

By Senator Bracy

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1 A bill to be entitled
2 An act relating to batterers' intervention programs;
3 amending s. 741.325, F.S.; requiring the Department of
4 Children and Families to certify and monitor specified
5 batterers' intervention programs; requiring batterers'
6 intervention programs to satisfy specified
7 requirements for certification by the department;
8 requiring programs to have certain safety measures in
9 place; requiring programs to employ certain measures
10 to hold batterers accountable for acts of domestic
11 violence; providing requirements for program
12 orientation and weekly group sessions; revising
13 program content requirements; prohibiting programs
14 from including specified elements and techniques;
15 prohibiting programs from admitting batterers who have
16 not paid the user fee, with an exception; requiring
17 the department to annually review programs for
18 compliance with certification requirements;
19 authorizing the department to reject or suspend
20 certification of a program for failure to comply with
21 the requirements; requiring the department to annually
22 provide a list of certified programs and to
23 immediately notify the courts in this state if it
24 suspends a program's certification; requiring the
25 department to adopt specified rules; amending ss.
26 741.281, 741.2902, 741.30, 741.31, and 948.038, F.S.;
27 conforming provisions to changes made by the act;
28 providing an effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

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32 Section 1. Section 741.325, Florida Statutes, is amended to
33 read:

34 741.325 Certification requirements for batterers'
35 intervention programs.—

36 (1) The Department of Children and Families shall certify
37 and monitor batterers' intervention programs that provide direct
38 intervention services to those persons who are adjudged to have
39 committed an act of domestic violence as defined in s. 741.28,
40 those against whom an injunction for protection against domestic
41 violence is entered, those referred by the department, and those
42 who voluntarily attend such programs.

43 (2) To be certified, a batterers' intervention program must
44 meet all of the following requirements:

45 (a) The primary purpose of the program must ~~shall~~ be victim
46 safety and the safety of children, if present. Safety measures
47 must include, but need not be limited to, all of the following:

48 1. Coordination with the criminal justice system, domestic
49 violence centers, social service agencies, and state and local
50 governmental agencies.

51 2. A requirement that all program personnel undergo a level
52 2 background screening in accordance with chapter 435.

53 a. Fees for state and federal fingerprint processing and
54 retention must be borne by the applicant. The state cost for
55 fingerprint processing must be as provided in s. 943.053(3)(e)
56 for records provided to persons or entities other than those
57 specified as exceptions therein.

58 b. Fingerprints submitted to the Department of Law

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59 Enforcement pursuant to this paragraph must be retained as
60 provided in s. 435.12 and, when the Department of Law
61 Enforcement begins participation in the program, must be
62 enrolled in the Federal Bureau of Investigation's national
63 retained fingerprint arrest notification program as provided in
64 s. 943.05(4). Any arrest record identified must be reported to
65 the department.

66 3. A prohibition on the employment of perpetrators of
67 domestic violence as program personnel.

68 4. Requirements and procedures for victim notification when
69 a batterer is enrolled in or discharged from the program.

70 5. Extensive recordkeeping requirements.

71 6. Written operating policies and manuals.

72 7. Rigorous facilitator credentialing procedures and
73 continuing education requirements.

74 (b) The batterer must ~~shall~~ be held accountable for acts of
75 domestic violence. The program must include measures that do all
76 of the following:

77 1. Assign responsibility to batterers for their acts of
78 domestic violence.

79 2. Provide a strategy to assist batterers in taking
80 responsibility for their acts of domestic violence.

81 3. Improve batterers' ability to articulate and identify
82 emotions.

83 4. Encourage batterers to develop critical thinking skills
84 and healthier behavior patterns.

85 5. Teach batterers the effects domestic violence has on
86 children.

87 6. Improve batterers' negotiation and conflict resolution

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88 skills.

89 7. Teach batterers communication skills and how to listen
90 to others with empathy.

91 8. Challenge batterers' gender role expectations.

92 9. Educate batterers on the relationship between substance
93 abuse and domestic violence.

94 10. Support the principle that domestic violence is
95 primarily a learned behavior and is not a natural response to
96 provocation.

97 11. Teach batterers how distorted thinking can affect a
98 person's emotions and behavior.

99 (c) The program must ~~shall~~ be at least 29 weeks in length
100 and include at least 24 weekly group sessions, plus appropriate
101 intake, assessment, and orientation programming.

102 1. Orientation sessions must be at least 90 minutes in
103 length, with breaks at appropriate intervals, and must include
104 all of the following content:

105 a. The definition of domestic violence.

106 b. Statistics related to domestic violence.

107 c. An explanation of the cycle of abuse and introduction of
108 the power and control wheel.

109 d. An overview of the program's rules and expectations.

110 e. An introduction to the program's content, which must
111 include the dynamics of power and control in domestic violence;
112 the effects of domestic violence on the victim, children, and
113 others; and the connection between gender roles, socialization,
114 and the nature of domestic violence.

115 2. Each weekly group session must be at least 90 minutes in
116 length, with breaks at appropriate intervals. A group session

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117 must consist of at least 3 participants and a maximum of 24
118 participants with 2 facilitators or a maximum of 15 participants
119 with 1 facilitator. A program may accept new participants into
120 the weekly group sessions on an ongoing basis. However, programs
121 must ensure that all participants of a group session are of the
122 same gender.

123 3. If a participant in the group session is not fluent in
124 the English language, at least one facilitator must be able to
125 translate or effectively communicate in the participant's native
126 language. A program may not allow a person who is not affiliated
127 with the program to serve as an interpreter for a participant
128 during a group session.

129 (d) The program content ~~must shall~~ be based on a cognitive
130 behavioral therapy model or an intervention psychoeducational
131 model that recognizes the use addresses tactics of power and
132 control tactics by one person to inflict emotional or physical
133 abuse on ~~over~~ another. The program content must be submitted to
134 the department at the time of application for certification for
135 review of compliance with program standards under this section.
136 The program content may not include any of the following:

137 1. Couples, marriage, or family therapy or any technique
138 that requires victim participation.

139 2. Anger management techniques that identify anger as the
140 cause of domestic violence.

141 3. Identification of poor impulse control as a primary
142 cause of domestic violence.

143 4. Identification of psychopathology on the part of the
144 perpetrator or the victim as a primary cause of domestic
145 violence.

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146 5. Instruction on fair fighting techniques.

147 6. Any other content the department deems inappropriate for
148 the program.

149 (e) The program must ~~shall~~ be funded by user fees paid by
150 the batterers who attend the program, which allows them to take
151 responsibility for their acts of violence. An exception must
152 ~~shall~~ be made for local, state, or federal programs that fund
153 batterers' intervention programs in whole or in part. The
154 program may not admit a batterer into the program until he or
155 she has paid the user fee. However, the program may not refuse
156 to admit a batterer into the program if the batterer has been
157 deemed indigent by the court and is unable to pay the user fee.

158 (3) ~~(2)~~ The requirements of this section apply only to
159 programs that address the perpetration of violence between
160 intimate partners, spouses, ex-spouses, or those who share a
161 child in common or who are cohabitants in intimate relationships
162 for the purpose of exercising power and control by one over the
163 other. It will endanger victims if courts and other referral
164 agencies refer family and household members who are not
165 perpetrators of the type of domestic violence encompassed by
166 these requirements. Accordingly, the court and others who make
167 referrals should refer perpetrators only to programming that
168 appropriately addresses the violence committed.

169 (4) The department shall annually review certified
170 batterers' intervention programs to ensure that they continue to
171 meet the requirements of this section. The department may reject
172 or suspend certification of a program if it fails to meet the
173 requirements of this section.

174 (5) The department shall annually provide to the courts in

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175 this state a list of certified batterers' intervention programs
176 and immediately notify the courts of any suspension of a
177 certified batterers' program.

178 (6) The department shall adopt rules to implement this
179 section, including, at a minimum, all of the following:

180 (a) Procedures related to the development of criteria for
181 the approval, suspension, or rejection of certification of
182 batterers' intervention programs.

183 (b) The programs' purpose, policies, and standards of care.

184 (c) The intervention approaches considered appropriate for
185 use by the programs.

186 (d) Policies addressing conflicts of interest and ethical
187 standards.

188 (e) Curriculum and assessments for the programs.

189 (f) The qualifications of providers and credentials for
190 program facilitators, supervisors, and trainees.

191 (g) The standards for program operations, including
192 administrative, personnel, and fiscal operations.

193 (h) Record maintenance and retention policies for victim
194 and batterer records.

195 (i) Procedures for educating, evaluating, and referring
196 program participants for treatment.

197 Section 2. Section 741.281, Florida Statutes, is amended to
198 read:

199 741.281 Court to order batterers' intervention program
200 attendance.—If a person is found guilty of, has adjudication
201 withheld on, or pleads nolo contendere to a crime of domestic
202 violence, as defined in s. 741.28, that person must ~~shall~~ be
203 ordered by the court to a minimum term of 1 year's probation and

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204 the court shall order that the defendant attend and complete a
205 batterers' intervention program certified under s. 741.325 as a
206 condition of probation. The court must impose the condition of
207 the batterers' intervention program for a defendant under this
208 section, but the court, in its discretion, may determine not to
209 impose the condition if it states on the record why a batterers'
210 intervention program might be inappropriate. The court must
211 impose the condition of the batterers' intervention program for
212 a defendant placed on probation unless the court determines that
213 the person does not qualify for the batterers' intervention
214 program pursuant to s. 741.325. The imposition of probation
215 under this section does not preclude the court from imposing any
216 sentence of imprisonment authorized by s. 775.082.

217 Section 3. Paragraph (g) of subsection (2) of section
218 741.2902, Florida Statutes, is amended to read:

219 741.2902 Domestic violence; legislative intent with respect
220 to judiciary's role.-

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

224 (g) Consider requiring the perpetrator to complete a
225 batterers' intervention program certified under. ~~It is preferred~~
226 ~~that such program meet the requirements specified in s. 741.325.~~

227 Section 4. Paragraph (b) of subsection (3) and paragraphs
228 (a) and (e) of subsection (6) of section 741.30, Florida
229 Statutes, are amended to read:

230 741.30 Domestic violence; injunction; powers and duties of
231 court and clerk; petition; notice and hearing; temporary
232 injunction; issuance of injunction; statewide verification

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233 system; enforcement; public records exemption.-

234 (3)

235 (b) The sworn petition shall be in substantially the
236 following form:

237

238 PETITION FOR
239 INJUNCTION FOR PROTECTION
240 AGAINST DOMESTIC VIOLENCE
241

242 Before me, the undersigned authority, personally appeared
243 Petitioner ...(Name)..., who has been sworn and says that the
244 following statements are true:

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

246 (Petitioner may furnish address to the court in a separate
247 confidential filing if, for safety reasons, the petitioner
248 requires the location of the current residence to be
249 confidential.)

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

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

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

254 Race.....

255 Sex.....

256 Date of birth.....

257 Height.....

258 Weight.....

259 Eye color.....

260 Hair color.....

261 Distinguishing marks or scars.....

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

263 (f) Respondent is the spouse or former spouse of the
264 petitioner or is any other person related by blood or marriage
265 to the petitioner or is any other person who is or was residing
266 within a single dwelling unit with the petitioner, as if a
267 family, or is a person with whom the petitioner has a child in
268 common, regardless of whether the petitioner and respondent are
269 or were married or residing together, as if a family.

270 (g) The following describes any other cause of action
271 currently pending between the petitioner and respondent:.....
272

273 The petitioner should also describe any previous or pending
274 attempts by the petitioner to obtain an injunction for
275 protection against domestic violence in this or any other
276 circuit, and the results of that attempt:.....
277
278 Case numbers should be included if available.

279 (h) Petitioner is either a victim of domestic violence or
280 has reasonable cause to believe he or she is in imminent danger
281 of becoming a victim of domestic violence because respondent
282 has: ... (mark all sections that apply and describe in the spaces
283 below the incidents of violence or threats of violence,
284 specifying when and where they occurred, including, but not
285 limited to, locations such as a home, school, place of
286 employment, or visitation exchange)...

287
288

289 ...committed or threatened to commit domestic violence
290 defined in s. 741.28, Florida Statutes, as any assault,

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291 aggravated assault, battery, aggravated battery, sexual assault,
292 sexual battery, stalking, aggravated stalking, kidnapping, false
293 imprisonment, or any criminal offense resulting in physical
294 injury or death of one family or household member by another.

295 With the exception of persons who are parents of a child in
296 common, the family or household members must be currently
297 residing or have in the past resided together in the same single
298 dwelling unit.

299 ...previously threatened, harassed, stalked, or physically
300 abused the petitioner.

301 ...attempted to harm the petitioner or family members or
302 individuals closely associated with the petitioner.

303 ...threatened to conceal, kidnap, or harm the petitioner's
304 child or children.

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

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

308 ...physically restrained the petitioner from leaving the
309 home or calling law enforcement.

310 ...a criminal history involving violence or the threat of
311 violence (if known).

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

314 ...destroyed personal property, including, but not limited
315 to, telephones or other communication equipment, clothing, or
316 other items belonging to the petitioner.

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

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320 (i) Petitioner alleges the following additional specific
321 facts: ...(mark appropriate sections)...

322A minor child or minor children reside with the
323 petitioner whose names and ages are as follows:

324

325Petitioner needs the exclusive use and possession of
326 the dwelling that the parties share.

327Petitioner is unable to obtain safe alternative housing
328 because:

329

330Petitioner genuinely fears that respondent imminently
331 will abuse, remove, or hide the minor child or children from
332 petitioner because:

333

334 (j) Petitioner genuinely fears imminent domestic violence
335 by respondent.

336 (k) Petitioner seeks an injunction: ...(mark appropriate
337 section or sections)...

338Immediately restraining the respondent from committing
339 any acts of domestic violence.

340Restraining the respondent from committing any acts of
341 domestic violence.

342Awarding to the petitioner the temporary exclusive use
343 and possession of the dwelling that the parties share or
344 excluding the respondent from the residence of the petitioner.

345Providing a temporary parenting plan, including a
346 temporary time-sharing schedule, with regard to the minor child
347 or children of the parties which might involve prohibiting or
348 limiting time-sharing or requiring that it be supervised by a

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349 third party.

350 ...Establishing temporary support for the minor child or
351 children or the petitioner.

352 ...Directing the respondent to participate in a batterers'
353 intervention program certified under s. 741.325, Florida
354 Statutes.

355 Providing any terms the court deems necessary for the
356 protection of a victim of domestic violence, or any minor
357 children of the victim, including any injunctions or directives
358 to law enforcement agencies.

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

365 1. Restraining the respondent from committing any acts of
366 domestic violence.

367 2. Awarding to the petitioner the exclusive use and
368 possession of the dwelling that the parties share or excluding
369 the respondent from the residence of the petitioner.

370 3. On the same basis as provided in chapter 61, providing
371 the petitioner with 100 percent of the time-sharing in a
372 temporary parenting plan that remains in effect until the order
373 expires or an order is entered by a court of competent
374 jurisdiction in a pending or subsequent civil action or
375 proceeding affecting the placement of, access to, parental time
376 with, adoption of, or parental rights and responsibilities for
377 the minor child.

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378 4. On the same basis as provided in chapter 61,
379 establishing temporary support for a minor child or children or
380 the petitioner. An order of temporary support remains in effect
381 until the order expires or an order is entered by a court of
382 competent jurisdiction in a pending or subsequent civil action
383 or proceeding affecting child support.

384 5. Ordering the respondent to participate in treatment,
385 intervention, or counseling services to be paid for by the
386 respondent. When the court orders the respondent to participate
387 in a batterers' intervention program certified under s. 741.325,
388 the court, or any entity designated by the court, must provide
389 the respondent with a list of batterers' intervention programs
390 from which the respondent must choose a program in which to
391 participate.

392 6. Referring a petitioner to a certified domestic violence
393 center. The court must provide the petitioner with a list of
394 certified domestic violence centers in the circuit which the
395 petitioner may contact.

396 7. Awarding to the petitioner the exclusive care,
397 possession, or control of an animal that is owned, possessed,
398 harbored, kept, or held by the petitioner, the respondent, or a
399 minor child residing in the residence or household of the
400 petitioner or respondent. The court may order the respondent to
401 have no contact with the animal and prohibit the respondent from
402 taking, transferring, encumbering, concealing, harming, or
403 otherwise disposing of the animal. This subparagraph does not
404 apply to an animal owned primarily for a bona fide agricultural
405 purpose, as defined under s. 193.461, or to a service animal, as
406 defined under s. 413.08, if the respondent is the service

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407 animal's handler.

408 8. Ordering such other relief as the court deems necessary
409 for the protection of a victim of domestic violence, including
410 injunctions or directives to law enforcement agencies, as
411 provided in this section.

412 (e) An injunction for protection against domestic violence
413 entered under this section, on its face, may order that the
414 respondent attend a batterers' intervention program certified
415 under s. 741.325 as a condition of the injunction. Unless the
416 court makes written factual findings in its judgment or order
417 which are based on substantial evidence, stating why batterers'
418 intervention programs would be inappropriate, the court must
419 ~~shall~~ order the respondent to attend a batterers' intervention
420 program if:

421 1. It finds that the respondent willfully violated the ex
422 parte injunction;

423 2. The respondent, in this state or any other state, has
424 been convicted of, had adjudication withheld on, or pled nolo
425 contendere to a crime involving violence or a threat of
426 violence; or

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

430 Section 5. Subsection (5) of section 741.31, Florida
431 Statutes, is amended to read:

432 741.31 Violation of an injunction for protection against
433 domestic violence.—

434 (5) Whether or not there is a criminal prosecution under
435 subsection (4), the court shall order the respondent to attend a

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436 batterers' intervention program certified under s. 741.325 if it
437 finds a willful violation of a domestic violence injunction,
438 unless the court makes written factual findings in its judgment
439 or order which are based on substantial evidence, stating why a
440 batterers' intervention program would be inappropriate.

441 Section 6. Section 948.038, Florida Statutes, is amended to
442 read:

443 948.038 Batterers' intervention program as a condition of
444 probation, community control, or other court-ordered community
445 supervision.—As a condition of probation, community control, or
446 any other court-ordered community supervision, the court shall
447 order a person convicted of an offense of domestic violence, as
448 defined in s. 741.28, to attend and successfully complete a
449 batterers' intervention program certified under s. 741.325
450 unless the court determines that the person does not qualify for
451 the batterers' intervention program under ~~pursuant to~~ s.
452 741.325. The offender must pay the cost of attending the
453 program.

454 Section 7. This act shall take effect July 1, 2022.