

THE FLORIDA LEGISLATURE



May 5, 2011

The Honorable Mike Haridopolos
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on HB 5309, same being:

An act relating to domestic violence.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

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The Conference Committee Amendment for HB 5309, relating to domestic violence, provides for the following:

- Specifies the duties and functions of the department with respect to domestic violence:
 - The department shall develop, by rule, criteria for the approval or rejection of domestic violence centers applying for initial certification. Certification shall thereafter be renewed annually upon a favorable monitoring report from the Florida Coalition Against Domestic Violence (FCADV).
 - The department has the right to enter and inspect the premises of domestic violence centers applying for initial certification.
 - The FCADV will have the right to enter and inspect the premises of certified domestic violence centers for monitoring purposes. The department shall operate the domestic violence program and partner with the FCADV.
 - The department shall coordinate with state agencies having health, education, or criminal justice responsibilities to raise awareness of domestic violence.
 - The department shall serve as the lead agency for application of relevant federal grants and the coordinator of the state's Services, Training, Officers, Prosecutors (STOP) implementation Plan.
 - The department shall contract with the FCADV for the delivery services for the state's domestic violence program. Services under this contract shall include: administration of contracts and grants associated with the implementation of the state's STOP Implementation Plan pursuant to the federal Violence Against Women Act and the implementation of other federal grants as directed by the department.
- Specifies that the FCADV shall furnish a report to the Legislature, before January 1 of each year, on the status of domestic violence cases. The report shall include: number of persons who receive services, the incidence of domestic violence homicides to include data collected from state and local domestic violence fatality review teams.
- Specifies that when a domestic violence center applies for initial certification in an area where a certified domestic violence center already exists, it must demonstrate that there is an unmet need not being provided by the existing center. Provides that certification of a domestic violence center expires on December 31 unless the certification is extended to allow the center to implement corrective action.
- Specifies that FCADV rather than the department will conduct annual food service inspection functions for domestic violence shelters.
- Specifies that FCADV in monitoring domestic violence centers will not apply the term "food service establishment" if the center does not prepare and serve food.
- Eliminates the requirement that a batterers' intervention program must be a certified program under s. 741.32, F.S.
- Amends statute relating to the legislative intent with regard to the judiciary role in domestic violence and to batterers' intervention programs.
- Eliminates the department in regards to receiving applications for certification of batterers' intervention programs. When the court provides a list of batterers' intervention programs to order a respondent into a program it will not be certified by the department.
- Amends s. 741.30, F.S., eliminating references to certified batterers' intervention programs.
- Specifies that domestic violence fatality review teams are assigned to the FCADV rather than the department.

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- Eliminates the Office for Certification and Monitoring of Batterers' Intervention Program from the department.
- Eliminates the department's responsibility to create guidelines and conformity to removal of certification.
- Repeals s. 741.327, F.S., thereby eliminating fees for batterers' intervention programs.
- Eliminates the requirement that batterers' intervention programs must be a program certified under s. 741.32, F.S., conforming to removal of certification.
- Provides an effective date of July 1, 2011.