

By Senator Bean

4-00322-21

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1                   A bill to be entitled  
2       An act relating to domestic violence; amending s.  
3       39.901, F.S.; revising legislative findings; amending  
4       s. 39.905, F.S.; adding nonresidential outreach  
5       services to the list of services certified domestic  
6       violence centers must provide; revising requirements  
7       for receipt of state funds; authorizing certified  
8       domestic violence centers to carry forward unexpended  
9       state funds in a specified amount from one fiscal year  
10      to the next during the contract period; providing  
11      limitations on and reporting requirements for the use  
12      of such funds; requiring centers to return to the  
13      department any remaining unexpended funds at the end  
14      of the contract period; authorizing certain centers to  
15      carry forward unexpended funds through contract  
16      renewals; amending s. 741.32, F.S.; revising  
17      legislative findings; amending s. 741.325, F.S.;  
18      revising the program content requirements for  
19      batterers' intervention programs; reviving,  
20      reenacting, and amending s. 741.327, F.S., relating to  
21      the certification and monitoring of batterers'  
22      intervention programs; requiring the Department of  
23      Children and Families to certify and monitor  
24      batterers' intervention programs; requiring the  
25      department to adopt certain rules; amending s. 741.30,  
26      F.S.; conforming a provision to changes made by the  
27      act; providing an effective date.

28  
29   Be It Enacted by the Legislature of the State of Florida:

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Section 1. Section 39.901, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 39.901, F.S., for present text.)  
39.901 Domestic violence centers; legislative findings; requirements.-

(1) The Legislature recognizes that the perpetration of violence by persons against their intimate partners, spouses, ex-spouses, or those with whom they share a child in common poses a significant public health threat that has adverse physical, emotional, and financial impacts on families and communities in this state. The Legislature further finds that it is critical that victims of domestic violence and their dependents have access to safe emergency shelter, advocacy, and crisis intervention services to assist them with the resources necessary to be safe and live free of violence.

(2) To ensure statewide consistency in the provision of confidential, comprehensive, and effective services to victims of domestic violence and their families, the Department of Children and Families shall certify and monitor domestic violence centers. The department and certified domestic violence centers shall serve as partners and together provide a coordinated response to address victim safety, hold batterers accountable, and prevent future violence in this state.

Section 2. Paragraph (c) of subsection (1) and paragraph (b) of subsection (6) of section 39.905, Florida Statutes, are amended, and subsection (8) is added to that section, to read:

39.905 Domestic violence centers.-

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59 (1) Domestic violence centers certified under this part  
60 must:

61 (c) Provide minimum services that include, but are not  
62 limited to, information and referral services, counseling and  
63 case management services, temporary emergency shelter for more  
64 than 24 hours, a 24-hour hotline, nonresidential outreach  
65 services, training for law enforcement personnel, assessment and  
66 appropriate referral of resident children, and educational  
67 services for community awareness relative to the incidence of  
68 domestic violence, the prevention of such violence, and the  
69 services available for persons engaged in or subject to domestic  
70 violence. If a 24-hour hotline, professional training, or  
71 community education is already provided by a certified domestic  
72 violence center within its designated service area, the  
73 department may exempt such certification requirements for a new  
74 center serving the same service area in order to avoid  
75 duplication of services.

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

77 (b) Obtain public or private ~~Receive at least 25 percent of~~  
78 ~~its~~ funding from one or more local, municipal, or county  
79 sources, ~~public or private~~ in an amount that equals at least 25  
80 percent of the amount of funding the center receives from the  
81 Domestic Violence Trust Fund established in s. 741.01.

82 Contributions in kind, whether materials, commodities,  
83 transportation, office space, other types of facilities, or  
84 personal services, may be evaluated and counted as part of the  
85 required local funding.

86 (8) A certified domestic violence center may carry forward  
87 from one fiscal year to the next during the contract period

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88 documented unexpended state funds in a cumulative amount that  
89 does not exceed 8 percent of its total contract with the  
90 department.

91 (a) The funds carried forward may not be used in a manner  
92 that would increase future recurring obligations or for any  
93 program or service that is not authorized by the existing  
94 contract.

95 (b) Expenditures of funds carried forward must be  
96 separately reported to the department.

97 (c) Any unexpended funds that remain at the end of the  
98 contract period must be returned to the department.

99 (d) Funds carried forward under this subsection may be  
100 retained through any contract renewals as long as the same  
101 certified domestic violence center is retained by the  
102 department.

103 Section 3. Section 741.32, Florida Statutes, is amended to  
104 read:

105 741.32 Batterers' intervention programs.—The Legislature  
106 finds that the incidence of domestic violence in this state is  
107 disturbingly high and that, despite the efforts of many to curb  
108 this violence, one person dies at the hands of a spouse, ex-  
109 spouse, or cohabitant approximately every 3 days. Further, a  
110 child who witnesses the perpetration of this violence becomes a  
111 victim as he or she hears or sees it occurring. This child is at  
112 high risk of also being the victim of physical abuse by the  
113 parent who is perpetrating the violence and, to a lesser extent,  
114 by the parent who is the victim. These children are also at a  
115 high risk of perpetrating violent crimes as juveniles and,  
116 later, becoming perpetrators of the same violence that they

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117 witnessed as children. The Legislature finds that there should  
118 be standardized programming available to the justice system to  
119 protect victims and their children and to hold the perpetrators  
120 of domestic violence accountable for their acts. To ensure  
121 statewide consistency in such programming, the Department of  
122 Children and Families shall certify and monitor batterers'  
123 intervention programs to be used by the justice system. Finally,  
124 the Legislature recognizes that in order for batterers'  
125 intervention programs to be successful in protecting victims and  
126 their children, all participants in the justice system as well  
127 as social service agencies and local and state governments must  
128 coordinate their efforts at the community level.

129 Section 4. Paragraph (d) of subsection (1) of section  
130 741.325, Florida Statutes, is amended to read:

131 741.325 Requirements for batterers' intervention programs.-

132 (1) A batterers' intervention program must meet the  
133 following requirements:

134 (d) The program content shall be based on a cognitive  
135 behavioral therapy model or psychoeducational model that  
136 addresses tactics of power and control by one person over  
137 another.

138 Section 5. Notwithstanding the repeal of section 741.327,  
139 Florida Statutes, in section 14 of chapter 2012-147, Laws of  
140 Florida, that section is revived, reenacted, and amended to  
141 read:

142 741.327 Certification and monitoring of batterers'  
143 intervention programs; rules fees.-

144 (1) Pursuant to s. 741.32, the Department of Children and  
145 Families shall ~~Family Services is authorized to~~ certify and

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146 monitor batterers' intervention programs ~~assess and collect:~~

147 ~~(a) An annual certification fee not to exceed \$300 for the~~  
148 ~~certification and monitoring of batterers' intervention~~  
149 ~~programs.~~

150 ~~(b) An annual certification fee not to exceed \$200 for the~~  
151 ~~certification and monitoring of assessment personnel providing~~  
152 ~~direct services to persons who:~~

153 ~~1. Are ordered by the court to participate in a domestic~~  
154 ~~violence prevention program;~~

155 ~~2. Are adjudged to have committed an act of domestic~~  
156 ~~violence as defined in s. 741.28;~~

157 ~~3. Have an injunction entered for protection against~~  
158 ~~domestic violence; or~~

159 ~~4. Agree to attend a program as part of a diversion or~~  
160 ~~pretrial intervention agreement by the offender with the state~~  
161 ~~attorney.~~

162 ~~(2) The department shall adopt by rule procedures to~~  
163 ~~administer this section, including, but not limited to,~~  
164 ~~procedures related to the development of criteria for the~~  
165 ~~approval, suspension, or rejection of certification of~~  
166 ~~batterers' intervention programs All persons required by the~~  
167 ~~court to attend domestic violence programs certified by the~~  
168 ~~Department of Children and Family Services' Office for~~  
169 ~~Certification and Monitoring of Batterers' Intervention Programs~~  
170 ~~shall pay an additional \$30 fee for each 29-week program to the~~  
171 ~~Department of Children and Family Services.~~

172 ~~(3) The fees assessed and collected under this section~~  
173 ~~shall be deposited in the Executive Office of the Governor's~~  
174 ~~Domestic Violence Trust Fund established in s. 741.01 and~~

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175 ~~directed to the Department of Children and Family Services to~~  
 176 ~~fund the cost of certifying and monitoring batterers'~~  
 177 ~~intervention programs.~~

178 Section 6. Subsection (3) of section 741.30, Florida  
 179 Statutes, is amended to read:

180 741.30 Domestic violence; injunction; powers and duties of  
 181 court and clerk; petition; notice and hearing; temporary  
 182 injunction; issuance of injunction; statewide verification  
 183 system; enforcement; public records exemption.-

184 (3) (a) The sworn petition must ~~shall~~ allege the existence  
 185 of such domestic violence and must ~~shall~~ include the specific  
 186 facts and circumstances upon the basis of which relief is  
 187 sought.

188 (b) The sworn petition shall be in substantially the  
 189 following form:

191 PETITION FOR  
 192 INJUNCTION FOR PROTECTION  
 193 AGAINST DOMESTIC VIOLENCE

194  
 195 Before me, the undersigned authority, personally appeared  
 196 Petitioner ...(Name)..., who has been sworn and says that the  
 197 following statements are true:

198 (a) Petitioner resides at: ...(address)...

199 (Petitioner may furnish address to the court in a separate  
 200 confidential filing if, for safety reasons, the petitioner  
 201 requires the location of the current residence to be  
 202 confidential.)

203 (b) Respondent resides at: ...(last known address)...

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204 (c) Respondent's last known place of employment: ... (name  
205 of business and address)...

206 (d) Physical description of respondent:....

207 Race....

208 Sex....

209 Date of birth....

210 Height....

211 Weight....

212 Eye color....

213 Hair color....

214 Distinguishing marks or scars....

215 (e) Aliases of respondent:....

216 (f) Respondent is the spouse or former spouse of the  
217 petitioner or is any other person related by blood or marriage  
218 to the petitioner or is any other person who is or was residing  
219 within a single dwelling unit with the petitioner, as if a  
220 family, or is a person with whom the petitioner has a child in  
221 common, regardless of whether the petitioner and respondent are  
222 or were married or residing together, as if a family.

223 (g) The following describes any other cause of action  
224 currently pending between the petitioner and respondent:

225  
226 The petitioner should also describe any previous or pending  
227 attempts by the petitioner to obtain an injunction for  
228 protection against domestic violence in this or any other  
229 circuit, and the results of that attempt:

230  
231 Case numbers should be included if available.

232 (h) Petitioner is either a victim of domestic violence or



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233 has reasonable cause to believe he or she is in imminent danger  
234 of becoming a victim of domestic violence because respondent  
235 has: (mark all sections that apply and describe in the spaces  
236 below the incidents of violence or threats of violence,  
237 specifying when and where they occurred, including, but not  
238 limited to, locations such as a home, school, place of  
239 employment, or visitation exchange)

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241       ...committed or threatened to commit domestic violence  
242 defined in s. 741.28, Florida Statutes, as any assault,  
243 aggravated assault, battery, aggravated battery, sexual assault,  
244 sexual battery, stalking, aggravated stalking, kidnapping, false  
245 imprisonment, or any criminal offense resulting in physical  
246 injury or death of one family or household member by another.  
247 With the exception of persons who are parents of a child in  
248 common, the family or household members must be currently  
249 residing or have in the past resided together in the same single  
250 dwelling unit.

251       ...previously threatened, harassed, stalked, or physically  
252 abused the petitioner.

253       ...attempted to harm the petitioner or family members or  
254 individuals closely associated with the petitioner.

255       ...threatened to conceal, kidnap, or harm the petitioner's  
256 child or children.

257       ...intentionally injured or killed a family pet.

258       ...used, or has threatened to use, against the petitioner  
259 any weapons such as guns or knives.

260       ...physically restrained the petitioner from leaving the  
261 home or calling law enforcement.

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262       ....a criminal history involving violence or the threat of  
263 violence (if known).

264       ....another order of protection issued against him or her  
265 previously or from another jurisdiction (if known).

266       ....destroyed personal property, including, but not limited  
267 to, telephones or other communication equipment, clothing, or  
268 other items belonging to the petitioner.

269       ....engaged in any other behavior or conduct that leads the  
270 petitioner to have reasonable cause to believe he or she is in  
271 imminent danger of becoming a victim of domestic violence.

272       (i) Petitioner alleges the following additional specific  
273 facts: (mark appropriate sections)

274       ....A minor child or minor children reside with the  
275 petitioner whose names and ages are as follows:

276

277       ....Petitioner needs the exclusive use and possession of  
278 the dwelling that the parties share.

279       ....Petitioner is unable to obtain safe alternative housing  
280 because:

281       ....Petitioner genuinely fears that respondent imminently  
282 will abuse, remove, or hide the minor child or children from  
283 petitioner because:

284

285       (j) Petitioner genuinely fears imminent domestic violence  
286 by respondent.

287       (k) Petitioner seeks an injunction: (mark appropriate  
288 section or sections)

289       ....Immediately restraining the respondent from committing  
290 any acts of domestic violence.

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291           ....Restraining the respondent from committing any acts of  
292 domestic violence.

293           ....Awarding to the petitioner the temporary exclusive use  
294 and possession of the dwelling that the parties share or  
295 excluding the respondent from the residence of the petitioner.

296           ....Providing a temporary parenting plan, including a  
297 temporary time-sharing schedule, with regard to the minor child  
298 or children of the parties which might involve prohibiting or  
299 limiting time-sharing or requiring that it be supervised by a  
300 third party.

301           ....Establishing temporary support for the minor child or  
302 children or the petitioner.

303           ....Directing the respondent to participate in a batterers'  
304 intervention program ~~or other treatment pursuant to s. 39.901,~~  
305 ~~Florida Statutes.~~

306           ....Providing any terms the court deems necessary for the  
307 protection of a victim of domestic violence, or any minor  
308 children of the victim, including any injunctions or directives  
309 to law enforcement agencies.

310           (c)

311           Every petition for an injunction against domestic violence  
312 must ~~shall~~ contain, directly above the signature line, a  
313 statement in all capital letters and bold type not smaller than  
314 the surrounding text, as follows:

315

316           I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND  
317 EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT  
318 THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE  
319 UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN

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320 SECTION 837.02, FLORIDA STATUTES.

321 ... (initials) ...

322 (d) If the sworn petition seeks to determine a parenting  
323 plan and time-sharing schedule with regard to the minor child or  
324 children of the parties, the sworn petition must ~~shall~~ be  
325 accompanied by or must ~~shall~~ incorporate the allegations  
326 required by s. 61.522 of the Uniform Child Custody Jurisdiction  
327 and Enforcement Act.

328 Section 7. This act shall take effect July 1, 2021.