against Domestic Violence, the a statewide association
 112 whose primary purpose is to represent and provide technical

113 | assistance to certified domestic violence centers, for the
 114 | delivery and management of the delivery of services for the
 115 | state's domestic violence program. Services under this contract
 116 | shall include, but are not limited to, administration of
 117 | contracts and grants associated with the implementation of the
 118 | state's STOP Implementation Plan pursuant to the federal
 119 | Violence Against Women Act and the implementation of other
 120 | federal grants as directed by the department. As part of its
 121 | management of the delivery of services for the state's domestic
 122 | violence program, the coalition ~~This association~~ shall
 123 | implement, administer, and evaluate all services provided by the
 124 | certified domestic violence centers, ~~. The association shall~~
 125 | receive and approve or reject applications for funding of
 126 | certified domestic violence centers, and evaluate certified
 127 | domestic violence centers to determine compliance with
 128 | certification minimum standards. When approving funding for a
 129 | newly certified domestic violence center, the association shall
 130 | make every effort to minimize any adverse economic impact on
 131 | existing certified domestic violence centers or services
 132 | provided within the same service area. In order to minimize
 133 | duplication of services, the association shall make every effort
 134 | to encourage subcontracting relationships with existing
 135 | certified domestic violence centers within the same service
 136 | area. In distributing funds allocated by the Legislature for
 137 | certified domestic violence centers, the association shall use a
 138 | formula approved by the department as specified in s.
 139 | 39.905 (7) (a) .

140 (7) The department shall consider and award applications
 141 from certified domestic violence centers for capital improvement
 142 grants pursuant to s. 39.9055.

143 Section 2. Section 39.904, Florida Statutes, is amended to
 144 read:

145 39.904 Report to the Legislature on the status of domestic
 146 violence cases.—On or before January 1 of each year, the Florida
 147 Coalition Against Domestic Violence ~~department~~ shall furnish to
 148 the President of the Senate and the Speaker of the House of
 149 Representatives a report on the status of domestic violence in
 150 this state, which ~~report~~ shall include, but is not limited to,
 151 the following:

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

153 (2) An identification of the areas of the state where
 154 domestic violence is of significant proportions, indicating the
 155 number of cases of domestic violence officially reported, as
 156 well as an assessment of the degree of unreported cases of
 157 domestic violence.

158 (3) An identification and description of the types of
 159 programs in the state that assist victims of domestic violence
 160 or persons who commit domestic violence, including information
 161 on funding for the programs.

162 (4) The number of persons who receive services from ~~are~~
 163 ~~treated by or assisted by~~ local certified domestic violence
 164 programs that receive funding through the Florida Coalition
 165 Against Domestic Violence ~~department~~.

166 (5) The incidence of domestic violence homicides in the
 167 state, including information and data collected from state and

PCB HCAS 11-05

ORIGINAL

2011

168 local domestic violence fatality review teams.

169 ~~(5) A statement on the effectiveness of such programs in~~
 170 ~~preventing future domestic violence.~~

171 ~~(6) An inventory and evaluation of existing prevention~~
 172 ~~programs.~~

173 ~~(7) A listing of potential prevention efforts identified~~
 174 ~~by the department; the estimated annual cost of providing such~~
 175 ~~prevention services, both for a single client and for the~~
 176 ~~anticipated target population as a whole; an identification of~~
 177 ~~potential sources of funding; and the projected benefits of~~
 178 ~~providing such services.~~

179 Section 3. Paragraphs (c), (g), and (i) of subsection (1),
 180 subsections (2), (3), and (5), paragraph (a) of subsection (6),
 181 and paragraph (b) of subsection (7) of section 39.905, Florida
 182 Statutes, are amended to read:

183 39.905 Domestic violence centers.—

184 (1) Domestic violence centers certified under this part
 185 must:

186 (c) Provide minimum services that ~~which~~ include, but are
 187 not limited to, information and referral services, counseling
 188 and case management services, temporary emergency shelter for
 189 more than 24 hours, a 24-hour hotline, training for law
 190 enforcement personnel, assessment and appropriate referral of
 191 resident children, and educational services for community
 192 awareness relative to the incidence of domestic violence, the
 193 prevention of such violence, and the services available ~~care,~~
 194 ~~treatment, and rehabilitation~~ for persons engaged in or subject
 195 to domestic violence. If a 24-hour hotline, professional

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

201 (g) File with the Florida Coalition Against Domestic
 202 Violence ~~department~~ a list of the names of the domestic violence
 203 advocates who are employed or who volunteer at the domestic
 204 violence center who may claim a privilege under s. 90.5036 to
 205 refuse to disclose a confidential communication between a victim
 206 of domestic violence and the advocate regarding the domestic
 207 violence inflicted upon the victim. The list must include the
 208 title of the position held by the advocate whose name is listed
 209 and a description of the duties of that position. A domestic
 210 violence center must file amendments to this list as necessary.

211 (i) If its center is a new center applying for
 212 certification, demonstrate that the services provided address a
 213 need identified in the most current statewide needs assessment
 214 approved by the department. If the center applying for initial
 215 certification proposes providing services in an area where a
 216 certified domestic violence center exists, it must demonstrate
 217 the unmet need by the existing center and describe any efforts
 218 to reduce duplication of services.

219 (2) If the department finds that there is failure by a
 220 center to comply with the requirements established under this
 221 part or with the rules adopted pursuant thereto, the department
 222 may deny, suspend, or revoke the certification of the center.
 223 The grant, denial, suspension, or revocation of certification

224 does not constitute agency action under chapter 120.

225 (3) The annual certificate ~~shall~~ automatically expires
 226 expire on December 31 unless the certification is temporarily
 227 extended to allow the center to implement corrective action
 228 plans the termination date shown on the certificate.

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

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

233 (a) Obtain certification pursuant to this part. However,
 234 the issuance of a certificate does ~~will~~ not obligate the Florida
 235 Coalition Against Domestic Violence ~~department~~ to provide
 236 funding.

237 (7)

238 (b) A contract between the Florida Coalition Against
 239 Domestic Violence ~~statewide association~~ and a certified domestic
 240 violence center shall contain provisions ensuring ~~assuring~~ the
 241 availability and geographic accessibility of services throughout
 242 the service area ~~district~~. For this purpose, a center may
 243 distribute funds through subcontracts or to center satellites,
 244 if provided such arrangements and any subcontracts are approved
 245 by the Florida Coalition Against Domestic Violence ~~statewide~~
 246 ~~association.~~

247 Section 4. Subsection (18) of section 381.006, Florida
 248 Statutes, is amended to read:

249 381.006 Environmental health.—The department shall conduct
 250 an environmental health program as part of fulfilling the
 251 state's public health mission. The purpose of this program is to

252 detect and prevent disease caused by natural and manmade factors
 253 in the environment. The environmental health program shall
 254 include, but not be limited to:

255 (18) A food service inspection function for domestic
 256 violence centers that are certified and monitored by the Florida
 257 Coalition Against Domestic Violence ~~Department of Children and~~
 258 ~~Family Services~~ under part XIII of chapter 39 and group care
 259 homes as described in subsection (16), which shall be conducted
 260 annually and be limited to the requirements in department rule
 261 applicable to community-based residential facilities with five
 262 or fewer residents.

263
 264 The department may adopt rules to carry out the provisions of
 265 this section.

266 Section 5. Paragraph (b) of subsection (1) of section
 267 381.0072, Florida Statutes, is amended to read:

268 381.0072 Food service protection.—It shall be the duty of
 269 the Department of Health to adopt and enforce sanitation rules
 270 consistent with law to ensure the protection of the public from
 271 food-borne illness. These rules shall provide the standards and
 272 requirements for the storage, preparation, serving, or display
 273 of food in food service establishments as defined in this
 274 section and which are not permitted or licensed under chapter
 275 500 or chapter 509.

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

277 (b) "Food service establishment" means detention
 278 facilities, public or private schools, migrant labor camps,
 279 assisted living facilities, adult family-care homes, adult day

280 care centers, short-term residential treatment centers,
 281 residential treatment facilities, homes for special services,
 282 transitional living facilities, crisis stabilization units,
 283 hospices, prescribed pediatric extended care centers,
 284 intermediate care facilities for persons with developmental
 285 disabilities, boarding schools, civic or fraternal
 286 organizations, bars and lounges, vending machines that dispense
 287 potentially hazardous foods at facilities expressly named in
 288 this paragraph, and facilities used as temporary food events or
 289 mobile food units at any facility expressly named in this
 290 paragraph, where food is prepared and intended for individual
 291 portion service, including the site at which individual portions
 292 are provided, regardless of whether consumption is on or off the
 293 premises and regardless of whether there is a charge for the
 294 food. The term does not include any entity not expressly named
 295 in this paragraph; nor does the term include a domestic violence
 296 center certified and monitored by the Florida Coalition Against
 297 Domestic Violence ~~Department of Children and Family Services~~
 298 under part XIII of chapter 39 if the center does not prepare and
 299 serve food to its residents and does not advertise food or drink
 300 for public consumption.

301 Section 6. Section 741.281, Florida Statutes, is amended
 302 to read:

303 741.281 Court to order batterers' intervention program
 304 attendance.—If a person is found guilty of, has ~~had~~ adjudication
 305 withheld on, or pleads ~~has pled~~ nolo contendere to a crime of
 306 domestic violence, as defined in s. 741.28, that person shall be
 307 ordered by the court to a minimum term of 1 year's probation and

PCB HCAS 11-05

ORIGINAL

2011

308 the court shall order that the defendant attend a batterers'
 309 intervention program as a condition of probation. The court must
 310 impose the condition of the batterers' intervention program for
 311 a defendant under this section, but the court, in its
 312 discretion, may determine not to impose the condition if it
 313 states on the record why a batterers' intervention program might
 314 be inappropriate. The court must impose the condition of the
 315 batterers' intervention program for a defendant placed on
 316 probation unless the court determines that the person does not
 317 qualify for the batterers' intervention program pursuant to s.
 318 741.325. ~~Effective July 1, 2002, the batterers' intervention~~
 319 ~~program must be a certified program under s. 741.32.~~ The
 320 imposition of probation under this section does ~~shall~~ not
 321 preclude the court from imposing any sentence of imprisonment
 322 authorized by s. 775.082.

323 Section 7. Paragraph (g) of subsection (2) of section
 324 741.2902, Florida Statutes, is amended to read:

325 741.2902 Domestic violence; legislative intent with
 326 respect to judiciary's role.-

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

330 (g) Consider requiring the perpetrator to complete a
 331 batterers' intervention program. It is preferred that such
 332 program include requirements as stated in s. 741.325 ~~be~~
 333 ~~certified under s. 741.32.~~

334 Section 8. Paragraphs (a) and (e) of subsection (6) of
 335 section 741.30, Florida Statutes, are amended to read:

336 741.30 Domestic violence; injunction; powers and duties of
 337 court and clerk; petition; notice and hearing; temporary
 338 injunction; issuance of injunction; statewide verification
 339 system; enforcement.—

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

346 1. Restraining the respondent from committing any acts of
 347 domestic violence.

348 2. Awarding to the petitioner the exclusive use and
 349 possession of the dwelling that the parties share or excluding
 350 the respondent from the residence of the petitioner.

351 3. On the same basis as provided in chapter 61, providing
 352 the petitioner with 100 percent of the time-sharing in a
 353 temporary parenting plan that shall remain in effect until the
 354 order expires or an order is entered by a court of competent
 355 jurisdiction in a pending or subsequent civil action or
 356 proceeding affecting the placement of, access to, parental time
 357 with, adoption of, or parental rights and responsibilities for
 358 the minor child.

359 4. On the same basis as provided in chapter 61,
 360 establishing temporary support for a minor child or children or
 361 the petitioner. An order of temporary support remains in effect
 362 until the order expires or an order is entered by a court of
 363 competent jurisdiction in a pending or subsequent civil action

364 or proceeding affecting child support.

365 5. Ordering the respondent to participate in treatment,
 366 intervention, or counseling services to be paid for by the
 367 respondent. When the court orders the respondent to participate
 368 in a batterers' intervention program, the court, or any entity
 369 designated by the court, must provide the respondent with a list
 370 of all certified batterers' intervention programs and all
 371 programs that ~~which~~ have submitted an application ~~to the~~
 372 ~~Department of Children and Family Services~~ to become certified
 373 ~~under s. 741.32~~, from which the respondent must choose a program
 374 in which to participate. If there are no certified batterers'
 375 intervention programs in the circuit, the court shall provide a
 376 list of acceptable programs from which the respondent must
 377 choose a program in which to participate.

378 6. Referring a petitioner to a certified domestic violence
 379 center. The court must provide the petitioner with a list of
 380 certified domestic violence centers in the circuit which the
 381 petitioner may contact.

382 7. Ordering such other relief as the court deems necessary
 383 for the protection of a victim of domestic violence, including
 384 injunctions or directives to law enforcement agencies, as
 385 provided in this section.

386 (e) An injunction for protection against domestic violence
 387 entered pursuant to this section, on its face, may order that
 388 the respondent attend a batterers' intervention program as a
 389 condition of the injunction. Unless the court makes written
 390 factual findings in its judgment or order which are based on
 391 substantial evidence, stating why batterers' intervention

PCB HCAS 11-05

ORIGINAL

2011

392 programs would be inappropriate, the court shall order the
 393 respondent to attend a batterers' intervention program if:

394 1. It finds that the respondent willfully violated the ex
 395 parte injunction;

396 2. The respondent, in this state or any other state, has
 397 been convicted of, had adjudication withheld on, or pled nolo
 398 contendere to a crime involving violence or a threat of
 399 violence; or

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

403
 404 It is mandatory that such programs be certified under this part
 405 ~~s. 741.32.~~

406 Section 9. Subsection (5) of section 741.316, Florida
 407 Statutes, is amended to read:

408 741.316 Domestic violence fatality review teams;
 409 definition; membership; duties.—

410 (5) The domestic violence fatality review teams are
 411 assigned to the Florida Coalition Against Domestic Violence
 412 ~~Department of Children and Family Services~~ for administrative
 413 purposes.

414 Section 10. Section 741.32, Florida Statutes, is amended
 415 to read:

416 741.32 ~~Certification of~~ Batterers' intervention programs.—

417 ~~(1)~~ The Legislature finds that the incidence of domestic
 418 violence in this state ~~Florida~~ is disturbingly high, and that,
 419 despite the efforts of many to curb this violence, ~~that~~ one

PCB HCAS 11-05

ORIGINAL

2011

420 person dies at the hands of a spouse, ex-spouse, or cohabitant
 421 approximately every 3 days. Further, a child who witnesses the
 422 perpetration of this violence becomes a victim as he or she
 423 hears or sees it occurring. This child is at high risk of also
 424 being the victim of physical abuse by the parent who is
 425 perpetrating the violence and, to a lesser extent, by the parent
 426 who is the victim. These children are also at a high risk of
 427 perpetrating violent crimes as juveniles and, later, becoming
 428 perpetrators of the same violence that they witnessed as
 429 children. The Legislature finds that there should be
 430 standardized programming available to the justice system to
 431 protect victims and their children and to hold the perpetrators
 432 of domestic violence accountable for their acts. Finally, the
 433 Legislature recognizes that in order for batterers' intervention
 434 programs to be successful in protecting victims and their
 435 children, all participants in the justice system as well as
 436 social service agencies and local and state governments must
 437 coordinate their efforts at the community level.

438 ~~(2) There is hereby established in the Department of~~
 439 ~~Children and Family Services an Office for Certification and~~
 440 ~~Monitoring of Batterers' Intervention Programs. The department~~
 441 ~~may certify and monitor both programs and personnel providing~~
 442 ~~direct services to those persons who are adjudged to have~~
 443 ~~committed an act of domestic violence as defined in s. 741.28,~~
 444 ~~those against whom an injunction for protection against domestic~~
 445 ~~violence is entered, those referred by the department, and those~~
 446 ~~who volunteer to attend such programs. The purpose of~~
 447 ~~certification of programs is to uniformly and systematically~~

448 ~~standardize programs to hold those who perpetrate acts of~~
 449 ~~domestic violence responsible for those acts and to ensure~~
 450 ~~safety for victims of domestic violence. The certification and~~
 451 ~~monitoring shall be funded by user fees as provided in s.~~
 452 ~~741.327.~~

453 Section 11. Section 741.325, Florida Statutes, is amended
 454 to read:

455 741.325 Requirements for batterers' intervention programs
 456 Guideline authority.—

457 (1) A batterers' intervention program shall meet the
 458 following requirements ~~The Department of Children and Family~~
 459 ~~Services shall promulgate guidelines to govern purpose,~~
 460 ~~policies, standards of care, appropriate intervention~~
 461 ~~approaches, inappropriate intervention approaches during the~~
 462 ~~batterers' program intervention phase (to include couples~~
 463 ~~counseling and mediation), conflicts of interest, assessment,~~
 464 ~~program content and specifics, qualifications of providers, and~~
 465 ~~credentials for facilitators, supervisors, and trainees. The~~
 466 ~~department shall, in addition, establish specific procedures~~
 467 ~~governing all aspects of program operation, including~~
 468 ~~administration, personnel, fiscal matters, victim and batterer~~
 469 ~~records, education, evaluation, referral to treatment and other~~
 470 ~~matters as needed. In addition, the rules shall establish:~~

471 (a) (1) ~~That~~ The primary purpose of the program ~~programs~~
 472 shall be victim safety and the safety of the children, if
 473 present.

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

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

479 ~~(d)(4) That~~ The program shall be a psychoeducational model
 480 that employs a program content based on tactics of power and
 481 control by one person over another.

482 ~~(5) That the programs and those who are facilitators,~~
 483 ~~supervisors, and trainees be certified to provide these programs~~
 484 ~~through initial certification and that the programs and~~
 485 ~~personnel be annually monitored to ensure that they are meeting~~
 486 ~~specified standards.~~

487 ~~(e)(6) The intent that~~ The program shall ~~programs~~ be user-
 488 fee funded with fees from the batterers who attend the program
 489 as payment, which ~~for programs~~ is important to the batterer
 490 taking responsibility for the act of violence, ~~and from those~~
 491 ~~seeking certification.~~ Exception shall be made for those local,
 492 state, or federal programs that fund batterers' intervention
 493 programs in whole or in part.

494 ~~(7) Standards for rejection and suspension for failure to~~
 495 ~~meet certification standards.~~

496 ~~(2)(8) The requirements of this section~~ That these
 497 ~~standards shall~~ apply only to programs that address the
 498 perpetration of violence between intimate partners, spouses, ex-
 499 spouses, or those who share a child in common or who are
 500 cohabitants in intimate relationships for the purpose of
 501 exercising power and control by one over the other. It will
 502 endanger victims if courts and other referral agencies refer
 503 family and household members who are not perpetrators of the

504 type of domestic violence encompassed by these requirements
 505 ~~standards~~. Accordingly, the court and others who make referrals
 506 should refer perpetrators only to programming that appropriately
 507 addresses the violence committed.

508 Section 12. Section 741.327, Florida Statutes, is
 509 repealed.

510 Section 13. Section 948.038, Florida Statutes, is amended
 511 to read:

512 948.038 Batterers' intervention program as a condition of
 513 probation, community control, or other court-ordered community
 514 supervision.—As a condition of probation, community control, or
 515 any other court-ordered community supervision, the court shall
 516 order a person convicted of an offense of domestic violence, as
 517 defined in s. 741.28, to attend and successfully complete a
 518 batterers' intervention program unless the court determines that
 519 the person does not qualify for the batterers' intervention
 520 program pursuant to s. 741.325. ~~The batterers' intervention~~
 521 ~~program must be a program certified under s. 741.32, and The~~
 522 offender must pay the cost of attending the program.

523 Section 14. Paragraph (a) of subsection (1) of section
 524 938.01, Florida Statutes, is amended to read:

525 938.01 Additional Court Cost Clearing Trust Fund.—

526 (1) All courts created by Art. V of the State Constitution
 527 shall, in addition to any fine or other penalty, require every
 528 person convicted for violation of a state penal or criminal
 529 statute or convicted for violation of a municipal or county
 530 ordinance to pay \$3 as a court cost. Any person whose
 531 adjudication is withheld pursuant to the provisions of s.

PCB HCAS 11-05

ORIGINAL

2011

532 318.14(9) or (10) shall also be liable for payment of such cost.
 533 In addition, \$3 from every bond estreature or forfeited bail
 534 bond related to such penal statutes or penal ordinances shall be
 535 remitted to the Department of Revenue as described in this
 536 subsection. However, no such assessment may be made against any
 537 person convicted for violation of any state statute, municipal
 538 ordinance, or county ordinance relating to the parking of
 539 vehicles.

540 (a) All costs collected by the courts pursuant to this
 541 subsection shall be remitted to the Department of Revenue in
 542 accordance with administrative rules adopted by the executive
 543 director of the Department of Revenue for deposit in the
 544 Additional Court Cost Clearing Trust Fund. These funds and the
 545 funds deposited in the Additional Court Cost Clearing Trust Fund
 546 pursuant to s. 318.21(2)(c) shall be distributed as follows:

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

549 2. Six and three-tenths percent to the Department of Law
 550 Enforcement Operating Trust Fund for the Criminal Justice Grant
 551 Program.

552 3. One and seven-tenths percent to the Department of
 553 Children and Family Services Domestic Violence Trust Fund for
 554 the domestic violence program pursuant to s. 39.903 (2) ~~(3)~~.

555 Section 15. This act shall take effect July 1, 2011.