

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 Criminal Justice

BILL: SB 240

INTRODUCER: Senators Berman and Rodriguez

SUBJECT: Victims of Domestic Violence and Dating Violence

DATE: March 31, 2025

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------------------|
| 1. | Wyant | Stokes | CJ | Pre-meeting |
| 2. | | | ACJ | |
| 3. | | | FP | |

I. Summary:

SB 240 titled “Helping Abuse Victims Escape Now (HAVEN) Act,” creates s. 741.317, F.S., to establish the HAVEN Coordinating Council within the Department of Law Enforcement (FDLE). The section provides definitions, membership requirements, duties of the council, reporting requirements, and allows the council to receive appropriated funds, grants, or donations.

The HAVEN Coordinating Council is repealed on October 2, 2028, unless reviewed and saved from repeal by the Legislature.

The bill amends s. 741.402, F.S., to define “dating violence”. Section 741.403, F.S., is amended to allow a victim of dating violence to apply to participate in the Attorney General’s address confidentiality program.

The bill takes effect July 1, 2025.

II. Present Situation:

Dating violence is physical, sexual, emotional, or verbal abuse from a romantic or sexual partner. It can happen at any age, but young women are most likely to experience dating violence. More than four in 10 college women have experienced violence or abuse in a dating relationship and up to 19% of teens experience dating violence.¹

¹ Break the Cycle, *Teen Dating Violence Statistics 2024* (January 3, 2025), available at: <https://www.breakthecycle.org/teen-dating-violence-statistics/> (last visited March 25, 2025).

Domestic Violence

In 2020, 106,615 crimes of domestic violence were reported to Florida law enforcement agencies, resulting in 63,217 arrests.² Of those 106,615 reported domestic violence offenses, the relationship of the victims to the offenders varied, including:

- 20,735 were spousal;³
- 29,663 were co-habitants;⁴ and
- 20,142 were other.⁵

Dating Violence

Section 784.046, F.S., provides the following “dating violence” means:⁶

- Violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such relationship shall be determined based on the consideration of the following factors:
 - A dating relationship must have existed within the past 6 months;
 - The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
 - The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

“Violence” means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death, by a person against any other person.⁷

Any person who is the victim of dating violence and has reasonable cause to believe he or she is in imminent danger of becoming the victim of another act of dating violence, or any person who has reasonable cause to believe he or she is in imminent danger of becoming the victim of an act of dating violence, or the parent or legal guardian of any minor child who is living at home and who seeks an injunction for protection against dating violence of that minor child, has standing in the circuit court to file a verified petition for an injunction for protection against dating violence.⁸

² Florida Department of Law Enforcement, *Crime in Florida: Florida Uniform Crime Report*, available at: <https://www.fdle.state.fl.us/CJAB/UCR/Annual-Reports/UCR-Domestic-Violence> (Last visited March 27, 2025).

³ Florida Department of Law Enforcement, *Domestic Violence, Victim to Offender Relationships*, available at: <https://www.fdle.state.fl.us/CJAB/UCR/Annual-Reports/UCR-Domestic-Violence/Domestic-Violence-Relationships-Chart.aspx> (Last visited March 27, 2025). Spouse means the victim and offender are married by law or have been previously married. This category included ex-spouses.

⁴ *Id.* Co-Habitant means the victim lived with the offender as a married couple without legal marriage. This category includes former co-habitants.

⁵ *Id.* Other means the victim and offender had a child together but were never married and never lived together.

⁶ Section 784.046(1)(d), F.S.

⁷ Section 784.046(1)(a), F.S.

⁸ Section 784.046(2)(b), F.S.

Domestic Violence Investigations

Section 741.29, F.S., provides domestic violence investigations require an officer who investigates an alleged incident of domestic violence to:

- Assist the victim to obtain medical treatment if such is required;⁹
- Advise the victim that there is a domestic violence center from which the victim may receive services;¹⁰
- Administer a lethality assessment if the allegation of domestic violence is against an intimate partner, regardless of whether an arrest is made;¹¹
- Give the victim immediate notice of the legal rights and remedies available;¹²
- Make a written report, whether or not an arrest is made, that is complete and clearly indicates the alleged offense was an incident of domestic violence. The report shall be given to the officer's supervisor and filed with the law enforcement agency in a manner that will permit data on domestic violence cases to be compiled.¹³ Such report must include:
 - A description of physical injuries observed, if any.
 - If a law enforcement officer decides not to make an arrest or decides to arrest two or more parties, the officer must include the grounds for not arresting anyone or for arresting two or more parties.
 - A statement which indicates that a copy of the legal rights and remedies notice was given to the victim.
- Obtain a written statement from the victim and witnesses concerning the alleged domestic violence when possible; and
- Make an arrest whenever the officer determines probable cause that an act of domestic violence has been committed.^{14, 15}

Domestic Violence Training

Section 943.171, F.S., requires basic skills training in handling domestic violence cases. Every basic skills course required in order for law enforcement officers to obtain initial certification shall include a minimum of six hours of training in handling domestic violence cases and

⁹ Section 741.29(1)(a), F.S.

¹⁰ Section 741.29(1)(b), F.S.

¹¹ Section 741.29(1)(c), F.S.

¹² Section 741.29(1)(d), F.S. The Legal Rights and Remedies Notice to Victims must include a general summary of s. 741.30, F.S., the resource listing and phone number for the area domestic violence center, and a copy of the following statement: "If you are a victim of domestic violence, you may ask the state attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an injunction for protection from domestic violence which may include, but need not be limited to, provisions which restrain the abuser from further acts of abuse; direct the abuser to leave your household; prevent the abuser from entering your residence, school, business, or place of employment; award you custody of minor children; and direct the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so."

¹³ Section 741.29 (3), F.S.

¹⁴ Section 741.29(4), F.S.

¹⁵ Section 901.15(7), F.S., provides that a law enforcement officer may arrest a person without a warrant when there is probable cause to believe that the person has committed an act of domestic violence. The decision to arrest does not require consent of the victim or consideration of the relationship of the parties. It is the public policy of this state to strongly discourage arrest and charges of both parties for domestic violence or dating violence on each other and to encourage training of law enforcement and prosecutors in these areas.

training must include the recognition and determination of the primary aggressor in domestic violence cases and the issues involved in child-to-parent cases.

Address Confidentiality Program

The Address Confidentiality Program for Victims of Domestic Violence operated by the Office of the Attorney General was designed to provide program participants with a substitute address¹⁶ designated by the Attorney General in order to protect such participants and prevent their assailants or probable assailants from locating them. The program allows a participant to use his or her substitute address in lieu of his or her actual address with state and local agencies, which subsequently allows such agencies to comply with public record requests without jeopardizing the safety of program participants.¹⁷

Application Process and Certification

A person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of a person adjudicated incapacitated may apply to the Attorney General to participate in the Address Confidentiality Program and acquire a substitute address. Funding permitting, the Attorney General shall approve an application if it is filed with the Attorney General's Office in the manner and on the form prescribed by the Attorney General¹⁸ and contains all of the following:

- A sworn statement by the applicant that the applicant has good reason to believe that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, and that the applicant fears for his or her safety or his or her children's safety or the safety of the minor or incapacitated person on whose behalf the application is made.
- A designation that the Attorney General shall serve as the applicant's agent for purposes of service of process and for the purpose of receipt of mail.
- The mailing address and phone number or numbers where the applicant can be contacted by the Attorney General.
- A statement that the substitute address or addresses that the applicant requests will not be disclosed.
- The signature of the applicant and of any individual or representative of any office who assisted in the preparation of the application,¹⁹ and the date on which the applicant signed the application.²⁰

Upon receipt of a properly filed complete application, the Attorney General must certify the applicant as a program participant. Applicants are certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date.²¹ A program participant will have his or her certification withdrawn if he or she:

¹⁶ "Address" means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant. Section 741.402(1), F.S.

¹⁷ Section. 741.401, F.S.

¹⁸ An application fee may not be charged. Section 741.403(2), F.S.

¹⁹ The Attorney General is required to designate state and local agencies and nonprofit agencies that provide counseling and shelter services to victims of domestic violence to assist persons applying to become program participants. Section 741.408, F.S.

²⁰ Section 741.403(1), F.S.

²¹ Section 741.403(3), F.S.

- Obtains a name change; or
- Applies to become a program participant using false information.²²

Additionally, a program participant may have his or her certification cancelled if:

- He or she changes his or her residential address from the one listed on his or her program application, unless he or she provides the Attorney General with 14 days' prior notice of the change of address.
- Mail forwarded by the Attorney General to the program participant's address is returned and is undeliverable or if service of process documents are returned to the Attorney General.^{23, 24}

Agency Use of Substitute Address

After obtaining certification as a program participant, such participant may request that state and local agencies or other governmental entities use the substitute address provided by the Attorney General as his or her address.²⁵ When creating a new public record, state and local agencies or other governmental entities shall accept the participant's substitute address, unless the Attorney General has determined that:

- The agency or entity has a bona fide statutory or administrative requirement for the use of the participant's actual address which would normally be confidential under the program.
- The participant's actual address will only be used for those statutory and administrative purposes.
- The agency or entity has identified the specific program participant's record for which the waiver is requested.
- The agency or entity has identified the individuals who will have access to the record.
- The agency or entity has explained how its acceptance of a substitute address will prevent the agency from meeting its obligations under the law and why it cannot meet its statutory or administrative obligation by a change in its internal procedures.²⁶

The agency or entity is required to use the substitute address of the participant until such time as the Attorney General makes all of the required findings for a waiver.²⁷ If the Attorney General determines that a waiver is permitted, the Attorney General must notify and require the agency or entity to:

- Maintain the confidentiality of a program participant's actual address information.
- Limit the use of and access to that address.
- Designate an address disposition date after which the agency or entity may no longer maintain the record of the actual address.
- Comply with any other provisions and qualifications determined appropriate by the Attorney General.²⁸

²² Section 741.404(1) and (4), F.S.

²³ Section 741.404(2) and (3), F.S.

²⁴ The Attorney General's Office must forward all first-class mail to a program participant at no charge.

Section 741.405(8), F.S.

²⁵ A program participant may use his or her designated substitute address as his or her work address. Section 741.405(7), F.S.

²⁶ Section 741.405(1), F.S.

²⁷ Section 741.405(2), F.S.

²⁸ Section 741.405(4), F.S.

Supervisor of Elections Use of Substitute Address

A program participant who is otherwise qualified to vote may request a vote-by-mail ballot. The program participant will automatically receive vote-by-mail ballots for all elections in the jurisdictions in which he or she resides, in the same manner as vote-by-mail voters, at the participant's actual address designated in his or her program application. The name, address, and telephone number of a program participant may not be included in any list of registered voters available to the public.²⁹

Executive Branch Entities

Chapter 20, F.S., authorizes the creation of different entities within the executive branch to assist agencies in performing their duties more efficiently and effectively. These entities include commissions, committees or task forces, coordinating councils, and advisory councils. These entities are statutorily defined:

- “Commission,” unless otherwise required by the State Constitution, means a body created by specific statutory enactment within a department, the office of the Governor, or the Executive Office of the Governor and exercising limited quasi-legislative or quasi-judicial powers, or both, independently of the head of the department or the Governor.³⁰
- “Committee” or “task force” means an *advisory body* created without specific statutory enactment for a time not to exceed 1 year or created by specific statutory enactment for a time not to exceed three years and appointed to study a specific problem and recommend a solution or policy alternative with respect to that problem. Its existence terminates upon the completion of its assignment.³¹
- “Coordinating Council” means an interdepartmental advisory body created by law to coordinate programs and activities for which one department has primary responsibility but in which one or more other departments have an interest.³²
- “Council” or “advisory council” means an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives.³³

Agency Advisory Bodies and Related Entities

Each executive agency advisory body, commission, board of trustees, or any other collegial body created as an adjunct to the agency, must be established, evaluated, or maintained in accordance with the following provisions:³⁴

- Must be necessary and beneficial to the furtherance of a public purpose.³⁵

²⁹ Section 741.406, F.S.

³⁰ Section 20.03(4), F.S.

³¹ Section 20.03(5), F.S.

³² Section 20.03(6), F.S.

³³ Section 20.03(7), F.S.

³⁴ Section 20.052, F.S.

³⁵ Section 20.052(1), F.S.

- Must be terminated by the Legislature when it is no longer necessary and beneficial to the furtherance of a public purpose. The executive agency to which it is made an adjunct, must advise the Legislature when it ceases to be essential to the furtherance of a public purpose.³⁶
- The Legislature and the public must be kept informed of the numbers, purposes, memberships, activities, and expenses of advisory bodies, commissions, boards of trustees, and other collegial bodies established as adjuncts to executive agencies.³⁷
- Its members are appointed to 4-year staggered terms, unless expressly provided otherwise in the State Constitution.³⁸
- Its members serve without additional compensation or honorarium and are only authorized to receive per diem and reimbursement for travel expenses, unless expressly provided otherwise by specific statutory enactment.³⁹
- Members of an entity, other than a commission or board of trustees, must be appointed by the Governor, a department head, an executive director, or a Cabinet officer.⁴⁰
- Members of a commission or board of trustees must be appointed by the Governor unless otherwise provided by law, confirmed by the Senate, and are subject to the dual-office-holding prohibition of s. 5(a), Art. II of the State Constitution.⁴¹
- All meetings and records of the entity are public, unless an exemption is specifically provided by law.⁴²

A law creating, or authorizing the creation of, an advisory body must provide for the repeal of the advisory body on October 2 of the 3rd year after enactment unless the law is reviewed and saved from repeal through reenactment by the Legislature.⁴³

III. Effect of Proposed Changes:

The bill creates s. 741.317, F.S., to establish the HAVEN Coordinating Council within the FDLE. The FDLE must provide administrative and staff support services relating to the functions of the coordinating council.

The bill provides the following definitions:

- “Dynamic website” means a website that generates webpages in real time and which can change its content and layout depending on various parameters such as user preferences, time of day, and location.
- “Dating violence” means an act as defined in s. 784.046(1)(a), F.S., and includes a threat of such acts committed against an individual in a continuing and significant relationship as determined by the factors listed in s. 784.046(1)(d), F.S., regardless of whether these acts or threats have been reported to law enforcement officers.

The HAVEN Coordinating Council must be composed of the following members:

³⁶ Section 20.052(2), F.S.

³⁷ Section 20.052(3), F.S.

³⁸ Section 20.052(4)(c), F.S.

³⁹ Section 20.052(4)(d), F.S.

⁴⁰ Section 20.052(5)(a), F.S.

⁴¹ Section 20.052(5)(b), F.S.

⁴² Section 20.052(5)(c), F.S.

⁴³ Section 20.052(8), F.S.

- A representative from the FDLE, appointed by the executive director of the FDLE;
- A representative from a local law enforcement agency, appointed by the sheriff of the county in which the law enforcement agency is located;
- A representative from a victim services program, appointed by the secretary of the Department of Children and Families;
- A representative from a domestic violence advocacy group, appointed by the secretary of the Department of Children and Families;
- An expert in technology matters, appointed jointly by the President of the Senate and the Speaker of the House of Representatives;
- An attorney in good standing with The Florida Bar and who is a member of the Family Law Section of The Florida Bar, appointed by the president of The Florida Bar; and
- Any other representative as determined by the HAVEN Coordinating Council, appointed by the chair of the council.

Appointments to the council must be made by September 1, 2025. Each member serves at the pleasure of the official who appointed the member. A vacancy must be filled in the same manner as original appointment.

The council is required to:

- Develop a dynamic website with specified functions.
- Establish a public awareness campaign to inform the public about the dynamic website and its features.
- Coordinate with local law enforcement agencies and sheriffs to develop and implement a training program to ensure law enforcement officers are equipped to respond swiftly and effectively to alerts that are generated through the dynamic website.
- Meet at least quarterly to review relevant data, identify trends, and determine alternative or additional avenues of support for victims of domestic violence or dating violence.
- Provide quarterly reports to local law enforcement agencies and sheriff's offices.
- Beginning in 2026, submit an annual report to the Governor, the Attorney General, the executive director of the FDLE, the President of the Senate, and the Speaker of the House by November 1 that compiles the progress and cost breakdowns relating to the establishment of the dynamic website and, once functioning, statistics relating to the usage and effectiveness of the website and the effectiveness of the coordinating council.

The Legislature may appropriate funds annually to the FDLE to be used for implementation. Additionally, the council may apply for and receive grants and accept donations to support the development and maintenance of the dynamic website.

In accordance with s. 20.052(8), F.S., the HAVEN Coordinating Council will repeal on October 2, 2028, unless reviewed and saved from repeal by the Legislature.

The bill amends s. 741.402, F.S., to define “dating violence”. Further, the bill amends s. 741.403, F.S., to allow a victim of dating violence to apply to participate in the Attorney General’s address confidentiality program.

The bill amends ss. 741.465 and 741.4651, F.S., relating to public records exemption. The bill removes “domestic,” allowing for the exemption to apply to victims of dating violence who participate in the address confidentiality program, and to victims of stalking or aggravated stalking, respectively. Further, the bill amends s. 960.001, F.S. to require victims of dating violence to be given information about the address confidentiality program.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require the cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The FDLE has determined there is no fiscal impact to the department.⁴⁴

⁴⁴ Florida Department of Law Enforcement, *SB 240 Agency Analysis*, On file with the Senate Committee on Criminal Justice.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 741.402, 741.403, 741.465, 741.4651, 960.001.

This bill creates section 741.317 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

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