

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 1694

INTRODUCER: Rules Committee and Senator Torres

SUBJECT: Support for Parental Victims of Child Domestic Violence

DATE: April 6, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Hrdlicka	CJ	Favorable
2.	Crosier	Hendon	CF	Favorable
3.	Jones	Phelps	RC	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1694 requires the Department of Juvenile Justice, in collaboration with organizations that provide expertise, training, and advocacy in the areas of family and domestic violence, to develop materials detailing the resources and services available for parents and legal guardians who are victims of domestic violence. The materials must also include the resources available for a child who has committed acts of domestic violence or who has demonstrated behaviors that may escalate to domestic violence.

The bill specifies which resources and services must be included in the materials and that the Department of Juvenile Justice must post the materials on its website. The materials must also be available to certified domestic violence centers and other specified entities.

The bill requires the issues involved in child-to-parent domestic violence cases be included in the domestic violence portion of a law enforcement officer's basic skills course for his or her initial certification.

The bill may have a negative indeterminate fiscal impact on the Department of Juvenile Justice, and the Florida Department of Law Enforcement. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2017.

II. Present Situation:

Domestic Violence

Domestic violence affects thousands of individuals and families in Florida. In 2015, there were 107,666 domestic violence offenses reported to law enforcement.¹ Law enforcement officers who investigate alleged domestic violence incidents have to inform victims of the domestic violence centers where the victims can receive services.²

Section 741.28(2), F.S., defines domestic violence as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. A family or household member includes:

- Spouses;
- Former spouses;
- Persons related by blood or marriage;
- Persons who are presently residing together as if a family or who have resided together in the past as if a family in the same single family dwelling unit; and
- Persons who are parents of a child in common, regardless of whether they have been married.³

Certified Domestic Violence Centers

The Department of Children and Families (DCF) operates Florida's domestic violence program. The program is a clearinghouse that oversees state and federal funding for the prevention and intervention of domestic violence. Specifically, the program oversees the funding designated for Florida's certified domestic violence centers.⁴

Florida has 42 certified domestic violence centers that provide crisis intervention and support services to adult domestic violence victims. The centers provide services that include emergency shelters, safety planning, and counseling. Some centers also provide transportation, relocation assistance, and transitional housing.⁵ In Fiscal Year 2015-16 domestic violence shelters provided 16,362 individuals with emergency shelter; however, 5,205 requests for emergency shelter were denied due to lack of capacity and resources.⁶

¹ Florida Department of Law Enforcement, *Domestic Violence*, available at <http://www.fdle.state.fl.us/cms/FSAC/Crime-Trends/Domestic-Violence.aspx> (last visited March 19, 2017).

² Section 741.29(1), F.S.

³ The family or household members must be currently residing or have in the past resided together in the same single dwelling unit; this excludes persons who have a child in common. Section 741.28(3), F.S.

⁴ Florida Department of Child and Families, MyFamilies.com, Services, *Domestic Violence*, available at <http://www.myflfamilies.com/service-programs/domestic-violence> (last visited March 17, 2017).

⁵ *Id.*

⁶ Florida Coalition Against Domestic Violence, 2015-2016 Annual Report to the Florida Legislature, *Responding to Domestic Violence*, available at <https://www.fcadv.org/sites/default/files/2015-16%20Annual%20Report.pdf> (last visited March 17, 2017).

Florida Coalition Against Domestic Violence

The Florida Coalition Against Domestic Violence (FCADV) works closely with the DCF to administer Florida's activities related to the prevention of domestic violence.⁷ Specifically, the FCADV implements and evaluates the services provided by the domestic violence centers.⁸ The FCADV must annually report to the Legislature to identify which programs in the state assist victims of domestic violence.⁹ The FCADV also operates Florida's domestic violence hotline.¹⁰

Department of Juvenile Justice

Families in Need of Services

When a child commits an act of domestic violence against a family member, the Department of Juvenile Justice (DJJ) gets involved. Specifically, s. 984.04, F.S., requires the DJJ to provide an array of services designed to preserve the unity of the family and address the family's specific needs.¹¹ Families in need of services are families that have a child:

- Who is running away;
- Who is persistently disobeying reasonable and lawful demands of the parent or legal custodian and is beyond the control of the parent or legal custodian; or
- Who is habitually truant from school or engaging in other serious behaviors that place the child at risk of future abuse, neglect, or abandonment or is at risk of entering the juvenile justice system.¹²

A family is not eligible to receive services if, at the time of the referral, there is an open investigation into an allegation of abuse, neglect, or abandonment or if the child is currently under supervision by the DJJ or the DCF due to an adjudication of dependency or delinquency.¹³

Children in Need of Services

The DJJ also provides services to children in need of services. A child in need of services is a child who:

- Does not have a pending investigation into an allegation or suspicion of abuse, neglect, or abandonment;
- Does not have a pending referral alleging that the child is delinquent; or
- Is not currently supervised by the DJJ or the DCF for an adjudication of dependency or delinquency.

⁷ Section 39.903(1), F.S.

⁸ Section 39.9035(1), F.S.

⁹ Section 39.904(3), F.S.

¹⁰ Florida Coalition Against Domestic Violence, *About FCADV*, available at <http://www.fcadv.org/about/about-fcadv> (last visited March 17, 2017).

¹¹ Section 984.04, F.S.

¹² Section 984.03(25), F.S.

¹³ *Id.*

A court must also find that the child has:

- Persistently run away from his or her parents or legal custodians despite reasonable efforts¹⁴ to remedy the conditions contributing to the behavior.
- Been habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation.¹⁵
- Persistently disobeyed the reasonable and lawful demands¹⁶ of his or her parents or legal custodians, and he or she is beyond control of his or her parents or legal custodians despite the efforts made by his or her parents or legal custodians and the appropriate agencies to remedy the conditions contributing to the behavior.

The Florida Network

The Florida Network of Youth and Family Services (network) provides the services for families and children in need of services for the DJJ.¹⁷ Specifically, the network provides crisis intervention for families and children through residential and counseling services.

One of the services the network provides is domestic violence respite. A domestic violence respite is a placement that is available for the care and custody for a youth charged with domestic violence.¹⁸ This is an alternative placement for the youth so he or she does not have to be placed in secure detention.¹⁹ A domestic violence respite is also available for a youth when a shelter bed for a family in need of services is unavailable.²⁰ The network has served 783 youth through the domestic violence respite program.²¹

Section 943.171, F.S., Basic Skills Training for Domestic Violence Cases

Section 943.171, F.S., requires that every basic skills course for a law enforcement officer to receive his or her initial certification must include 6 hours of training on handling domestic violence cases. Specifically, the domestic violence training has to include a training to recognize and determine the aggressor.²²

¹⁴ Reasonable efforts include voluntary participation by the child's parents or legal custodians and the child in family mediation, services, and treatment offered by the DJJ or the DCF. Section 984.03(9), F.S.

¹⁵ The child and the child's parents or legal custodians must have also voluntarily participated in family mediation, services, and treatment offered by the DJJ or the DCF. Section 984.03(9), F.S.

¹⁶ Reasonable efforts may include good faith participation in family or individual counseling. Section 984.03(9), F.S.

¹⁷ The Florida Network of Youth and Family Services, *About the Florida Network*, available at <https://www.floridanetwork.org/missionvalues.html> (last visited March 17, 2017).

¹⁸ Section 985.03(43), F.S.

¹⁹ Secure detention is a physically restricting facility for the temporary care of children who are pending adjudication, disposition, or placement. Section 985.03(45), F.S.

²⁰ Section 985.03(43), F.S.

²¹ The Florida Network of Youth and Family Services, *2015 Annual Report*, available at <https://www.floridanetwork.org/PDFs/2015AnnualReport.pdf> (last visited March 17, 2017).

²² Section 943.171, F.S.

III. Effect of Proposed Changes:

Domestic Violence

The bill requires the DJJ, in collaboration with organizations that provide expertise, training, and advocacy in the areas of family and domestic violence, to develop and maintain updated information and materials detailing the resources and services available to:

- Parents and legal custodians who are victims of domestic violence committed by children or fear that they will become victims; and
- Children who have committed acts of domestic violence or who demonstrate behaviors that may escalate into domestic violence.

The bill specifies that the materials and services must include, but are not limited to:

- The services available under ch. 984, F.S.;
- Domestic violence services available under ch. 39, F.S.; and
- Juvenile justice services available under ch. 985, F.S., including prevention, diversion, detention, and alternative placements.

The materials must also describe how to access the resources and services throughout the state.

The DJJ must post information and materials on the DJJ website and make the materials available for distribution to the public by providing it to:

- Certified domestic violence centers;
- Other organizations serving victims of domestic violence;
- The clerks of courts;
- Law enforcement agencies; and
- Other appropriate organizations.

Section 943.171, F.S., Basic Skills Training for Domestic Violence Cases

The bill requires the issues involved in child-to-parent domestic violence cases be included in the domestic violence portion of an officer's basic skills course for his or her initial certification.

The bill is effective July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill requires the DJJ to collaborate with organizations that provide expertise, training, and advocacy in the areas of family and domestic violence to develop and maintain materials specifying the resources and services available for certain victims of domestic violence. The costs of developing and making these materials available to the specified entities is unknown. It is likely that the bill will have a negative indeterminate fiscal impact on the DJJ.

The bill requires the issues involved in child-to-parent domestic violence cases be included in the domestic violence portion of an officer's basic skills course for his or her initial certification. The costs to include this new training are unknown. The bill will likely have a negative indeterminate fiscal impact on the Florida Department of Law Enforcement (the Criminal Justice Standards and Training Commission), which would have to update its basic skills course.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 984.071 and 943.171.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Rules on April 6, 2017:

The committee substitute changes the statute amended by the bill from s. 984.11, F.S., to s. 984.071, F.S. The committee substitute also directs the DJJ to collaborate with organizations relevant to the areas of family and domestic violence, instead of the FCADV.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
