

## House Bill No. 1729

An act relating to the Department of Corrections; transferring the Office for Certification and Monitoring of Batterers' Intervention Programs from the Department of Corrections to the Department of Children and Family Services; amending ss. 741.32 and 741.325, F.S.; revising references to conform to the transfer of the office; amending s. 921.0024, F.S.; removing the Department of Corrections' responsibility for preparing sentencing scoresheets; renumbering and amending s. 945.76, F.S.; transferring authority for certain fee assessment and collection from the Department of Corrections to the Department of Children and Family Services; providing an effective date.

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

Section 1. The Office for Certification and Monitoring of Batterers' Intervention Programs within the Department of Corrections is transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Department of Children and Family Services. All powers, duties, and functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Department of Corrections relating to the Office for Certification and Monitoring of Batterers' Intervention Programs are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Department of Children and Family Services.

Section 2. Subsection (2) of section 741.32, Florida Statutes, is amended to read:

741.32 Certification of batterers' intervention programs.—

(2) There is hereby established in the Department of Children and Family Services ~~Corrections~~ an Office for Certification and Monitoring of Batterers' Intervention Programs. The department may certify and monitor both programs and personnel providing direct services to those persons who are adjudged to have committed an act of domestic violence as defined in s. 741.28, those against whom an injunction for protection against domestic violence is entered, those referred by the department of ~~Children and Family Services~~, and those who volunteer to attend such programs. The purpose of certification of programs is to uniformly and systematically standardize programs to hold those who perpetrate acts of domestic violence responsible for those acts and to ensure safety for victims of domestic violence. The certification and monitoring shall be funded by user fees as provided in s. ~~741.327~~ 945.76.

Section 3. Section 741.325, Florida Statutes, is amended to read:

741.325 Guideline authority.—The Department of Children and Family Services ~~Corrections~~ shall promulgate guidelines to govern purpose, policies, standards of care, appropriate intervention approaches, inappropriate

intervention approaches during the batterers' program intervention phase (to include couples counseling and mediation), conflicts of interest, assessment, program content and specifics, qualifications of providers, and credentials for facilitators, supervisors, and trainees. The department shall, in addition, establish specific procedures governing all aspects of program operation, including administration, personnel, fiscal matters, victim and batterer records, education, evaluation, referral to treatment and other matters as needed. In addition, the rules shall establish:

(1) That the primary purpose of the programs shall be victim safety and the safety of the children, if present.

(2) That the batterer shall be held accountable for acts of domestic violence.

(3) That the programs shall be at least 29 weeks in length and shall include 24 weekly sessions, plus appropriate intake, assessment, and orientation programming.

(4) That the program be a psychoeducational model that employs a program content based on tactics of power and control by one person over another.

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

(6) The intent that the programs be user-fee funded with fees from the batterers who attend the program as payment for programs is important to the batterer taking responsibility for the act of violence, and from those seeking certification. Exception shall be made for those local, state, or federal programs that fund batterers' intervention programs in whole or in part.

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

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

Section 4. Subsection (3) of section 921.0024, Florida Statutes, is amended to read:

921.0024 Criminal Punishment Code; worksheet computations; scoresheets.—

(3) A single scoresheet shall be prepared for each defendant to determine the permissible range for the sentence that the court may impose, except that if the defendant is before the court for sentencing for more than one felony and the felonies were committed under more than one version or revision of the guidelines or the code, separate scoresheets must be prepared. The scoresheet or scoresheets must cover all the defendant's offenses pending before the court for sentencing. ~~Either the office of The state attorney or the Department of Corrections, or both where appropriate,~~ shall prepare the scoresheet or scoresheets, which must be presented to the defense counsel for review for accuracy in all cases unless the judge directs otherwise. The defendant's scoresheet or scoresheets must be approved and signed by the sentencing judge.

Section 5. Section 945.76, Florida Statutes, is renumbered as section 741.327, Florida Statutes, and amended to read:

741.327 ~~945.76~~ Certification and monitoring of batterers' intervention programs; fees.—

(1) Pursuant to s. 741.32, the Department of Children and Family Services ~~Corrections~~ is authorized to 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) All persons required by the court to attend domestic violence programs certified by the Department of Children and Family Services ~~Corrections~~' Office for ~~of~~ 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 ~~Corrections~~.

(3) The fees assessed and collected under this section shall be deposited in the Executive Office of the Governor's Domestic Violence ~~department's Operating 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. This act shall take effect July 1, 2001.

Approved by the Governor June 7, 2001.

Filed in Office Secretary of State June 7, 2001.