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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 | revising the guidelines for batterers' intervention
 30 | programs; repealing s. 741.327, F.S., relating to
 31 | certification and monitoring of batterers'
 32 | intervention programs; amending ss. 938.01 and
 33 | 948.038, F.S.; conforming provisions to changes made
 34 | by the act; providing an effective date.

36 | Be It Enacted by the Legislature of the State of Florida:

38 | Section 1. Section 39.903, Florida Statutes, is amended to
 39 | read:

40 | 39.903 Duties and functions of the department with respect
 41 | to domestic violence.—

42 | (1) The department shall:

43 | (a) Develop by rule criteria for the approval, suspension,
 44 | or rejection of certification ~~or funding~~ of domestic violence
 45 | centers.

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

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

57 (d) Have the authority to ~~Evaluate each certified domestic~~
 58 ~~violence center annually to ensure compliance with the minimum~~
 59 ~~standards. The department has the right to enter and inspect the~~
 60 ~~premises of~~ domestic violence centers applying for an initial
 61 certification or centers that have received an unfavorable
 62 monitoring report ~~certified domestic violence centers at any~~
 63 ~~reasonable hour in order to effectively evaluate the state of~~
 64 ~~compliance~~ with minimum standards ~~of these centers with this~~
 65 ~~part and rules relating to this part.~~ The Florida Coalition
 66 Against Domestic Violence may enter and inspect the premises of
 67 certified domestic violence centers for monitoring purposes.

68 (e) Adopt rules to implement this part.

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

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

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

80 (3)(4) The department shall coordinate with state agencies
 81 having health, education, or criminal justice responsibilities
 82 to raise awareness of domestic violence and promote consistent
 83 policy implementation ~~enlist the assistance of public and~~
 84 ~~voluntary health, education, welfare, and rehabilitation~~

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85 ~~agencies in a concerted effort to prevent domestic violence and~~
86 ~~to treat persons engaged in or subject to domestic violence.~~
87 ~~With the assistance of these agencies, the department, within~~
88 ~~existing resources, shall formulate and conduct a research and~~
89 ~~evaluation program on domestic violence. Efforts on the part of~~
90 ~~these agencies to obtain relevant grants to fund this research~~
91 ~~and evaluation program must be supported by the department.~~

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

98 ~~(4)(6)~~ The department shall cooperate with, assist in, and
99 participate in, programs of other properly qualified state
100 agencies, federal agencies, private organizations including any
101 agency of the Federal Government, schools of medicine,
102 hospitals, and clinics, in planning and conducting research on
103 the prevention of domestic violence and the provision of
104 services to clients, ~~care, treatment, and rehabilitation of~~
105 ~~persons engaged in or subject to domestic violence.~~

106 ~~(5)(7)~~ The department shall contract with the Florida
107 Coalition Against Domestic Violence for the delivery and
108 management of services for the state's domestic violence
109 program. Services under this contract shall include, but are not
110 limited to, administration of contracts and grants associated
111 with the implementation of the state's domestic violence
112 program. As part of its management of the delivery of services

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113 for the state's domestic violence program, the Florida Coalition
 114 Against Domestic Violence ~~a statewide association whose primary~~
 115 ~~purpose is to represent and provide technical assistance to~~
 116 ~~certified domestic violence centers. This association shall~~
 117 implement, administer, and evaluate all services provided by the
 118 certified domestic violence centers, . The association shall
 119 receive and approve or reject applications for funding of
 120 certified domestic violence centers, and monitor certified
 121 domestic violence centers to determine compliance with minimum
 122 certification standards. When approving funding for a newly
 123 certified domestic violence center, the Florida Coalition
 124 Against Domestic Violence ~~association~~ shall make every effort to
 125 minimize any adverse economic impact on existing certified
 126 domestic violence centers or services provided within the same
 127 service area. In order to minimize duplication of services, the
 128 Florida Coalition Against Domestic Violence ~~association~~ shall
 129 make every effort to encourage subcontracting relationships with
 130 existing certified domestic violence centers within the same
 131 service area. In distributing funds allocated by the Legislature
 132 for certified domestic violence centers, the Florida Coalition
 133 Against Domestic Violence ~~association~~ shall use a formula
 134 approved by the department as specified in s. 39.905(7)(a).

135 (6) The department shall consider applications from
 136 certified domestic violence centers for the awarding of capital
 137 improvement grants pursuant to s. 39.9055.

138 Section 2. Section 39.904, Florida Statutes, is amended to
 139 read:

140 39.904 Report to the Legislature on the status of domestic

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141 | violence cases.—On or before January 1 of each year, the Florida
 142 | Coalition Against Domestic Violence ~~department~~ shall furnish to
 143 | the President of the Senate and the Speaker of the House of
 144 | Representatives a report, subject to the approval of the
 145 | department, on the status of domestic violence in this state,
 146 | which ~~report~~ shall include, but is not limited to, the
 147 | following:

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

149 | (2) An identification of the areas of the state where
 150 | domestic violence is of significant proportions, indicating the
 151 | number of cases of domestic violence officially reported, as
 152 | well as an assessment of the degree of unreported cases of
 153 | domestic violence.

154 | (3) An identification and description of the types of
 155 | programs in the state that assist victims of domestic violence
 156 | or persons who commit domestic violence, including information
 157 | on funding for the programs.

158 | (4) The number of persons who receive services from ~~are~~
 159 | ~~treated by or assisted by~~ local certified domestic violence
 160 | programs that receive funding through the Florida Coalition
 161 | Against Domestic Violence ~~department~~.

162 | (5) The incidence of domestic violence homicides in the
 163 | state, including information and data collected from state and
 164 | local domestic violence fatality review teams ~~A statement on the~~
 165 | ~~effectiveness of such programs in preventing future domestic~~
 166 | ~~violence.~~

167 | ~~(6) An inventory and evaluation of existing prevention~~
 168 | ~~programs.~~

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

175 Section 3. Paragraphs (c), (g), and (i) of subsection (1),
176 subsection (3), paragraph (a) of subsection (6), and paragraph
177 (b) of subsection (7) of section 39.905, Florida Statutes, are
178 amended to read:

179 39.905 Domestic violence centers.—

180 (1) Domestic violence centers certified under this part
181 must:

182 (c) Provide minimum services that ~~which~~ include, but are
183 not limited to, information and referral services, counseling
184 and case management services, temporary emergency shelter for
185 more than 24 hours, a 24-hour hotline, training for law
186 enforcement personnel, assessment and appropriate referral of
187 resident children, and educational services for community
188 awareness relative to the incidence of domestic violence, the
189 prevention of such violence, and the services available ~~care,~~
190 ~~treatment, and rehabilitation~~ for persons engaged in or subject
191 to domestic violence. If a 24-hour hotline, professional
192 training, or community education is already provided by a
193 certified domestic violence center within its designated service
194 area ~~a district~~, the department may exempt such certification
195 requirements for a new center serving the same service area
196 ~~district~~ in order to avoid duplication of services.

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

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

215 (3) The annual certificate ~~shall~~ automatically expires
 216 expire on June 30 of each year. The department may temporarily
 217 extend a certification for a period of not more than 60 days to
 218 allow a domestic violence center to implement a corrective
 219 action plan the termination date shown on the certificate.

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

221 (a) Obtain certification pursuant to this part. However,
 222 the issuance of a certificate does will not obligate the Florida
 223 Coalition Against Domestic Violence ~~department~~ to provide
 224 funding.

225 (7)
 226 (b) A contract between the Florida Coalition Against
 227 Domestic Violence ~~statewide association~~ and a certified domestic
 228 violence center shall contain provisions ensuring ~~assuring~~ the
 229 availability and geographic accessibility of services throughout
 230 the service area ~~district~~. For this purpose, a center may
 231 distribute funds through subcontracts or to center satellites,
 232 if provided ~~if provided~~ such arrangements and any subcontracts are approved
 233 by the Florida Coalition Against Domestic Violence ~~statewide~~
 234 ~~association~~.

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

237 381.006 Environmental health.—The department shall conduct
 238 an environmental health program as part of fulfilling the
 239 state's public health mission. The purpose of this program is to
 240 detect and prevent disease caused by natural and manmade factors
 241 in the environment. The environmental health program shall
 242 include, but not be limited to:

243 (18) A food service inspection function for domestic
 244 violence centers that are certified ~~and monitored~~ by the
 245 Department of Children and Family Services under part XII of
 246 chapter 39 and group care homes as described in subsection (16),
 247 which shall be conducted annually and be limited to the
 248 requirements in department rule applicable to community-based
 249 residential facilities with five or fewer residents.

250
 251 The department may adopt rules to carry out the provisions of
 252 this section.

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253 Section 5. Paragraph (b) of subsection (1) of section
254 381.0072, Florida Statutes, is amended to read:

255 381.0072 Food service protection.—It shall be the duty of
256 the Department of Health to adopt and enforce sanitation rules
257 consistent with law to ensure the protection of the public from
258 food-borne illness. These rules shall provide the standards and
259 requirements for the storage, preparation, serving, or display
260 of food in food service establishments as defined in this
261 section and which are not permitted or licensed under chapter
262 500 or chapter 509.

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

264 (b) "Food service establishment" means detention
265 facilities, public or private schools, migrant labor camps,
266 assisted living facilities, adult family-care homes, adult day
267 care centers, short-term residential treatment centers,
268 residential treatment facilities, homes for special services,
269 transitional living facilities, crisis stabilization units,
270 hospices, prescribed pediatric extended care centers,
271 intermediate care facilities for persons with developmental
272 disabilities, boarding schools, civic or fraternal
273 organizations, bars and lounges, vending machines that dispense
274 potentially hazardous foods at facilities expressly named in
275 this paragraph, and facilities used as temporary food events or
276 mobile food units at any facility expressly named in this
277 paragraph, where food is prepared and intended for individual
278 portion service, including the site at which individual portions
279 are provided, regardless of whether consumption is on or off the
280 premises and regardless of whether there is a charge for the

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281 food. The term does not include any entity not expressly named
 282 in this paragraph; nor does the term include a domestic violence
 283 center certified ~~and monitored~~ by the Department of Children and
 284 Family Services under part XII of chapter 39 if the center does
 285 not prepare and serve food to its residents and does not
 286 advertise food or drink for public consumption.

287 Section 6. Section 741.281, Florida Statutes, is amended
 288 to read:

289 741.281 Court to order batterers' intervention program
 290 attendance.—If a person is found guilty of, has had adjudication
 291 withheld on, or pleads ~~has pled~~ nolo contendere to a crime of
 292 domestic violence, as defined in s. 741.28, that person shall be
 293 ordered by the court to a minimum term of 1 year's probation and
 294 the court shall order that the defendant attend a batterers'
 295 intervention program as a condition of probation. The court must
 296 impose the condition of the batterers' intervention program for
 297 a defendant under this section, but the court, in its
 298 discretion, may determine not to impose the condition if it
 299 states on the record why a batterers' intervention program might
 300 be inappropriate. The court must impose the condition of the
 301 batterers' intervention program for a defendant placed on
 302 probation unless the court determines that the person does not
 303 qualify for the batterers' intervention program pursuant to s.
 304 741.325. ~~Effective July 1, 2002, the batterers' intervention~~
 305 ~~program must be a certified program under s. 741.32.~~ The
 306 imposition of probation under this section does ~~shall~~ not
 307 preclude the court from imposing any sentence of imprisonment
 308 authorized by s. 775.082.

309 Section 7. Paragraph (g) of subsection (2) of section
 310 741.2902, Florida Statutes, is amended to read:

311 741.2902 Domestic violence; legislative intent with
 312 respect to judiciary's role.—

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

316 (g) Consider requiring the perpetrator to complete a
 317 batterers' intervention program. It is preferred that such
 318 program include guidelines described in s. 741.325 ~~be certified~~
 319 ~~under s. 741.32.~~

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

322 741.30 Domestic violence; injunction; powers and duties of
 323 court and clerk; petition; notice and hearing; temporary
 324 injunction; issuance of injunction; statewide verification
 325 system; enforcement.—

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

332 1. Restraining the respondent from committing any acts of
 333 domestic violence.

334 2. Awarding to the petitioner the exclusive use and
 335 possession of the dwelling that the parties share or excluding
 336 the respondent from the residence of the petitioner.

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337 3. On the same basis as provided in chapter 61, providing
338 the petitioner with 100 percent of the time-sharing in a
339 temporary parenting plan that shall remain in effect until the
340 order expires or an order is entered by a court of competent
341 jurisdiction in a pending or subsequent civil action or
342 proceeding affecting the placement of, access to, parental time
343 with, adoption of, or parental rights and responsibilities for
344 the minor child.

345 4. On the same basis as provided in chapter 61,
346 establishing temporary support for a minor child or children or
347 the petitioner. An order of temporary support remains in effect
348 until the order expires or an order is entered by a court of
349 competent jurisdiction in a pending or subsequent civil action
350 or proceeding affecting child support.

351 5. Ordering the respondent to participate in treatment,
352 intervention, or counseling services to be paid for by the
353 respondent. When the court orders the respondent to participate
354 in a batterers' intervention program, the court, or any entity
355 designated by the court, must provide the respondent with a list
356 of ~~all certified~~ batterers' intervention programs ~~and all~~
357 ~~programs which have submitted an application to the Department~~
358 ~~of Children and Family Services to become certified under s.~~
359 ~~741.32,~~ from which the respondent must choose a program in which
360 to participate. ~~If there are no certified batterers'~~
361 ~~intervention programs in the circuit, the court shall provide a~~
362 ~~list of acceptable programs from which the respondent must~~
363 ~~choose a program in which to participate.~~

364 6. Referring a petitioner to a certified domestic violence

365 center. The court must provide the petitioner with a list of
 366 certified domestic violence centers in the circuit which the
 367 petitioner may contact.

368 7. Ordering such other relief as the court deems necessary
 369 for the protection of a victim of domestic violence, including
 370 injunctions or directives to law enforcement agencies, as
 371 provided in this section.

372 (e) An injunction for protection against domestic violence
 373 entered pursuant to this section, on its face, may order that
 374 the respondent attend a batterers' intervention program as a
 375 condition of the injunction. Unless the court makes written
 376 factual findings in its judgment or order which are based on
 377 substantial evidence, stating why batterers' intervention
 378 programs would be inappropriate, the court shall order the
 379 respondent to attend a batterers' intervention program if:

380 1. It finds that the respondent willfully violated the ex
 381 parte injunction;

382 2. The respondent, in this state or any other state, has
 383 been convicted of, had adjudication withheld on, or pled nolo
 384 contendere to a crime involving violence or a threat of
 385 violence; or

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

389
 390 ~~It is mandatory that such programs be certified under s. 741.32.~~

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

393 741.316 Domestic violence fatality review teams;
 394 definition; membership; duties.—

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

399 Section 10. Section 741.32, Florida Statutes, is amended
 400 to read:

401 741.32 ~~Certification of~~ Batterers' intervention programs;
 402 findings.—

403 ~~(1)~~ The Legislature finds that the incidence of domestic
 404 violence in this state ~~Florida~~ is disturbingly high, and that,
 405 despite the efforts of many to curb this violence, ~~that~~ one
 406 person dies at the hands of a spouse, ex-spouse, or cohabitant
 407 approximately every 2 ~~3~~ days. Further, a child who witnesses the
 408 perpetration of this violence becomes a victim as he or she
 409 hears or sees it occurring. This child is at high risk of also
 410 being the victim of physical abuse by the parent who is
 411 perpetrating the violence and, to a lesser extent, by the parent
 412 who is the victim. These children are also at a high risk of
 413 perpetrating violent crimes as juveniles and, later, becoming
 414 perpetrators of the same violence that they witnessed as
 415 children. The Legislature finds that there should be
 416 standardized programming available to the justice system to
 417 protect victims and their children and to hold the perpetrators
 418 of domestic violence accountable for their acts. Finally, the
 419 Legislature recognizes that in order for batterers' intervention
 420 programs to be successful in protecting victims and their

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421 children, all participants in the justice system as well as
 422 social service agencies and local and state governments must
 423 coordinate their efforts at the community level.

424 ~~(2) There is hereby established in the Department of~~
 425 ~~Children and Family Services an Office for Certification and~~
 426 ~~Monitoring of Batterers' Intervention Programs. The department~~
 427 ~~may certify and monitor both programs and personnel providing~~
 428 ~~direct services to those persons who are adjudged to have~~
 429 ~~committed an act of domestic violence as defined in s. 741.28,~~
 430 ~~those against whom an injunction for protection against domestic~~
 431 ~~violence is entered, those referred by the department, and those~~
 432 ~~who volunteer to attend such programs. The purpose of~~
 433 ~~certification of programs is to uniformly and systematically~~
 434 ~~standardize programs to hold those who perpetrate acts of~~
 435 ~~domestic violence responsible for those acts and to ensure~~
 436 ~~safety for victims of domestic violence. The certification and~~
 437 ~~monitoring shall be funded by user fees as provided in s.~~
 438 ~~741.327.~~

439 Section 11. Section 741.325, Florida Statutes, is amended
 440 to read:

441 741.325 Batterers' intervention programs; guidelines
 442 Guideline authority.—

443 (1) A batterers' intervention program shall meet the
 444 following guidelines ~~The Department of Children and Family~~
 445 ~~Services shall promulgate guidelines to govern purpose,~~
 446 ~~policies, standards of care, appropriate intervention~~
 447 ~~approaches, inappropriate intervention approaches during the~~
 448 ~~batterers' program intervention phase (to include couples~~

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449 ~~counseling and mediation), conflicts of interest, assessment,~~
450 ~~program content and specifics, qualifications of providers, and~~
451 ~~credentials for facilitators, supervisors, and trainees. The~~
452 ~~department shall, in addition, establish specific procedures~~
453 ~~governing all aspects of program operation, including~~
454 ~~administration, personnel, fiscal matters, victim and batterer~~
455 ~~records, education, evaluation, referral to treatment and other~~
456 ~~matters as needed. In addition, the rules shall establish:~~

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

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

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

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

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

473 (e) ~~(6)~~ ~~The intent that~~ The program shall ~~programs~~ be user-
474 fee funded with fees from the batterers who attend the program
475 as payment, which ~~for programs~~ is important to the batterer
476 taking responsibility for the act of violence, ~~and from those~~

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477 ~~seeking certification.~~ Exception shall be made for those local,
 478 state, or federal programs that fund batterers' intervention
 479 programs in whole or in part.

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

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

494 Section 12. Section 741.327, Florida Statutes, is
 495 repealed.

496 Section 13. Paragraph (a) of subsection (1) of section
 497 938.01, Florida Statutes, is amended to read:

498 938.01 Additional Court Cost Clearing Trust Fund.—

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

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505 318.14(9) or (10) shall also be liable for payment of such cost.
 506 In addition, \$3 from every bond estreature or forfeited bail
 507 bond related to such penal statutes or penal ordinances shall be
 508 remitted to the Department of Revenue as described in this
 509 subsection. However, no such assessment may be made against any
 510 person convicted for violation of any state statute, municipal
 511 ordinance, or county ordinance relating to the parking of
 512 vehicles.

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

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

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

525 3. One and seven-tenths percent to the Department of
 526 Children and Family Services Domestic Violence Trust Fund for
 527 the domestic violence program pursuant to s. 39.903(2)
 528 ~~39.903(3)~~.

529 Section 14. Section 948.038, Florida Statutes, is amended
 530 to read:

531 948.038 Batterers' intervention program as a condition of
 532 probation, community control, or other court-ordered community

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

542 Section 15. This act shall take effect July 1, 2012.