

FOR CONSIDERATION By the Committee on Budget

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1 A bill to be entitled
2 An act relating to the Department of Children and
3 Family Services; reordering and amending s. 39.903,
4 F.S.; revising provisions relating to the department's
5 duties with respect to domestic violence; providing
6 that annual certification of domestic violence centers
7 depends on a favorable review by the Florida Coalition
8 Against Domestic Violence; authorizing the coalition
9 to enter and inspect centers for monitoring purposes;
10 requiring the department to contract with the
11 coalition for the management of domestic violence
12 service delivery and the monitoring of centers;
13 requiring the department to contract with the Florida
14 Council Against Sexual Violence with respect to the
15 STOP Violence Against Women Grant Program; requiring
16 the department to be the lead agency for grant
17 application and for coordinating the state STOP
18 Program implementation plan with input from the
19 coalition; deleting the requirement that the
20 department serve as an information clearinghouse on
21 information relating to domestic violence and provide
22 educational programs on domestic violence; amending s.
23 39.904, F.S.; revising the annual report to the
24 Legislature on domestic violence to place
25 responsibility for the report on the coalition and to
26 revise the content of the report; amending s. 39.905,
27 F.S.; revising provisions relating to the
28 certification of domestic violence centers; providing
29 that the grant, denial, suspension, or revocation of

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30 certification is not an administrative action subject
31 to ch. 120, F.S.; amending ss. 381.006, 381.0072,
32 741.281, 741.2902, and 741.316, F.S.; conforming
33 provisions to changes made by the act; amending s.
34 741.32, F.S.; deleting the requirement that batterers'
35 intervention programs be certified; amending s.
36 741.325, F.S.; providing requirements for batterers'
37 programs; repealing s. 741.327, F.S., relating to the
38 certification and monitoring of batterers'
39 intervention programs; amending s. 938.01, F.S.;
40 conforming a cross-reference; amending s. 948.038,
41 F.S.; conforming provisions to changes made by the
42 act; amending s. 394.908, F.S.; directing funding
43 appropriated for forensic mental health treatment
44 services to state areas with the greatest demand;
45 amending ss. 394.76 and 397.321, F.S.; authorizing the
46 department to terminate contracts if funding becomes
47 unavailable; creating s. 409.16713, F.S.; defining
48 terms; providing for the allocation of funding for
49 community-based care lead agencies; providing an
50 effective date.

51
52 Be It Enacted by the Legislature of the State of Florida:

53
54 Section 1. Section 39.903, Florida Statutes, is reordered
55 and amended to read:

56 39.903 Duties and functions of the department with respect
57 to domestic violence.—

58 (3)~~(1)~~ The department shall:

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59 (a) Develop by rule criteria for the approval or rejection
60 of domestic violence centers applying for initial certification
61 after July 1, 2011 ~~certification or funding of domestic violence~~
62 ~~centers.~~

63 (b) Develop by rule minimum standards for domestic violence
64 centers to ensure the health and safety of the clients in the
65 centers.

66 (c) Receive and approve or reject applications for the
67 initial certification of domestic violence centers.
68 Certification shall thereafter be renewed annually by the
69 department upon receipt of a favorable monitoring report from
70 the Florida Coalition Against Domestic Violence. If any of the
71 required services are exempted from certification by the
72 department under s. 39.905(1)(c), the center may ~~shall~~ not
73 receive funding for those services from the coalition.

74 (d) ~~Evaluate each certified domestic violence center~~
75 ~~annually to ensure compliance with the minimum standards.~~ The
76 department has the right to enter and inspect the premises of
77 ~~certified~~ domestic violence centers applying for initial
78 certification on or after July 1, 2011, in order at any
79 ~~reasonable hour in order~~ to effectively evaluate the center's
80 ~~the state of compliance with minimum standards of these centers~~
81 ~~with this part and rules relating to this part.~~ The Florida
82 Coalition Against Domestic Violence also has the right to enter
83 and inspect the premises of certified domestic violence centers
84 for monitoring purposes.

85 (e) Adopt rules to implement this part.

86 (f) Promote the involvement of certified domestic violence
87 centers in the coordination, development, and planning of

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88 domestic violence programming in the circuits districts ~~and the~~
89 ~~state.~~

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

92 (1) ~~(3)~~ The department shall operate the domestic violence
93 program and enter into a partnership with the Florida Coalition
94 Against Domestic Violence to coordinate and administer, ~~which~~
95 ~~provides supervision, direction, coordination, and~~
96 ~~administration of~~ statewide activities related to the prevention
97 of domestic violence.

98 (4) The department shall coordinate with state health,
99 education, and criminal justice agencies in efforts to raise
100 awareness about domestic violence and promote consistent policy
101 development and implementation ~~enlist the assistance of public~~
102 ~~and voluntary health, education, welfare, and rehabilitation~~
103 ~~agencies in a concerted effort to prevent domestic violence and~~
104 ~~to treat persons engaged in or subject to domestic violence.~~
105 ~~With the assistance of these agencies, the department, within~~
106 ~~existing resources, shall formulate and conduct a research and~~
107 ~~evaluation program on domestic violence. Efforts on the part of~~
108 ~~these agencies to obtain relevant grants to fund this research~~
109 ~~and evaluation program must be supported by the department.~~

110 (5) The department shall be the lead agency for applying
111 for relevant federal grants and coordinating the state STOP
112 Violence Against Women Grant Program implementation plan to
113 increase services to victims and strengthen perpetrator
114 accountability. The department shall seek input from the Florida
115 Coalition Against Domestic Violence and the Florida Council
116 Against Sexual Violence in developing the STOP implementation

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117 plan.

118 ~~(5) The department shall develop and provide educational~~
119 ~~programs on domestic violence for the benefit of the general~~
120 ~~public, persons engaged in or subject to domestic violence,~~
121 ~~professional persons, or others who care for or may be engaged~~
122 ~~in the care and treatment of persons engaged in or subject to~~
123 ~~domestic violence.~~

124 (6) The department shall cooperate with, assist in, and
125 participate in, ~~programs of other properly qualified state~~
126 ~~agencies, federal agencies, private organizations including any~~
127 ~~agency of the Federal Government, schools of medicine,~~
128 ~~hospitals, and clinics,~~ in planning and conducting research on
129 the prevention of domestic violence and the provision of
130 services to clients, care, treatment, and rehabilitation of
131 persons engaged in or subject to domestic violence.

132 ~~(2) (7)~~ The department shall contract with the Florida
133 Coalition Against Domestic Violence, the a statewide association
134 whose primary purpose is to represent and provide technical
135 assistance to certified domestic violence centers, for the
136 management of service delivery under the state's domestic
137 violence program. Services under this contract also include, but
138 are not limited to, administration of contracts and grants
139 associated with the STOP Violence Against Women Grant Program
140 implementation plan and the implementation of other federal
141 grants as directed by the department. As part of its management
142 of service delivery, the coalition ~~This association~~ shall
143 implement, administer, and evaluate all services provided by the
144 certified domestic violence centers; ~~The association shall~~
145 receive and approve or reject applications for funding ~~of~~

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146 certified domestic violence centers; and evaluate domestic
147 violence centers to determine compliance with minimum
148 certification standards. When approving funding for a newly
149 certified domestic violence center, the association shall make
150 every effort to minimize any adverse economic impact on existing
151 ~~certified domestic violence~~ centers or services provided within
152 the same service area. In order to minimize duplication of
153 services, the association shall make every effort to encourage
154 subcontracting relationships with existing certified domestic
155 violence centers within the same service area. In distributing
156 funds allocated by the Legislature for certified domestic
157 violence centers, the association shall use a formula approved
158 by the department as specified in s. 39.905(7) ~~(a)~~. The
159 department shall also contract with the Florida Council Against
160 Sexual Violence, the statewide association whose primary purpose
161 is to represent and provide technical assistance to certified
162 rape crisis centers, relating to contracts and grants associated
163 with the implementation of the state's STOP Violence Against
164 Women Grant Program.

165 (7) The department shall consider and award applications
166 for capital improvement grants pursuant to s. 39.9055.

167 Section 2. Section 39.904, Florida Statutes, is amended to
168 read:

169 39.904 Report to the Legislature on the status of domestic
170 violence cases.—On or before January 1 of each year, the Florida
171 Coalition Against Domestic Violence ~~department~~ shall furnish to
172 the President of the Senate and the Speaker of the House of
173 Representatives a report on the status of domestic violence in
174 this state, which report must ~~shall~~ include, but is not limited

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175 to, ~~the following:~~

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

177 (2) The An identification of those ~~the~~ areas of the state
178 where there is a significant proportion of domestic violence
179 cases is of significant proportions, indicating the number of
180 cases of domestic violence officially reported, as well as an
181 assessment of the degree of unreported cases of domestic
182 violence.

183 (3) An identification and description of the types of
184 programs in the state that assist victims of domestic violence
185 or persons who commit domestic violence, including information
186 on funding for the programs.

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

190 (5) The incidence of domestic violence homicides in the
191 state, including information and data collected from state and
192 local domestic violence fatality review teams.

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

195 ~~(6) An inventory and evaluation of existing prevention~~
196 ~~programs.~~

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

203 Section 3. Section 39.905, Florida Statutes, is amended to

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204 read:

205 39.905 Domestic violence centers.—

206 (1) Domestic violence centers certified under this part
207 must:

208 (a) Provide a facility that ~~which~~ will serve as a center to
209 receive and house persons who are victims of domestic violence.
210 For the purpose of this part, minor children and other
211 dependents of a victim, who ~~when such dependents~~ are partly or
212 wholly dependent on the victim for support or services, may be
213 sheltered with the victim in a domestic violence center.

214 (b) Receive the annual written endorsement of local law
215 enforcement agencies.

216 (c) Provide ~~minimum~~ services that ~~which~~ include, but are
217 not limited to, information and referral services, counseling
218 and case management services, temporary emergency shelter for
219 more than 24 hours, a 24-hour hotline, training for law
220 enforcement personnel, assessment and appropriate referral of
221 resident children, and educational services for community
222 awareness relative to the incidence of domestic violence, the
223 prevention of such violence, and services ~~the care, treatment,~~
224 ~~and rehabilitation~~ for persons engaged in or subject to domestic
225 violence. If a 24-hour hotline, professional training, or
226 community education is already provided by a certified domestic
227 violence center within the center's designated service area ~~a~~
228 ~~district~~, the department may exempt such certification
229 requirements for a new center serving the same service area
230 ~~district~~ in order to avoid duplication of services.

231 (d) Participate in the provision of orientation and
232 training programs developed for law enforcement officers, social

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233 workers, and other professionals and paraprofessionals who work
234 with domestic violence victims to better enable such persons to
235 deal effectively with incidents of domestic violence.

236 (e) Establish and maintain a board of directors composed of
237 at least three citizens, one of whom must be a member of a
238 local, municipal, or county law enforcement agency.

239 (f) Comply with rules adopted pursuant to this part.

240 (g) File with the Florida Coalition Against Domestic
241 Violence ~~department~~ a list of the names of the domestic violence
242 advocates who are employed or who volunteer at the domestic
243 violence center who may claim a privilege under s. 90.5036 to
244 refuse to disclose a confidential communication between a victim
245 of domestic violence and the advocate regarding the domestic
246 violence inflicted upon the victim. The list must include the
247 title of the position held by the advocate whose name is listed
248 and a description of the duties of that position. A domestic
249 violence center must file amendments to this list as necessary.

250 (h) Demonstrate local need and ability to sustain
251 operations through a history of 18 consecutive months' operation
252 as a domestic violence center, including 12 months' operation of
253 an emergency shelter as provided in paragraph (c), and a
254 business plan which addresses future operations and funding of
255 future operations.

256 (i) If the ~~its~~ center is a new center applying for initial
257 certification, demonstrate that the services provided address a
258 need identified in the most current statewide needs assessment
259 approved by the department. If the center applying for initial
260 certification is in an area where a certified domestic violence
261 center already exists, it must demonstrate that there is an

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262 unmet need not being provided by the existing center and
263 describe efforts to avoid duplication of services.

264 (2) If the department finds that there is failure by a
265 center to comply with the requirements established under this
266 part or with the rules adopted pursuant thereto, the department
267 may deny, suspend, or revoke the certification of the center.
268 The grant, denial, suspension, or revocation of certification
269 does not constitute agency action under chapter 120.

270 (3) The annual certificate expires on December 31 unless
271 certification was temporarily extended to allow the center to
272 implement corrective action plans ~~shall automatically expire on~~
273 ~~the termination date shown on the certificate.~~

274 (4) The domestic violence centers shall establish
275 procedures pursuant to which persons subject to domestic
276 violence may voluntarily seek services from the ~~these~~ centers
277 ~~voluntarily.~~

278 (5) Domestic violence centers may be established throughout
279 the state if ~~when~~ private, local, state, or federal funds are
280 available and a need is demonstrated.

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

282 (a) Obtain certification pursuant to this part. However,
283 the issuance of a certificate does ~~will~~ not obligate the Florida
284 Coalition Against Domestic Violence ~~department~~ to provide
285 funding.

286 (b) Receive at least 25 percent of its funding from one or
287 more local, municipal, or county sources, public or private.
288 Contributions in kind, whether materials, commodities,
289 transportation, office space, other types of facilities, or
290 personal services, may be evaluated and counted as part of the

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291 required local funding.

292 (7) ~~(a)~~ All funds collected and appropriated to the domestic
293 violence program for certified domestic violence centers shall
294 be distributed annually according to an allocation formula
295 approved by the department. In developing the formula, the
296 factors of population, rural characteristics, geographical area,
297 and the incidence of domestic violence shall be considered.

298 (8) (b) A contract between the Florida Coalition Against
299 Domestic Violence statewide association and a certified domestic
300 violence center must shall contain provisions ensuring assuring
301 the availability and geographic accessibility of services
302 throughout the center's service area district. For this purpose,
303 a center may distribute funds through subcontracts or to center
304 satellites if, provided such arrangements and any subcontracts
305 are approved by the Florida Coalition Against Domestic Violence
306 statewide association.

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

309 381.006 Environmental health.—The department shall conduct
310 an environmental health program as part of fulfilling the
311 state's public health mission. The purpose of this program is to
312 detect and prevent disease caused by natural and manmade factors
313 in the environment. The environmental health program shall
314 include, but not be limited to:

315 (18) A food service inspection function for domestic
316 violence centers that are certified and monitored ~~by the~~
317 ~~Department of Children and Family Services~~ under part XIII of
318 chapter 39 and group care homes as described in subsection (16),
319 which shall be conducted annually and be limited to the

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320 requirements in department rule applicable to community-based
321 residential facilities with five or fewer residents.

322

323 The department may adopt rules to carry out the provisions of
324 this section.

325 Section 5. Paragraph (b) of subsection (1) of section
326 381.0072, Florida Statutes, is amended to read:

327 381.0072 Food service protection.—It shall be the duty of
328 the Department of Health to adopt and enforce sanitation rules
329 consistent with law to ensure the protection of the public from
330 food-borne illness. These rules shall provide the standards and
331 requirements for the storage, preparation, serving, or display
332 of food in food service establishments as defined in this
333 section and which are not permitted or licensed under chapter
334 500 or chapter 509.

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

336 (b) "Food service establishment" means detention
337 facilities, public or private schools, migrant labor camps,
338 assisted living facilities, adult family-care homes, adult day
339 care centers, short-term residential treatment centers,
340 residential treatment facilities, homes for special services,
341 transitional living facilities, crisis stabilization units,
342 hospices, prescribed pediatric extended care centers,
343 intermediate care facilities for persons with developmental
344 disabilities, boarding schools, civic or fraternal
345 organizations, bars and lounges, vending machines that dispense
346 potentially hazardous foods at facilities expressly named in
347 this paragraph, and facilities used as temporary food events or
348 mobile food units at any facility expressly named in this

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349 paragraph, where food is prepared and intended for individual
350 portion service, including the site at which individual portions
351 are provided, regardless of whether consumption is on or off the
352 premises and regardless of whether there is a charge for the
353 food. The term does not include any entity not expressly named
354 in this paragraph, or; ~~nor does the term include a domestic~~
355 ~~violence center certified and monitored by the Department of~~
356 ~~Children and Family Services~~ under part XIII of chapter 39 if
357 the center does not prepare and serve food to its residents and
358 does not advertise food or drink for public consumption.

359 Section 6. Section 741.281, Florida Statutes, is amended to
360 read:

361 741.281 Court to order batterers' intervention program
362 attendance.—If a person is found guilty of, has had adjudication
363 withheld on, or has pled nolo contendere to a crime of domestic
364 violence, as defined in s. 741.28, that person shall be ordered
365 by the court to a minimum term of 1 year's probation and the
366 court shall order that the defendant attend a batterers'
367 intervention program as a condition of probation. However, the
368 court ~~must impose the condition of the batterers' intervention~~
369 ~~program for a defendant under this section, but the court, in~~
370 ~~its discretion,~~ may determine not to impose the condition if it
371 states on the record why a batterers' intervention program might
372 be inappropriate. The court must impose the condition of the
373 batterers' intervention program for a defendant placed on
374 probation unless the court determines that the person does not
375 qualify for the batterers' intervention program pursuant to s.
376 741.325. ~~Effective July 1, 2002, the batterers' intervention~~
377 ~~program must be a certified program under s. 741.32. The~~

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378 imposition of probation under this section does ~~shall~~ not
379 preclude the court from imposing a any sentence of imprisonment
380 under authorized by s. 775.082.

381 Section 7. Paragraph (g) of subsection (2) of section
382 741.2902, Florida Statutes, is amended to read:

383 741.2902 Domestic violence; legislative intent with respect
384 to judiciary's role.—

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

388 (g) Consider requiring the perpetrator to complete a
389 batterers' intervention program. It is preferred that such
390 program conform to the requirements specified in s. 741.325 ~~be~~
391 ~~certified under s. 741.32.~~

392 Section 8. Subsection (5) of section 741.316, Florida
393 Statutes, is amended to read:

394 741.316 Domestic violence fatality review teams;
395 definition; membership; duties.—

396 (5) The domestic violence fatality review teams are
397 assigned to the Florida Coalition Against Domestic Violence
398 ~~Department of Children and Family Services~~ for administrative
399 purposes.

400 Section 9. Section 741.32, Florida Statutes, is amended to
401 read:

402 741.32 ~~Certification of~~ Batterers' intervention programs.—

403 ~~(1)~~ The Legislature finds that the incidence of domestic
404 violence in Florida is disturbingly high, and despite efforts ~~of~~
405 ~~many~~ to curb this violence, ~~that~~ one person dies at the hands of
406 a spouse, ex-spouse, or cohabitant approximately every 3 days.

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407 Further, a child who witnesses the perpetration of this violence
408 becomes a victim as he or she hears or sees it occurring. This
409 child is at high risk of also being the victim of physical abuse
410 by the parent who is perpetrating the violence and, to a lesser
411 extent, by the parent who is the victim. These children are also
412 at a high risk of perpetrating violent crimes as juveniles and,
413 later, becoming perpetrators of the same violence that they
414 witnessed as children. The Legislature finds that there should
415 be standardized programming available to the justice system to
416 protect victims and their children and to hold the perpetrators
417 of domestic violence accountable for their acts. Finally, the
418 Legislature recognizes that in order for batterers' intervention
419 programs to be successful in protecting victims and their
420 children, all participants in the justice system as well as
421 social service agencies and local and state governments must
422 coordinate their efforts at the community level.

423 ~~(2) There is hereby established in the Department of~~
424 ~~Children and Family Services an Office for Certification and~~
425 ~~Monitoring of Batterers' Intervention Programs. The department~~
426 ~~may certify and monitor both programs and personnel providing~~
427 ~~direct services to those persons who are adjudged to have~~
428 ~~committed an act of domestic violence as defined in s. 741.28,~~
429 ~~those against whom an injunction for protection against domestic~~
430 ~~violence is entered, those referred by the department, and those~~
431 ~~who volunteer to attend such programs. The purpose of~~
432 ~~certification of programs is to uniformly and systematically~~
433 ~~standardize programs to hold those who perpetrate acts of~~
434 ~~domestic violence responsible for those acts and to ensure~~
435 ~~safety for victims of domestic violence. The certification and~~

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436 ~~monitoring shall be funded by user fees as provided in s.~~
437 ~~741.327.~~

438 Section 10. Section 741.325, Florida Statutes, is amended
439 to read:

440 741.325 Batterers' intervention programs Guideline
441 authority.—

442 (1) A batterers' intervention program must meet the
443 following requirements ~~The Department of Children and Family~~
444 ~~Services shall promulgate guidelines to govern purpose,~~
445 ~~policies, standards of care, appropriate intervention~~
446 ~~approaches, inappropriate intervention approaches during the~~
447 ~~batterers' program intervention phase (to include couples~~
448 ~~counseling and mediation), conflicts of interest, assessment,~~
449 ~~program content and specifics, qualifications of providers, and~~
450 ~~credentials for facilitators, supervisors, and trainees. The~~
451 ~~department shall, in addition, establish specific procedures~~
452 ~~governing all aspects of program operation, including~~
453 ~~administration, personnel, fiscal matters, victim and batterer~~
454 ~~records, education, evaluation, referral to treatment and other~~
455 ~~matters as needed. In addition, the rules shall establish:~~

456 (a) ~~(1) That~~ The primary purpose of the program must
457 ~~programs shall be victim safety and the safety of the children,~~
458 ~~if present.~~

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

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

464 (d) ~~(4) That~~ The program must be a psychoeducational model

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465 that employs a program content based on tactics of power and
466 control by one person over another.

467 ~~(5) That the programs and those who are facilitators,~~
468 ~~supervisors, and trainees be certified to provide these programs~~
469 ~~through initial certification and that the programs and~~
470 ~~personnel be annually monitored to ensure that they are meeting~~
471 ~~specified standards.~~

472 (e) ~~(6)~~ The program must ~~intent that the programs~~ be user-
473 fee funded with fees from the batterers who attend the program
474 as payment as it for programs is important that ~~to~~ the batterer
475 take ~~taking~~ responsibility for the act of violence, ~~and from~~
476 ~~those seeking certification~~. Exception shall be made for those
477 local, state, or federal programs that fund batterers'
478 intervention programs in whole or in part.

479 ~~(7) Standards for rejection and suspension for failure to~~
480 ~~meet certification standards.~~

481 (2) ~~(8)~~ The requirements of subsection (1) ~~That these~~
482 ~~standards shall~~ apply only to programs that address the
483 perpetration of violence between intimate partners, spouses, ex-
484 spouses, or those who share a child in common or who are
485 cohabitants in intimate relationships for the purpose of
486 exercising power and control by one over the other. It will
487 endanger victims if courts and other referral agencies refer
488 family and household members who are not perpetrators of the
489 type of domestic violence encompassed by these requirements
490 ~~standards~~. Accordingly, the court and others who make referrals
491 should refer perpetrators only to programming that appropriately
492 addresses the violence committed.

493 Section 11. Section 741.327, Florida Statutes, is repealed.

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494 Section 12. Paragraph (a) of subsection (1) of section
495 938.01, Florida Statutes, is amended to read:

496 938.01 Additional Court Cost Clearing Trust Fund.—

497 (1) All courts created by Art. V of the State Constitution
498 shall, in addition to any fine or other penalty, require every
499 person convicted for violation of a state penal or criminal
500 statute or convicted for violation of a municipal or county
501 ordinance to pay \$3 as a court cost. Any person whose
502 adjudication is withheld pursuant to the provisions of s.
503 318.14(9) or (10) shall also be liable for payment of such cost.
504 In addition, \$3 from every bond estreature or forfeited bail
505 bond related to such penal statutes or penal ordinances shall be
506 remitted to the Department of Revenue as described in this
507 subsection. However, no such assessment may be made against any
508 person convicted for violation of any state statute, municipal
509 ordinance, or county ordinance relating to the parking of
510 vehicles.

511 (a) All costs collected by the courts pursuant to this
512 subsection shall be remitted to the Department of Revenue in
513 accordance with administrative rules adopted by the executive
514 director of the Department of Revenue for deposit in the
515 Additional Court Cost Clearing Trust Fund. These funds and the
516 funds deposited in the Additional Court Cost Clearing Trust Fund
517 pursuant to s. 318.21(2)(c) shall be distributed as follows:

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

520 2. Six and three-tenths percent to the Department of Law
521 Enforcement Operating Trust Fund for the Criminal Justice Grant
522 Program.

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523 3. One and seven-tenths percent to the Department of
524 Children and Family Services Domestic Violence Trust Fund for
525 the department's domestic violence program pursuant to part XIII
526 of chapter 39 s. 39.903(3).

527 Section 13. Section 948.038, Florida Statutes, is amended
528 to read:

529 948.038 Batterers' intervention program as a condition of
530 probation, community control, or other court-ordered community
531 supervision.—As a condition of probation, community control, or
532 any other court-ordered community supervision, the court shall
533 order a person convicted of an offense of domestic violence, as
534 defined in s. 741.28, to attend and successfully complete a
535 batterers' intervention program pursuant to s. 741.325 unless
536 the court determines that the person does not qualify for the
537 batterers' intervention program ~~pursuant to s. 741.325~~. The
538 ~~batterers' intervention program must be a program certified~~
539 ~~under s. 741.32, and the offender must pay the cost of attending~~
540 the program.

541 Section 14. Paragraph (b) of subsection (3) of section
542 394.908, Florida Statutes, is amended to read:

543 394.908 Substance abuse and mental health funding equity;
544 distribution of appropriations.—In recognition of the historical
545 inequity in the funding of substance abuse and mental health
546 services for the department's districts and regions and to
547 rectify this inequity and provide for equitable funding in the
548 future throughout the state, the following funding process shall
549 be used:

550 (3) (b) ~~Notwithstanding paragraph (a) and for the 2010-2011~~
551 ~~fiscal year only~~, Funds appropriated for forensic mental health

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552 treatment services shall be allocated to the areas of the state
553 having the greatest demand for services and treatment capacity.
554 ~~This paragraph expires July 1, 2011.~~

555 Section 15. Subsection (2) of section 394.76, Florida
556 Statutes, is amended to read:

557 394.76 Financing of district programs and services.—If the
558 local match funding level is not provided in the General
559 Appropriations Act or the substantive bill implementing the
560 General Appropriations Act, such funding level shall be provided
561 as follows:

562 (2) If in any fiscal year the ~~approved state~~ appropriation
563 is insufficient to finance the programs and services specified
564 under by this part, the department may allocate ~~shall have the~~
565 ~~authority to determine~~ the amount of state funds available to
566 each service district ~~for such purposes~~ in accordance with the
567 priorities in both the state and district plans. The district
568 administrator shall consult with the planning council to ensure
569 that the summary operating budget conforms to the approved plan.
570 If funds for contracts become unavailable due to the reduction
571 or elimination of appropriations supporting such contracts, the
572 department may terminate the contract after a minimum of 24
573 hours' written notice to the contractor. Such notice must sent
574 by United States mail or by any expedited delivery service that
575 provides verification of delivery. The department is the final
576 authority as to the availability and adequacy of funds.

577 Section 16. Subsection (4) of section 397.321, Florida
578 Statutes, is amended to read:

579 397.321 Duties of the department.—The department shall:

580 (4) Establish a funding program for the dissemination of

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581 available federal, state, and private funds through contractual
582 agreements with community-based organizations or units of state
583 or local government which deliver local substance abuse
584 services. If funds for contracts become unavailable due to the
585 reduction or elimination of appropriations supporting such
586 contracts, the department may terminate the contract after a
587 minimum of 24 hours' written notice to the contractor. Such
588 notice must sent by United States mail or by any expedited
589 delivery service that provides verification of delivery. The
590 department is the final authority as to the availability and
591 adequacy of funds.

592 Section 17. Section 409.16713, Florida Statutes, is created
593 to read:

594 409.16713 Allocation of funds for community-based care lead
595 agencies.-

596 (1) As used in this section, the term:

597 (a) "Core services funding" means all funds allocated to
598 community-based care lead agencies operating under contract with
599 the department pursuant to s. 409.1671, with the following
600 exceptions:

601 1. Funds appropriated for independent living;

602 2. Funds appropriated for maintenance adoption subsidies;

603 3. Funds allocated by the department for protective
604 investigations training;

605 4. Nonrecurring funds;

606 5. Designated mental health wrap-around services funds; and

607 6. Funds for special projects for a designated community-
608 based care lead agency.

609 (b) "Equity allocation model" means an allocation model

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610 that uses the following factors:

- 611 1. Proportion of children in poverty;
612 2. Proportion of child abuse hotline workload;
613 3. Proportion of children in care; and
614 4. Proportion of contribution in the reduction of out-of-
615 home care.

616 (c) "Proportion of children in poverty" means the average
617 of the proportion of children in the geographic area served by
618 the community-based care lead agency based on the following
619 subcomponents:

- 620 1. Children up to 18 years of age who are below the poverty
621 level as determined by the latest available Small Area Income
622 and Poverty Estimates (SAIPE) from the United States Census
623 Bureau;
624 2. Children eligible for free or reduced-price meals as
625 determined by the latest available survey published by the
626 Department of Education; and
627 3. The number of children in families receiving benefits
628 from the federal Supplemental Nutrition Assistance Program
629 (SNAP) in the most recent month as determined by the department.

630 (d) "Proportion of child abuse hotline workload" means the
631 weighted average of the following subcomponents:

- 632 1. The average number of initial and additional child abuse
633 reports received during the month for the most recent 12 months
634 based on child protective investigations trend reports as
635 determined by the department. This subcomponent shall be
636 weighted as 20 percent of the factor.
637 2. The average count of children in investigations in the
638 most recent 12 months based on child protective investigations

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639 trend reports as determined by the department. This subcomponent
640 shall be weighted as 40 percent of the factor.

641 3. The average count of children in investigations with a
642 most serious finding of verified abuse in the most recent 12
643 months based on child protective investigations trend reports as
644 determined by the department. This subcomponent shall be
645 weighted as 40 percent of the factor.

646 (e) "Proportion of children in care" means the proportion
647 of the sum of the number of children in care receiving in-home
648 services and the number of children in out-of-home care at the
649 end of the most recent month as reported in the child welfare
650 services trend reports as determined by the department.

651 (f) "Proportion of contribution in the reduction of out-of-
652 home care" means the proportion of the number of children in
653 out-of-home care on December 31, 2006, minus the number of
654 children in out-of-home care as of the end of the most recent
655 month as reported in the child welfare services trend reports as
656 determined by the department.

657 (2) The equity allocation of core services funds shall be
658 calculated based on the following weights:

659 (a) Proportion of children in poverty shall be weighted as
660 30 percent of the total;

661 (b) Proportion of child abuse hotline workload shall be
662 weighted as 30 percent of the total;

663 (c) Proportion of children in care shall be weighted as 30
664 percent of the total; and

665 (d) Proportion of contribution to the reduction in out-of-
666 home care shall be weighted as 10 percent of the total.

667 (3) For the 2011-2012 state fiscal year, 75 percent of the

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668 recurring core services funding for each community-based care
669 lead agency shall be based on the prior year recurring base of
670 core services funds and 25 percent shall be based on the equity
671 allocation model.

672 (4) For the 2011-2012 state fiscal year, any new core
673 services funds shall be allocated based on the equity allocation
674 model.

675 Section 18. This act shall take effect July 1, 2011.