

By Senator Peadar

1-495A-02

1 A bill to be entitled
2 An act relating to domestic violence; amending
3 s. 39.903, F.S.; requiring the Department of
4 Children and Family Services to operate the
5 domestic violence program; specifying program
6 purposes; repealing s. 741.466, F.S., relating
7 to the "Prevention of Domestic and Sexual
8 Violence Program"; amending s. 938.01, F.S.;
9 specifying the amount of funds available for
10 use by the Department of Children and Family
11 Services and the Department of Law Enforcement;
12 repealing s. 4(2) of ch. 2001-184, Laws of
13 Florida, and s. 7(2) of ch. 2001-232, Laws of
14 Florida, relating to funding for the Prevention
15 of Domestic and Sexual Violence Program;
16 providing an effective date.

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

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20 Section 1. Section 39.903, Florida Statutes, is
21 amended to read:
22 39.903 Duties and functions of the department with
23 respect to domestic violence.--
24 (1) The department shall:
25 (a) Develop by rule criteria for the approval or
26 rejection of certification or funding of domestic violence
27 centers.
28 (b) Develop by rule minimum standards for domestic
29 violence centers to ensure the health and safety of the
30 clients in the centers.

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1 (c) Receive and approve or reject applications for
2 certification of domestic violence centers, and receive and
3 approve or reject applications for funding of domestic
4 violence centers. When approving funding for a newly certified
5 domestic violence center, the department shall make every
6 effort to minimize any adverse economic impact on existing
7 certified centers or services provided within the same
8 district. In order to minimize duplication of services, the
9 department shall make every effort to encourage subcontracting
10 relationships with existing centers within the district. If
11 any of the required services are exempted by the department
12 under s. 39.905(1)(c), the center shall not receive funding
13 for those services.

14 (d) Evaluate each certified domestic violence center
15 annually to ensure compliance with the minimum standards. The
16 department has the right to enter and inspect the premises of
17 certified domestic violence centers at any reasonable hour in
18 order to effectively evaluate the state of compliance of these
19 centers with this part and rules relating to this part.

20 (e) Adopt rules to implement this part.

21 (f) Promote the involvement of certified domestic
22 violence centers in the coordination, development, and
23 planning of domestic violence programming in the districts and
24 the state.

25 (2) The department shall serve as a clearinghouse for
26 information relating to domestic violence.

27 (3) The department shall operate the domestic violence
28 program, which provides supervision, direction, coordination,
29 and administration of statewide activities related to the
30 prevention of domestic violence.

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1 ~~(4)(3)~~ The department shall enlist the assistance of
2 public and voluntary health, education, welfare, and
3 rehabilitation agencies in a concerted effort to prevent
4 domestic violence and to treat persons engaged in or subject
5 to domestic violence. With the assistance of these agencies,
6 the department, within existing resources, shall formulate and
7 conduct a research and evaluation program on domestic
8 violence. Efforts on the part of these agencies to obtain
9 relevant grants to fund this research and evaluation program
10 must be supported by the department.

11 ~~(5)(4)~~ The department shall develop and provide
12 educational programs on domestic violence for the benefit of
13 the general public, persons engaged in or subject to domestic
14 violence, professional persons, or others who care for or may
15 be engaged in the care and treatment of persons engaged in or
16 subject to domestic violence.

17 ~~(6)(5)~~ The department shall cooperate with, assist in,
18 and participate in, programs of other properly qualified
19 agencies, including any agency of the Federal Government,
20 schools of medicine, hospitals, and clinics, in planning and
21 conducting research on the prevention, care, treatment, and
22 rehabilitation of persons engaged in or subject to domestic
23 violence.

24 ~~(7)(6)~~ The department shall contract with a statewide
25 association whose primary purpose is to represent and provide
26 technical assistance to domestic violence centers. This
27 association shall receive 2 percent of the Domestic Violence
28 Trust Fund for this purpose.

29 Section 2. Section 741.466, Florida Statutes, is
30 repealed.

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1 Section 3. Subsection (1) of section 938.01, Florida
2 Statutes, as amended by section 29 of chapter 2001-254, Laws
3 of Florida, section 19 of chapter 2001-122, Laws of Florida,
4 section 1 of chapter 2001-184, Laws of Florida, section 3 of
5 chapter 2001-232, Laws of Florida, and section 30 of chapter
6 2001-254, Laws of Florida, is amended to read:

7 938.01 Additional Court Cost Clearing Trust Fund.--
8 (Substantial rewording of subsection. See
9 s. 938.01(1), F.S., for present text.)

10 (1) All courts created by Art. V of the State
11 Constitution shall, in addition to any fine or other penalty,
12 assess \$3 as a court cost against every person convicted for
13 violation of a state penal or criminal statute or convicted
14 for violation of a municipal or county ordinance. Any person
15 whose adjudication is withheld pursuant to the provisions of
16 s. 318.14(9) or (10) shall also be assessed such cost. In
17 addition, \$3 from every bond estreature or forfeited bail bond
18 related to such penal statutes or penal ordinances shall be
19 remitted to the Department of Revenue as described in this
20 subsection. However, no such assessment may be made against
21 any person convicted for violation of any state statute,
22 municipal ordinance, or county ordinance relating to the
23 parking of vehicles.

24 (a) All such costs collected by the courts shall be
25 remitted to the Department of Revenue, in accordance with
26 administrative rules adopted by the executive director of the
27 Department of Revenue, for deposit in the Additional Court
28 Cost Clearing Trust Fund and shall be distributed as follows:

29 1. Ninety-two percent to the Department of Law
30 Enforcement Criminal Justice Standards and Training Trust
31 Fund.

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

4 3. One and seven-tenths percent to the Department of
5 Children and Family Services Domestic Violence Trust Fund for
6 the domestic violence program pursuant to s. 39.903(3).

7 (b) The funds deposited in the Department of Law
8 Enforcement Criminal Justice Standards and Training Trust
9 Fund, the Department of Law Enforcement Operating Trust Fund,
10 and the Department of Children and Family Services Domestic
11 Violence Trust Fund may be invested. Any interest earned from
12 investing such funds and any unencumbered funds remaining at
13 the end of the budget cycle shall remain in the respective
14 trust fund.

15 (c) All funds in the Department of Law Enforcement
16 Criminal Justice Standards and Training Trust Fund shall be
17 disbursed only in compliance with s. 943.25(9).

18 Section 4. Subsection (2) of section 4 of chapter
19 2001-184, Laws of Florida, and subsection (2) of section 7 of
20 chapter 2001-232, Laws of Florida, are repealed.

21 Section 5. This act shall take effect July 1, 2002.

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24 SENATE SUMMARY

25 Expands the duties and functions of the Department of
26 Children and Family Services by providing that the
27 department shall operate the domestic violence program.
28 Specifies purposes of the program. Repeals the Prevention
29 of Domestic and Sexual Violence Program and repeals
30 funding provisions relating to the program. Specifies the
31 amount of funds available to the Department of Children
 and Family Services and to the Department of Law
 Enforcement for uses relating to domestic violence.