

## CHAPTER 2021-152

### House Bill No. 1231

An act relating to domestic violence; amending s. 39.901, F.S.; revising legislative findings; amending s. 39.905, F.S.; adding nonresidential outreach services to the list of services certified domestic violence centers must provide; revising requirements for receipt of state funds; authorizing certified domestic violence centers to carry forward unexpended state funds in a specified amount from one fiscal year to the next during the contract period; providing limitations on and reporting requirements for the use of such funds; requiring centers to return to the department any remaining unexpended funds at the end of the contract period; authorizing certain centers to carry forward unexpended funds through contract renewals; amending s. 741.32, F.S.; revising legislative findings; amending s. 741.325, F.S.; revising the program content requirements for batterers' intervention programs; reviving, reenacting, and amending s. 741.327, F.S., relating to the certification and monitoring of batterers' intervention programs; requiring the Department of Children and Families to certify and monitor batterers' intervention programs; requiring the department to adopt certain rules; amending s. 741.30, F.S.; conforming a provision to changes made by the act; providing an effective date.

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

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.—

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

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

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

(b) Obtain public or private ~~Receive at least 25 percent of its funding from one or more local, municipal, or county sources, public or private in an amount that equals at least 25 percent of the amount of funding the center receives from the Domestic Violence Trust Fund established in s. 741.01.~~ Contributions in kind, whether materials, commodities, transportation, office space, other types of facilities, or personal services, may be evaluated and counted as part of the required local funding.

(8) A certified domestic violence center may carry forward from one fiscal year to the next during the contract period documented unexpended state funds in a cumulative amount that does not exceed 8 percent of its total contract with the department.

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

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

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

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

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

741.32 Batterers’ intervention programs.—The Legislature finds that the incidence of domestic violence in this state is disturbingly high and that, despite the efforts of many to curb this violence, one person dies at the hands of a spouse, ex-spouse, or cohabitant approximately every 3 days. Further, a child who witnesses the perpetration of this violence becomes a victim as he or she hears or sees it occurring. This child is at high risk of also being the victim of physical abuse by the parent who is perpetrating the violence and, to a lesser extent, by the parent who is the victim. These children are also at a high risk of perpetrating violent crimes as juveniles and, later, becoming perpetrators of the same violence that they witnessed as children. The Legislature finds that there should be standardized programming available to the justice system to protect victims and their children and to hold the perpetrators of domestic violence accountable for their acts. To ensure statewide consistency in such programming, the Department of Children and Families shall certify and monitor batterers’ intervention programs to be used by the justice system. Finally, the Legislature recognizes that in order for batterers’ intervention programs to be successful in protecting victims and their children, all participants in the justice system as well as social service agencies and local and state governments must coordinate their efforts at the community level.

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

741.325 Requirements for batterers’ intervention programs.—

(1) A batterers’ intervention program must meet the following requirements:

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

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

741.327 Certification and monitoring of batterers’ intervention programs; rules fees.—

(1) Pursuant to s. 741.32, the Department of Children and Families shall ~~Family Services is authorized to~~ certify and monitor batterers’ intervention programs ~~assess and collect:~~

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

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

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

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

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

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

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

~~(3) The fees assessed and collected under this section shall be deposited in the Executive Office of the Governor's Domestic Violence Trust Fund established in s. 741.01 and directed to the Department of Children and Family Services to fund the cost of certifying and monitoring batterers' intervention programs.~~

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

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

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

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

PETITION FOR  
INJUNCTION FOR PROTECTION  
AGAINST DOMESTIC VIOLENCE

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

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

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

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

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

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

Race.....

Sex.....

Date of birth.....

Height.....

Weight.....

Eye color.....

Hair color.....

Distinguishing marks or scars.....

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

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

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

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

Case numbers should be included if available.

(h) Petitioner is either a victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence because respondent has: (mark all sections that apply and describe in the spaces below the incidents of violence or threats of violence, specifying when and where they occurred, including, but not limited to,

locations such as a home, school, place of employment, or visitation exchange).....

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

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

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

.....threatened to conceal, kidnap, or harm the petitioner’s child or children.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES.**

...(initials)...

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

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

Approved by the Governor June 21, 2021.

Filed in Office Secretary of State June 21, 2021.