

1984

## Session Law 84-343

Florida Senate & House of Representatives

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LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Year 1984	Session Law No. 84-343	LOF Cite I, ii, 1981, 1987-1990	#pp
Prime Bill# SB 495	Sponsor	Comp./Sim. Bills HB 610, 805	
JIMC Hist. Leq. Cites	Senate pp.#s 171-2	House pp.#s 201, 2, 263-4	#pp
Committee of Ref.	Senate HRS, Judi-Civ	House HRS (Sub Health), Judic (etc)	Previous versions?

Committee Records

H/S	Committee	Year	Record Series: Folder Title, etc.	Location Cite	#pp
H	HRS	1984	Bill files. HB 610	19/1359	
"	"	"	" " " " HB. 805	"	
"	"	"	Meeting files (full)	17/1360	
"	"	"	" " " (sub Health)	"	
"	"	"	Subject files	X	
S	HRS	1984	Meeting files (full)	18/1381	
"	"	"	Bill files SB 495	18/1383	
"	Judi-Civ	"	Bill files SB/SB 495	18/1472	

Senate/House Journals

Page	?	Date	#pp	Page	?	Date	#pp

Tape Recordings

H/S	Floor	Committee/subcommittee	Date	# Tapes	Location Cite

Other Documentation

Record series title, folder title, etc.	Location Cite	#pp

(AS PASSED BY THE 1984 LEGISLATURE)

COMMITTEE ON HEALTH & REHABILITATIVE SERVICES

CS/HB 805  
House HRS Committee &  
Rep. Gordon

OTHER COMMITTEE OF REFERENCE  
Appropriations

Relating to Domestic Violence  
(Passed as CS/SB 495)

SIMILAR/COMPANION BILL:  
SB 495 (S), HB 610 (S)

June 25, 1984

I Summary

A. Present Situation

Sections 415.601-415.605, F.S., provide legislative intent, definitions, and describe the process by which spouse abuse centers are certified and funded. "Spouse abuse" is defined as "any assault, battery, or other physical abuse by a person upon his spouse," and the term "spouse" includes persons currently or previously married.

The law directs the Department of Health and Rehabilitative Services (HRS) to certify spouse abuse centers to receive funds, to distribute funds to a certified center, and to allocate a uniform base amount to each certified center, in addition to funds allocated according to the number of marriage licenses sold in each center's catchment area. The law further provides that spouse abuse centers may be established as private, local, state or federal funds are available and that any local agency or organization may apply for certification and funding.

Section 741.30, F.S., authorizes a person to file a petition with the circuit court alleging spouse abuse and requesting a restraining order. A petition may be filed only if the petitioner has previously filed a complaint of spouse abuse with a law enforcement agency. The law requires that certain information be included in the petition and provides a petition form. A restraining order must be served within 24 hours of its issuance and may be issued without a hearing, provided one is held within 20 days if requested by the respondent. The person alleging spouse abuse is not required to have legal representation nor may the issuance of a restraining order be conditioned upon divorce proceedings.

Under the existing law, the violation of a restraining order, which is issued by a circuit court, is a second degree misdemeanor which is handled in county court.

Section 901.15, F.S., specifies conditions under which a law enforcement officer may issue an arrest without a warrant. Such an arrest may be made when the officer has probable cause to believe that a person has committed a battery upon his spouse and he finds evidence of bodily harm or he reasonably believes that there is danger of violence unless the person alleged to have committed the battery is arrested. According to statistics maintained by the Florida Department of Law Enforcement, spouse abuse is one of the most frequent and personally dangerous situations in which officers find themselves. The state's Basic Recruit Training Course contains no specific unit of instruction for handling such investigations.

Certain questions which arise frequently in situations of spouse abuse are not addressed in current law, including whether or not the court can exclude an allegedly abusive spouse from his house prior to a hearing and whether a law enforcement officer can arrest someone without a warrant for the violation of a restraining order. In nineteen states, police may issue a warrantless arrest if they have probable cause to believe that an abuser has violated a restraining order. Laws in six states remove discretion and impose a duty to arrest where there is probable cause to believe that spouse abuse has occurred. Almost half the states impose some duties on law

enforcement officers responding to domestic disturbance calls, including transporting the victim to a shelter, informing her of her legal options, and staying until the danger has passed. Many of the laws prescribing such police duties or expanding arrest powers immunize law enforcement officers from suits for damages for any action taken in a good faith effort to enforce the law.

B Probable Effect of Proposed Changes

F.S. CS/HB 805 makes the following changes to ss. 415.601-415.608,

1. It changes the designation from "spouse abuse" to "domestic violence" and modifies the definition to read "any assault, battery, or criminal sexual conduct against one's spouse"
2. It provides for district-based funding, removes statutory restrictions on the allocation of funds, and separates the certification and funding of centers into distinct processes.
3. It reinstates a statutory requirement that an annual report on the incidence of domestic violence be prepared and submitted to the Legislature.
4. It specifies that the basic skills course used for the initial training of law enforcement officers must include at least six hours in handling domestic violence cases and that the Florida Court Education Council must provide such instruction for appropriate circuit court judges.

F.S.

The bill makes the following changes to s. 741.30,

1. It changes the designation from "restraining order" to "injunction for protection"
2. It removes the requirement that a person must have filed a complaint of spouse abuse with law enforcement before she can petition the court for relief.
3. It specifies that a person may petition for an injunction whether or not she has left her house or there is another legal action pending, and it specifies that bond is not to be required.
4. It shortens the prescribed petition form and lists the actions which may be sought by the petitioner
5. It directs the clerk of the court to provide simplified forms and to assist a person in filing the petition, if she is not represented by counsel.
6. It specifies that filing and service fees are to be waived when a petitioner signs an affidavit stating that she has insufficient funds.
7. It directs the court to hold a hearing at the earliest possible time, provides for personal service of the petition and hearing notice upon the respondent, and directs the clerk of the court to give the petitioner a copy of the injunction.

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8. It authorizes the court to grant an ex parte temporary order, pending a full hearing; authorizes certain relief which the court may provide in addition to any relief the court deems proper; authorizes the court to take oral testimony to support the application for an ex parte temporary injunction and directs that oral testimony be recorded and made available, and provides limits
9. It specifies that the title to real estate is not affected by actions under this section
10. It authorizes the court to provide certain relief in an injunction and limits any relief granted to a fixed period not to exceed one year, unless extended by the court for a fixed period.
11. It limits enforcement of the injunction to contempt of court and specifies that a finding of contempt may include a fine.
12. It provides for an expeditious hearing for a person arrested for the violation of an injunction for protection.
13. When requested by the petitioner, it authorizes the court to require law enforcement to assist a petitioner gain custody of her dwelling or otherwise assist in carrying out the provisions of the court's injunction.
14. It directs the clerk of the court to forward an injunction to the appropriate law enforcement agency and directs law enforcement agencies to share information related to the injunction.

The bill makes the following changes to chapter 901, F.S.:

1. It expands the situations in which a law enforcement officer may arrest without a warrant to include those times when he has probable cause to believe that a person has violated a domestic violence injunction for protection.
2. It provides immunity from liability for officers who exercise due care in arresting someone for domestic violence.
3. It directs a law enforcement officer who investigates an allegation of domestic violence to file a report
4. It expands the current mandate that an officer advise a victim of the availability of a shelter by having him also provide a written statement of a victim's rights and remedies.

## II Fiscal Impact

### A. State

The requirement that training in dealing with domestic violence be developed by the Department of Law Enforcement and the Office of the State Court Administrator could have a fiscal impact, although each agency has a source of funds for developing training resources. The Department of Law Enforcement is directed to prepare a

written statement to distribute to local agencies which would have a small fiscal impact

### B. Local

Certain provisions in the bill would have a fiscal impact on local governments, although the exact costs have not been determined. These provisions include the requirement that law enforcement officers make a written report for each investigation of domestic violence; the mandate that a law enforcement officer assist in carrying out the provisions of an injunction, when requested; the provision that certain information be forwarded by the clerk to law enforcement and shared among law enforcement agencies; and the authorization of law enforcement officers to arrest a person who violates the provisions of an injunction.

The provision in the bill which removes the misdemeanor penalty for the violation of a restraining order would eliminate the costs associated with prosecuting for such violation in criminal court

### C. Private

CS/HB 805 eliminates the base allocation to spouse abuse centers and directs HRS to develop an allocation formula which will differ from the one currently in statute. This may result in a center receiving a different allocation than it now receives. However, due to the fact that the allocation of funds would be district-based under provisions of this bill, the decision to fund a center in one part of the state would no longer affect the allocations to centers in other parts of the state

## III. Comments

1. Lack of adequate data on the nature and scope of domestic violence has hindered improvement of law enforcement response to the problem. Twenty-eight states require law enforcement agencies either to keep internal records of each case handled or to file reports with another agency
2. A 1983 study conducted by the Police Foundation in Washington, D.C., indicates that arrest is a more effective police response to domestic violence than mediation by the police officers or separation of the parties. There was a recurrence of violence in 24 percent of the cases in which the parties were separated for eight hours, a 17 percent recurrence in cases that were mediated, and only a 10 percent recurrence of violence in cases in which arrests were made.

Prepared by: Beverly Whiddon

Staff Director: Kandace M Hill

By Representative Gordon

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A bill to be entitled  
An act relating to domestic violence; amending s 415.601, F.S.; providing legislative intent; amending s 415.602, F.S., providing definitions; amending s. 415.603, F.S.; setting forth duties and functions of the Department of Health and Rehabilitative Services with respect to domestic violence; creating s. 415.604, F.S.; requiring an annual report by the department; amending s. 415.605, F.S.; providing for certification, decertification, procedures for seeking services, and funding of domestic violence centers; providing rulemaking authority; amending s 415.606, F.S., providing for referral of victims to centers and notice of rights; creating s 415.607, F.S.; requiring reports by law enforcement officers; amending s. 415.608, F.S.; providing for confidentiality of information; creating s. 415.609, F.S.; requiring that law enforcement officers and certain judges receive certain information and training; amending s. 741.30, F.S., providing for an injunction for protection and an ex parte temporary injunction for protection; providing penalties for violating such injunctions; creating s 741.31, F.S.; prescribing relief available through an injunction for protection; creating s 741.32, F.S.; providing for law enforcement officers to assist in executing or serving such injunction; creating s. 741.33, F.S.; providing for the

1 modification of such injunction, creating s. 1.22  
2 741.34, F.S.; providing for sending copies of  
3 such injunctions to certain law enforcement  
4 agencies, amending s. 901.15, F.S., requiring 1.24  
5 arrest with or without a warrant in specified  
6 circumstances; giving immunity from civil 1.25  
7 liability to certain law enforcement officers;  
8 amending s. 741.01, F.S.; changing "spouse 1.26  
9 abuse" to "domestic violence" to conform to the  
10 purposes of this act; providing an effective 1.27  
11 date.  
12  
13 Be It Enacted by the Legislature of the State of Florida: 1:enc  
14  
15 Section 1. Section 415.601, Florida Statutes, is 1.27  
16 amended to read 1.28  
17 415.601 Domestic violence Spouse-abuse treatment and 1.29  
18 rehabilitation; legislative intent.--The Legislature  
19 recognizes that certain persons who assault, batter, or 1.34  
20 otherwise abuse their spouses and the persons subject to such 1.35  
21 domestic violence abuse are in need of treatment and 1.36  
22 rehabilitation. It is the intent of the Legislature to assist 1.38  
23 in the development of domestic violence spouse-abuse centers 1 los  
24 for the victims of domestic violence spouse-abuse and to 1.42  
25 provide a place where the parties involved may be separated  
26 until they can be properly assisted. 1.43  
27 Section 2. Section 415.602, Florida Statutes, is 1.44  
28 amended to read  
29 415.602 ~~Definitions of terms used in ss. 415.601-~~ 1.46  
30 ~~415.608~~ --As used in ss. 415.601-415.609 this act: 1.47  
31

1 (1) "Department" means the Department of Health and 1.48  
2 Rehabilitative Services.  
3 (2) "District" means the county, or combination of 1:1u  
4 counties, as defined in s. 20.19. 1.50  
5 (3) "Domestic violence" means physical harm, bodily 1:1u  
6 injury, sexual battery, or assault, between spouses or persons 1.53  
7 who cohabit the same dwelling unit.  
8 (4) "Domestic violence center" means a facility which 1.55  
9 provides services to victims of domestic violence. 1.56  
10 (5) (2) "Spouse" means a person to whom another person 1.58  
11 is married or a person to whom another person has been married  
12 and from whom such other person is now separated or divorced 1.59  
13 (3) ~~--"Spouse-abuse" means any assault, battery, or~~ 1.63  
14 ~~other physical abuse by a person upon his spouse;~~  
15 (4) ~~--"Spouse-abuse center" means a facility which~~ 1:1o  
16 ~~provides services to victims of spouse-abuse and which has~~ 1.67  
17 ~~been certified by the department to receive state funds;~~ 1.68  
18 (5) ~~--"Victim" means any individual suffering assault,~~ 1.70  
19 ~~battery, or other physical abuse inflicted by his spouse or~~  
20 ~~former spouse-~~ 1.71  
21 Section 3 Section 415.603, Florida Statutes, is 1.72  
22 amended to read  
23 415.603 Duties and functions of the department with 1.73  
24 respect to domestic violence spouse-abuse.-- 1.75  
25 (1) It shall be the duty of the department: 1.75  
26 (a) To establish health, safety, and minimum program 1.76  
27 requirement standards for certifying domestic violence spouse 1:1u  
28 ~~abuse centers to receive state funds.~~ 1.80  
29 (b) To receive and approve or reject applications for 1.81  
30 state funding of domestic violence spouse-abuse centers. 1:1o  
31

1 (c) To receive and approve or reject applications for 1.84  
2 certification of domestic violence centers each application 2.1  
3 within 60 days of receipt of the application. 2.2  
4 ~~(d) --To distribute funds to a certified center within~~ 1:10s  
5 ~~45 days after approval.~~ 2.4  
6 ~~(d)(e)~~ To evaluate annually each certified domestic 2.6  
7 violence spouse-abuse center for compliance with the minimum 2.7  
8 standards. The department shall have the right to enter and 2.9  
9 inspect the premises of certified domestic violence spouse 2.10  
10 abuse centers at any reasonable hour in order to effectively 2.12  
11 evaluate the state of compliance of such centers with the 1:1us  
12 provisions of ss. 415.601-415.609 this section and rules in 2.14  
13 force pursuant thereto. 2.15  
14 (2) The department shall prescribe by rule the 2.16  
15 procedures by which subsection (1) shall be implemented. 2.17  
16 Without using designated district allocated center funds, the 2.18  
17 department may: 2.1  
18 (a) Formulate and conduct a research and evaluation 1:1us  
19 program on domestic violence spouse-abuse and cooperate with 2.22  
20 and assist and participate in programs of other properly 2.24  
21 qualified agencies, including any agency of the Federal 2.26  
22 Government, schools of medicine, hospitals, and clinics, in 2.27  
23 planning and conducting research on the prevention, care, 2.28  
24 treatment, and rehabilitation of persons engaged in or subject 1:10s  
25 to domestic violence spouse-abuse. 2.31  
26 (b) Serve as a clearinghouse for information relating 2.33  
27 to domestic violence spouse-abuse. 2.34  
28 (c) Carry on educational programs on domestic violence 2.3  
29 spouse-abuse for the benefit of the general public, persons  
30 engaged in or subject to domestic violence spouse-abuse,  
31 professional persons, or others who care for or may be engaged

1 in the care and treatment of persons engaged in or subject to 2.37  
2 domestic violence spouse-abuse.  
3 (d) Enlist the assistance of public and voluntary 2.38  
4 health, education, welfare, and rehabilitation agencies in a 2.39  
5 concerted effort to prevent domestic violence spouse-abuse and 2.40  
6 to treat persons engaged in or subject to domestic violence 2.42  
7 spouse-abuse.  
8 Section 4. Section 415 604, Florida Statutes, is 2.43  
9 created to read:  
10 415.604 Report to the Legislature --On or before 1:1us  
11 January 1 of each year, the Department of Health and 2.45  
12 Rehabilitative Services shall furnish to the President of the  
13 Senate and the Speaker of the House of Representatives a 2.46  
14 report on the status of domestic violence in Florida, which 2.47  
15 shall include, but not be limited to, the following:  
16 (1) Incidence of domestic violence in this state. 1:1us  
17 (2) Identification of the areas of the state where 1:1us  
18 domestic violence is of significant proportions, indicating 2.50  
19 the number of cases officially reported, as well as an  
20 assessment of the degree of unreported cases of domestic 2.51  
21 violence.  
22 (3) Identification and description of the types of 1:1us  
23 programs in the state that assist victims of domestic violence 2.53  
24 or persons committing domestic violence upon their family or  
25 household members, including information on funding for the 2.55  
26 programs.  
27 (4) The number of persons treated by or assisted by 1:1us  
28 local domestic violence programs receiving funding through the 2.57  
29 department.  
30 (5) A statement on the effectiveness of such programs 1:1us  
31 in preventing future domestic violence. 2.59

1       (6) An inventory and evaluation of existing prevention 1:lus  
2 programs.  
3       (7) A listing of potential prevention efforts 1:lus  
4 identified by the department; the estimated annual cost of 2 62  
5 providing such prevention services, both for a single client  
6 and for the anticipated target population as a whole; 2 63  
7 identification of potential funding sources; and the projected  
8 benefits of providing such services 2.64  
9       Section 5. Section 415 605, Florida Statutes, is 2.65  
10 amended to read.  
11       415.605 Domestic violence Spouse-abuse centers.-- 2.67  
12       (1) In order to be certified and-funded under ss. 2.69  
13 415.601-415.609 this-act, each domestic violence center shall 1:lus  
14       (a) Provide a facility which will serve as a center to 2.72  
15 receive and house persons who are victims of domestic violence 2.73  
16 spouse-abuse-victims For the purpose of ss. 415 601-415.609 2.75  
17 this-act, minor children and other dependents of a victim, 2.77  
18 when such dependents are partly or wholly dependent on the 2.7  
19 victim for support or services, may be sheltered with the  
20 victim in a domestic violence spouse-abuse center 2.80  
21       (b) Receive the annual periodic written endorsement of 2 81  
22 local law enforcement agencies, and 2 82  
23 (c) Receive 25 percent of its funding from one or more 2 83  
24 local, municipal, or county sources; public or private  
25 contributions in-kind; whether materials, commodities, 2.84  
26 transportation; office space; other types of facilities; or 3 1  
27 personal services; may be evaluated and counted as part of the 3.3  
28 required local funding;  
29       (c)(d) Provide minimum services which shall include, 3.5  
30 but not be limited to, information and referral services,  
31 counseling services, temporary emergency shelter for more than

1       24 hours, and educational services for community awareness 3.8  
2 relative to the incidence of domestic violence spouse-abuse, 1 los  
3 the prevention of such violence abuse, and the care, 3.11  
4 treatment, and rehabilitation for persons engaged in or 3 13  
5 subject to domestic violence spouse-abuse  
6       (d)(e) Participate in the provision of orientation and 1 lus  
7 training programs developed for law enforcement officers, 3 16  
8 social workers, and other professionals and paraprofessionals  
9 who work with domestic violence spouse-abuse victims to better 1.1us  
10 enable such persons to deal effectively with incidents of 3.19  
11 domestic violence spouse-abuse.  
12       (e) Establish and maintain a board of directors 1 lus  
13 composed of at least three citizens, one of whom shall be a 3 21  
14 member of a local, municipal, or county law enforcement  
15 agency. 3 22  
16       (f) Comply with rules adopted pursuant to ss 415.601- 1:lus  
17 415 609.  
18       (2) If the department finds that there is failure by a 3 24  
19 center to comply with the requirements established under ss 3 25  
20 415 601-415.609 or with rules adopted pursuant thereto, the 3 26  
21 department may deny, suspend, or revoke the certification of  
22 the center Spouse-abuse-centers-may-be-established 1.1os  
23 throughout the state as private, local, state, or federal 3 30  
24 funds are available--Any local agency or organization may 3.32  
25 apply to participate in certification and state funding- 3.33  
26       (3) The annual certificate shall expire on the 1:lus  
27 termination date shown on the certificate. 3 35  
28       (4)(3) The domestic violence spouse-abuse centers 1.1us  
29 shall establish procedures pursuant to which persons subject 3 39  
30 to domestic violence spouse-abuse may seek services from these 3.41  
31 centers on a voluntary basis



1           ~~(4)~~ Each spouse abuse center shall have a board 1:105  
2 composed of at least three citizens, one of whom shall be a 3:44  
3 member of a local, municipal, or county law enforcement 3:45  
4 agency. 3:45  
5           (5) Domestic violence centers may be established 1:105  
6 throughout the state as private, local, state, or federal 3:47  
7 funds are available. 3:47  
8           (6) In order to receive state funds, a center shall: 1:105  
9           (a) Obtain certification pursuant to ss. 415.601- 1:105  
10 415.609. However, the issuance of a certificate shall not 3:50  
11 obligate the department to provide funding. 3:51  
12           (b) Receive at least 25 percent of its funding from 1:105  
13 one or more local, municipal, or county sources, public or 3:54  
14 private. Contributions in kind, whether materials, 3:55  
15 commodities, transportation, office space, other types of  
16 facilities, or personal services, may be evaluated and counted 3:56  
17 as part of the required local funding. 3:57  
18           (7)(5)(a) All fees collected and appropriated to the 1:105  
19 domestic violence program under s. 415.601 for spouse abuse 3:60  
20 centers shall be distributed annually by the department to 3:61  
21 each district according to an allocation formula determined by 3:62  
22 the department. The formula shall include a rural and 3:63  
23 geographical area factor in addition to population and other  
24 factors set by the department. ~~certified center. The~~ 3:66  
25 ~~department shall allocate a uniform base amount to each~~  
26 ~~certified center. The remainder of the appropriated funds~~ 3:67  
27 ~~shall be distributed in the same proportion as the number of~~ 3:68  
28 ~~marriage licenses sold in the center's catchment area bears to~~  
29 ~~the total number of marriage licenses sold statewide. The~~ 3:70  
30 ~~number of marriage licenses shall be that number sold in each~~  
31

1 center's catchment area for the most recent year for which 3:7  
2 such figures are available- 3:7  
3           (b) A contract between a district and a certified 3:7  
4 domestic violence center shall contain provisions assuring the 3:7  
5 availability and geographic accessibility of services  
6 throughout the district. For this purpose, centers may 3:7  
7 distribute funds through subcontracts or to center satellites,  
8 provided that such arrangements and any subcontracts are 3:7  
9 approved by the district. For the purposes of this section, a 3:7  
10 "catchment area" means that portion of a county, the county, 3:7  
11 the counties, or the district served by a certified spouse 3:7  
12 abuse center as specified in its application to be certified 3:8  
13 and approved by the department-  
14           (8) The department shall prescribe by rule the 1:10  
15 procedures by which subsection (7) shall be implemented and 3:82  
16 may adopt such other rules as are necessary for the proper  
17 administration of ss. 415.601, 415.602, 415.603, 415.604, 3:83  
18 415.605, 415.608, and 415.609  
19           Section 6. Section 415.606, Florida Statutes, is 3:84  
20 amended to read: 4:1  
21           (Substantial rewording of section. See 4:2  
22 s. 415.606, F.S., for present text ) 1:10  
23           415.606 Referral to centers and notice of rights --Any 4:3  
24 law enforcement officer who investigates an alleged incident 4:4  
25 of domestic violence shall advise the victim of such violence  
26 that there is a domestic violence center from which he or she 4:5  
27 may receive services. The law enforcement officer shall give 4:6  
28 the victim immediate notice of the legal rights and remedies  
29 available. The notice shall include. 4:8  
30  
31

1 (1) The resource listing, including telephone number, 4.9  
2 for the area domestic violence center designated by the 4.10  
3 Department of Health and Rehabilitative Services; and  
4 (2) A copy of the following statement: "IF YOU ARE 1:qq  
5 THE VICTIM OF DOMESTIC VIOLENCE, you may ask the state  
6 attorney to file a criminal complaint. You also have the 4.14  
7 right to go to court and file a petition requesting an  
8 injunction for protection from domestic violence which may 4.16  
9 include, but need not be limited to, provisions which restrain  
10 the abuser from further acts of abuse, direct the abuser to 4.17  
11 leave your household; prevent the abuser from entering your 4.18  
12 residence, school, business, or place of employment; award you 4.19  
13 custody of your minor child or children; and direct the abuser 4.20  
14 to pay support to you and the minor children if the abuser has  
15 a legal obligation to do so." 4.21  
16 Section 7. Section 415.607, Florida Statutes, is 4.22  
17 created to read:  
18 415.607 Report required.--When a law enforcement 1:lu  
19 officer investigates an allegation that an incident of 4.24  
20 domestic violence has occurred, whether or not an arrest is  
21 made, the officer shall make a written police report of the 4.25  
22 alleged incident. The officer shall submit the report to his 4.26  
23 supervisor or other person to whom the employer's rules or 4.27  
24 policies require reports of similar allegations of criminal  
25 activity to be made.  
26 Section 8 Section 415.608, Florida Statutes, is 4.28  
27 amended to read  
28 415.608 Confidentiality of information received by 4.29  
29 department or domestic violence spouse-abuse centers.-- 4.31  
30 Information received by the department or by authorized 4.32  
31 persons employed by or volunteering services to a domestic 4.34

1 individuals or facilities. This information is exempt from 4.40  
2 the provisions of s. 119 07  
3 Section 9. Section 415 609, Florida Statutes, is 4.41  
4 created to read:  
5 415.609 Training.-- 1:lu:  
6 (1) The Department of Law Enforcement shall provide a 4.44  
7 copy of ss. 415.606 and 415.607 to every law enforcement  
8 agency in this state on or before January 1, 1985. 4.45  
9 (2) The Criminal Justice Standards and Training 1:lu:  
10 Commission shall establish standards for instruction of law 4.48  
11 enforcement officers in the subject matter of domestic  
12 violence. Every basic skills course required in order to 4.49  
13 obtain initial certification for law enforcement officers 4.50:  
14 shall, after January 1, 1986, include training of a minimum of  
15 6 hours in handling domestic violence cases. 4.52  
16 (3) The Office of the State Courts Administrator shall 1:lu:  
17 establish standards for instruction of circuit court judges 4.54  
18 who have responsibility for domestic violence cases and shall  
19 provide such instruction on a periodic and timely basis. 4.55  
20 Section 10. Section 741.30, Florida Statutes, is 4.55  
21 amended to read.  
22 741.30 Petition for injunction for protection order-to 4.56  
23 restratn-abusive-spouse; hearing, penalty for violation of 4.58  
24 injunction order.--There shall exist an action known as a 4.60  
25 petition for an injunction for protection in cases of domestic 4.61  
26 violence. 4.62  
27 (1) A petition for relief under this section may be 4.63  
28 made by any person who is a victim of domestic violence as 4.64  
29 defined in s 415 602(3) on behalf of himself or herself. The 4.65  
30  
31

1 petition shall allege the existence of domestic violence and 1:lus  
 2 shall be accompanied by an affidavit made under oath stating 4.70  
 3 the specific facts and circumstances from which relief is  
 4 sought. Any spouse as defined in s. 415.602(2) who has filed 4.73  
 5 a complaint of spouse abuse with a law enforcement agency or 4.7  
 6 the clerk of the circuit court and who files a verified 4.75  
 7 petition alleging spouse abuse with the clerk of the circuit 4.76  
 8 court of the county where the person filing the verified 4.77  
 9 petition resides may be entitled to have the court issue a 4.79  
 10 restraining order with such terms and conditions as the court 4.80  
 11 deems advisable with respect to the facts alleged in the 4.81  
 12 verified petition. However, upon application for such 4.83  
 13 restraining order, the petitioner shall be given an expedited 4.84  
 14 hearing. The verified petition shall contain the date, time, 5.1  
 15 and place of the alleged spouse abuse; the law enforcement 5.2  
 16 agency which investigated the complaint; and the circumstances 5.3  
 17 of the spouse abuse which occurred.  
 18 (2)(a) A person's right to petition for an injunction 1:1  
 19 for protection shall not be affected by his or her leaving a 5.5  
 20 residence or household to avoid abuse. 5.6  
 21 (b) A petition for an injunction for protection may be 1:lus  
 22 made whether or not there is a pending complaint, petition, or 5.8  
 23 other legal action between the parties. 5.9  
 24 (c) The court shall not require security or bond of 1:lus  
 25 any party to a petition for an injunction for protection 5.10  
 26 unless it deems that such security or bond is necessary  
 27 because the case is exceptional. 5.11  
 28 (3)(2) The verified petition shall be in the following 5.12  
 29 form  
 30  
 31

1 PETITION FOR AN INJUNCTION FOR PROTECTION  
 2 ORBBR-90-RESTRAIN-AN-ABUSIVE-SPOUSE  
 3  
 4 Before me, the undersigned authority, personally appeared  
 5 Petitioner ...(Name) . . , who was sworn and says that the  
 6 following statement is true  
 7  
 8 The petitioner alleges has filed a complaint with a law 5  
 9 enforcement agency, alleging that petitioner was the victim 5  
 10 of domestic violence caused abused by respondent person spouse 1  
 11 at ...(place)... on . (date). . at ..(time). in the 5  
 12 following manner: ...(circumstances)... ..  
 13 .....  
 14  
 15 A copy of the complaint filed with the law enforcement agency 1  
 16 is attached to this petition. 5  
 17 (a) The physical injuries petitioner has suffered as a 5  
 18 result of the violent actions of respondent person spouse 5  
 19 include: .....  
 20 .....  
 21 (b) (Mark appropriate section.) 5  
 22 ...Petitioner and respondent now live together and 1  
 23 respondent refuses to leave 5  
 24 ...Respondent lives at: ..(address)... .....  
 25 (c) Petitioner seeks: (Mark appropriate section or 5  
 26 sections.) 5.  
 27 An injunction restraining any party from committing 1  
 28 acts of domestic violence. 5  
 29 An injunction excluding the respondent from the 1:  
 30 dwelling which the parties share or from the residence of the 5  
 31 petitioner.

1       ... An injunction on the same basis as is provided in 5.47  
2       chapter 61, awarding temporary custody or establishing  
3       temporary visitation with regard to minor children of the 5.48  
4       parties.  
5       ...An injunction provided as in chapter 61 5.50  
6       establishing temporary support for minor children or a spouse. 5.51  
7       ... An injunction directing the respondent to 1:lus  
8       participate in treatment or counseling services. 5.52  
9       ...An injunction providing counseling where available 5.54  
10       or other social services for the parties, if married, or if  
11       there are minor children. 5.55  
12       ... An injunction providing any terms the court deems 1:lus  
13       necessary for the protection of a victim of domestic violence,  
14       including injunctions or directives to the law enforcement  
15       agencies. 5.58  
16       ----Petitioner and respondent have the following 5.60  
17       actions pending with this court: 1:lus  
18       ----legal separation 5.62  
19       ----custody or juvenile matter 5.64  
20       ----dissolution (divorce) 5.65  
21       ----nuitty 5.66  
22       ----other----(describe)----- 5.67  
23       ----Petitioner and respondent have no actions pending 1:lus  
24       with this court: 5.70  
25       (d)--(Mark appropriate sections)-- 1:lus  
26       ----Petitioner has the following children in 1.10s  
27       petitioner's custody who are the children of respondent: 5.73  
28       ---(name, age, and birth date of each child)-----  
29       ----Petitioner has the following children in 1.10s  
30       petitioner's custody who are not the children of respondent: 5.77  
31       ---(name, age, and birth date of each child and how petitioner 1:ul

1       is related to each child)----- 5.  
2       (e)--(Mark if appropriate)-- 5.  
3       ----Petitioner genuinely fears violence from respondent 1  
4       upon the children for the following reasons:----- 6  
5       -----  
6       Petitioner seeks an order restraining the respondent spouse 5.  
7       from abusing the petitioner and providing for any other terms 6  
8       and conditions that the court deems advisable with respect to 6  
9       the facts alleged in the petition-  
10       .....  
11       .....(Signature of Petitioner) ..  
12       Sworn to and subscribed on . . . , 19.... 6  
13       .....(Notary Public),  
14       My Commission Expires: .....  
15       (4) The clerk shall provide simplified forms and 1:  
16       clerical assistance to help with the writing and filing of a 6.  
17       petition under this section by any person not represented by 6  
18       counsel. The clerk shall advise the petitioner that filing 6  
19       fees will be waived if the petitioner signs an affidavit 6.  
20       stating that the petitioner is indigent and unable to pay such  
21       fees.  
22       (5)(3) The injunction for protection restraining order 1.  
23       shall be served upon the person spouse complained against 6.  
24       within 24 hours after of its issuance. When a petition for an 6  
25       injunction for protection alleges an immediate and present 6  
26       danger of domestic violence, the court may issue, issues the 6  
27       restraining order without a hearing, an ex parte temporary 6.  
28       injunction for protection, which order shall be effective for 6.  
29       a fixed period not to exceed 14 days, and shall grant relief  
30       as the court deems proper, including an injunction. 6.  
31

1 (a) Restraining any party from committing acts of 6.20  
 2 domestic violence:  
 3 (b) Excluding any party from the dwelling that the 1:1us  
 4 parties share or from the residence of the other party except 6.21  
 5 by further order of the court; or 6.22  
 6 (c) Granting the remedies provided in both paragraph 1:1us  
 7 (a) and paragraph (b). 6.23  
 8 (6) The court, if requested by the spouse complained 6.25  
 9 against, shall provide a hearing as soon as reasonably  
 10 possible but not later than 14 20 days after the date of the 6.28  
 11 petition or, if a temporary injunction is issued, within 14  
 12 days after the date of the issuance of the injunction order. 6.29  
 13 Personal service shall be made upon the respondent not less 1:1us  
 14 than 5 days prior to the hearing. If service cannot be made 6.32  
 15 upon the respondent, the court may set a new date. Any 6.33  
 16 testimony offered by a respondent in a hearing on an 6.34  
 17 injunction for protection is inadmissible in a criminal  
 18 proceeding. 6.35  
 19 (7) The issuance of an injunction for protection such 1:1os  
 20 an order shall not require that the party alleging domestic 1:1us  
 21 violence spouse-abuse be represented by an attorney, nor shall 6.40  
 22 such injunction a-restraining-order be conditioned upon any 6.41  
 23 dissolution of marriage proceedings or other complaint, 1:1us  
 24 petition, or legal action between the petitioner and the  
 25 respondent 6.44  
 26 (8)(4) Any person who has been served with an 1:1us  
 27 injunction for protection a-restraining-order issued by a  
 28 judge of the circuit court pursuant to this section subsection 6.47  
 29 (3) and who knowingly violates or refuses to comply with the 6.50  
 30 provisions of such injunction order is guilty of a misdemeanor  
 31 of the second degree, punishable as provided in s. 775.082, s. 6.52

1 775.083, or s. 775.084. A violation of an injunction for 1:1  
 2 protection shall also constitute contempt of court and be  
 3 subject to the penalties therefor. When a person prosecuted 6.5  
 4 for violation of an injunction a-restraining-order issued 1:1  
 5 pursuant to this section is ordered to pay a fine, revenues 6.5  
 6 from the fine shall be collected and disbursed through the 6.5  
 7 trust fund established in s. 741.01. The Department of Health 6.5  
 8 and Rehabilitative Services may also use revenues collected  
 9 through fines to fund counseling services for the purpose of 6.6  
 10 rehabilitating the abusive person spouse 6.6  
 11 Section 11. Section 741.31, Florida Statutes, is 6.6  
 12 created to read. 6.6  
 13 741.31 Relief by the court -- 1:1  
 14 (1) Upon notice and hearing, the court, in the 1:1  
 15 injunction for protection, may provide for one or more types 6.6  
 16 of injunctive relief, conditions of bond, or other relief as  
 17 follows.  
 18 (a) The restraint of any party from committing acts of 6.6f  
 19 domestic violence. 6.6f  
 20 (b) The exclusion of the respondent from the dwelling 1:1  
 21 which the parties share or from the residence of the 6.7.  
 22 petitioner.  
 23 (c) On the same basis as is provided in chapter 61, 1:1  
 24 the awarding of temporary custody or establishment of 6.7f  
 25 temporary visitation with regard to minor children of the 6.7f  
 26 parties.  
 27 (d) On the same basis as is provided in chapter 61, 1:1  
 28 the establishment of temporary support for minor children or a 6.7f  
 29 spouse.  
 30  
 31

1           (e) The provision of counseling or other social  
2 services for the parties, if married, or if there are minor  
3 children. 1:lus 6.81

4           (f) The requirement that the respondent participate in  
5 treatment or counseling services. 1:lus 6.83

6           (g) Other relief as it deems necessary for the  
7 protection of a victim of domestic violence including  
8 injunctions or directives to the law enforcement agencies, as  
9 provided in this section. 1:lus 6.84

10           (2) Any relief granted by the injunction for relief  
11 may be granted in addition to other civil or criminal  
12 remedies. 1:lus 7.4

13           Section 12. Section 741.32, Florida Statutes, is  
14 created to read: 7.5 7.6

15           741.32 Assistance of law enforcement agencies in  
16 service or execution.--When an injunction for protection is  
17 issued, if the petitioner requests the assistance of a law  
18 enforcement agency, the court shall order that an officer from  
19 the appropriate law enforcement agency accompany the  
20 petitioner and assist in placing the petitioner in possession  
21 of the dwelling or residence, or otherwise assist in execution  
22 or service of the injunction for protection. 1:lus 7.7 7.9 7.10 7.11 7.12

23           Section 13. Section 741.33, Florida Statutes, is  
24 created to read: 7.13

25           741.33 Modification of injunction --Upon application,  
26 notice to all parties, and hearing, the court may modify the  
27 terms of an existing injunction for protection. 1:lus 7.16

28           Section 14. Section 741.34, Florida Statutes, is  
29 created to read: 7.17

30           741.34 Copy to law enforcement agency.--Upon the  
31 request of the petitioner, an injunction for protection shall 1:lus 7.20

1 be forwarded by the clerk of court within 24 hours to the  
2 local law enforcement agency with jurisdiction over the  
3 residence of the applicant. Each appropriate law enforcement  
4 agency shall make available to other law enforcement officers,  
5 through a system for verification, information as to the  
6 existence and status of any such injunction for protection.  
7           Section 15. Section 901.15, Florida Statutes, is  
8 amended to read  
9           901.15 When arrest by officer without warrant is  
10 lawful -- 7  
11           (1) A law enforcement officer may arrest a person  
12 without a warrant when  
13           (a)(1) The person has committed a felony or  
14 misdeemeanor or violated a municipal or county ordinance in the  
15 presence of the officer. Arrest for the commission of a  
16 misdeemeanor or violation of a municipal or county ordinance  
17 shall be made immediately or in fresh pursuit  
18           (b)(2) A felony has been committed and he reasonably  
19 believes that the person committed it.  
20           (c)(3) He reasonably believes that a felony has been  
21 or is being committed and reasonably believes that the person  
22 to be arrested has committed or is committing it.  
23           (d)(4) A warrant for the arrest has been issued and is  
24 held by another peace officer for execution.  
25           (e)(5) A violation of chapter 316 has been committed  
26 in the presence of the officer. Such arrest may be made  
27 immediately or on fresh pursuit  
28           (2)(6)(a) Notwithstanding any law to the contrary, a  
29 law enforcement officer shall arrest a person anywhere,  
30 including at his place of residence, whether or not the  
31 officer has a warrant, if the officer has probable cause to

1 believe that the person has committed domestic violence as 7.53  
2 defined in s 415 602(3), although the assault or battery did 7.54  
3 not take place in the presence of a battery-upon-the-person's 7.56  
4 spouse and the officer. 7.58  
5 (a)  ~~Finds evidence of bodily harm or~~ 7.59  
6 (b)  ~~The officer reasonably believes that there is~~ 7.60  
7  ~~danger of violence unless the person alleged to have committed~~  
8  ~~the battery is arrested without delay.~~ 7.61  
9 (b)  A law enforcement officer who acts in good faith 1:1us  
10  and exercises due care in making an arrest pursuant to 7.63  
11  paragraph (a) shall be immune from civil liability that  
12  otherwise might result by reason of his action. 7.64  
13 Section 16. Subsection (2) of section 741 01, Florida 7.65  
14 Statutes, is amended to read:  
15 741.01 County court judge or clerk of the circuit 7.67  
16 court to issue marriage license; fee -- 7.68  
17 (2) The fee charged for each marriage license issued 7.69  
18 in the state shall be increased by the sum of \$10. This fee 7.71  
19 shall be collected upon receipt of the application for the  
20 issuance of a marriage license The Executive Office of the 7.72  
21 Governor shall establish a trust fund for the purpose of 7.73  
22 collecting and disbursing funds generated from the increase in 7.74  
23 marriage license fees. Such funds generated shall be directed 7.75  
24 to the Department of Health and Rehabilitative Services for  
25 the specific purpose of funding domestic violence spouse-abuse 7.77  
26 centers, and the funds shall be appropriated in a "grants-in-  
27 aid" category to the Department of Health and Rehabilitative 7.78  
28 Services for the purpose of funding domestic violence spouse  
29 abuse centers 7.83  
30 Section 17. This act shall take effect October 1,  
31 1984. 7.84

1 \*\*\*\*\*  
2 HOUSE SUMMARY  
3 Expands the scope of provisions relating to spouse abuse  
4 to cover domestic violence. Defines terms. Prescribes  
5 duties of, and requires a report from, the Department of  
6 Health and Rehabilitative Services Provides for  
7 certification, services, and funding of domestic violence  
8 centers. Requires law enforcement officers to give  
9 victims notice of their rights, to refer victims to  
10 centers, and to submit a written report of domestic  
11 violence. Provides for certain information to be  
12 confidential Requires training of law enforcement  
13 officers. Provides for an injunction for protection, and  
14 provides penalties for violating such injunction. Sets  
15 forth types of relief available through such injunctions  
16 and requires officers on request to help enforce the  
17 injunctions. Requires arrest, even without a warrant, in  
18 certain circumstances, and gives arresting officers  
19 immunity from civil liability. 8.  
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By Representative Figg

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This public document was promul- gated at an average cost of 1.6 cents per single page for the information of members of the Legislature and the public

A bill to be entitled  
An act relating to domestic violence; amending  
ss. 415.601, 415.602, 415.603, 415.605,  
415.606, and 415.608, F.S., expanding the  
applicability of provisions relating to spouse  
abuse treatment and rehabilitation to cover  
domestic violence, as defined, amending s.  
741.30, F.S., expanding the applicability of  
procedures for restraining spouse abuse to  
encompass domestic violence; providing  
definitions; specifying forms of relief and  
providing additional remedies and protections;  
amending s. 901.15, F.S., expanding warrantless  
arrest powers of law enforcement officers in  
cases of domestic violence; providing for  
certain notice to the victim; providing an  
effective date.

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

Section 1. Section 415.601, Florida Statutes, is amended to read:

415 601 Domestic violence spouse-abuse treatment and rehabilitation; legislative intent.--The Legislature recognizes that certain persons who assault, batter, or otherwise abuse their family and household members spouses and the persons subject to such violence abuse are in need of treatment and rehabilitation. It is the intent of the Legislature to assist in the development of domestic violence spouse-abuse centers for the victims of domestic violence



1	spouse-abuse and to provide a place where the parties involved	1.26
2	may be separated until they can be properly assisted.	1.27
3	Section 2. Section 415.602, Florida Statutes, is	1.28
4	amended to read:	
5	415.602 Definitions of terms used in ss. 415.601-	1.29
6	415.608.--As used in this act:	
7	(1) "Department" means the Department of Health and	1.30
8	Rehabilitative Services.	
9	(2) "Spouse" means a person to whom another person is	1.32
10	married or a person to whom another person has been married	
11	and from whom such other person is now separated or divorced.	1.33
12	(3) " <u>Domestic violence spouse-abuse</u> " means any	1.36
13	<u>assault, battery, or other physical abuse, or criminal sexual</u>	1:108
14	<u>conduct against a family or household member by another family</u>	1.38
15	<u>or household member by a person upon his spouse.</u>	1.39
16	(4) " <u>Domestic violence spouse-abuse center</u> " means a	1.40
17	facility which provides services to victims of <u>domestic</u>	1.44
18	<u>violence spouse-abuse</u> and which has been certified by the	
19	department to receive state funds.	1.47
20	(5) " <u>Family or household members</u> " means <u>spouses,</u>	1:118
21	<u>parents, children, persons related by consanguinity, or</u>	1.48
22	<u>persons jointly residing in the same dwelling unit.</u>	1.49
23	(6) (5) "Victim" means any <u>family or household member</u>	1.50
24	<u>individual suffering domestic violence assault, battery, or</u>	1.52
25	<u>other physical abuse inflicted by his spouse or former spouse.</u>	1.54
26	Section 3. Section 415.603, Florida Statutes, is	1.55
27	amended to read:	
28	415.603 Duties and functions of the department with	1.56
29	respect to <u>domestic violence spouse-abuse</u> .--	1.58
30	(1) It shall be the duty of the department:	1.58
31		

1	(a) To establish health, safety and minimum program	1.59
2	requirement standards for certifying <u>domestic violence spouse</u>	1:118
3	<u>abuse centers</u> to receive state funds.	1.61
4	(b) To receive applications for state funding of	1.62
5	<u>domestic violence spouse-abuse centers.</u>	1:108
6	(c) To approve or reject each application within 60	1.64
7	days of receipt of the application.	
8	(d) To distribute funds to a certified center within	1.65
9	45 days after approval.	
10	(e) To evaluate annually each <u>domestic violence spouse</u>	1.66
11	<u>abuse center</u> for compliance with the minimum standards. The	1.71
12	department shall have the right to enter and inspect the	
13	premises of <u>domestic violence spouse-abuse centers</u> at any	1.73
14	reasonable hour in order to effectively evaluate the state of	1.74
15	compliance of such centers with the provisions of this section	1.75
16	and rules in force pursuant thereto.	1.76
17	(2) The department shall prescribe by rule the	1.77
18	procedures by which subsection (1) shall be implemented.	1.78
19	Without using designated center funds, the department may	1.79
20	(a) Formulate and conduct a research and evaluation	1.80
21	program on <u>domestic violence spouse-abuse</u> and cooperate with	1:118
22	and assist and participate in programs of other properly	1.82
23	qualified agencies, including any agency of the Federal	
24	Government, schools of medicine, hospitals, and clinics, in	1.84
25	planning and conducting research on the prevention, care,	
26	treatment, and rehabilitation of persons engaged in or subject	2.2
27	to <u>domestic violence spouse-abuse.</u>	
28	(b) Serve as a clearinghouse for information relating	2.3
29	to <u>domestic violence spouse-abuse</u>	1:108
30	(c) Carry on educational programs on <u>domestic violence</u>	2.5
31	<u>spouse-abuse</u> for the benefit of the general public, persons	2.7

1 engaged in or subject to domestic violence spouse-abuse, 2.8  
 2 professional persons, or others who care for or may be engaged 2.10  
 3 in the care and treatment of persons engaged in or subject to 2.12  
 4 domestic violence spouse-abuse.  
 5 (d) Enlist the assistance of public and voluntary 2.13  
 6 health, education, welfare, and rehabilitation agencies in a 2.14  
 7 concerted effort to prevent domestic violence spouse-abuse and 2.15  
 8 to treat persons engaged in or subject to domestic violence  
 9 spouse-abuse. 2.17  
 10 Section 4 Section 415.605, Florida Statutes, is 2.18  
 11 amended to read: 2.19  
 12 415.605 Domestic violence spouse-abuse centers.-- 2.20  
 13 (1) In order to be certified and funded under this 2.21  
 14 act, each center shall: 2.22  
 15 (a) Provide a facility which will serve as a center to 2.23  
 16 receive and house persons who are domestic violence spouse  
 17 abuse victims. For the purpose of this act, family or 2.25  
 18 household members minor-children-and-other-dependents of a 2.27  
 19 victim, when such dependents are partly or wholly dependent on  
 20 the victim for support or services, may be sheltered with the 2.28  
 21 victim in a domestic violence spouse-abuse center. 2.29  
 22 (b) Receive the periodic written endorsement of local 2.30  
 23 law enforcement agencies; and 2.30  
 24 (c) Receive 25 percent of its funding from one or more 2.31  
 25 local, municipal, or county sources, public or private. 2.32  
 26 Contributions in kind, whether materials, commodities,  
 27 transportation, office space, other types of facilities, or  
 28 personal services, may be evaluated and counted as part of the 2.34  
 29 required local funding.  
 30 (d) Provide minimum services which shall include, but 2.35  
 31 not be limited to, information and referral services,

1 counseling services, temporary emergency shelter for more than 2.37  
 2 24 hours, and educational services for community awareness 2.38  
 3 relative to the incidence of domestic violence spouse-abuse, 2.39  
 4 the prevention of such abuse, and the care, treatment, and 2.41  
 5 rehabilitation for persons engaged in or subject to domestic  
 6 violence spouse-abuse.  
 7 (e) Participate in the provision of orientation and 2.43  
 8 training programs developed for law enforcement officers, 2.44  
 9 social workers, and other professionals and paraprofessionals  
 10 who work with domestic violence spouse-abuse victims to better 1:lus  
 11 enable such persons to deal effectively with incidents of 2.46  
 12 domestic violence spouse-abuse. 2.47  
 13 (2) Domestic violence spouse-abuse centers may be 2.49  
 14 established throughout the state as private, local, state, or 2.52  
 15 federal funds are available. Any local agency or organization 2.54  
 16 may apply to participate in certification and state funding.  
 17 (3) The domestic violence spouse-abuse centers shall 1:lus  
 18 establish procedures pursuant to which persons subject to 2.56  
 19 domestic violence spouse-abuse may seek services from these 2.58  
 20 centers on a voluntary basis.  
 21 (4) Each domestic violence spouse-abuse center shall 2.59  
 22 have a board composed of at least three citizens, one of whom 2.61  
 23 shall be a member of a local, municipal, or county law 2.62  
 24 enforcement agency.  
 25 (5)(a) All fees collected and appropriated under s. 2.63  
 26 741.01(2) for domestic violence spouse-abuse centers shall be 2.65  
 27 distributed annually by the department to each certified  
 28 center. The department shall allocate a uniform base amount 2.66  
 29 to each certified center. The remainder of the appropriated 2.67  
 30 funds shall be distributed in the same proportion as the  
 31 number of marriage licenses sold in the center's catchment 2.68

1 area bears to the total number of marriage licenses sold 2.69  
2 statewide. The number of marriage licenses shall be that 2.70  
3 number sold in each center's catchment area for the most 2.71  
4 recent year for which such figures are available.  
5 (b) For the purposes of this section, a "catchment 2.73  
6 area" means that portion of a county, the county, the 2.74  
7 counties, or the district served by a certified domestic  
8 violence spouse-abuse center as specified in its application 2.75  
9 to be certified and approved by the department. 2.76  
10 Section 5. Section 415.606, Florida Statutes, is 2.77  
11 amended to read:  
12 415.606 Referral to domestic violence spouse-abuse 2.78  
13 centers.--Where centers are available, any law enforcement 2.80  
14 officer who investigates an alleged incident of domestic  
15 violence spouse-abuse may advise the person subject to the 2.83  
16 abuse of the availability of a domestic violence spouse-abuse 2.84  
17 center from which he or she may receive services. 3.1  
18 Section 6. Section 415.608, Florida Statutes, is 3.2  
19 amended to read:  
20 415.608 Confidentiality of information received by 3.3  
21 department or domestic violence spouse-abuse centers.-- 3.5  
22 Information received by the department or by authorized 3.6  
23 persons employed by or volunteering services to a center, 3.8  
24 through files, reports, inspection, or otherwise, shall be 3.12  
25 deemed confidential information and shall not be disclosed 3.12  
26 publicly in such a manner as to identify individuals or 3.13  
27 facilities. This information is exempt from the provisions of 3.13  
28 s. 119.07  
29 Section 7. Section 741.30, Florida Statutes, is 3.14  
30 amended to read 3.15  
31 (Substantial rewording of section. See 3.17

1 s. 741.30, F.S., for present text ) 1.14  
2 741.30 Petition for restraining order.-- 3.1  
3 (1) As used in this act: 3.1  
4 (a) "Domestic violence" means any assault, battery, 3.1  
5 physical abuse, or criminal sexual conduct committed against a 3.2  
6 family or household member by any other family or household 3.2  
7 member.  
8 (b) "Family or household members" means spouses, 3.2  
9 parents, children, persons related by consanguinity, or 3.2  
10 persons jointly residing in the same dwelling 3.2  
11 (c) "Victim" means any family or household member 3.2  
12 suffering domestic violence  
13 (d) "Spouse" means a person to whom another person is 3.24  
14 married or a person to whom another person has been married  
15 and from whom such other person is now separated or divorced. 3.24  
16 (2) There is hereby created a cause of action for a 3.2  
17 domestic violence restraining order.  
18 (a) Any family or household member, on behalf of 3.26  
19 himself or herself or on behalf of another family or household  
20 member, who is the victim of any act of domestic violence 3.2  
21 shall have standing in the circuit court to file a sworn 3.34  
22 petition for a domestic violence restraining order.  
23 (b) The sworn petition shall allege the existence of 3.31  
24 domestic violence and shall include the specific facts and 3.31  
25 circumstances upon which relief is sought.  
26 (c) The cause of action may be sought whether or not 3.34  
27 there is currently pending any other petition, complaint, or  
28 cause of action between the parties 3.35  
29 (d) The clerk of the court shall provide simplified 3.35  
30 forms and clerical assistance for the preparation and filing 3.37  
31 of a petition by any victim not represented by counsel.

1 (e) In the event the victim shall not have sufficient 3.39  
2 funds with which to pay filing fees to the clerk of the court 3.40  
3 or service fees to the sheriff, said fees shall be waived by  
4 the clerk of the court or the sheriff to the extent necessary 3.41  
5 to process the petition and serve the restraining order, 3.42  
6 subject to an order of the court relative to the payment of  
7 said fees. 3.43  
8 (f) No bond shall be required by the court for the 3.43  
9 entry of a restraining order.  
10 (3) The sworn petition shall be in substantially the 3.44  
11 following form:  
12 PETITION FOR RESTRAINING ORDER 3.45  
13  
14 Before me, the undersigned authority, personally appeared 3.46  
15 Petitioner ...(Name)..., who was sworn and says that the 3.48  
16 following statement is true.  
17 (a) Petitioner resides at: ...(address)... 3.49  
18 (b) Respondent resides at: ...(address)... 3.50  
19 (c) Respondent is a family or household member because 3.52  
20 .....  
21 (d) Petitioner has suffered domestic violence because 3.52/2  
22 respondent has .....  
23 (e) Petitioner genuinely fears domestic violence by 3.55  
24 respondent. 3.56  
25  
26 Petitioner seeks a restraining order against the respondent to 3.56  
27 prevent domestic violence upon such terms as the court deems 3.57  
28 proper and just. 3.58  
29 .....(Signature of Petitioner)..  
30 Sworn to and subscribed on ....., 19..... 3.59  
31

1 .....(Notary Public)...  
2 My Commission Expires: .....,  
3  
4 (4) Petitioner may apply to the court after the filing 3.6  
5 of the petition for entry of a temporary or permanent 3.6  
6 restraining order under such procedure as provided for in the  
7 Rules of Civil Procedure. 3.6  
8 (5) The court may grant the following relief: 3.6  
9 (a) Restrain the respondent from committing acts of 3.6  
10 domestic violence.  
11 (b) Exclude the respondent from the appropriate 3.6  
12 dwelling which the parties share or from the dwelling of the  
13 petitioner.  
14 (c) On the same basis as is provided in chapter 61, 3.6  
15 establish temporary support for minor children or a spouse. 3.7  
16 (d) Order the abusing party to participate in 3.7  
17 treatment or counseling services.  
18 (e) Order, in its discretion, other relief as it deems 3.7  
19 necessary for the protection of a family or household member, 3.7  
20 including orders or directives to the sheriff or any other 3.7  
21 appropriate law enforcement agency, as provided by this  
22 section.  
23  
24 Any permanent relief granted shall be for a fixed period not 3.7  
25 to exceed 1 year 3.7  
26 (6) (a) Upon filing of the petition, the court shall 3.7  
27 set a hearing which shall be held at the earliest possible  
28 time. Personal service of the petition and notice of hearing 3.7  
29 shall be made upon the respondent prior to the hearing. 3.7  
30 (b) Where a petition under this section alleges an 3.7  
31 immediate and present danger of domestic violence, the court 3.8

1 may grant an ex parte temporary order, pending a full hearing,  
2 and grant relief as the court deems proper. Any ex parte 3.84  
3 temporary order shall be effective for a fixed period not to 4.1  
4 exceed 10 days. A full hearing, as provided by this section,  
5 shall be set no later than the day when the temporary order 4.2  
6 shall cease to be effective.

7 (7) Any order issued under this section shall be 4.3  
8 personally served upon the respondent. 4.4

9 (8) When an order is issued under this section upon 4.4  
10 request of the petitioner, the court may order the sheriff or 4.5  
11 other law enforcement officer to accompany the petitioner and 4.6  
12 assist in placing the petitioner in possession of the  
13 dwelling, or otherwise assist in execution or service of the 4.7  
14 restraining order.

15 (9) Nothing in this section shall affect the title to 4.9  
16 real estate.

17 (10) Upon the request of the petitioner, any 4.9  
18 restraining order entered pursuant to this section shall be 4.10  
19 forwarded by the clerk of the court within 24 hours to the 4.12  
20 appropriate sheriff. Each appropriate law enforcement agency 4.13  
21 shall make available to other law enforcement agencies, 4.14  
22 through a system for verification, information as to the  
23 existence and status of any restraining order entered pursuant 4.15  
24 to this section.

25 (11) Any proceeding under this section shall be in 4.16  
26 addition to other civil or criminal remedies. 4.17

27 (12)(a) The court shall enforce compliance by the 4.17  
28 respondent to the restraining order through contempt 4.18  
29 proceedings which may include the imposition of a fine. Any  
30 such fine imposed shall be collected and disbursed to the 4.19  
31 trust fund established in s. 741 01

1 (b) In the event the respondent is arrested by a peace 4.2  
2 officer under authority of s. 901.15(6) (b), he shall be held 4.2  
3 in custody and brought before the court as expeditiously as  
4 possible for the purpose of enforcing the restraining order. 4.2

5 (13) The clerk of the court shall provide the 4.2  
6 petitioner with a certified copy of any restraining order 4.2  
7 entered by the court. 4.2

8 Section 8. Subsection (6) of section 901.15, Florida 4.2  
9 Statutes, is amended to read: 4.2

10 901.15 When arrest by officer without warrant is 4.2  
11 lawful.--A law enforcement officer may arrest a person without 4.2  
12 a warrant when:

13 (6) The officer has probable cause to believe that the 4.3  
14 person has: 4.3

15 (a) Committed a battery upon the person's spouse and 1:1  
16 the officer finds evidence of bodily harm or the officer 4.3  
17 reasonably believes that there is danger of violence unless 4.3  
18 the person alleged to have committed the battery is arrested  
19 without delay; or 4.3

20 (b) Knowingly violated or refused to comply with a 1:1  
21 domestic violence restraining order entered pursuant to s. 4.3  
22 741.30.

23  
24 Whether or not an arrest is made pursuant to this subsection, 1:1  
25 the officer shall advise the victim of the availability of a 4.3  
26 shelter or other services in the community and give the victim  
27 immediate notice of the legal rights and remedies available. 4.3  
28 The notice shall include furnishing the victim a copy of the 4.3  
29 following statement: 4.4  
30  
31

1 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can 1:1us  
 2 ask the state attorney to file a criminal complaint. You also 4.44  
 3 have the right to go to court and file a petition requesting a  
 4 restraining order for domestic violence which could include 4.45  
 5 the following: an order restraining the abuser from further 4.46  
 6 acts of violence, an order directing the abuser to leave your  
 7 household; an order directing the abuser to pay support to you 4.47  
 8 and the minor children if the abuser has a legal obligation to 4.48  
 9 do so; an order directing the abuser to participate in 4.49  
 10 treatment or counseling services; or any other appropriate  
 11 order deemed necessary by the court for your protection." 4.50

12  
 13 The notice shall include the name and telephone number of any 4.53  
 14 available spouse or domestic violence referral service. 4.54

15 ~~committed-a-battery-upon-the-person's-spouse-and-the-officer-~~ 4.56  
 16 ~~(a)--Finds-evidence-of-bodily-harm;-or~~ 4.57  
 17 ~~(b)--The-officer-reasonably-believes-that-there-is~~ 4.58  
 18 ~~danger-of-violence-unless-the-person-alleged-to-have-committed~~  
 19 ~~the-battery-is-arrested-without-delay-~~ 4.59

20 Section 9. This act shall take effect October 1, 1984. 4.60

21 \*\*\*\*\*

22 HOUSE SUMMARY

23 Expands provisions relating to spouse abuse treatment and  
 24 rehabilitation, including the use of spouse abuse  
 25 centers, to apply to domestic violence, as defined by the  
 26 act. Expands provisions relating to restraining orders  
 27 against spouse abusers to provide for relief against  
 28 domestic violence. Specifies types of relief. Provides  
 29 for temporary orders. Provides for certain law  
 30 enforcement assistance. Provides additional rights and  
 31 protections. Expands the authority of law enforcement  
 officers to arrest spouse abusers without a warrant to  
 include arrest of certain other persons, and changes the  
 circumstances for such arrests. Requires the officer to  
 give certain information to the victim.

COMMITTEE ON HEALTH & REHABILITATIVE SERVICES

HB 610  
Rep. Pigg

OTHER COMMITTEE OF REFERENCE  
Appropriations

Relating to Domestic Violence

SIMILAR/COMPANION BILL:  
SB 495 (S), HB 805 (S)

April 1, 1984

I. Summary

A. Present Situation

Sections 415.601-415.605, F.S., provide legislative intent, definitions, and describe the process by which spouse abuse centers are certified and funded. "Spouse abuse" is defined as "any assault, battery, or other physical abuse by a person upon his spouse," and the term "spouse" includes persons currently or previously married. Current law does not address persons who live together as husband and wife who are not legally married, although the state's spouse abuse centers often provide shelter for battered women who are not legally married and pay for such services with funds other than state appropriated funds.

Section 741.30, F.S., authorizes a person to file a petition with the circuit court alleging spouse abuse and requesting a restraining order. A petition may be filed only if the petitioner has previously filed a complaint of spouse abuse with a law enforcement agency. The law requires that certain information be included in the petition and provides a petition form. A restraining order must be served within 24 hours of its issuance and may be issued without a hearing, provided one is held within 20 days if requested by the respondent. The person alleging spouse abuse is not required to have legal representation nor may the issuance of a restraining order be conditioned upon divorce proceedings.

Under the existing law, the violation of a restraining order, which is issued by a circuit court, is a second degree misdemeanor which is handled in county court.

Section 901.15, F.S., specifies conditions under which a law enforcement officer may issue an arrest without a warrant. Such an arrest may be made when the officer has probable cause to believe that a person has committed a battery upon his spouse and he finds evidence of bodily harm or he reasonably believes that there is danger of violence unless the person alleged to have committed the battery is arrested. According to statistics maintained by the Florida Department of Law Enforcement, spouse abuse is one of the most frequent and personally dangerous situations in which officers find themselves. The state's Basic Recruit Training Course contains no specific unit of instruction for handling such investigations.

Certain questions which arise frequently in situations of spouse abuse are not addressed in current law, including whether or not the court can exclude an allegedly abusive spouse from his house prior to a hearing and whether a law enforcement officer can arrest someone without a warrant for the violation of a restraining order. In nineteen states, police may issue a warrantless arrest if they have probable cause to believe that an abuser has violated a restraining order. Laws in six states remove discretion and impose a duty to arrest where there is probable cause to believe that spouse abuse has occurred. Almost half the states impose some duties on law enforcement officers responding to domestic disturbance calls, including transporting the victim to a shelter, informing her of her legal options, and staying until the danger has passed. Many of the laws prescribing such police duties or expanding arrest powers

immunize law enforcement officers from suits for damages for any action taken in a good faith effort to enforce the law.

B. Probable Effect of Proposed Changes

HB 610 amends ss 415.601-415.605, F.S., changing the designation from "spouse abuse" to "domestic violence" and providing definitions. "Domestic violence" is defined as "any assault, battery, physical abuse, or criminal sexual conduct against a family or household member by another family or household member," and the term "family or household members" includes "spouses, parents, children, persons related by consanguinity, or persons jointly residing in the same dwelling unit." The existing network of small shelters, designed to shelter spouse abuse victims and their children or other dependents, would also become responsible for the victims of most forms of child abuse and violence between adult roommates and boarders of the same residence, among others.

The bill also makes the following major changes in s. 741.30, F.S.:

1. It provides definitions for "domestic violence," "family or household members," "victim," and "spouse."
2. It grants any family or household member standing in the circuit court to file a petition for a restraining order on behalf of himself or another victim of domestic violence.
3. It directs the clerk of the court to provide simplified forms and to assist a petitioner not represented by counsel.
4. It provides for filing fees and service fees to be waived for persons with insufficient funds.
5. It removes the requirement that a person must have filed a complaint of spouse abuse with law enforcement before she can petition the court for relief.
6. It shortens the prescribed form for the petition.
7. It authorizes a person to apply for entry of a temporary or permanent restraining order.
8. It authorizes the court to provide certain forms of relief, in addition to any relief deemed necessary by the court for the protection of family or household members, and it limits any permanent relief granted to a fixed period not to exceed one year.
9. It directs the court to set a hearing for the earliest possible time and provides for personal service of the hearing notice, petition, and any order issued upon the respondent.
10. It authorizes the court to grant an ex parte temporary order when a petitioner alleges an immediate and present danger of domestic violence.
11. It authorizes the court to order the sheriff or other law enforcement officer to assist in

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HB 610

putting the petitioner in possession of the dwelling or provide other assistance in executing the restraining order.

12. It specifies that the title to real estate is not affected by actions under this section.
13. It directs the clerk of the court to forward the restraining order to the appropriate sheriff and directs law enforcement agencies to share information on the existence and status of a restraining order.
14. It limits the enforcement of a restraining order to contempt proceedings.
15. It provides for a person arrested for the violation of a restraining order to be held in custody and brought before the court as expeditiously as possible.
16. It directs the clerk of the court to give the petitioner a certified copy of any restraining order.

The bill also makes the following major changes in s. 901.15,  
F.S.:

1. It authorizes a law enforcement officer to arrest without a warrant when he has probable cause to believe that the person has knowingly violated or refused to comply with a domestic violence restraining order.
2. It directs an officer to advise domestic violence victims of the availability of a shelter or other services and of their legal rights and available remedies in the form of a written statement prescribed in the bill.

II. Fiscal Impact

A. State

None.

B. Local

Certain provisions in the bill would have a fiscal impact on local governments, although the exact costs have not been determined. These provisions include the opportunity for a wider population of family and household members to seek the court's protection from domestic violence, the waiver of service fees to the sheriff, the authorization of the court to order the sheriff or other officer to assist the petitioner in executing the petition, the requirement that the clerk forward restraining orders to the sheriff and that information be shared among law enforcement agencies, the requirement that a written notice of a victim's rights and remedies be developed and distributed by law enforcement, and the authorization of law enforcement officers to arrest a person who violates the provisions of a restraining order.

The provision in the bill which removes the misdemeanor penalty for the violation of a restraining order would eliminate the costs associated with prosecuting for such violation in criminal court

C. Private Sector

The provision which allows for the waiver of a service fee to the sheriff in certain instances would save the victim such costs. The potential great expansion of the population seeking shelter under the broad definition of domestic violence and under the provisions that other family and household members could be housed with a victim could have a large impact on the financial ability of the shelters to provide needed services. The bill appropriates no additional funds

III. Comments

None.

Prepared by: Beverly Whiddon

Staff Director: Kandace M. Hill



COMMITTEE ON HEALTH & REHABILITATIVE SERVICES

HB 805  
Rep. Gordon  
Relating to Domestic Violence

OTHER COMMITTEE OF REFERENCE:  
Judiciary, Appropriations  
SIMILAR/COMPANION BILL:  
SB 495 (1), HB 610 (S)

April 1, 1984

I. Summary

A. Present Situation

Sections 415.601-415.605, F.S., provide legislative intent, definitions, and describe the process by which spouse abuse centers are certified and funded. "Spouse abuse" is defined as "any assault, battery, or other physical abuse by a person upon his spouse," and the term "spouse" includes persons currently or previously married. Current law does not address persons who live together as husband and wife who are not legally married, although the state's spouse abuse centers often provide shelter for battered women who are not legally married and pay for such services with funds other than state appropriated funds.

The law directs the Department of Health and Rehabilitative Services (HRS) to certify spouse abuse centers to receive funds, to distribute funds to a certified center, and to allocate a uniform base amount to each certified center, in addition to funds allocated according to the number of marriage licenses sold in each center's catchment area. The law further provides that spouse abuse centers may be established as private, local, state or federal funds are available and that any local agency or organization may apply for certification and funding.

Section 741.30, F.S., authorizes a person to file a petition with the circuit court alleging spouse abuse and requesting a restraining order. A petition may be filed only if the petitioner has previously filed a complaint of spouse abuse with a law enforcement agency. The law requires that certain information be included in the petition and provides a petition form. A restraining order must be served within 24 hours of its issuance and may be issued without a hearing, provided one is held within 20 days if requested by the respondent. The person alleging spouse abuse is not required to have legal representation nor may the issuance of a restraining order be conditioned upon divorce proceedings.

Under the existing law, the violation of a restraining order, which is issued by a circuit court, is a second degree misdemeanor which is handled in county court.

Section 901.15, F.S., specifies conditions under which a law enforcement officer may issue an arrest without a warrant. Such an arrest may be made when the officer has probable cause to believe that a person has committed a battery upon his spouse and he finds evidence of bodily harm or he reasonably believes that there is danger of violence unless the person alleged to have committed the battery is arrested. According to statistics maintained by the Florida Department of Law Enforcement, spouse abuse is one of the most frequent and personally dangerous situations in which officers find themselves. The state's Basic Recruit Training Course contains no specific unit of instruction for handling such investigations.

Certain questions which arise frequently in situations of spouse abuse are not addressed in current law, including whether or not the court can exclude an allegedly abusive spouse from his house prior to a hearing and whether a law enforcement officer can arrest someone without a warrant for the violation of a restraining order.

In nineteen states, police may issue a warrantless arrest if they have probable cause to believe that an abuser has violated a restraining order. Laws in six states remove discretion and impose a duty to arrest where there is probable cause to believe that spouse abuse has occurred. Almost half the states impose some duties on law enforcement officers responding to domestic disturbance calls, including transporting the victim to a shelter, informing her of her legal options, and staying until the danger has passed. Many of the laws prescribing such police duties or expanding arrest powers immunize law enforcement officers from suits for damages for any action taken in a good faith effort to enforce the law.

B. Probable Effect of Proposed Changes

HB 805 amends ss. 415.601-415.608, F.S., changing the designation from "spouse abuse" to "domestic violence" and modifying the limits on the term to include not only persons who are or have been married but also persons who cohabit, that is those who live together as husband and wife. It also provides for district-based funding, removes statutory restrictions on the allocation of funds, and separates the certification and funding of centers into distinct processes. It reinstates a statutory requirement that an annual report on the incidence of domestic violence be prepared and submitted to the Legislature. It expands the current direction to law enforcement officers by requiring that they notify a victim of her legal rights, in the form of a written statement prescribed in the bill, and by directing officers who investigate allegations of domestic violence to file a report. The bill specifies that the basic skills course used for the initial training of officers must include at least six hours in handling domestic violence cases and that the Office of the State Court Administrator must provide such instruction for appropriate circuit court judges.

The bill amends chapter 741, F.S., and makes the following major changes:

1. It changes the designation from "restraining order" to "injunction for protection."
2. It removes the requirement that a person must have filed a complaint of spouse abuse with law enforcement before she can petition the court for relief.

It specifies that a person may petition for an injunction whether or not she has left her house or there is another legal action pending, and it specifies that bond is not generally required.

4. It shortens the prescribed petition form and lists the actions which may be sought by the petitioner.
5. It directs the clerk of the court to provide simplified forms, to assist a person in filing the petition, and to advise the petitioner that filing fees can be waived if she is indigent and unable to pay.

6. It authorizes the court to issue an ex parte injunction of up to 14 days when a petition alleges an immediate and present danger and specifies that such an injunction would grant whatever relief the court deemed proper, including restraint against acts of domestic violence and exclusion from the dwelling.

7. It changes the timeframe for a hearing from not later than 20 days to not later than 14

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Page 1  
CS/HB 805

COMMITTEE ON HEALTH & REHABILITATIVE SERVICES

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CS/HB 805  
House HRS Committee &  
Rep Gordon

OTHER COMMITTEE OF REFERENCE:  
Appropriations

occurred. Almost half the states impose some duties on law enforcement officers responding to domestic disturbance calls, including transporting the victim to a shelter, informing her of her legal options, and staying until the danger has passed. Many of the laws prescribing such police duties or expanding arrest powers immunize law enforcement officers from suits for damages for any action taken in a good faith effort to enforce the law.

Relating to Domestic Violence

SIMILAR/COMPANION BILL:  
SB 495 (S), HB 610 (S)

B. Probable Effect of Proposed Changes

CS/HB 805 makes the following changes to ss. 415.601-415.608,

April 5, 1984

F.S.:

I. Summary

A. Present Situation

Sections 415.601-415.605, F.S., provide legislative intent, definitions, and describe the process by which spouse abuse centers are certified and funded. "Spouse abuse" is defined as "any assault, battery, or other physical abuse by a person upon his spouse," and the term "spouse" includes persons currently or previously married.

The law directs the Department of Health and Rehabilitative Services (HRS) to certify spouse abuse centers to receive funds, to distribute funds to a certified center, and to allocate a uniform base amount to each certified center, in addition to funds allocated according to the number of marriage licenses sold in each center's catchment area. The law further provides that spouse abuse centers may be established as private, local, state or federal funds are available and that any local agency or organization may apply for certification and funding.

Section 741.30, F.S., authorizes a person to file a petition with the circuit court alleging spouse abuse and requesting a restraining order. A petition may be filed only if the petitioner has previously filed a complaint of spouse abuse with a law enforcement agency. The law requires that certain information be included in the petition and provides a petition form. A restraining order must be served within 24 hours of its issuance and may be issued without a hearing, provided one is held within 20 days if requested by the respondent. The person alleging spouse abuse is not required to have legal representation nor may the issuance of a restraining order be conditioned upon divorce proceedings.

Under the existing law, the violation of a restraining order, which is issued by a circuit court, is a second degree misdemeanor which is handled in county court.

Section 901.15, F.S., specifies conditions under which a law enforcement officer may issue an arrest without a warrant. Such an arrest may be made when the officer has probable cause to believe that a person has committed a battery upon his spouse and he finds evidence of bodily harm or he reasonably believes that there is danger of violence unless the person alleged to have committed the battery is arrested. According to statistics maintained by the Florida Department of Law Enforcement, spouse abuse is one of the most frequent and personally dangerous situations in which officers find themselves. The state's Basic Recruit Training Course contains no specific unit of instruction for handling such investigations.

Certain questions which arise frequently in situations of spouse abuse are not addressed in current law, including whether or not the court can exclude an allegedly abusive spouse from his house prior to a hearing and whether a law enforcement officer can arrest someone without a warrant for the violation of a restraining order. In nineteen states, police may issue a warrantless arrest if they have probable cause to believe that an abuser has violated a restraining order. Laws in six states remove discretion and impose a duty to arrest where there is probable cause to believe that spouse abuse has

1. It changes the designation from "spouse abuse" to "domestic violence" and modifies the definition to read "any assault, battery, or criminal sexual conduct against one's spouse."
2. It provides for district-based funding, removes statutory restrictions on the allocation of funds, and separates the certification and funding of centers into distinct processes.
3. It reinstates a statutory requirement that an annual report on the incidence of domestic violence be prepared and submitted to the Legislature.
4. It specifies that the basic skills course used for the initial training of law enforcement officers must include at least six hours in handling domestic violence cases and that the Florida Court Education Council must provide such instruction for appropriate circuit court judges.

F.S.:

The bill makes the following changes to s. 741.30,

1. It changes the designation from "restraining order" to "injunction for protection."
2. It removes the requirement that a person must have filed a complaint of spouse abuse with law enforcement before she can petition the court for relief.
3. It specifies that a person may petition for an injunction whether or not she has left her house or there is another legal action pending, and it specifies that bond is not to be required.
4. It shortens the prescribed petition form and lists the actions which may be sought by the petitioner.
5. It directs the clerk of the court to provide simplified forms and to assist a person in filing the petition, if she is not represented by counsel.
6. It specifies that filing and service fees are to be waived when a petitioner signs an affidavit stating that she has insufficient funds.
7. It directs the court to hold a hearing at the earliest possible time, provides for personal

service of the petition and hearing notice upon the respondent, and directs the Clerk of the court to give the petitioner a copy of the injunction.

6. It authorizes the court to grant an ex parte temporary order, pending a full hearing; authorizes certain relief which the court may provide in addition to any relief the court deems proper; authorizes the court to take oral testimony to support the application for an ex parte temporary injunction; and provides limits.
9. It specifies that the title to real estate is not affected by actions under this section.
10. It authorizes the court to provide certain relief in an injunction and limits any relief granted to a fixed period not to exceed one year, unless extended by the court for a fixed period.
11. It limits enforcement of the injunction to contempt of court and specifies that a finding of contempt may include a fine.
12. It provides for an expeditious hearing for a person arrested for the violation of an injunction for protection.
13. When requested by the petitioner, it directs the court to require law enforcement to assist a petitioner gain custody of her dwelling or otherwise assist in carrying out the provisions of the court's injunction.
14. It directs the clerk of the court to forward an injunction to the appropriate law enforcement agency and directs law enforcement agencies to share information related to the injunction.

The bill makes the following changes to chapter 901, P.S.:

1. It expands the situations in which a law enforcement officer may arrest without a warrant to include those times when he has probable cause to believe that a person has violated a domestic violence injunction for protection.
2. It directs an officer to arrest when he has probable cause to believe that a person has committed an assault, battery, or criminal sexual conduct as an act of domestic violence.
3. It provides immunity from liability for officers who exercise due care in arresting someone for domestic violence.
4. It directs a law enforcement officer who investigates an allegation of domestic violence to file a report.
5. It expands the current mandate that an officer advise a victim of the availability of a shelter by having him also provide a written statement of a victim's rights and remedies.

## II. Fiscal Impact

### A. State

The requirement that training in dealing with domestic violence be developed by the Department of Law Enforcement and the Office of the State Court Administrator could have a fiscal impact, although each agency has a source of funds for developing training resources. The Department of Law Enforcement is directed to prepare a written statement to distribute to local agencies which would have a small fiscal impact.

### B. Local

Certain provisions in the bill would have a fiscal impact on local governments, although the exact costs have not been determined. These provisions include the requirement that law enforcement officers make a written report for each investigation of domestic violence; the mandate that a law enforcement officer assist in carrying out the provisions of an injunction, when requested; the provision that certain information be forwarded by the clerk to law enforcement and shared among law enforcement agencies; the mandate that an officer arrest upon a finding of probable cause that domestic violence has occurred; and the authorization of law enforcement officers to arrest a person who violates the provisions of an injunction.

The provision in the bill which removes the misdemeanor penalty for the violation of a restraining order would eliminate the costs associated with prosecuting for such violation in criminal court.

### C. Private

CS/HB 805 eliminates the base allocation to spouse abuse centers and directs HRS to develop an allocation formula which will differ from the one currently in statute. This may result in a center receiving a different allocation than it now receives. However, due to the fact that the allocation of funds would be district-based under provisions of this bill, the decision to fund a center in one part of the state would no longer affect the allocations to centers in other parts of the state.

## III. Comments

1. Lack of adequate data on the nature and scope of domestic violence has hindered improvement of law enforcement response to the problem. Twenty-eight states require law enforcement agencies either to keep internal records of each case handled or to file reports with another agency.
2. A 1983 study conducted by the Police Foundation in Washington, D.C., indicates that arrest is a more effective police response to domestic violence than mediation by the police officers or separation of the parties. There was a recurrence of violence in 24 percent of the cases in which the parties were separated for eight hours, a 17 percent recurrence in cases that were mediated, and only a 10 percent recurrence of violence in cases in which arrests were made.

Prepared by: Beverly Whiddon

Staff Director: Kandace M. Hill

COMMITTEE ON HEALTH & REHABILITATIVE SERVICES

HB 610  
Rep. Figg

Relating to Domestic Violence

OTHER COMMITTEE OF REFERENCE:  
Appropriations

SIMILAR/COMPANION BILL:  
SB 495 (S), HB 805 (S)

April 27, 1984

I. Summary

A. Present Situation

Sections 415.601-415.605, F.S., provide legislative intent, definitions, and describe the process by which spouse abuse centers are certified and funded. "Spouse abuse" is defined as "any assault, battery, or other physical abuse by a person upon his spouse," and the term "spouse" includes persons currently or previously married. Current law does not address persons who live together as husband and wife who are not legally married, although the state's spouse abuse centers often provide shelter for battered women who are not legally married and pay for such services with funds other than state appropriated funds.

Section 741.30, F.S., authorizes a person to file a petition with the circuit court alleging spouse abuse and requesting a restraining order. A petition may be filed only if the petitioner has previously filed a complaint of spouse abuse with a law enforcement agency. The law requires that certain information be included in the petition and provides a petition form. A restraining order must be served within 24 hours of its issuance and may be issued without a hearing, provided one is held within 20 days if requested by the respondent. The person alleging spouse abuse is not required to have legal representation nor may the issuance of a restraining order be conditioned upon divorce proceedings.

Under the existing law, the violation of a restraining order, which is issued by a circuit court, is a second degree misdemeanor which is handled in county court.

Section 901.15, F.S., specifies conditions under which a law enforcement officer may issue an arrest without a warrant. Such an arrest may be made when the officer has probable cause to believe that a person has committed a battery upon his spouse and he finds evidence of bodily harm or he reasonably believes that there is danger of violence unless the person alleged to have committed the battery is arrested. According to statistics maintained by the Florida Department of Law Enforcement, spouse abuse is one of the most frequent and personally dangerous situations in which officers find themselves. The state's Basic Recruit Training Course contains no specific unit of instruction for handling such investigations.

Certain questions which arise frequently in situations of spouse abuse are not addressed in current law, including whether or not the court can exclude an allegedly abusive spouse from his house prior to a hearing and whether a law enforcement officer can arrest someone without a warrant for the violation of a restraining order. In nineteen states, police may issue a warrantless arrest if they have probable cause to believe that an abuser has violated a restraining order. Laws in six states remove discretion and impose a duty to arrest where there is probable cause to believe that spouse abuse has occurred. Almost half the states impose some duties on law enforcement officers responding to domestic disturbance calls, including transporting the victim to a shelter, informing her of her legal options, and staying until the danger has passed. Many of the laws prescribing such police duties or expanding arrest powers

immunize law enforcement officers from suits for damages for any action taken in a good faith effort to enforce the law

B. Probable Effect of Proposed Changes

HB 610 amends ss. 415.601-415.608, F.S., changing the designation from "spouse abuse" to "domestic violence" and providing definitions. "Domestic violence" is defined as "any assault, battery, physical abuse, or criminal sexual conduct against a family or household member by another family or household member," and the term "family or household members" includes "spouses, parents, children, persons related by consanguinity, or persons jointly residing in the same dwelling unit." The existing network of small shelters, designed to shelter spouse abuse victims and their children or other dependents, would also become responsible for the victims of most forms of child abuse and violence between adult roommates and boarders of the same residence, among others.

The bill also makes the following major changes in s. 741.30,

F.S

1. It provides definitions for "domestic violence," "family or household members," "victim," and "spouse."
2. It grants any family or household member standing in the circuit court to file a petition for a restraining order on behalf of himself or another victim of domestic violence.
3. It directs the clerk of the court to provide simplified forms and to assist a petitioner not represented by counsel.
4. It provides for filing fees and service fees to be waived for persons with insufficient funds.
5. It removes the requirement that a person must have filed a complaint of spouse abuse with law enforcement before she can petition the court for relief.
6. It shortens the prescribed form for the petition.
7. It authorizes a person to apply for entry of a temporary or permanent restraining order.
8. It authorizes the court to provide certain forms of relief, in addition to any relief deemed necessary by the court for the protection of family or household members, and it limits any permanent relief granted to a fixed period not to exceed one year.
9. It directs the court to set a hearing for the earliest possible time and provides for personal service of the hearing notice, petition, and any order issued upon the respondent.
10. It authorizes the court to grant an ex parte temporary order when a petitioner alleges an immediate and present danger of domestic violence.
11. It authorizes the court to order the sheriff or other law enforcement officer to assist in

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HB 610

putting the petitioner in possession of the dwelling or provide other assistance in executing the restraining order.

12. It specifies that the title to real estate is not affected by actions under this section.
13. It directs the clerk of the court to forward the restraining order to the appropriate sheriff and directs law enforcement agencies to share information on the existence and status of a restraining order.
14. It limits the enforcement of a restraining order to contempt proceedings.
15. It provides for a person arrested for the violation of a restraining order to be held in custody and brought before the court as expeditiously as possible.
16. It directs the clerk of the court to give the petitioner a certified copy of any restraining order.

The bill also makes the following major changes in s. 901.15, P.S.:

1. It authorizes a law enforcement officer to arrest without a warrant when he has probable cause to believe that the person has knowingly violated or refused to comply with a domestic violence restraining order.
2. It directs an officer to advise domestic violence victims of the availability of a shelter or other services and of their legal rights and available remedies in the form of a written statement prescribed in the bill.

#### II. Fiscal Impact

##### A. State

None.

##### B. Local

Certain provisions in the bill would have a fiscal impact on local governments, although the exact costs have not been determined. These provisions include the opportunity for a wider population of family and household members to seek the court's protection from domestic violence, the waiver of service fees to the sheriff, the authorization of the court to order the sheriff or other officer to assist the petitioner in executing the petition, the requirement that the clerk forward restraining orders to the sheriff and that information be shared among law enforcement agencies, the requirement that a written notice of a victim's rights and remedies be developed and distributed by law enforcement, and the authorization of law enforcement officers to arrest a person who violates the provisions of a restraining order.

The provision in the bill which removes the misdemeanor penalty for the violation of a restraining order would eliminate the costs associated with prosecuting for such violation in criminal court.

##### C. Private Sector

The provision which allows for the waiver of a service fee the sheriff in certain instances would save the victim such costs. The potential great expansion of the population seeking shelter under the broad definition of domestic violence and under the provisions that other family and household members could be housed with a victim could have a large impact on the financial ability of the shelters to provide needed services. The bill appropriates no additional funds.

#### III. Comments

Through amendment, the definition of "domestic violence" in Chapter 415, P.S., has been narrowed in its scope, but the definition remains broad in the bill's changes to s. 741.30, P.S., and includes violence between any persons related by blood and any persons who live in the same dwelling.

#### IV. Amendments

1. The definition of "domestic violence" in s. 415.602, F.S., was changed to read "any assault, battery, or criminal sexual conduct against one's spouse."
- 2., 3., & 4. The definition of "family or household members" was deleted from this section of the bill, as were other references, in this section, to that term.

Prepared by: Beverly Whiddon

Staff Director: Kandace M. Hill

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REVISED: \_\_\_\_\_

BILL NO. CS/SB 0495

DATE: April 27, 1984

Page 1

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

	<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1.	<u>Roberts</u> <i>RB</i>	<u>Carnes</u> <i>C</i>	1. <u>HRS</u>	<u>FAV/CS</u>
2.	_____	_____	2. <u>JCI</u>	_____
3.	_____	_____	3. <u>AP</u>	_____

SUBJECT:

Domestic Violence

BILL NO. AND SPONSOR:

CS for SB 0495 by  
HRS Committee and  
Senators Castor and Frank

I. SUMMARY:

A. Present Situation:

Section 415.601-415.605 directs the Department of Health and Rehabilitative Services to certify spouse abuse centers to receive funds, to distribute funds to a certified center and to allocate a uniform base amount to each certified center, in addition to funds allocated according to the number of marriage licenses sold in each center's catchment area. The law further provides that spouse abuse centers may be established as private, local, state or federal funds are available and that any local agency or organization may apply for certification and funding. Law enforcement officers who investigate an alleged incident of spouse abuse may advise the victim of the availability of a spouse abuse center's services.

Section 741.30, Florida Statutes, authorizes a person who has previously filed a complaint of spouse abuse with a law enforcement agency to file a petition with the circuit court alleging spouse abuse and requesting a restraining order. A petition form is provided. The person alleging spouse abuse is not required to have legal representation nor may the issuance of a restraining order be conditioned upon divorce proceedings. Violation of a restraining order which is issued by a circuit court, is a second degree misdemeanor which is handled in county court.

Pursuant to section 901.15, Florida Statutes, an arrest can be made without a warrant if a domestic violence act is committed in presence of officer or when there is bodily harm or danger of violence.

B. Effect of Proposed Changes:

This bill amends ss. 415.601-415.608, Florida Statutes, changing the designation from "spouse abuse" to "domestic violence". Domestic violence means any assault, battery, or criminal sexual conduct against one's spouse. Funding is changed from a center based allocation to a district based allocation, which allows funding decisions to be made within a district without impacting on the level of funding statewide. An annual report on the incidence of domestic violence is to be submitted to the Legislature. Investigating officers are required to advise victims of the availability of services at domestic violence centers. Officers must advise as to legal rights and remedies available and also must file written reports. Officer training is required on the subject of domestic violence.

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Chapter 741, Florida Statutes, is amended to provide for an "injunction for protection" instead of a "restraining order".

Any person who is a victim of domestic violence may petition for injunctive protection. Neither filing a complaint or leaving a residence is a prerequisite to filing a petition. Bond or security is not required to petition. A modified petition form is provided. Filing and service fees may be waived. Under some circumstances the court may issue an ex parte temporary injunction. Violation of an injunction constitutes contempt of court instead of a second degree misdemeanor. Other relief that the court can grant is set out. Upon request, an officer may assist petitioner in carrying out the provisions of the injunction.

If there is probable cause, an officer may arrest without a warrant even if the domestic violence did not occur in the officer's presence. Officers are also directed to arrest for violation of an injunction and are given immunity from civil liability for good faith arrests.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The base allocation is eliminated and the department is directed to develop an allocation formula. This may result in a center receiving a different allocation than it now receives. However, because the allocation of funds will be district based under the provisions of this bill, the decision to fund a center in one part of the state would no longer affect the allocation to centers in other parts of the state.

B. Government:

The training and instruction of law enforcement officers and circuit judges on the subject of domestic violence can be incorporated in existing training programs at no additional cost to the departments.

The requirements of written reports, written notices of victim's rights and remedies, assistance in carrying out provisions of an injunction, among other things may impact local agencies.

III. COMMENTS:

None

IV. AMENDMENTS:

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BILL NO. CS/SB 495

DATE: May 10, 1984

Page 1

Series 18 Carton 1472

## SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Roberts</u>	<u>Carnes</u>	1. <u>HRS</u>	<u>Fav/CS</u>
2. <u>Slaymaker</u>	<u>Alberdi</u>	2. <u>JCI</u>	<u>Fav/3 amend.</u>
3. _____	_____	3. <u>AP</u>	_____

SUBJECT:

Domestic Violence

BILL NO. AND SPONSOR:

CS/SB 495 by  
HRS Committee, Senators Castor  
and Frank

### I. SUMMARY:

#### A. Present Situation:

Sections 415.601-415.608, Florida Statutes, are Florida's Spouse Abuse Treatment and Rehabilitation Act and it is the intent of the Legislature to assist in the development of spouse abuse centers for the victims of spouse abuse and to provide a place where the parties involved may be separated until they can be properly assisted. Spouse abuse is defined to mean any assault, battery, or other physical abuse by a person upon his spouse.

The Act directs the Department of Health and Rehabilitative Service (DHRS) to certify spouse abuse centers, to receive applications for state funding of spouse abuse centers, and to evaluate annually each spouse abuse center for compliance with certain minimum standards. The Act also provides that the DHRS may conduct research and evaluation on spouse abuse so as to serve as a clearinghouse for information relating to spouse abuse.

Marriage license fees collected pursuant to s. 741 which are directed for the purpose of funding spouse abuse centers shall be distributed annually by the DHRS to each certified center according to a specified formula.

Section 415.605 provides requirements which must be complied with before a facility can be certified and funded as a spouse abuse center. The main requirements being that the spouse abuse center serve as a center to receive and house persons who are victims of spouse abuse and that certain minimum services be provided to said victims.

Any law enforcement officer who investigates an alleged incident of spouse abuse may advise the victim of the abuse of the availability of spouse abuse centers from which the victim may receive services.

Section 741.01 provides for the issuance of a marriage license and also provides that a portion of the fee shall be directed to the DHRS for the purpose of funding spouse abuse centers.

Section 741.30 authorizes a person who has previously filed a complaint of spouse abuse with a law enforcement agency to file a petition with the circuit court alleging spouse abuse and requesting a restraining order. A petition form is provided. The person alleging spouse abuse is not required to have legal representation nor may the issuance of the restraining order be conditioned upon dissolution of marriage proceedings.



Violation of a restraining order which is issued by a circuit court, is a second degree misdemeanor.

Section 905.15(6) provides that a law enforcement officer may arrest a person without a warrant when the officer has probable cause to believe that the person has committed a battery upon the person's spouse and the officer finds evidence of bodily harm or the officer reasonably believes that there is danger of violence unless the person alleged to have committed the battery is arrested without delay.

B. Effect of Proposed Changes:

The bill amends Florida's Spouse Abuse Treatment and Rehabilitation Act by changing the term "spouse abuse" to "domestic violence." "Domestic violence" is defined as any assault, battery, or criminal sexual conduct against one's spouse.

The funding of the domestic violence centers is changed from a center based allocation to an allocation made to the 11 DHRS service districts thereby permitting funding decisions to be made within a district without impacting on the level of funding statewide.

A law enforcement officer who investigates an alleged incident of domestic violence shall advise the victim of such violence of the availability of domestic violence centers from which the victim may receive services. The officer shall also give the victim notice of rights available in the provisions of s. 901.155.

The bill provides that the DHRS shall furnish to the Legislature an annual report on the status of domestic violence in Florida.

New training requirements are also created to provide for the instruction of law enforcement officers in the subject of domestic violence and for the establishment of standards for instruction of circuit court judges having responsibility for domestic violence cases.

Section 741.01 is amended to change the term "spouse abuse" to "domestic violence." Section 741.30 is substantially reworded to provide for an injunction for protection. Any person who is a victim of domestic violence may petition the circuit court for a domestic violence injunction for protection. A person's right to petition for such an injunction shall not be affected whether or not there is currently pending any other petition, complaint, or cause of action between the parties or because the petitioner has left a residence or household to avoid domestic violence. A petition for injunction for protection form is provided.

Upon the filing of the petition, the court shall set a hearing. If the court finds an immediate danger of domestic violence exists, it may grant an ex parte temporary injunction. The issuance of an injunction shall not require that the petitioner be represented by an attorney, nor shall it be conditioned upon any dissolution of marriage proceedings or other legal action between the petitioner and the respondent. The court shall enforce compliance of the injunctive relief granted through contempt proceedings which may include the imposition of a fine.

The bill expands the application of s. 901.15 to permit a law enforcement officer to arrest a person without a warrant when the officer has probable cause to believe that the person has

knowingly violated or refused to comply with a domestic violence injunction for protection entered pursuant to s. 741.30.

An officer may arrest a person anywhere, whether or not the officer has a warrant, if the officer has probable cause to believe that the person has committed an act of domestic violence as defined in s. 741.30(1)(a), although such act did not take place in the presence of the officer.

An officer who acts in good faith and exercises due care in making the arrest shall be immune from civil liability that otherwise might result by reason of his action.

The bill creates a new section which imposes certain duties on law enforcement officers investigating alleged incidents of domestic violence.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The bill eliminates the existing base allocation and directs the DHRS to develop a district wide allocation formula. This may result in a center receiving a different allocation than it now receives.

B. Government:

The training and instruction of law enforcement officers and circuit judges on the subject of domestic violence can be incorporated in existing training programs at minimal cost.

The requirements of written reports, written notices of victim's rights and remedies, and the providing of assistance in carrying out provisions of injunction for protection, may produce additional expenses for local agencies.

III. COMMENTS:

It should be noted that in section 8 of the bill the Florida Court Education Council is directed to establish standards for instruction of circuit court judges and to provide such instruction on a periodic and timely basis. This may be viewed as a legislative attempt to dictate administration of the judiciary, thus raising a separation of powers problem.

IV. AMENDMENTS:

#1 and #2 by Judiciary-Civil:  
Change the words "criminal sexual conduct" to "sexual battery."

#3 by Judiciary-Civil:  
Changes language in the committee substitute to that which currently exists in s. 901.15 to provide that a law enforcement officer may arrest a person without a warrant when the officer has probable cause to believe that the person has committed a battery upon the person's spouse and finds evidence of bodily harm or the officer reasonably believes that there is danger of violence unless the person alleged to have committed the battery is arrested without delay. Also, a law enforcement officer who acts in good faith and exercises due care in making an arrest pursuant to subsection (7) shall be immune from civil liability that otherwise might result by reason of his action.

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REVISED: June 4, 1984

DATE: May 10, 1984

BILL NO. CS/SB 495

Page 1

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. Roberts <i>DR</i>	Carnes <i>C</i>	1. HRS	Fav/CS
2. _____	_____	2. JCI	_____
3. _____	_____	3. AP	_____

SUBJECT: Domestic Violence

BILL NO. AND SPONSOR: CS/SB 495 by HRS Committee, Senators Castor and Frank

I. SUMMARY:

A. Present Situation:

Sections 415.601-415.608, Florida Statutes, are Florida's Spouse Abuse Treatment and Rehabilitation Act and it is the intent of the Legislature to assist in the development of spouse abuse centers for the victims of spouse abuse and to provide a place where the parties involved may be separated until they can be properly assisted. Spouse abuse is defined to mean any assault, battery, or other physical abuse by a person upon his spouse.

The Act directs the Department of Health and Rehabilitative Service (DHRS) to certify spouse abuse centers, to receive applications for state funding of spouse abuse centers, and to evaluate annually each spouse abuse center for compliance with certain minimum standards. The Act also provides that the DHRS may conduct research and evaluation on spouse abuse so as to serve as a clearinghouse for information relating to spouse abuse.

Marriage license fees collected pursuant to s. 741 which are directed for the purpose of funding spouse abuse centers shall be distributed annually by the DHRS to each certified center according to a specified formula.

Section 415.605 provides requirements which must be complied with before a facility can be certified and funded as a spouse abuse center. The main requirements being that the spouse abuse center serve as a center to receive and house persons who are victims of spouse abuse and that certain minimum services be provided to said victims.

Any law enforcement officer who investigates an alleged incident of spouse abuse may advise the victim of the abuse of the availability of spouse abuse centers from which the victim may receive services.

Section 741.01 provides for the issuance of a marriage license and also provides that a portion of the fee shall be directed to the DHRS for the purpose of funding spouse abuse centers.

Section 741.30 authorizes a person who has previously filed a complaint of spouse abuse with a law enforcement agency to file a petition with the circuit court alleging spouse abuse and requesting a restraining order. A petition form is provided. The person alleging spouse abuse is not required to have legal representation nor may the issuance of the restraining order be conditioned upon dissolution of marriage proceedings.

Violation of a restraining order which is issued by a circuit court, is a second degree misdemeanor.

Section 905.15(6) provides that a law enforcement officer may arrest a person without a warrant when the officer has probable cause to believe that the person has committed a battery upon the person's spouse and the officer finds evidence of bodily harm or the officer reasonably believes that there is danger of violence unless the person alleged to have committed the battery is arrested without delay.

B. Effect of Proposed Changes:

The bill amends Florida's Spouse Abuse Treatment and Rehabilitation Act by changing the term "spouse abuse" to "domestic violence." "Domestic violence" is defined as any assault, battery, or criminal sexual conduct against one's spouse.

The funding of the domestic violence centers is changed from a center based allocation to an allocation made to the 11 DHRS service districts thereby permitting funding decisions to be made within a district without impacting on the level of funding statewide.

A law enforcement officer who investigates an alleged incident of domestic violence shall advise the victim of such violence of the availability of domestic violence centers from which the victim may receive services. The officer shall also give the victim notice of rights available in the provisions of s. 901.155.

The bill provides that the DHRS shall furnish to the Legislature an annual report on the status of domestic violence in Florida.

New training requirements are also created to provide for the instruction of law enforcement officers in the subject of domestic violence and for the establishment of standards for instruction of circuit court judges having responsibility for domestic violence cases.

Section 741.01 is amended to change the term "spouse abuse" to "domestic violence." Section 741.30 is substantially reworded to provide for an injunction for protection. Any person who is a victim of domestic violence may petition the circuit court for a domestic violence injunction for protection. A person's right to petition for such an injunction shall not be affected whether or not there is currently pending any other petition, complaint, or cause of action between the parties or because the petitioner has left a residence or household to avoid domestic violence. A petition for injunction for protection form is provided.

Upon the filing of the petition, the court shall set a hearing. If the court finds an immediate danger of domestic violence exists, it may grant an ex parte temporary injunction. The issuance of an injunction shall not require that the petitioner be represented by an attorney, nor shall it be conditioned upon any dissolution of marriage proceedings or other legal action between the petitioner and the respondent. The court shall enforce compliance of the injunctive relief granted through contempt proceedings which may include the imposition of a fine.

The bill expands the application of s. 901.15 to permit a law enforcement officer to arrest a person without a warrant when the officer has probable cause to believe that the person has

knowingly violated or refused to comply with a domestic violence injunction for protection entered pursuant to s. 741.30.

An officer may arrest a person anywhere, whether or not the officer has a warrant, if the officer has probable cause to believe that the person has committed an act of domestic violence as defined in s. 741.30(1)(a), although such act did not take place in the presence of the officer.

An officer who acts in good faith and exercises due care in making the arrest shall be immune from civil liability that otherwise might result by reason of his action.

The bill creates a new section which imposes certain duties on law enforcement officers investigating alleged incidents of domestic violence.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The bill eliminates the existing base allocation and directs the DHRS to develop a district wide allocation formula. This may result in a center receiving a different allocation than it now receives.

B. Government:

The training and instruction of law enforcement officers and circuit judges on the subject of domestic violence can be incorporated in existing training programs at minimal cost.

The requirements of written reports, written notices of victim's rights and remedies, and the providing of assistance in carrying out provisions of injunction for protection, may produce additional expenses for local agencies.

III. COMMENTS:

It should be noted that in section 8 of the bill the Florida Court Education Council is directed to establish standards for instruction of circuit court judges and to provide such instruction on a periodic and timely basis. This may be viewed as a legislative attempt to dictate administration of the judiciary, thus raising a separation of powers problem.

IV. AMENDMENTS:

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR SENATE BILL 0495

1. Law enforcement agency may order an officer to assist petitioner in execution or service of an injunction for protection.
2. Law enforcement officer may arrest a person without a warrant if there's probable cause to believe the person committed an act of domestic violence, whether or not the violent act took place in the officer's presence.

Committee on Health and Rehabilitative Services

Larry L. Cairnes  
Chairman or Staff Director

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A bill to be entitled  
An act relating to domestic violence; amending  
s 415 601, F S ; providing legislative intent;  
amending s 415 602, F S , providing  
definitions; amending s. 415.603, F.S., setting  
forth duties and functions of the Department of  
Health and Rehabilitative Services with respect  
to domestic violence, creating s. 415.604,  
F.S , requiring an annual report by the  
department, amending s 415 605, F.S ;  
providing for certification, decertification,  
procedures for seeking services, and funding of  
domestic violence centers; providing rulemaking  
authority, amending s 415.606, F.S.; providing  
for referral of victims to centers and notice  
of rights; creating s. 415.607, F.S.; requiring  
reports by law enforcement officers, amending  
s 415 608, F.S., providing for confidentiality  
of information, creating s 415 609, F.S ,  
requiring that law enforcement officers and  
certain judges receive certain information and  
training; amending s. 741.30, F.S , providing  
for an injunction for protection and an ex  
parte temporary injunction for protection,  
providing penalties for violating such  
injunctions; creating s. 741.31, F S ;  
prescribing relief available through an  
injunction for protection, creating s 741.32,  
F.S ; providing for law enforcement officers to  
assist in executing or serving such injunction,  
creating s. 741 33, F S ; providing for the

1 modification of such injunction, creating s.  
 2 741.34, F.S ; providing for sending copies of  
 3 such injunctions to certain law enforcement  
 4 agencies, amending s. 901.15, F.S., requiring  
 5 arrest with or without a warrant in specified  
 6 circumstances, giving immunity from civil  
 7 liability to certain law enforcement officers;  
 8 amending s. 741 01, F.S ; changing "spouse  
 9 abuse" to "domestic violence" to conform to the  
 10 purposes of this act, providing an effective  
 11 date

12  
 13 Be It Enacted by the Legislature of the State of Florida

14  
 15 Section 1 Section 415 601, Florida Statutes, is  
 16 amended to read:

17 415 601 Domestic violence ~~Spouse abuse~~ treatment and  
 18 rehabilitation; legislative intent.--The Legislature  
 19 recognizes that certain persons who assault, batter, or  
 20 otherwise abuse their spouses and the persons subject to such  
 21 domestic violence ~~abuse~~ are in need of treatment and  
 22 rehabilitation It is the intent of the Legislature to assist  
 23 in the development of domestic violence ~~spouse abuse~~ centers  
 24 for the victims of domestic violence ~~spouse abuse~~ and to  
 25 provide a place where the parties involved may be separated  
 26 until they can be properly assisted.

27 Section 2. Section 415.602, Florida Statutes, is  
 28 amended to read:

29 415.602 ~~Definitions of terms used in ss- 415-601-~~  
 30 415-608.--As used in ss. 415.601-415.609 ~~this act:~~

31



1 (1) "Department" means the Department of Health and  
2 Rehabilitative Services

3 (2) "District" means the county, or combination of  
4 counties, as defined in s 20 19.

5 (3) "Domestic violence" means physical harm, bodily  
6 injury, sexual battery, or assault, between spouses

7 (4) "Domestic violence center" means a facility which  
8 provides services to victims of domestic violence.

9 (5) ~~(2)~~ "Spouse" means a person to whom another person  
10 is married or a person to whom another person has been married  
11 and from whom such other person is now separated or divorced

12 (3) ~~"Spouse abuse" means any assault, battery, or~~  
13 ~~other physical abuse by a person upon his spouse-~~

14 (4) ~~"Spouse abuse center" means a facility which~~  
15 ~~provides services to victims of spouse abuse and which has~~  
16 ~~been certified by the department to receive state funds-~~

17 (5) ~~"Victim" means any individual suffering assault,~~  
18 ~~battery, or other physical abuse inflicted by his spouse or~~  
19 ~~former spouse-~~

20 Section 3. Section 415.603, Florida Statutes, is  
21 amended to read:

22 415.603 Duties and functions of the department with  
23 respect to domestic violence spouse abuse --

24 (1) It shall be the duty of the department:

25 (a) To establish health, safety, and minimum program  
26 requirement standards for certifying domestic violence spouse  
27 abuse centers to receive state funds.

28 (b) To receive and approve or reject applications for  
29 state funding of domestic violence spouse abuse centers.  
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31

1 (c) To receive and approve or reject applications for  
 2 certification of domestic violence centers ~~each application~~  
 3 ~~within 60 days of receipt of the application.~~

4 ~~(d) To distribute funds to a certified center within~~  
 5 ~~45 days after approval-~~

6 ~~(d)(e)~~ To evaluate annually each certified domestic  
 7 violence spouse abuse center for compliance with the minimum  
 8 standards. The department shall have the right to enter and  
 9 inspect the premises of certified domestic violence spouse  
 10 abuse centers at any reasonable hour in order to effectively  
 11 evaluate the state of compliance of such centers with the  
 12 provisions of ss. 415.601-415 609 ~~this section~~ and rules in  
 13 force pursuant thereto.

14 (2) The department shall prescribe by rule the  
 15 procedures by which subsection (1) shall be implemented  
 16 Without using designated district allocated center funds, the  
 17 department may:

18 (a) Formulate and conduct a research and evaluation  
 19 program on domestic violence spouse abuse and cooperate with  
 20 and assist and participate in programs of other properly  
 21 qualified agencies, including any agency of the Federal  
 22 Government, schools of medicine, hospitals, and clinics, in  
 23 planning and conducting research on the prevention, care,  
 24 treatment, and rehabilitation of persons engaged in or subject  
 25 to domestic violence spouse abuse

26 (b) Serve as a clearinghouse for information relating  
 27 to domestic violence spouse abuse

28 (c) Carry on educational programs on domestic violence  
 29 spouse abuse for the benefit of the general public, persons  
 30 engaged in or subject to domestic violence spouse abuse,  
 31 professional persons, or others who care for or may be engaged

1 in the care and treatment of persons engaged in or subject to  
2 domestic violence ~~spouse abuse~~.

3 (d) Enlist the assistance of public and voluntary  
4 health, education, welfare, and rehabilitation agencies in a  
5 concerted effort to prevent domestic violence ~~spouse abuse~~ and  
6 to treat persons engaged in or subject to domestic violence  
7 ~~spouse abuse~~

8 Section 4. Section 415 604, Florida Statutes, is  
9 created to read:

10 415 604 Report to the Legislature --On or before  
11 January 1 of each year, the Department of Health and  
12 Rehabilitative Services shall furnish to the President of the  
13 Senate and the Speaker of the House of Representatives a  
14 report on the status of domestic violence in Florida, which  
15 shall include, but not be limited to, the following:

16 (1) Incidence of domestic violence in this state

17 (2) Identification of the areas of the state where  
18 domestic violence is of significant proportions, indicating  
19 the number of cases officially reported, as well as an  
20 assessment of the degree of unreported cases of domestic  
21 violence.

22 (3) Identification and description of the types of  
23 programs in the state that assist victims of domestic violence  
24 or persons committing domestic violence upon their family or  
25 household members, including information on funding for the  
26 programs

27 (4) The number of persons treated by or assisted by  
28 local domestic violence programs receiving funding through the  
29 department.

30 (5) A statement on the effectiveness of such programs  
31 in preventing future domestic violence

1 (6) An inventory and evaluation of existing prevention  
2 programs.

3 (7) A listing of potential prevention efforts  
4 identified by the department, the estimated annual cost of  
5 providing such prevention services, both for a single client  
6 and for the anticipated target population as a whole;  
7 identification of potential funding sources; and the projected  
8 benefits of providing such services

9 Section 5 Section 415 605, Florida Statutes, is  
10 amended to read.

11 415 605 Domestic violence Spouse abuse centers --

12 (1) In order to be certified and funded under ss.  
13 415.601-415 609 ~~this act~~, each domestic violence center shall

14 (a) Provide a facility which will serve as a center to  
15 receive and house persons who are victims of domestic violence  
16 ~~spouse abuse victims~~ For the purpose of ss. 415 601-415 609  
17 ~~this act~~, minor children and other dependents of a victim,  
18 when such dependents are partly or wholly dependent on the  
19 victim for support or services, may be sheltered with the  
20 victim in a domestic violence spouse abuse center.

21 (b) Receive the annual ~~periodic~~ written endorsement of  
22 local law enforcement agencies, and

23 (c) ~~Receive 25 percent of its funding from one or more~~  
24 ~~local, municipal, or county sources, public or private-~~  
25 ~~Contributions in kind, whether materials, commodities,~~  
26 ~~transportation, office space, other types of facilities, or~~  
27 ~~personal services, may be evaluated and counted as part of the~~  
28 ~~required local funding.~~

29 (c) ~~(d)~~ Provide minimum services which shall include,  
30 but not be limited to, information and referral services,  
31 counseling services, temporary emergency shelter for more than

1 24 hours, and educational services for community awareness  
 2 relative to the incidence of domestic violence spouse abuse,  
 3 the prevention of such violence abuse, and the care,  
 4 treatment, and rehabilitation for persons engaged in or  
 5 subject to domestic violence spouse abuse.

6 ~~(d)~~ (e) Participate in the provision of orientation and  
 7 training programs developed for law enforcement officers,  
 8 social workers, and other professionals and paraprofessionals  
 9 who work with domestic violence spouse abuse victims to better  
 10 enable such persons to deal effectively with incidents of  
 11 domestic violence spouse abuse.

12 (e) Establish and maintain a board of directors  
 13 composed of at least three citizens, one of whom shall be a  
 14 member of a local, municipal, or county law enforcement  
 15 agency.

16 (f) Comply with rules adopted pursuant to ss. 415.601-  
 17 415 609.

18 (2) If the department finds that there is failure by a  
 19 center to comply with the requirements established under ss  
 20 415 601-415 609 or with rules adopted pursuant thereto, the  
 21 department may deny, suspend, or revoke the certification of  
 22 the center Spouse abuse centers may be established  
 23 throughout the state as private, local, state, or federal  
 24 funds are available. Any local agency or organization may  
 25 apply to participate in certification and state funding.

26 (3) The annual certificate shall expire on the  
 27 termination date shown on the certificate

28 ~~(4)~~ (3) The domestic violence spouse abuse centers  
 29 shall establish procedures pursuant to which persons subject  
 30 to domestic violence spouse abuse may seek services from these  
 31 centers on a voluntary basis

1           ~~(4)~~ Each spouse abuse center shall have a board  
 2 composed of at least three citizens, one of whom shall be a  
 3 member of a local, municipal, or county law enforcement  
 4 agency.

5           (5) Domestic violence centers may be established  
 6 throughout the state as private, local, state, or federal  
 7 funds are available

8           (6) In order to receive state funds, a center shall.

9           (a) Obtain certification pursuant to ss. 415.601-  
 10 415 609 However, the issuance of a certificate shall not  
 11 obligate the department to provide funding

12           (b) Receive at least 25 percent of its funding from  
 13 one or more local, municipal, or county sources, public or  
 14 private Contributions in kind, whether materials,  
 15 commodities, transportation, office space, other types of  
 16 facilities, or personal services, may be evaluated and counted  
 17 as part of the required local funding

18           ~~(7)(5)(a)~~ All fees collected and appropriated to the  
 19 domestic violence program under s. 741-01(2) for spouse abuse  
 20 centers shall be distributed annually by the department to  
 21 each district according to an allocation formula determined by  
 22 the department In developing the formula, the department  
 23 shall take into consideration population, a rural and  
 24 geographical area factor, and the incidence of domestic  
 25 violence, certified center- The department shall allocate a  
 26 uniform base amount to each certified center- The remainder  
 27 of the appropriated funds shall be distributed in the same  
 28 proportion as the number of marriage licenses sold in the  
 29 center's catchment area bears to the total number of marriage  
 30 licenses sold statewide- The number of marriage licenses  
 31

1 shall be that number sold in each center's catchment area for  
 2 the most recent year for which such figures are available.  
 3 (b) A contract between a district and a certified  
 4 domestic violence center shall contain provisions assuring the  
 5 availability and geographic accessibility of services  
 6 throughout the district. For this purpose, centers may  
 7 distribute funds through subcontracts or to center satellites,  
 8 provided that such arrangements and any subcontracts are  
 9 approved by the district. For the purposes of this section, a  
 10 "catchment area" means that portion of a county, the county,  
 11 the counties, or the district served by a certified spouse  
 12 abuse center as specified in its application to be certified  
 13 and approved by the department.

14 (8) The department shall prescribe by rule the  
 15 procedures by which subsection (7) shall be implemented and  
 16 may adopt such other rules as are necessary for the proper  
 17 administration of ss 415.601, 415.602, 415.603, 415.604,  
 18 415.605, 415.608, and 415.609.

19 Section 6 Section 415.606, Florida Statutes, is  
 20 amended to read.

21 (Substantial rewording of section. See  
 22 s. 415.606, F.S., for present text )

23 415.606 Referral to centers and notice of rights --Any  
 24 law enforcement officer who investigates an alleged incident  
 25 of domestic violence shall advise the victim of such violence  
 26 that there is a domestic violence center from which he or she  
 27 may receive services. The law enforcement officer shall give  
 28 the victim immediate notice of the legal rights and remedies  
 29 available. The notice shall include.

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1 (1) The resource listing, including telephone number,  
 2 for the area domestic violence center designated by the  
 3 Department of Health and Rehabilitative Services; and

4 (2) A copy of the following statement "IF YOU ARE  
 5 THE VICTIM OF DOMESTIC VIOLENCE, you may ask the state  
 6 attorney to file a criminal complaint. You also have the  
 7 right to go to court and file a petition requesting an  
 8 injunction for protection from domestic violence which may  
 9 include, but need not be limited to, provisions which restrain  
 10 the abuser from further acts of abuse, direct the abuser to  
 11 leave your household, prevent the abuser from entering your  
 12 residence, school, business, or place of employment, award you  
 13 custody of your minor child or children; and direct the abuser  
 14 to pay support to you and the minor children if the abuser has  
 15 a legal obligation to do so."

16 Section 7. Section 415.607, Florida Statutes, is  
 17 created to read:

18 415 607 Report required.--When a law enforcement  
 19 officer investigates an allegation that an incident of  
 20 domestic violence has occurred, whether or not an arrest is  
 21 made, the officer shall make a written police report of the  
 22 alleged incident The officer shall submit the report to his  
 23 supervisor or other person to whom the employer's rules or  
 24 policies require reports of similar allegations of criminal  
 25 activity to be made

26 Section 8. Section 415.608, Florida Statutes, is  
 27 amended to read:

28 415 608 Confidentiality of information received by  
 29 department or domestic violence spouse abuse centers.--  
 30 Information received by the department or by authorized  
 31 persons employed by or volunteering services to a domestic



1 violence center, through files, reports, inspection, or  
 2 otherwise, shall be deemed confidential information and shall  
 3 not be disclosed publicly in such a manner as to identify  
 4 individuals or facilities. This information is exempt from  
 5 the provisions of s 119 07.

6 Section 9 Section 415.609, Florida Statutes, is  
 7 created to read:

8 415 609 Training --

9 (1) The Department of Law Enforcement shall provide a  
 10 copy of ss. 415 606 and 415 607 to every law enforcement  
 11 agency in this state on or before January 1, 1985

12 (2) The Criminal Justice Standards and Training  
 13 Commission shall establish standards for instruction of law  
 14 enforcement officers in the subject matter of domestic  
 15 violence Every basic skills course required in order to  
 16 obtain initial certification for law enforcement officers  
 17 shall, after January 1, 1986, include training of a minimum of  
 18 6 hours in handling domestic violence cases

19 (3) The Office of the State Courts Administrator shall  
 20 establish standards for instruction of circuit court judges  
 21 who have responsibility for domestic violence cases and shall  
 22 provide such instruction on a periodic and timely basis.

23 Section 10 Section 741 30, Florida Statutes, is  
 24 amended to read:

25 741.30 Petition for injunction for protection order to  
 26 restrain abusive spouse; hearing, penalty for violation of  
 27 injunction order --There shall exist an action known as a  
 28 petition for an injunction for protection in cases of domestic  
 29 violence

30 (1) A petition for relief under this section may be  
 31 made by any person who is a victim of domestic violence as

1 defined in s 415.602(3) on behalf of himself or herself. The  
 2 petition shall allege the existence of domestic violence and  
 3 shall be accompanied by an affidavit made under oath stating  
 4 the specific facts and circumstances from which relief is  
 5 sought Any spouse as defined in s- 415-602(2) who has filed  
 6 a complaint of spouse abuse with a law enforcement agency or  
 7 the clerk of the circuit court and who files a verified  
 8 petition alleging spouse abuse with the clerk of the circuit  
 9 court of the county wherein the person filing the verified  
 10 petition resides may be entitled to have the court issue a  
 11 restraining order with such terms and conditions as the court  
 12 deems advisable with respect to the facts alleged in the  
 13 verified petition. However, upon application for such  
 14 restraining order, the petitioner shall be given an expedited  
 15 hearing. The verified petition shall contain the date, time,  
 16 and place of the alleged spouse abuse, the law enforcement  
 17 agency which investigated the complaint, and the circumstances  
 18 of the spouse abuse which occurred.

19 (2)(a) A person's right to petition for an injunction  
 20 for protection shall not be affected by his or her leaving a  
 21 residence or household to avoid abuse.

22 (b) A petition for an injunction for protection may be  
 23 made whether or not there is a pending complaint, petition, or  
 24 other legal action between the parties.

25 (c) The court shall not require security or bond of  
 26 any party to a petition for an injunction for protection  
 27 unless it deems that such security or bond is necessary  
 28 because the case is exceptional.

29 (3)(2) The verified petition shall be in the following  
 30 form.

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PETITION FOR AN INJUNCTION FOR PROTECTION  
ORDER TO RESTRAIN AN ABUSIVE SPOUSE

Before me, the undersigned authority, personally appeared  
Petitioner .(Name) , who was sworn and says that the  
following statement is true

The petitioner alleges ~~has filed a complaint with --- (law~~  
~~enforcement agency)---~~ alleging that petitioner was the victim  
of domestic violence caused ~~abused~~ by respondent person spouse  
at (place). . on . (date) at . (time). . in the  
following manner. . (circumstances). . . . .

A copy of the complaint filed with the law enforcement agency  
is attached to this petition-

(a) The physical injuries petitioner has suffered as a  
result of the violent actions of respondent person spouse  
include . . . . .

(b) (Mark appropriate section )

Petitioner and respondent now live together and  
respondent refuses to leave.

Respondent lives at: . . (address) . . . . .

(c) Petitioner seeks: (Mark appropriate section or  
sections )

An injunction restraining any party from committing  
acts of domestic violence.

1 . . . An injunction excluding the respondent from the  
2 dwelling which the parties share or from the residence of the  
3 petitioner.

4 . . . An injunction on the same basis as is provided in  
5 chapter 61, awarding temporary custody or establishing  
6 temporary visitation with regard to minor children of the  
7 parties.

8 . . . An injunction provided as in chapter 61  
9 establishing temporary support for minor children or a spouse.

10 . . . An injunction directing the respondent to  
11 participate in assessment and treatment.

12 . . . An injunction providing any terms the court deems  
13 necessary for the protection of a victim of domestic violence,  
14 including injunctions or directives to the law enforcement  
15 agencies.

16 ~~--- Petitioner and respondent have the following~~  
17 ~~actions pending with this court-~~

- 18 ~~---- legal separation~~
- 19 ~~---- custody or juvenile matter~~
- 20 ~~---- dissolution (divorce)~~
- 21 ~~---- nullity~~
- 22 ~~---- other --- (describe)-----~~

23 ~~---- Petitioner and respondent have no actions pending~~  
24 ~~with this court-~~

25 (d) (Mark appropriate sections-)

26 ~~---- Petitioner has the following children in~~  
27 ~~petitioner's custody who are the children of respondent-~~

28 ~~--- (name, age, and birth date of each child) -----~~

29 ~~---- Petitioner has the following children in~~  
30 ~~petitioner's custody who are not the children of respondent-~~

31 ~~--- (name, age, and birth date of each child and how petitioner~~

1 is related to each child)-----  
 2 (e) (Mark if appropriate-)  
 3 ---Petitioner genuinely fears violence from respondent  
 4 upon the children for the following reasons: -----  
 5 -----  
 6  
 7 Petitioner seeks an order restraining the respondent spouse  
 8 from abusing the petitioner and providing for any other terms  
 9 and conditions that the court deems advisable with respect to  
 10 the facts alleged in the petition.  
 11 .....(Signature of Petitioner)\_\_\_\_\_  
 12 Sworn to and subscribed on ..., 19 ...  
 13 .. (Notary Public) ..  
 14 My Commission Expires: ...  
 15 (4) The clerk shall provide simplified forms and  
 16 clerical assistance to help with the writing and filing of a  
 17 petition under this section by any person not represented by  
 18 counsel. The clerk shall advise the petitioner that filing  
 19 fees will be waived if the petitioner signs an affidavit  
 20 stating that the petitioner is indigent or unable to pay such  
 21 fees  
 22 (5)(3) The injunction for protection restraining order  
 23 shall be served upon the person spouse complained against  
 24 within 24 hours after ~~of~~ its issuance. When a petition for an  
 25 injunction for protection alleges an immediate and present  
 26 danger of domestic violence, the court may issue, issues the  
 27 restraining order without a hearing, an ex parte temporary  
 28 injunction for protection, which order shall be effective for  
 29 a fixed period not to exceed 14 days, and shall grant relief  
 30 as the court deems proper, including an injunction:  
 31

CODING. Words in struck through type are deletions from existing law, words underlined are additions

1 (a) Restraining any party from committing acts of  
 2 domestic violence,

3 (b) Excluding any party from the dwelling that the  
 4 parties share or from the residence of the other party except  
 5 by further order of the court, or

6 (c) Granting the remedies provided in both paragraph  
 7 (a) and paragraph (b).

8 (6) The court, if requested by the spouse complained  
 9 against, shall provide a hearing as soon as reasonably  
 10 possible but not later than 14 20 days after the date of the  
 11 petition or, if a temporary injunction is issued, within 14  
 12 days after the date of the issuance of the injunction order.  
 13 Personal service shall be made upon the respondent not less  
 14 than 5 days prior to the hearing. If service cannot be made  
 15 upon the respondent, the court may set a new date. Any  
 16 testimony offered by a respondent in a hearing on an  
 17 injunction for protection is inadmissible in a criminal  
 18 proceeding.

19 (7) The issuance of an injunction for protection such  
 20 an order shall not require that the party alleging domestic  
 21 violence spouse abuse be represented by an attorney, nor shall  
 22 such injunction a restraining order be conditioned upon any  
 23 dissolution of marriage proceedings or other complaint,  
 24 petition, or legal action between the petitioner and the  
 25 respondent.

26 (8) (4) Any person who has been served with an  
 27 injunction for protection a restraining order issued by a  
 28 judge of the circuit court pursuant to this section subsection  
 29 (3) and who knowingly violates or refuses to comply with the  
 30 provisions of such injunction order is guilty of a misdemeanor  
 31 of the second degree, punishable as provided in s. 775.082, s.

1 775.083, or s 775 084 A violation of an injunction for  
2 protection shall also constitute contempt of court and be  
3 subject to the penalties therefor When a person prosecuted  
4 for violation of an injunction a ~~restraining order~~ issued  
5 pursuant to this section is ordered to pay a fine, revenues  
6 from the fine shall be collected and disbursed through the  
7 trust fund established in s 741.01. The Department of Health  
8 and Rehabilitative Services may also use revenues collected  
9 through fines to fund counseling services for the purpose of  
10 rehabilitating the abusive person spouse.

11 Section 11 Section 741.31, Florida Statutes, is  
12 created to read:

13 741 31 Relief by the court --

14 (1) Upon notice and hearing, the court, in the  
15 injunction for protection, may provide for one or more types  
16 of injunctive relief, conditions of bond, or other relief as  
17 follows

18 (a) The restraint of any party from committing acts of  
19 domestic violence

20 (b) The exclusion of the respondent from the dwelling  
21 which the parties share or from the residence of the  
22 petitioner

23 (c) On the same basis as is provided in chapter 61,  
24 the awarding of temporary custody or establishment of  
25 temporary visitation with regard to minor children of the  
26 parties.

27 (d) On the same basis as is provided in chapter 61,  
28 the establishment of temporary support for minor children or a  
29 spouse

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1 (e) The provision of counseling or other social  
2 services for the parties, if married, or if there are minor  
3 children

4 (f) The requirement that the respondent participate in  
5 treatment or counseling services.

6 (g) Other relief as it deems necessary for the  
7 protection of a victim of domestic violence, including  
8 injunctions or directives to the law enforcement agencies, as  
9 provided in this section.

10 (2) Any relief granted by the injunction for  
11 protection shall be for a fixed period not to exceed 1 year,  
12 unless upon petition of the victim, the court shall extend the  
13 injunction for successive fixed periods not to exceed 1 year  
14 Such relief may be granted in addition to other civil or  
15 criminal remedies.

16 Section 12 Section 741 32, Florida Statutes, is  
17 created to read:

18 741 32 Assistance of law enforcement agencies in  
19 service or execution --When an injunction for protection is  
20 issued, if the petitioner requests the assistance of a law  
21 enforcement agency, the court shall order that an officer from  
22 the appropriate law enforcement agency accompany the  
23 petitioner and assist in placing the petitioner in possession  
24 of the dwelling or residence, or otherwise assist in execution  
25 or service of the injunction for protection

26 Section 13. Section 741 33, Florida Statutes, is  
27 created to read:

28 741 33 Modification of injunction.--Upon application,  
29 notice to all parties, and hearing, the court may modify the  
30 terms of an existing injunction for protection.

31



1 Section 14 Section 741 34, Florida Statutes, is  
2 created to read.

3 741 34 Copy to law enforcement agency --Upon the  
4 request of the petitioner, an injunction for protection shall  
5 be forwarded by the clerk of court within 24 hours to the  
6 local law enforcement agency with jurisdiction over the  
7 residence of the applicant. Each appropriate law enforcement  
8 agency shall make available to other law enforcement officers,  
9 through a system for verification, information as to the  
10 existence and status of any such injunction for protection

11 Section 15 Section 901.15, Florida Statutes, is  
12 amended to read

13 901.15 When arrest by officer without warrant is  
14 lawful.--

15 (1) A law enforcement officer may arrest a person  
16 without a warrant when:

17 (a) ~~(1)~~ The person has committed a felony or  
18 misdemeanor or violated a municipal or county ordinance in the  
19 presence of the officer. Arrest for the commission of a  
20 misdemeanor or violation of a municipal or county ordinance  
21 shall be made immediately or in fresh pursuit.

22 (b) ~~(2)~~ A felony has been committed and he reasonably  
23 believes that the person committed it.

24 (c) ~~(3)~~ He reasonably believes that a felony has been  
25 or is being committed and reasonably believes that the person  
26 to be arrested has committed or is committing it.

27 (d) ~~(4)~~ A warrant for the arrest has been issued and is  
28 held by another peace officer for execution.

29 (e) ~~(5)~~ A violation of chapter 316 has been committed  
30 in the presence of the officer. Such arrest may be made  
31 immediately or on fresh pursuit

1           ~~(2)(6)(a)~~ Notwithstanding any law to the contrary, a  
 2 law enforcement officer shall arrest a person anywhere,  
 3 including at his place of residence, whether or not the  
 4 officer has a warrant, if the officer has probable cause to  
 5 believe that the person has committed domestic violence as  
 6 defined in s 415 602(3), although the assault or battery did  
 7 not take place in the presence of a battery upon the person's  
 8 spouse and the officer.

9           ~~(a)~~ Finds evidence of bodily harm; or

10           ~~(b)~~ The officer reasonably believes that there is  
 11 danger of violence unless the person alleged to have committed  
 12 the battery is arrested without delay.

13           ~~(b)~~ A law enforcement officer who acts in good faith  
 14 and exercises due care in making an arrest pursuant to  
 15 paragraph (a) shall be immune from civil liability that  
 16 otherwise might result by reason of his action.

17           Section 16. Subsection (2) of section 741.01, Florida  
 18 Statutes, is amended to read:

19           741 01 County court judge or clerk of the circuit  
 20 court to issue marriage license; fee --

21           (2) The fee charged for each marriage license issued  
 22 in the state shall be increased by the sum of \$10. This fee  
 23 shall be collected upon receipt of the application for the  
 24 issuance of a marriage license. The Executive Office of the  
 25 Governor shall establish a trust fund for the purpose of  
 26 collecting and disbursing funds generated from the increase in  
 27 marriage license fees. Such funds generated shall be directed  
 28 to the Department of Health and Rehabilitative Services for  
 29 the specific purpose of funding domestic violence spouse abuse  
 30 centers, and the funds shall be appropriated in a "grants-in-  
 31 aid" category to the Department of Health and Rehabilitative

1 Services for the purpose of funding domestic violence ~~spouse~~  
2 ~~abuse~~ centers  
3 Section 17. This act shall take effect October 1,  
4 1984.  
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LEGISLATIVE SUMMARY

Provides for assisting victims of domestic violence  
Defines terms Prescribes duties of, and requires a  
report from, the Department of Health and Rehabilitative  
Services Provides for certification, services, and  
funding of domestic violence centers. Requires law  
enforcement officers to give victims notice of their  
rights, to refer victims to centers, and to submit a  
written report of domestic violence Provides for  
certain information to be confidential. Requires  
training of law enforcement officers and certain judges.  
Provides for an injunction for protection, and provides  
penalties for violating such injunction Sets forth  
types of relief available through such injunctions and  
requires officers on request to help enforce the  
injunctions. Requires arrest, even without a warrant, in  
certain circumstances, and gives arresting officers  
immunity from civil liability.

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1 A bill to be entitled  
2 An act relating to domestic violence, amending  
3 s. 415 601, F S , providing legislative intent;  
4 amending s 415.602, F S , providing  
5 definitions, amending s 415 603, F S , setting  
6 forth duties and functions of the Department of  
7 Health and Rehabilitative Services with respect  
8 to domestic violence, creating s 415 604,  
9 F S , requiring an annual report by the  
10 department, amending s 415 605, F S ;  
11 providing for certification, decertification,  
12 procedures for seeking services, and funding of  
13 domestic violence centers, providing rulemaking  
14 authority, amending s 415 606, F S ; providing  
15 for referral of victims to centers and notice  
16 of rights, amending s 415 608, F S , providing  
17 for confidentiality of information, creating s  
18 415 609, F S , requiring that law enforcement  
19 officers and certain judges receive certain  
20 information and training, amending s. 741 01,  
21 F S , conforming provisions; amending s.  
22 741 30, F S., providing for an injunction for  
23 protection and an ex parte temporary injunction  
24 for protection, providing penalties for  
25 violating such injunctions, prescribing relief  
26 available through an injunction for protection,  
27 providing for law enforcement officers to  
28 assist in executing or serving such injunction;  
29 providing for sending copies of such  
30 injunctions to certain law enforcement  
31 agencies, amending s 901 15, F S , requiring

1           arrest with or without a warrant in specified  
 2           circumstances, giving immunity from civil  
 3           liability to certain law enforcement officers,  
 4           creating s 901 155, F S , providing duties of  
 5           law enforcement officers in domestic violence  
 6           investigations, providing an effective date.

7

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

9

10           Section 1    Section 415 601, Florida Statutes, is  
 11 amended to read

12           415.601 Domestic violence spouse abuse treatment and  
 13 rehabilitation, legislative intent --The Legislature  
 14 recognizes that certain persons who assault, batter, or  
 15 otherwise abuse their spouses and the persons subject to such  
 16 domestic violence abuse are in need of treatment and  
 17 rehabilitation   It is the intent of the Legislature to assist  
 18 in the development of domestic violence spouse abuse centers  
 19 for the victims of domestic violence spouse abuse and to  
 20 provide a place where the parties involved may be separated  
 21 until they can be properly assisted.

22           Section 2    Section 415 602, Florida Statutes, is  
 23 amended to read

24           415 602 Definitions of terms used in ss- 415-601-  
 25 415-608 --As used in ss 415.601-415 609 this act

26           (1) "Department" means the Department of Health and  
 27 Rehabilitative Services

28           (2) "District" means the county, or combination of  
 29 counties, as defined in s 20 19

30           (3) "Domestic violence" means any assault, battery, or  
 31 criminal sexual conduct against one's spouse

1           (4) "Domestic violence center" means a facility which  
2 provides services to victims of domestic violence.

3           (5)(2) "Spouse" means a person to whom another person  
4 is married or a person to whom another person has been married  
5 and from whom such other person is now separated or divorced.

6           (3) "Spouse abuse" means any assault, battery, or  
7 other physical abuse by a person upon his spouse-

8           (4) "Spouse abuse center" means a facility which  
9 provides services to victims of spouse abuse and which has  
10 been certified by the department to receive state funds-

11           (5) "Victim" means any individual suffering assault,  
12 battery, or other physical abuse inflicted by his spouse or  
13 former spouse-

14           Section 3    Section 415 603, Florida Statutes, is  
15 amended to read

16           415 603 Duties and functions of the department with  
17 respect to domestic violence spouse abuse --

18           (1) It shall be the duty of the department

19           (a) To establish health, safety, and minimum program  
20 requirement standards for certifying domestic violence spouse  
21 abuse centers to receive state funds

22           (b) To receive and approve or reject applications for  
23 state funding of domestic violence spouse abuse centers.

24           (c) To receive and approve or reject applications for  
25 certification of domestic violence centers each application  
26 within 60 days of receipt of the application

27           (d) To distribute funds to a certified center within  
28 45 days after approval-

29           (d)(e) To evaluate annually each certified domestic  
30 violence spouse abuse center for compliance with the minimum  
31 standards. The department shall have the right to enter and

1 inspect the premises of certified domestic violence spouse  
2 ~~abuse~~ centers at any reasonable hour in order to effectively  
3 evaluate the state of compliance of such centers with the  
4 provisions of ss 415 601-415 609 ~~this section~~ and rules in  
5 force pursuant thereto.

6 (2) The department shall prescribe by rule the  
7 procedures by which subsection (1) shall be implemented  
8 Without using designated district allocated center funds, the  
9 department may

10 (a) Formulate and conduct a research and evaluation  
11 program on domestic violence spouse abuse and cooperate with  
12 and assist and participate in programs of other properly  
13 qualified agencies, including any agency of the Federal  
14 Government, schools of medicine, hospitals, and clinics, in  
15 planning and conducting research on the prevention, care,  
16 treatment, and rehabilitation of persons engaged in or subject  
17 to domestic violence spouse abuse

18 (b) Serve as a clearinghouse for information relating  
19 to domestic violence spouse abuse

20 (c) Carry on educational programs on domestic violence  
21 ~~spouse abuse~~ for the benefit of the general public, persons  
22 engaged in or subject to domestic violence spouse abuse,  
23 professional persons, or others who care for or may be engaged  
24 in the care and treatment of persons engaged in or subject to  
25 domestic violence spouse abuse.

26 (d) Enlist the assistance of public and voluntary  
27 health, education, welfare, and rehabilitation agencies in a  
28 concerted effort to prevent domestic violence spouse abuse and  
29 to treat persons engaged in or subject to domestic violence  
30 ~~spouse abuse~~

31



1           Section ~~4~~ Section 415.604, Florida Statutes, is  
2 created to read

3           415 604 Report to the Legislature --On or before  
4 January 1 of each year, the Department of Health and  
5 Rehabilitative Services shall furnish to the President of the  
6 Senate and the Speaker of the House of Representatives a  
7 report on the status of domestic violence in Florida, which  
8 shall include, but not be limited to, the following

9           (1) Incidence of domestic violence in this state

10           (2) Identification of the areas of the state where  
11 domestic violence is of significant proportions, indicating  
12 the number of cases officially reported, as well as an  
13 assessment of the degree of unreported cases of domestic  
14 violence

15           (3) Identification and description of the types of  
16 programs in the state that assist victims of domestic violence  
17 or persons committing domestic violence, including information  
18 on funding for the programs

19           (4) The number of persons treated by or assisted by  
20 local domestic violence programs receiving funding through the  
21 department

22           (5) A statement on the effectiveness of such programs  
23 in preventing future domestic violence

24           (6) An inventory and evaluation of existing prevention  
25 programs

26           (7) A listing of potential prevention efforts  
27 identified by the department, the estimated annual cost of  
28 providing such prevention services, both for a single client  
29 and for the anticipated target population as a whole,  
30 identification of potential funding sources, and the projected  
31 benefits of providing such services

1 Section 5 Section 415 605, Florida Statutes, is  
2 amended to read.

3 415 605 Domestic violence ~~Spouse abuse~~ centers --

4 (1) In order to be certified ~~and funded under ss~~  
5 ~~415 601-415 609 this act~~, each domestic violence center shall.

6 (a) Provide a facility which will serve as a center to  
7 receive and house persons who are victims of domestic violence  
8 ~~+ spouse abuse victims~~ For the purpose of ss 415 601-  
9 ~~415 609 this act~~, minor children and other dependents of a  
10 victim, when such dependents are partly or wholly dependent on  
11 the victim for support or services, may be sheltered with the  
12 victim in a domestic violence ~~spouse abuse~~ center.

13 (b) Receive the annual ~~periodic~~ written endorsement of  
14 local law enforcement agencies; ~~and~~

15 (c) ~~Receive 25 percent of its funding from one or more~~  
16 ~~local, municipal, or county sources, public or private.~~  
17 ~~Contributions in kind, whether materials, commodities,~~  
18 ~~transportation, office space, other types of facilities, or~~  
19 ~~personal services, may be evaluated and counted as part of the~~  
20 ~~required local funding.~~

21 (c)(d) Provide minimum services which shall include,  
22 but not be limited to, information and referral services,  
23 counseling services, temporary emergency shelter for more than  
24 24 hours, and educational services for community awareness  
25 relative to the incidence of domestic violence ~~spouse abuse~~,  
26 the prevention of such violence ~~abuse~~, and the care,  
27 treatment, and rehabilitation for persons engaged in or  
28 subject to domestic violence ~~spouse abuse~~.

29 (d)(e) Participate in the provision of orientation and  
30 training programs developed for law enforcement officers,  
31 social workers, and other professionals and paraprofessionals

1 who work with domestic violence spouse abuse victims to better  
 2 erble such persons to deal effectively with incidents of  
 3 domestic violence spouse abuse.

4 (e) Establish and maintain a board of directors  
 5 composed of at least three citizens, one of whom shall be a  
 6 member of a local, municipal, or county law enforcement  
 7 agency.

8 (f) Comply with rules adopted pursuant to ss 415 601-  
 9 415 609

10 (2) If the department finds that there is failure by a  
 11 center to comply with the requirements established under ss  
 12 415 601-415 609 or with rules adopted pursuant thereto, the  
 13 department may deny, suspend, or revoke the certification of  
 14 the center. Spouse abuse centers may be established  
 15 throughout the state as private, local, state, or federal  
 16 funds are available- Any local agency or organization may  
 17 apply to participate in certification and state funding-

18 (3) The annual certificate shall automatically expire  
 19 on the termination date shown on the certificate

20 ~~(4)~~ (3) The domestic violence spouse abuse centers  
 21 shall establish procedures pursuant to which persons subject  
 22 to domestic violence spouse abuse may seek services from these  
 23 centers on a voluntary basis

24 ~~(4)~~ Each spouse abuse center shall have a board  
 25 composed of at least three citizens, one of whom shall be a  
 26 member of a local, municipal, or county law enforcement  
 27 agency-

28 (5) Domestic violence centers may be established  
 29 throughout the state as private, local, state, or federal  
 30 funds are available

31 (6) In order to receive state funds, a center shall

1           (a) Obtain certification pursuant to ss 415 601-  
 2 415 609 However, the issuance of a certificate shall not  
 3 obligate the department to provide funding.

4           (b) Receive at least 25 percent of its funding from  
 5 one or more local, municipal, or county sources, public or  
 6 private Contributions in kind, whether materials,  
 7 commodities, transportation, office space, other types of  
 8 facilities, or personal services, may be evaluated and counted  
 9 as part of the required local funding.

10           ~~(7)(5)(a)~~ All fees collected and appropriated to the  
 11 domestic violence program under s- 741-61(2) for spouse abuse  
 12 centers shall be distributed annually by the department to  
 13 each district according to an allocation formula determined by  
 14 the department In developing the formula, the department  
 15 shall consider population, a rural and geographical area  
 16 factor, and the incidence of domestic violence certified  
 17 center- The department shall allocate a uniform base amount  
 18 to each certified center- The remainder of the appropriated  
 19 funds shall be distributed in the same proportion as the  
 20 number of marriage licenses sold in the center's catchment  
 21 area bears to the total number of marriage licenses sold  
 22 statewide- The number of marriage licenses shall be that  
 23 number sold in each center's catchment area for the most  
 24 recent year for which such figures are available-

25           (b) A contract between a district and a certified  
 26 domestic violence center shall contain provisions assuring the  
 27 availability and geographic accessibility of services  
 28 throughout the district For this purpose, centers may  
 29 distribute funds through subcontracts or to center satellites,  
 30 provided that such arrangements and any subcontracts are  
 31 approved by the district. For the purposes of this section, a

1 "catchment area" means that portion of a county, the county,  
 2 the counties, or the district served by a certified spouse  
 3 abuse center as specified in its application to be certified  
 4 and approved by the department-

5 (8) The department shall prescribe by rule the  
 6 procedures by which subsection (7) shall be implemented and  
 7 may adopt such other rules as are necessary for the proper  
 8 administration of ss 415 601, 415.602, 415 603, 415 604,  
 9 415 605, 415 608, and 415 609.

10 Section 6 Section 415 606, Florida Statutes, is  
 11 amended to read:

12 (Substantial rewording of section See  
 13 s 415 606, F S for present text.)

14 415 606 Referral to centers and notice of rights.--Any  
 15 law enforcement officer who investigates an alleged incident  
 16 of domestic violence shall advise the victim of such violence  
 17 that there is a domestic violence center from which he or she  
 18 may receive services The law enforcement officer shall give  
 19 the victim immediate notice of the legal rights and remedies  
 20 available in accordance with the provisions of s 901 155

21 Section 7 Section 415 608, Florida Statutes, is  
 22 amended to read:

23 415 608 Confidentiality of information received by  
 24 department or domestic violence spouse abuse centers --  
 25 Information received by the department or by authorized  
 26 persons employed by or volunteering services to a domestic  
 27 violence center, through files, reports, inspection, or  
 28 otherwise, shall be deemed confidential information and shall  
 29 not be disclosed publicly in such a manner as to identify  
 30 individuals or facilities This information is exempt from  
 31 the provisions of s 119.07

1 Section 9 Section 415 609, Florida Statutes, is  
2 created to read

3 415 609 Training --

4 (1) The Department of Law Enforcement shall provide a  
5 copy of ss 415.606 and 901 155 to every law enforcement  
6 agency in this state on or before January 1, 1985

7 (2) The Criminal Justice Standards and Training  
8 Commission shall establish standards for instruction of law  
9 enforcement officers in the subject matter of domestic  
10 violence. Every basic skills course required in order to  
11 obtain initial certification for law enforcement officers  
12 shall, after January 1, 1986, include training of a minimum of  
13 6 hours in handling domestic violence cases

14 (3) The Florida Court Education Council shall  
15 establish standards for instruction of circuit court judges  
16 who have responsibility for domestic violence cases and shall  
17 provide such instruction on a periodic and timely basis

18 Section 9. Subsection (2) of section 741 01, Florida  
19 Statutes, is amended to read

20 741 01 County court judge or clerk of the circuit  
21 court to issue marriage license; fee.--

22 (2) The fee charged for each marriage license issued  
23 in the state shall be increased by the sum of \$10 This fee  
24 shall be collected upon receipt of the application for the  
25 issuance of a marriage license The Executive Office of the  
26 Governor shall establish a trust fund for the purpose of  
27 collecting and disbursing funds generated from the increase in  
28 marriage license fees. Such funds generated shall be directed  
29 to the Department of Health and Rehabilitative Services for  
30 the specific purpose of funding domestic violence spouse abuse  
31 centers, and the funds shall be appropriated in a "grants-in-

1 aid" category to the Department of Health and Rehabilitative  
2 Services for the purpose of funding domestic violence spouse  
3 ~~abuse~~ centers

4 Section 10 Section 741 30, Florida Statutes, is  
5 amended to read.

6 (Substantial rewording of section See  
7 s 741 30, F S., for present text )

8 741 30 Petition for injunction for protection --

9 (1) As used in this section

10 (a) "Domestic violence" means any assault, battery, or  
11 criminal sexual conduct against one's spouse

12 (b) "Spouse" means a person to whom another person is  
13 married or a person to whom another person has been married  
14 and from whom such person is now separated or divorced

15 (2) There is hereby created a cause of action for an  
16 injunction for protection in cases of domestic violence

17 (a) Any person, on behalf of himself or herself, who  
18 is the victim of any act of domestic violence shall have  
19 standing in the circuit court to file a sworn petition for a  
20 domestic violence injunction for protection.

21 (b) The sworn petition shall allege the existence of  
22 domestic violence and shall include the specific facts and  
23 circumstances upon which relief is sought

24 (c) The cause of action may be sought whether or not  
25 there is currently pending any other petition, complaint, or  
26 cause of action between the parties

27 (d) The clerk of the court shall provide a copy of  
28 this section, simplified forms, and clerical assistance for  
29 the preparation and filing of a petition by any victim not  
30 represented by counsel

31

1 (e) In the event the victim shall not have sufficient  
 2 funds with which to pay filing fees to the clerk of the court  
 3 or service fees to the sheriff and signs an affidavit so  
 4 stating, said fees shall be waived by the clerk of the court  
 5 or the sheriff to the extent necessary to process the petition  
 6 and serve the injunction for protection, subject to an order  
 7 of the court relative to the payment of said fees

8 (f) No bond shall be required by the court for the  
 9 entry of an injunction for protection

10 (g) A person's right to petition for an injunction for  
 11 protection shall not be affected by his or her leaving a  
 12 residence or household to avoid domestic violence

13 (3) The sworn petition shall be in substantially the  
 14 following form:

15  
 16 PETITION FOR  
 17 INJUNCTION FOR PROTECTION  
 18

19 Before me, the undersigned authority, personally appeared  
 20 Petitioner (Name) , who was sworn and says that the  
 21 following statement is true

- 22 (a) Petitioner resides at (address) .
- 23 (b) Respondent resides at (address) . .
- 24 (c) Respondent is a family or household member because  
 25 \* \* \*
- 26 (d) Petitioner has suffered domestic violence because  
 27 respondent has: . . . .
- 28 (e) Petitioner genuinely fears domestic violence by  
 29 respondent.
- 30 (f) Petitioner seeks (Mark appropriate section or  
 31 sections )



1           An injunction restraining any party from committing  
2 acts of domestic violence

3           An injunction excluding the respondent from the  
4 dwelling which the parties share or from the residence of the  
5 petitioner

6           An injunction on the same basis as is provided in  
7 chapter 61, awarding temporary custody or establishing  
8 temporary visitation with regard to minor children of the  
9 parties

10           . An injunction provided as in chapter 61  
11 establishing temporary support for minor children or a spouse.

12           . An injunction directing the respondent to  
13 participate in assessment and treatment

14           An injunction providing any terms the court deems  
15 necessary for the protection of a victim of domestic violence,  
16 including injunctions or directives to the law enforcement  
17 agencies.

18           (4)(a) Upon the filing of the petition, the court  
19 shall set a hearing which shall be held at the earliest  
20 possible time and shall take precedence over all matters  
21 except older matters of the same character   Personal service  
22 of the petition and notice of hearing shall be made upon the  
23 respondent prior to the hearing

24           (b) When it appears to the court that an immediate and  
25 present danger of domestic violence exists, the court may  
26 grant an ex parte temporary injunction, pending a full  
27 hearing, and may grant relief as the court deems proper,  
28 including an injunction

29           1    Restraining any party from committing acts of  
30 domestic violence.

31

1           2   Excluding any party from the dwelling that the  
2 parties share or from the residence of the other party except  
3 by further order of the court

4           3   Granting temporary custody of a minor child of the  
5 party seeking the ex parte temporary injunction, to that  
6 party

7           (c) In an ex parte hearing for the purpose of  
8 obtaining an ex parte temporary injunction, the court may take  
9 oral testimony to support the application for the ex parte  
10 temporary injunction. A record shall be made of all oral  
11 testimony and the record shall be made available to any party  
12 upon request

13           (d) Any ex parte temporary injunction shall be  
14 effective for a fixed period not to exceed 10 days. A full  
15 hearing, as provided by this section, shall be set no later  
16 than the day when the temporary injunction shall cease to be  
17 effective.

18           (5) The sheriff shall serve the injunction for  
19 protection upon the person complained against within 24 hours  
20 after its issuance

21           (6) The clerk of the court shall provide the  
22 petitioner with a certified copy of any injunction for  
23 protection entered by the court

24           (7) The issuance of an injunction for protection shall  
25 not require that the party alleging domestic violence be  
26 represented by an attorney, nor shall such injunction be  
27 conditioned upon any dissolution of marriage proceedings or  
28 other complaint, petition, or legal action between the  
29 petitioner and the respondent.

30           (8) Nothing in this section shall affect the title to  
31 real estate

1           (9)(a) Upon notice and hearing, the court, in the  
2 injunction for protection, may provide for one or more types  
3 of injunctive relief, conditions of bond, or other relief as  
4 follows

5           1    The restraint of any party from committing acts of  
6 domestic violence

7           2    The exclusion of the respondent from the dwelling  
8 which the parties share or from the residence of the  
9 petitioner

10          3    On the same basis as is provided in chapter 61, the  
11 awarding of temporary custody or establishment of temporary  
12 visitation with regard to minor children of the parties

13          4    On the same basis as is provided in chapter 61, the  
14 establishment of temporary support for minor children or a  
15 spouse

16          5    The requirement that the respondent participate in  
17 treatment or counseling services

18          6    Other relief as it deems necessary for the  
19 protection of a victim of domestic violence, including  
20 injunctions or directives to the law enforcement agencies, as  
21 provided in this section

22          (b) Any relief granted by the injunction for  
23 protection shall be for a fixed period not to exceed 1 year,  
24 unless upon petition of the victim the court shall extend the  
25 injunction for successive fixed periods not to exceed 1 year  
26 Such relief may be granted in addition to other civil or  
27 criminal remedies

28          (c) The court shall enforce compliance by the  
29 respondent to the injunction for protection through contempt  
30 proceedings which may include the imposition of a fine. Any  
31

1 such fine shall be collected and disbursed to the trust fund  
2 established in s. 741.01

3 (d) In the event the respondent is arrested by a peace  
4 officer under authority of s 901 15(1)(f), he shall be held  
5 in custody and brought before the court as expeditiously as  
6 possible for the purpose of enforcing the injunction for  
7 protection

8 (10) When an injunction for protection is issued, if  
9 the petitioner requests the assistance of a law enforcement  
10 agency, the court may order that an officer from the  
11 appropriate law enforcement agency accompany the petitioner  
12 and assist in placing the petitioner in possession of the  
13 dwelling or residence, or otherwise assist in execution or  
14 service of the injunction for protection

15 (11) An injunction for protection shall be forwarded  
16 by the clerk of court within 24 hours to the local law  
17 enforcement agency with jurisdiction over the residence of the  
18 applicant. Each appropriate law enforcement agency shall make  
19 available to other law enforcement officers, through a system  
20 for verification, information as to the existence and status  
21 of any such injunction for protection.

22 Section 11 Section 901 15, Florida Statutes, is  
23 amended to read

24 901 15 When arrest by officer without warrant is  
25 lawful --

26 (1) A law enforcement officer may arrest a person  
27 without a warrant when

28 (a) ~~(i)~~ The person has committed a felony or  
29 misdemeanor or violated a municipal or county ordinance in the  
30 presence of the officer Arrest for the commission of a  
31

1 misdemeanor or violation of a municipal or county ordinance  
2 shall be made immediately or in fresh pursuit

3 ~~(b)(2)~~ A felony has been committed and he reasonably  
4 believes that the person committed it

5 ~~(c)(3)~~ He reasonably believes that a felony has been  
6 or is being committed and reasonably believes that the person  
7 to be arrested has committed or is committing it.

8 ~~(d)(4)~~ A warrant for the arrest has been issued and is  
9 held by another peace officer for execution

10 ~~(e)(5)~~ A violation of chapter 316 has been committed  
11 in the presence of the officer Such arrest may be made  
12 immediately or on fresh pursuit

13 ~~(f)~~ The officer has probable cause to believe that the  
14 person has knowingly violated or refused to comply with a  
15 domestic violence injunction for protection entered pursuant  
16 to s 741.30

17 ~~(2)(6)(a)~~ Notwithstanding any law to the contrary, a  
18 law enforcement officer may arrest a person anywhere,  
19 including at his place of residence, whether or not the  
20 officer has a warrant, if the officer has probable cause to  
21 believe that the person has committed an assault, battery, or  
22 criminal sexual conduct as an act of domestic violence as  
23 defined in s 741.30(1)(a), although the assault, battery, or  
24 criminal sexual conduct did not take place in the presence of  
25 a battery upon the person's spouse and the officer,

26 ~~(a)~~ Finds evidence of bodily harm, or

27 ~~(b)~~ The officer reasonably believes that there is  
28 danger of violence unless the person alleged to have committed  
29 the battery is arrested without delay-

30 ~~(b)~~ A law enforcement officer who acts in good faith  
31 and exercises due care in making an arrest pursuant to

1 paragraph (a) shall be immune from civil liability that  
2 otherwise might result by reason of his action.

3 Section 12 Section 901 155, Florida Statutes, is  
4 created to read:

5 901 155 Investigations of domestic violence, duties of  
6 officers --

7 (1) Any law enforcement officer who investigates an  
8 alleged incident of domestic violence shall advise the victim  
9 of such violence that there is a domestic violence center from  
10 which he or she may receive services The law enforcement  
11 officer shall give the victim immediate notice of the legal  
12 rights and remedies available on a standard form developed and  
13 distributed by the Florida Department of Law Enforcement The  
14 notice shall include

15 (a) The resource listing, including telephone number,  
16 for the area domestic violence center designated by the  
17 Department of Health and Rehabilitative Services;

18 (b) A copy of the following statement "IF YOU ARE  
19 THE VICTIM OF DOMESTIC VIOLENCE, you may ask the state  
20 attorney to file a criminal complaint You also have the  
21 right to go to court and file a petition requesting an  
22 injunction for protection from domestic violence which may  
23 include, but need not be limited to, provisions which restrain  
24 the abuser from further acts of abuse; direct the abuser to  
25 leave your household, prevent the abuser from entering your  
26 residence, school, business, or place of employment, award you  
27 custody of your minor child or children, and direct the abuser  
28 to pay support to you and the minor children if the abuser has  
29 a legal obligation to do so", and

30 (c) A copy of s 741 30  
31

1 (2) When a law enforcement officer investigates an  
2 allegation that an incident of domestic violence has occurred,  
3 whether or not an arrest is made, the officer shall make a  
4 written police report of the alleged incident. The officer  
5 shall submit the report to his supervisor or other person to  
6 whom the employer's rules or policies require reports of  
7 similar allegations of criminal activity to be made.

8 Section 13 This act shall take effect October 1,  
9 1984

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HB 610

1	A bill to be entitled	1:btc
2	An act relating to domestic violence; amending	1.1
3	s. 415.601, F.S.; providing legislative intent;	1.3
4	amending s. 415.602, F.S.; providing	1.4
5	definitions; amending s. 415.603, F.S.; setting	1.5
6	forth duties and functions of the Department of	1.5
7	Health and Rehabilitative Services with respect	1.5
8	to domestic violence; creating s. 415.604,	1.6
9	F.S.; requiring an annual report by the	1.7
10	department; amending s. 415.605, F.S.;	1.7
11	providing for certification, decertification,	1.8
12	procedures for seeking services, and funding of	1.8
13	domestic violence centers; providing rulemaking	1.10
14	authority; amending s. 415.606, F.S.; providing	1.10
15	for referral of victims to centers and notice	1.11
16	of rights; amending s. 415.608, F.S.; providing	1.11
17	for confidentiality of information; creating s.	1.12
18	415.609, F.S.; requiring that law enforcement	1.13
19	officers and certain judges receive certain	1.13
20	information and training; amending s. 741.01,	1.14
21	F.S.; conforming provisions; amending s.	1.14
22	741.30, F.S.; providing for an injunction for	1.15
23	protection and an ex parte temporary injunction	1.16
24	for protection; providing penalties for	1.18
25	violating such injunctions; prescribing relief	1.18
26	available through an injunction for protection;	1.19
27	providing for law enforcement officers to	1.20
28	assist in executing or serving such injunction;	1.21
29	providing for sending copies of such	1.21
30	injunctions to certain law enforcement	1.21
31	agencies; amending s. 901.15, F.S.; requiring	1.23



1	arrest with or without a warrant in specified	
2	circumstances; giving immunity from civil	1.24
3	liability to certain law enforcement officers;	
4	creating s. 901.155, F.S.; providing duties of	1.25
5	law enforcement officers in domestic violence	
6	investigations; providing an effective date.	1.26
7		
8	Be It Enacted by the Legislature of the State of Florida:	1:enc
9		
10	Section 1. Section 415.601, Florida Statutes, is	1.26
11	amended to read:	1.27
12	415.601 <u>Domestic violence Spouse-abuse</u> treatment and	1.28
13	rehabilitation; legislative intent.--The Legislature	1.31
14	recognizes that certain persons who assault, batter, or	1.33
15	otherwise abuse their spouses and the persons subject to such	1.34
16	<u>domestic violence abuse</u> are in need of treatment and	1.35
17	rehabilitation. It is the intent of the Legislature to assist	1.37
18	in the development of <u>domestic violence spouse-abuse</u> centers	1:10s
19	for the victims of <u>domestic violence spouse-abuse</u> and to	1.41
20	provide a place where the parties involved may be separated	
21	until they can be properly assisted.	1.42
22	Section 2. Section 415.602, Florida Statutes, is	1.43
23	amended to read:	
24	415.602 <del>Definitions of terms used in ss. 415.601-</del>	1.45
25	<del>415.608.--As used in ss. 415.601-415.609 this act:</del>	1.46
26	(1) "Department" means the Department of Health and	1.47
27	Rehabilitative Services.	
28	(2) <u>"District" means the county, or combination of</u>	1:1us
29	<u>counties, as defined in s. 20.19.</u>	1.49
30	(3) <u>"Domestic violence" means any assault, battery, or</u>	1:1us
31	<u>criminal sexual conduct against one's spouse.</u>	1.51

1	(4) <u>"Domestic violence center" means a facility which</u>	1.54
2	<u>provides services to victims of domestic violence.</u>	1.55
3	(5)(2) "Spouse" means a person to whom another person	1.57
4	is married or a person to whom another person has been married	
5	and from whom such other person is now separated or divorced.	1.58
6	<del>(3)--"Spouse-abuse" means any assault, battery, or</del>	1.62
7	<del>other physical abuse by a person upon his spouse.</del>	
8	<del>(4)--"Spouse-abuse center" means a facility which</del>	1:105
9	<del>provides services to victims of spouse abuse and which has</del>	1.66
10	<del>been certified by the department to receive state funds.</del>	1.67
11	<del>(5)--"Victim" means any individual suffering assault,</del>	1.69
12	<del>battery, or other physical abuse inflicted by his spouse or</del>	
13	<del>former spouse.</del>	1.70
14	Section 3. Section 415.603, Florida Statutes, is	1.71
15	amended to read;	
16	415.603 Duties and functions of the department with	1.72
17	respect to <u>domestic violence spouse abuse.</u> --	1.74
18	(1) It shall be the duty of the department:	1.74
19	(a) To establish health, safety, and minimum program	1.75
20	requirement standards for certifying <u>domestic violence spouse</u>	1:105
21	<u>abuse centers to receive state funds.</u>	1.79
22	(b) To receive <u>and approve or reject</u> applications for	1.80
23	state funding of <u>domestic violence spouse abuse</u> centers.	1:105
24	(c) To <u>receive and approve or reject</u> <u>applications for</u>	1.83
25	<u>certification of domestic violence centers</u> <u>each application</u>	1.84
26	<u>within 60 days of receipt of the application.</u>	2.1
27	<del>(d)--To distribute funds to a certified center within</del>	1:105
28	<del>45 days after approval.</del>	2.3
29	(d)(e) To evaluate annually each <u>certified domestic</u>	2.5
30	<u>violence spouse abuse</u> center for compliance with the minimum	2.6
31	standards. The department shall have the right to enter and	2.8

1	inspect the premises of <u>certified domestic violence spouse</u>	2.9
2	<u>abuse</u> centers at any reasonable hour in order to effectively	2.11
3	evaluate the state of compliance of such centers with the	
4	provisions of <u>ss. 415.601-415.609</u> <del>this section</del> and rules in	1:1us
5	force pursuant thereto.	2.13
6	(2) The department shall prescribe by rule the	2.14
7	procedures by which subsection (1) shall be implemented.	2.15
8	Without using designated <u>district allocated center</u> funds, the	2.16
9	department may:	2.17
10	(a) Formulate and conduct a research and evaluation	2.18
11	program on <u>domestic violence spouse-abuse</u> and cooperate with	1:1us
12	and assist and participate in programs of other properly	2.21
13	qualified agencies, including any agency of the Federal	
14	Government, schools of medicine, hospitals, and clinics, in	2.23
15	planning and conducting research on the prevention, care,	
16	treatment, and rehabilitation of persons engaged in or subject	2.25
17	to <u>domestic violence spouse-abuse</u> .	2.26
18	(b) Serve as a clearinghouse for information relating	2.27
19	to <u>domestic violence spouse-abuse</u> .	1:1os
20	(c) Carry on educational programs on <u>domestic violence</u>	2.30
21	<u>spouse-abuse</u> for the benefit of the general public, persons	2.32
22	engaged in or subject to <u>domestic violence spouse-abuse</u> ,	2.33
23	professional persons, or others who care for or may be engaged	2.35
24	in the care and treatment of persons engaged in or subject to	2.36
25	<u>domestic violence spouse-abuse</u> .	
26	(d) Enlist the assistance of public and voluntary	2.37
27	health, education, welfare, and rehabilitation agencies in a	2.38
28	concerted effort to prevent <u>domestic violence spouse-abuse</u> and	2.39
29	to treat persons engaged in or subject to <u>domestic violence</u>	2.41
30	<u>spouse-abuse</u> .	
31		

1	Section 4. Section 415.604, Florida Statutes, is	2.42
2	created to read:	
3	<u>415.604 Report to the Legislature.--On or before</u>	1:lus
4	<u>January 1 of each year, the Department of Health and</u>	2.44
5	<u>Rehabilitative Services shall furnish to the President of the</u>	
6	<u>Senate and the Speaker of the House of Representatives a</u>	2.45
7	<u>report on the status of domestic violence in Florida, which</u>	2.46
8	<u>shall include, but not be limited to, the following:</u>	
9	<u>(1) Incidence of domestic violence in this state.</u>	1:lus
10	<u>(2) Identification of the areas of the state where</u>	1:lus
11	<u>domestic violence is of significant proportions, indicating</u>	2.49
12	<u>the number of cases officially reported, as well as an</u>	
13	<u>assessment of the degree of unreported cases of domestic</u>	2.50
14	<u>violence.</u>	
15	<u>(3) Identification and description of the types of</u>	1:lus
16	<u>programs in the state that assist victims of domestic violence</u>	2.52
17	<u>or persons committing domestic violence, including information</u>	2.53
18	<u>on funding for the programs.</u>	
19	<u>(4) The number of persons treated by or assisted by</u>	1:lus
20	<u>local domestic violence programs receiving funding through the</u>	2.55
21	<u>department.</u>	
22	<u>(5) A statement on the effectiveness of such programs</u>	1:lus
23	<u>in preventing future domestic violence.</u>	2.57
24	<u>(6) An inventory and evaluation of existing prevention</u>	1:lus
25	<u>programs.</u>	
26	<u>(7) A listing of potential prevention efforts</u>	1:lus
27	<u>identified by the department; the estimated annual cost of</u>	2.60
28	<u>providing such prevention services, both for a single client</u>	
29	<u>and for the anticipated target population as a whole;</u>	2.61
30	<u>identification of potential funding sources; and the projected</u>	
31	<u>benefits of providing such services.</u>	2.62

1 Section 5. Section 415.605, Florida Statutes, is 2.63  
2 amended to read:  
3 415.605 Domestic violence Spouse-abuse centers.-- 2.65  
4 (1) In order to be certified ~~and-funded~~ under ss. 2.67  
5 ~~415.601-415.609~~ this-act, each domestic violence center shall: 1:lus  
6 (a) Provide a facility which will serve as a center to 2.70  
7 receive and house persons who are victims of domestic violence 2.71  
8 ~~spouse-abuse-victims~~. For the purpose of ss. 415.601-415.609 2.73  
9 ~~this-act~~, minor children and other dependents of a victim, 2.75  
10 when such dependents are partly or wholly dependent on the 2.76  
11 victim for support or services, may be sheltered with the  
12 victim in a domestic violence spouse-abuse center. 2.78  
13 (b) Receive the annual ~~periodic~~ written endorsement of 2.79  
14 local law enforcement agencies, ~~and~~ 2.80  
15 ~~(c)--Receive-25-percent-of-its-funding-from-one-or-more~~ 2.81  
16 ~~local, municipal, or county sources, public or private,~~  
17 ~~Contributions-in-kind, whether materials, commodities,~~ 2.82  
18 ~~transportation, office space, other types of facilities, or~~ 2.83  
19 ~~personal services, may be evaluated and counted as part of the~~ 3.1  
20 ~~required local funding.~~  
21 (c)(d) Provide minimum services which shall include, 3.3  
22 but not be limited to, information and referral services,  
23 counseling services, temporary emergency shelter for more than 3.5  
24 24 hours, and educational services for community awareness 3.6  
25 relative to the incidence of domestic violence spouse-abuse, 1:los  
26 the prevention of such violence abuse, and the care, 3.9  
27 treatment, and rehabilitation for persons engaged in or 3.11  
28 subject to domestic violence spouse-abuse.  
29 (d)(e) Participate in the provision of orientation and 1:lus  
30 training programs developed for law enforcement officers, 3.14  
31 social workers, and other professionals and paraprofessionals

1	who work with <u>domestic violence spouse-abuse</u> victims to better	1:1us
2	enable such persons to deal effectively with incidents of	3.17
3	<u>domestic violence spouse-abuse.</u>	
4	(e) <u>Establish and maintain a board of directors</u>	1:1us
5	<u>composed of at least three citizens, one of whom shall be a</u>	3.19
6	<u>member of a local, municipal, or county law enforcement</u>	
7	<u>agency.</u>	3.20
8	(f) <u>Comply with rules adopted pursuant to ss. 415.601-</u>	1:1us
9	<u>415.609.</u>	
10	(2) <u>If the department finds that there is failure by a</u>	3.22
11	<u>center to comply with the requirements established under ss.</u>	3.23
12	<u>415.601-415.609 or with rules adopted pursuant thereto, the</u>	3.24
13	<u>department may deny, suspend, or revoke the certification of</u>	
14	<u>the center. Spouse-abuse-centers-may-be-established</u>	1:1os
15	<del>throughout-the-state-as-private,-local,-state,-or-federal</del>	3.28
16	<del>funds-are-available:--Any-local-agency-or-organization-may</del>	3.30
17	<del>apply-to-participate-in-certification-and-state-funding;</del>	3.31
18	(3) <u>The annual certificate shall automatically expire</u>	1:1us
19	<u>on the termination date shown on the certificate.</u>	3.34
20	(4) <del>(3)</del> <u>The domestic violence spouse-abuse centers</u>	1:1us
21	shall establish procedures pursuant to which persons subject	3.38
22	to <u>domestic violence spouse-abuse</u> may seek services from these	3.40
23	centers on a voluntary basis.	
24	<del>(4)--Each-spouse-abuse-center-shall-have-a-board</del>	1:1os
25	<del>composed-of-at-least-three-citizens,-one-of-whom-shall-be-a</del>	3.43
26	<del>member-of-a-local,-municipal,-or-county-law-enforcement</del>	3.44
27	<del>agency;</del>	
28	(5) <u>Domestic violence centers may be established</u>	1:1us
29	<u>throughout the state as private, local, state, or federal</u>	3.46
30	<u>funds are available.</u>	
31	(6) <u>In order to receive state funds, a center shall:</u>	1:1us

1           (a) Obtain certification pursuant to ss. 415.601- 1:lus  
2           415.609. However, the issuance of a certificate shall not 3.49  
3           obligate the department to provide funding. 3.50  
4           (b) Receive at least 25 percent of its funding from 1:lus  
5           one or more local, municipal, or county sources, public or 3.53  
6           private. Contributions in kind, whether materials, 3.54  
7           commodities, transportation, office space, other types of  
8           facilities, or personal services, may be evaluated and counted 3.55  
9           as part of the required local funding. 3.56  
10           (7)(5)(a) All fees collected and appropriated to the 1:lus  
11           domestic violence program under s. 741.01(2) for spouse-abuse 3.59  
12           centers shall be distributed annually by the department to 3.60  
13           each district according to an allocation formula determined by 3.61  
14           the department. In developing the formula, the department 3.62  
15           shall consider population, a rural and geographical area  
16           factor, and the incidence of domestic violence, certified 1:lus  
17           ~~center. The department shall allocate a uniform base amount~~ 3.65  
18           ~~to each certified center. The remainder of the appropriated~~ 3.66  
19           ~~funds shall be distributed in the same proportion as the~~  
20           ~~number of marriage licenses sold in the center's catchment~~ 3.67  
21           ~~area bears to the total number of marriage licenses sold~~ 3.68  
22           ~~statewide. The number of marriage licenses shall be that~~ 3.69  
23           ~~number sold in each center's catchment area for the most~~ 3.70  
24           ~~recent year for which such figures are available.~~  
25           (b) A contract between a district and a certified 3.71  
26           domestic violence center shall contain provisions assuring the 3.72  
27           availability and geographic accessibility of services  
28           throughout the district. For this purpose, centers may 3.74  
29           distribute funds through subcontracts or to center satellites,  
30           provided that such arrangements and any subcontracts are 3.75  
31           approved by the district. For the purposes of this section, a 3.77

1 ~~"catchment-area" means that portion of a county, the county,~~ 3.78  
 2 ~~the counties, or the district served by a certified spouse~~ 3.79  
 3 ~~abuse center as specified in its application to be certified~~  
 4 ~~and approved by the department.~~  
 5 (8) The department shall prescribe by rule the 1:lus  
 6 procedures by which subsection (7) shall be implemented and 3.81  
 7 may adopt such other rules as are necessary for the proper  
 8 administration of ss. 415.601, 415.602, 415.603, 415.604, 3.82  
 9 415.605, 415.608, and 415.609.  
 10 Section 6. Section 415.606, Florida Statutes, is 3.83  
 11 amended to read: 3.84  
 12 (Substantial rewording of section. See 4.1  
 13 s. 415.606, F.S., for present text.) 1:lus  
 14 415.606 Referral to centers and notice of rights.--Any 4.2  
 15 law enforcement officer who investigates an alleged incident 4.3  
 16 of domestic violence shall advise the victim of such violence  
 17 that there is a domestic violence center from which he or she 4.4  
 18 may receive services. The law enforcement officer shall give 4.5  
 19 the victim immediate notice of the legal rights and remedies  
 20 available in accordance with the provisions of s. 901.115. 4.6  
 21 Section 7. Section 415.608, Florida Statutes, is 4.7  
 22 amended to read:  
 23 415.608 Confidentiality of information received by 4.8  
 24 department or domestic violence spouse-abuse centers.-- 4.10  
 25 Information received by the department or by authorized 4.11  
 26 persons employed by or volunteering services to a domestic 4.13  
 27 violence center, through files, reports, inspection, or  
 28 otherwise, shall be deemed confidential information and shall 4.17  
 29 not be disclosed publicly in such a manner as to identify 4.18  
 30 individuals or facilities. This information is exempt from 4.19  
 31 the provisions of s. 119.07.



1	Section 8. Section 415.609, Florida Statutes, is	4.20
2	created to read:	
3	<u>415.609 Training.--</u>	1:1us
4	<u>(1) The Department of Law Enforcement shall provide a</u>	4.24
5	<u>copy of ss. 415.606 and 901.115 to every law enforcement</u>	
6	<u>agency in this state on or before January 1, 1985.</u>	4.25
7	<u>(2) The Criminal Justice Standards and Training</u>	1:1us
8	<u>Commission shall establish standards for instruction of law</u>	4.28
9	<u>enforcement officers in the subject matter of domestic</u>	
10	<u>violence. Every basic skills course required in order to</u>	4.29
11	<u>obtain initial certification for law enforcement officers</u>	4.30
12	<u>shall, after January 1, 1986, include training of a minimum of</u>	
13	<u>6 hours in handling domestic violence cases.</u>	4.32
14	<u>(3) The Florida Court Education Council shall</u>	1:1us
15	<u>establish standards for instruction of circuit court judges</u>	4.34
16	<u>who have responsibility for domestic violence cases and shall</u>	
17	<u>provide such instruction on a periodic and timely basis.</u>	4.35
18	Section 9. Subsection (2) of section 741.01, Florida	4.35
19	Statutes, is amended to read:	
20	741.01 County court judge or clerk of the circuit	4.37
21	court to issue marriage license; fee.--	4.38
22	(2) The fee charged for each marriage license issued	4.39
23	in the state shall be increased by the sum of \$10. This fee.	4.41
24	shall be collected upon receipt of the application for the	
25	issuance of a marriage license. The Executive Office of the	4.42
26	Governor shall establish a trust fund for the purpose of	4.43
27	collecting and disbursing funds generated from the increase in	4.44
28	marriage license fees. Such funds generated shall be directed	4.45
29	to the Department of Health and Rehabilitative Services for	
30	the specific purpose of funding <u>domestic violence spouse-abuse</u>	4.47
31	centers, and the funds shall be appropriated in a "grants-in-	4.48

1	aid" category to the Department of Health and Rehabilitative	4.50
2	Services for the purpose of funding <u>domestic violence spouse</u>	1:10s
3	<u>abuse</u> centers.	4.53
4	Section 10. Section 741.30, Florida Statutes, is	4.54
5	amended to read:	
6	<u>(Substantial rewording of section. See</u>	4.57
7	<u>s. 741.30, F.S., for present text.)</u>	1:1us
8	741.30 Petition for injunction for protection.--	4.58
9	(1) As used in this section:	4.58
10	(a) "Domestic violence" means any assault, battery, or	4.59
11	criminal sexual conduct against one's spouse.	4.60
12	(b) "Spouse" means a person to whom another person is	4.60
13	married or a person to whom another person has been married	4.61
14	and from whom such person is now separated or divorced.	4.62
15	(2) There is hereby created a cause of action for an	4.62
16	injunction for protection in cases of domestic violence.	4.64
17	(a) Any person, on behalf of himself or herself, who	4.65
18	is the victim of any act of domestic violence shall have	4.66
19	standing in the circuit court to file a sworn petition for a	
20	domestic violence injunction for protection.	4.67
21	(b) The sworn petition shall allege the existence of	4.68
22	domestic violence and shall include the specific facts and	4.69
23	circumstances upon which relief is sought.	
24	(c) The cause of action may be sought whether or not	4.70
25	there is currently pending any other petition, complaint, or	4.71
26	cause of action between the parties.	
27	(d) The clerk of the court shall provide a copy of	4.72
28	this section, simplified forms, and clerical assistance for	4.73
29	the preparation and filing of a petition by any victim not	
30	represented by counsel.	4.74
31		

1	(e) In the event the victim shall not have sufficient	4.75
2	funds with which to pay filing fees to the clerk of the court	4.76
3	or service fees to the sheriff and signs an affidavit so	
4	stating, said fees shall be waived by the clerk of the court	4.77
5	or the sheriff to the extent necessary to process the petition	4.78
6	and serve the injunction for protection, subject to an order	
7	of the court relative to the payment of said fees.	4.80
8	(f) No bond shall be required by the court for the	4.81
9	entry of an injunction for protection.	
10	(g) A person's right to petition for an injunction for	4.82
11	protection shall not be affected by his or her leaving a	4.83
12	residence or household to avoid domestic violence.	
13	(3) The sworn petition shall be in substantially the	4.84
14	following form:	
15	PETITION FOR	5.1
16	INJUNCTION FOR PROTECTION	5.2
17		
18	Before me, the undersigned authority, personally appeared	5.2
19	Petitioner ...(Name)..., who was sworn and says that the	5.3
20	following statement is true.	
21	(a) Petitioner resides at: ...(address)...	5.4
22	(b) Respondent resides at: ...(address)...	5.5
23	(c) Respondent is a family or household member because	5.5
24	.....	5.6
25	(d) Petitioner has suffered domestic violence because	5.6
26	respondent has: .....	5.7
27	(e) Petitioner genuinely fears domestic violence by	5.8
28	respondent.	
29	(f) Petitioner seeks: (Mark appropriate section or	5.10
30	sections.)	5.11
31		

1	....An injunction restraining any party from committing	1:LN
2	acts of domestic violence.	5.12
3	....An injunction excluding the respondent from the	1:LN
4	dwelling which the parties share or from the residence of the	5.14
5	petitioner.	
6	....An injunction on the same basis as is provided in	5.16
7	chapter 61, awarding temporary custody or establishing	
8	temporary visitation with regard to minor children of the	5.17
9	parties.	
10	....An injunction provided as in chapter 61	5.19
11	establishing temporary support for minor children or a spouse.	5.20
12	....An injunction directing the respondent to	1:LN
13	participate in assessment and treatment.	5.21
14	....An injunction providing any terms the court deems	1:LN
15	necessary for the protection of a victim of domestic violence,	5.25
16	including injunctions or directives to the law enforcement	5.26
17	agencies.	5.27
18	(4)(a) Upon the filing of the petition, the court	5.28
19	shall set a hearing which shall be held at the earliest	5.29
20	possible time and shall take precedence over all matters	
21	except older matters of the same character. Personal service	5.32
22	of the petition and notice of hearing shall be made upon the	
23	respondent prior to the hearing.	5.33
24	(b) When it appears to the court that an immediate and	5.34
25	present danger of domestic violence exists, the court may	5.35
26	grant an ex parte temporary injunction, pending a full	
27	hearing, and may grant relief as the court deems proper,	5.36
28	including an injunction:	
29	1. Restraining any party from committing acts of	5.37
30	domestic violence.	
31		

1	2. Excluding any party from the dwelling that the	5.38
2	parties share or from the residence of the other party except	
3	by further order of the court.	5.39
4	(c) Any ex parte temporary injunction shall be	5.39
5	effective for a fixed period not to exceed 10 days. A full	5.41
6	hearing, as provided by this section, shall be set no later	
7	than the day when the temporary injunction shall cease to be	5.42
8	effective.	
9	(5) The sheriff shall serve the injunction for	5.43
10	protection upon the person complained against within 24 hours	5.44
11	after its issuance.	
12	(6) The clerk of the court shall provide the	5.45
13	petitioner with a certified copy of any injunction for	5.47
14	protection entered by the court.	
15	(7) The issuance of an injunction for protection shall	5.49
16	not require that the party alleging domestic violence be	5.50
17	represented by an attorney, nor shall such injunction be	5.52
18	conditioned upon any dissolution of marriage proceedings or	5.54
19	other complaint, petition, or legal action between the	
20	petitioner and the respondent.	5.55
21	(8) Nothing in this section shall affect the title to	5.56
22	real estate.	
23	(9)(a) Upon notice and hearing, the court, in the	5.57
24	injunction for protection, may provide for one or more types	5.60
25	of injunctive relief, conditions of bond, or other relief as	
26	follows:	
27	1. The restraint of any party from committing acts of	5.61
28	domestic violence.	5.62
29	2. The exclusion of the respondent from the dwelling	5.63
30	which the parties share or from the residence of the	5.65
31	petitioner.	

1	3. On the same basis as is provided in chapter 61, the	5.66
2	awarding of temporary custody or establishment of temporary	5.68
3	visitation with regard to minor children of the parties.	
4	4. On the same basis as is provided in chapter 61, the	5.69
5	establishment of temporary support for minor children or a	5.71
6	spouse.	
7	5. The requirement that the respondent participate in	5.72
8	treatment or counseling services.	5.73
9	6. Other relief as it deems necessary for the	5.73
10	protection of a victim of domestic violence, including	5.74
11	injunctions or directives to the law enforcement agencies, as	
12	provided in this section.	5.76
13	(b) Any relief granted by the injunction for	5.77
14	protection shall be for a fixed period not to exceed 1 year,	5.78
15	unless upon petition of the victim the court shall extend the	
16	injunction for successive fixed periods not to exceed 1 year.	5.79
17	Such relief may be granted in addition to other civil or	5.80
18	criminal remedies.	
19	(c) The court shall enforce compliance by the	5.81
20	respondent to the injunction for protection through contempt	5.82
21	proceedings which may include the imposition of a fine. Any	5.83
22	such fine shall be collected and disbursed to the trust fund	
23	established in s. 741.01.	
24	(d) In the event the respondent is arrested by a peace	5.84
25	officer under authority of s. 901.15(1)(f) or (2), he shall be	6.1
26	held in custody and brought before the court as expeditiously	
27	as possible for the purpose of enforcing the injunction for	6.3
28	protection.	
29	(10) When an injunction for protection is issued, if	6.4
30	the petitioner requests the assistance of a law enforcement	6.6
31	agency, the court shall order that an officer from the	

1	appropriate law enforcement agency accompany the petitioner	6.7
2	and assist in placing the petitioner in possession of the	6.8
3	dwelling or residence, or otherwise assist in execution or	
4	service of the injunction for protection.	6.9
5	(11) An injunction for protection shall be forwarded	6.12
6	by the clerk of court within 24 hours to the local law	
7	enforcement agency with jurisdiction over the residence of the	6.13
8	applicant. Each appropriate law enforcement agency shall make	6.14
9	available to other law enforcement officers, through a system	6.15
10	for verification, information as to the existence and status	
11	of any such injunction for protection.	6.18
12	Section 11. Section 901.15, Florida Statutes, is	6.19
13	amended to read:	
14	901.15 When arrest by officer without warrant is	6.20
15	lawful.--	
16	<u>(1)</u> A law enforcement officer may arrest a person	6.23
17	without a warrant when:	
18	<u>(a)</u> <del>(1)</del> The person has committed a felony or	6.25
19	misdemeanor or violated a municipal or county ordinance in the	
20	presence of the officer. Arrest for the commission of a	6.26
21	misdemeanor or violation of a municipal or county ordinance	6.27
22	shall be made immediately or in fresh pursuit.	6.29
23	<u>(b)</u> <del>(2)</del> A felony has been committed and he reasonably	6.30
24	believes that the person committed it.	6.31
25	<u>(c)</u> <del>(3)</del> He reasonably believes that a felony has been	6.32
26	or is being committed and reasonably believes that the person	6.33
27	to be arrested has committed or is committing it.	6.34
28	<u>(d)</u> <del>(4)</del> A warrant for the arrest has been issued and is	6.35
29	held by another peace officer for execution.	6.36
30		
31		

1           ~~(e)(5)~~ A violation of chapter 316 has been committed 6.38  
2 in the presence of the officer. Such arrest may be made 6.40  
3 immediately or on fresh pursuit. 6.41

4           (f) The officer has probable cause to believe that the 1:lus  
5 person has knowingly violated or refused to comply with a 6.43  
6 domestic violence injunction for protection entered pursuant  
7 to s. 741.30. 6.44

8           ~~(2)(6)(a)~~ Notwithstanding any law to the contrary, a 6.46  
9 law enforcement officer shall arrest a person anywhere,  
10 including at his place of residence, whether or not the 6.47  
11 officer has a warrant, if the officer has probable cause to 6.48  
12 believe that the person has committed an assault, battery, or 6.49  
13 criminal sexual conduct as an act of domestic violence as 6.50  
14 defined in s. 741.30(1)(a), although the assault, battery, or  
15 criminal sexual conduct did not take place in the presence of 6.52  
16 a-battery-upon-the-person's-spouse-and the officer. 6.55

17           ~~(a)--Finds-evidence-of-bodily-harm;-or~~ 6.56  
18           ~~(b)--The-officer-reasonably-believes-that-there-is~~ 6.57  
19 ~~danger-of-violence-unless-the-person-alleged-to-have-committed~~  
20 ~~the-battery-is-arrested-without-delay;~~ 6.58

21           (b) A law enforcement officer who acts in good faith 1:lus  
22 and exercises due care in making an arrest pursuant to 6.60  
23 paragraph (a) shall be immune from civil liability that  
24 otherwise might result by reason of his action. 6.61

25           Section 12. Section 901.155, Florida Statutes, is 6.62  
26 created to read: 6.63

27           901.155 Investigations of domestic violence; duties of 1:lus  
28 officers.-- 6.64

29           (1) Any law enforcement officer who investigates an 6.66  
30 alleged incident of domestic violence shall advise the victim 6.67  
31 of such violence that there is a domestic violence center from



1 which he or she may receive services. The law enforcement 6.69  
2 officer shall give the victim immediate notice of the legal  
3 rights and remedies available on a standard form developed and 6.70  
4 distributed by the Florida Department of Law Enforcement. The 6.72  
5 notice shall include:

6 (a) The resource listing, including telephone number, 1:1us  
7 for the area domestic violence center designated by the 6.73  
8 Department of Health and Rehabilitative Services; 6.74

9 (b) A copy of the following statement: "IF YOU ARE 1:1us  
10 THE VICTIM OF DOMESTIC VIOLENCE, you may ask the state 6.75  
11 attorney to file a criminal complaint. You also have the 6.76  
12 right to go to court and file a petition requesting an  
13 injunction for protection from domestic violence which may 6.77  
14 include, but need not be limited to, provisions which restrain 6.78  
15 the abuser from further acts of abuse; direct the abuser to  
16 leave your household; prevent the abuser from entering your 6.79  
17 residence, school, business, or place of employment; award you  
18 custody of your minor child or children; and direct the abuser 6.80  
19 to pay support to you and the minor children if the abuser has 6.81  
20 a legal obligation to do so"; and

21 (c) A copy of s. 741.30. 6.82

22 (2) When a law enforcement officer investigates an 1:1us  
23 allegation that an incident of domestic violence has occurred, 6.84  
24 whether or not an arrest is made, the officer shall make a  
25 written police report of the alleged incident. The officer 7.2  
26 shall submit the report to his supervisor or other person to  
27 whom the employer's rules or policies require reports of 7.3  
28 similar allegations of criminal activity to be made.

29 Section 13. This act shall take effect October 1, 7.4  
30 1984.  
31

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DEPARTMENT OF STATE  
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173-538C-4-4

1	A bill to be entitled	Series <u>12</u> Carton <u>13</u> 1:btc
2	An act relating to domestic violence; amending	1.1
3	s. 415.601, F.S.; providing legislative intent;	1.3
4	amending s. 415.602, F.S.; providing	1.4
5	definitions; amending s. 415.603, F.S.; setting	1.5
6	forth duties and functions of the Department of	1.6
7	Health and Rehabilitative Services with respect	1.7
8	to domestic violence; creating s. 415.604,	1.8
9	F.S.; requiring an annual report by the	1.10
10	department; amending s. 415.605, F.S.;	1.11
11	providing for certification, decertification,	1.12
12	procedures for seeking services, and funding of	1.13
13	domestic violence centers; providing rulemaking	1.14
14	authority; amending s. 415.606, F.S.; providing	1.15
15	for referral of victims to centers and notice	1.16
16	of rights; amending s. 415.608, F.S.; providing	1.18
17	for confidentiality of information; creating s.	1.19
18	415.609, F.S.; requiring that law enforcement	1.20
19	officers and certain judges receive certain	1.21
20	information and training; amending s. 741.01,	1.23
21	F.S.; conforming provisions; amending s.	
22	741.30, F.S.; providing for an injunction for	
23	protection and an ex parte temporary injunction	
24	for protection; providing penalties for	
25	violating such injunctions; prescribing relief	
26	available through an injunction for protection;	
27	providing for law enforcement officers to	
28	assist in executing or serving such injunction;	
29	providing for sending copies of such	
30	injunctions to certain law enforcement	
31	agencies; amending s. 901.15, F.S.; requiring	

1	arrest with or without a warrant in specified	
2	circumstances; giving immunity from civil	1.24
3	liability to certain law enforcement officers;	
4	creating s. 901.155, F.S.; providing duties of	1.25
5	law enforcement officers in domestic violence	
6	investigations; providing an effective date.	1.26
7		
8	Be It Enacted by the Legislature of the State of Florida:	1:enc
9		
10	Section 1. Section 415.601, Florida Statutes, is	1.26
11	amended to read:	1.27
12	415.601 <u>Domestic violence</u> Spouse-abuse treatment and	1.28
13	rehabilitation; legislative intent.--The Legislature	1.31
14	recognizes that certain persons who assault, batter, or	1.33
15	otherwise abuse their spouses and the persons subject to such	1.34
16	<u>domestic violence</u> abuse are in need of treatment and	1.35
17	rehabilitation. It is the intent of the Legislature to assist	1.37
18	in the development of <u>domestic violence</u> spouse-abuse centers	1:los
19	for the victims of <u>domestic violence</u> spouse-abuse and to	1.41
20	provide a place where the parties involved may be separated	
21	until they can be properly assisted.	1.42
22	Section 2. Section 415.602, Florida Statutes, is	1.43
23	amended to read:	
24	415.602 <del>Definitions of terms used in ss. 415.601-</del>	1.45
25	<del>415.608.</del> --As used in <u>ss. 415.601-415.609</u> this act:	1.46
26	(1) "Department" means the Department of Health and	1.47
27	Rehabilitative Services.	
28	(2) <u>"District" means the county, or combination of</u>	1:lus
29	<u>counties, as defined in s. 20.19.</u>	1.49
30	(3) <u>"Domestic violence" means any assault, battery, or</u>	1:lus
31	<u>criminal sexual conduct against one's spouse.</u>	1.51

1	<u>(4) "Domestic violence center" means a facility which</u>	1.54
2	<u>provides services to victims of domestic violence.</u>	1.55
3	<u>(5)(2) "Spouse" means a person to whom another person</u>	1.57
4	<u>is married or a person to whom another person has been married</u>	
5	<u>and from whom such other person is now separated or divorced.</u>	1.58
6	<del>(3)--"Spouse-abuse" means any assault, battery, or</del>	1.62
7	<del>other physical abuse by a person upon his spouse.</del>	
8	<del>(4)--"Spouse-abuse center" means a facility which</del>	1:10s
9	<del>provides services to victims of spouse abuse and which has</del>	1.66
10	<del>been certified by the department to receive state funds.</del>	1.67
11	<del>(5)--"Victim" means any individual suffering assault,</del>	1.69
12	<del>battery, or other physical abuse inflicted by his spouse or</del>	
13	<del>former spouse.</del>	1.70
14	Section 3. Section 415.603, Florida Statutes, is	1.71
15	amended to read:	
16	415.603 Duties and functions of the department with	1.72
17	respect to <u>domestic violence spouse abuse.</u> --	1.74
18	(1) It shall be the duty of the department:	1.74
19	(a) To establish health, safety, and minimum program	1.75
20	requirement standards for certifying <u>domestic violence spouse</u>	1:1us
21	<u>abuse centers to receive state funds.</u>	1.79
22	(b) To receive <u>and approve or reject</u> applications for	1.80
23	state funding of <u>domestic violence spouse abuse</u> centers.	1:10s
24	(c) To <u>receive and approve or reject applications for</u>	1.83
25	<u>certification of domestic violence centers each application</u>	1.84
26	<u>within 60 days of receipt of the application.</u>	2.1
27	<del>(d)--To distribute funds to a certified center within</del>	1:10s
28	<del>45 days after approval.</del>	2.3
29	<u>(d)(e) To evaluate annually each certified domestic</u>	2.5
30	<u>violence spouse abuse center for compliance with the minimum</u>	2.6
31	<u>standards. The department shall have the right to enter and</u>	2.8

1	inspect the premises of <u>certified domestic violence spouse</u>	2.9
2	<del>abuse</del> centers at any reasonable hour in order to effectively	2.11
3	evaluate the state of compliance of such centers with the	
4	provisions of <u>ss. 415.601-415.609</u> <del>this-section</del> and rules in	1:1us
5	force pursuant thereto.	2.13
6	(2) The department shall prescribe by rule the	2.14
7	procedures by which subsection (1) shall be implemented.	2.15
8	Without using designated <u>district allocated center</u> funds, the	2.16
9	department may:	2.17
10	(a) Formulate and conduct a research and evaluation	2.18
11	program on <u>domestic violence spouse-abuse</u> and cooperate with	1:1us
12	and assist and participate in programs of other properly	2.21
13	qualified agencies, including any agency of the Federal	
14	Government, schools of medicine, hospitals, and clinics, in	2.23
15	planning and conducting research on the prevention, care,	
16	treatment, and rehabilitation of persons engaged in or subject	2.25
17	to <u>domestic violence spouse-abuse</u> .	2.26
18	(b) Serve as a clearinghouse for information relating	2.27
19	to <u>domestic violence spouse-abuse</u> .	1:1os
20	(c) Carry on educational programs on <u>domestic violence</u>	2.30
21	<del>spouse-abuse</del> for the benefit of the general public, persons	2.32
22	engaged in or subject to <u>domestic violence spouse-abuse</u> ,	2.33
23	professional persons, or others who care for or may be engaged	2.35
24	in the care and treatment of persons engaged in or subject to	2.36
25	<u>domestic violence spouse-abuse</u> .	
26	(d) Enlist the assistance of public and voluntary	2.37
27	health, education, welfare, and rehabilitation agencies in a	2.38
28	concerted effort to prevent <u>domestic violence spouse-abuse</u> and	2.39
29	to treat persons engaged in or subject to <u>domestic violence</u>	2.41
30	<del>spouse-abuse</del> .	
31		

1	Section 4. Section 415.604, Florida Statutes, is	2.42
2	created to read:	
3	<u>415.604 Report to the Legislature.--On or before</u>	1:1us
4	<u>January 1 of each year, the Department of Health and</u>	2.44
5	<u>Rehabilitative Services shall furnish to the President of the</u>	
6	<u>Senate and the Speaker of the House of Representatives a</u>	2.45
7	<u>report on the status of domestic violence in Florida, which</u>	2.46
8	<u>shall include, but not be limited to, the following:</u>	
9	<u>(1) Incidence of domestic violence in this state.</u>	1:1us
10	<u>(2) Identification of the areas of the state where</u>	1:1us
11	<u>domestic violence is of significant proportions, indicating</u>	2.49
12	<u>the number of cases officially reported, as well as an</u>	
13	<u>assessment of the degree of unreported cases of domestic</u>	2.50
14	<u>violence.</u>	
15	<u>(3) Identification and description of the types of</u>	1:1us
16	<u>programs in the state that assist victims of domestic violence</u>	2.52
17	<u>or persons committing domestic violence, including information</u>	2.53
18	<u>on funding for the programs.</u>	
19	<u>(4) The number of persons treated by or assisted by</u>	1:1us
20	<u>local domestic violence programs receiving funding through the</u>	2.55
21	<u>department.</u>	
22	<u>(5) A statement on the effectiveness of such programs</u>	1:1us
23	<u>in preventing future domestic violence.</u>	2.57
24	<u>(6) An inventory and evaluation of existing prevention</u>	1:1us
25	<u>programs.</u>	
26	<u>(7) A listing of potential prevention efforts</u>	1:1us
27	<u>identified by the department; the estimated annual cost of</u>	2.60
28	<u>providing such prevention services, both for a single client</u>	
29	<u>and for the anticipated target population as a whole;</u>	2.61
30	<u>identification of potential funding sources; and the projected</u>	
31	<u>benefits of providing such services.</u>	2.62

1	Section 5. Section 415.605, Florida Statutes, is	2.63
2	amended to read:	
3	415.605 <u>Domestic violence</u> Spouse-abuse centers.--	2.65
4	(1) In order to be certified and-funded under <u>ss.</u>	2.67
5	<del>415.601-415.609 this-act</del> , each <u>domestic violence</u> center shall:	1:1us
6	(a) Provide a facility which will serve as a center to	2.70
7	receive and house persons who are <u>victims of domestic violence</u>	2.71
8	<del>spouse-abuse-victims</del> . For the purpose of <u>ss. 415.601-415.609</u>	2.73
9	<del>this-act</del> , minor children and other dependents of a victim,	2.75
10	when such dependents are partly or wholly dependent on the	2.76
11	victim for support or services, may be sheltered with the	
12	victim in a <u>domestic violence</u> spouse-abuse center.	2.78
13	(b) Receive the <u>annual</u> period <del>e</del> written endorsement of	2.79
14	local law enforcement agencies, <del>and</del>	2.80
15	<del>(c)--Receive-25-percent-of-its-funding-from-one-or-more</del>	2.81
16	<del>local, municipal, or county sources, public or private,</del>	
17	<del>contributions-in-kind, whether materials, commodities,</del>	2.82
18	<del>transportation, office space, other types of facilities, or</del>	2.83
19	<del>personal services, may be evaluated and counted as part of the</del>	3.1
20	<del>required local funding.</del>	
21	<del>(c)</del> (d) Provide minimum services which shall include,	3.3
22	but not be limited to, information and referral services,	
23	counseling services, temporary emergency shelter for more than	3.5
24	24 hours, and educational services for community awareness	3.6
25	relative to the incidence of <u>domestic violence</u> spouse-abuse,	1:1os
26	the prevention of such <u>violence</u> abuse, and the care,	3.9
27	treatment, and rehabilitation for persons engaged in or	3.11
28	subject to <u>domestic violence</u> spouse-abuse.	
29	<del>(d)</del> (e) Participate in the provision of orientation and	1:1us
30	training programs developed for law enforcement officers,	3.14
31	social workers, and other professionals and paraprofessionals	

1	who work with <u>domestic violence spouse-abuse</u> victims to better	1:lus
2	enable such persons to deal effectively with incidents of	3.17
3	<u>domestic violence spouse-abuse</u> .	
4	<u>(e) Establish and maintain a board of directors</u>	1:lus
5	<u>composed of at least three citizens, one of whom shall be a</u>	3.19
6	<u>member of a local, municipal, or county law enforcement</u>	
7	<u>agency.</u>	3.20
8	<u>(f) Comply with rules adopted pursuant to ss. 415.601-</u>	1:lus
9	<u>415.609.</u>	
10	(2) <u>If the department finds that there is failure by a</u>	3.22
11	<u>center to comply with the requirements established under ss.</u>	3.23
12	<u>415.601-415.609 or with rules adopted pursuant thereto, the</u>	3.24
13	<u>department may deny, suspend, or revoke the certification of</u>	
14	<u>the center. Spouse-abuse-centers-may-be-established</u>	1:lus
15	<del>throughout-the-state-as-private,-local,-state,-or-federal</del>	3.28
16	<del>funds-are-available,-,-Any-local-agency-or-organization-may</del>	3.30
17	<del>apply-to-participate-in-certification-and-state-funding.</del>	3.31
18	(3) <u>The annual certificate shall automatically expire</u>	1:lus
19	<u>on the termination date shown on the certificate.</u>	3.34
20	<del>(4)(3)</del> <u>The domestic violence spouse-abuse centers</u>	1:lus
21	shall establish procedures pursuant to which persons subject	3.38
22	to <u>domestic violence spouse-abuse</u> may seek services from these	3.40
23	centers on a voluntary basis.	
24	<del>(4)--Each-spouse-abuse-center-shall-have-a-board</del>	1:lus
25	<del>composed-of-at-least-three-citizens,-one-of-whom-shall-be-a</del>	3.43
26	<del>member-of-a-local,-municipal,-or-county-law-enforcement</del>	3.44
27	<del>agency.</del>	
28	(5) <u>Domestic violence centers may be established</u>	1:lus
29	<u>throughout the state as private, local, state, or federal</u>	3.46
30	<u>funds are available.</u>	
31	(6) <u>In order to receive state funds, a center shall:</u>	1:lus



1	<u>(a) Obtain certification pursuant to ss. 415.601-</u>	1:1us
2	<u>415.609. However, the issuance of a certificate shall not</u>	3.49
3	<u>obligate the department to provide funding.</u>	3.50
4	<u>(b) Receive at least 25 percent of its funding from</u>	1:1us
5	<u>one or more local, municipal, or county sources, public or</u>	3.53
6	<u>private. Contributions in kind, whether materials,</u>	3.54
7	<u>commodities, transportation, office space, other types of</u>	
8	<u>facilities, or personal services, may be evaluated and counted</u>	3.55
9	<u>as part of the required local funding.</u>	3.56
10	<u>(7)(5)(a) All fees collected and appropriated to the</u>	1:1us
11	<u>domestic violence program under s. 741.01(2) for spouse-abuse</u>	3.59
12	<u>centers shall be distributed annually by the department to</u>	3.60
13	<u>each district according to an allocation formula determined by</u>	3.61
14	<u>the department. In developing the formula, the department</u>	3.62
15	<u>shall consider population, a rural and geographical area</u>	
16	<u>factor, and the incidence of domestic violence. certified</u>	1:1us
17	<del>center.--The department shall allocate a uniform base amount</del>	3.65
18	<del>to each certified center.--The remainder of the appropriated</del>	3.66
19	<del>funds shall be distributed in the same proportion as the</del>	
20	<del>number of marriage licenses sold in the center's catchment</del>	3.67
21	<del>area bears to the total number of marriage licenses sold</del>	3.68
22	<del>statewide.--The number of marriage licenses shall be that</del>	3.69
23	<del>number sold in each center's catchment area for the most</del>	3.70
24	<del>recent year for which such figures are available.</del>	
25	<u>(b) A contract between a district and a certified</u>	3.71
26	<u>domestic violence center shall contain provisions assuring the</u>	3.72
27	<u>availability and geographic accessibility of services</u>	
28	<u>throughout the district. For this purpose, centers may</u>	3.74
29	<u>distribute funds through subcontracts or to center satellites,</u>	
30	<u>provided that such arrangements and any subcontracts are</u>	3.75
31	<u>approved by the district. For the purposes of this section, a</u>	3.77

1	<del>"catchment-area" means that portion of a county, the county,</del>	
2	<del>the counties, or the district served by a certified spouse</del>	3.78
3	<del>abuse center as specified in its application to be certified</del>	3.79
4	<del>and approved by the department.</del>	
5	(8) <u>The department shall prescribe by rule the</u>	1:lus
6	<u>procedures by which subsection (7) shall be implemented and</u>	3.81
7	<u>may adopt such other rules as are necessary for the proper</u>	
8	<u>administration of ss. 415.601, 415.602, 415.603, 415.604,</u>	3.82
9	<u>415.605, 415.608, and 415.609.</u>	
10	Section 6. Section 415.606, Florida Statutes, is	3.83
11	amended to read:	3.84
12	<u>(Substantial rewording of section. See</u>	4.1
13	<u>s. 415.606, F.S., for present text.)</u>	1:lus
14	415.606 Referral to centers and notice of rights.--Any	4.2
15	law enforcement officer who investigates an alleged incident	4.3
16	of domestic violence shall advise the victim of such violence	
17	that there is a domestic violence center from which he or she	4.4
18	may receive services. The law enforcement officer shall give	4.5
19	the victim immediate notice of the legal rights and remedies	
20	available in accordance with the provisions of s. 901.115.	4.6
21	Section 7. Section 415.608, Florida Statutes, is	4.7
22	amended to read:	
23	415.608 Confidentiality of information received by	4.8
24	department or <u>domestic violence</u> spouse-abuse centers.--	4.10
25	Information received by the department or by authorized	4.11
26	persons employed by or volunteering services to a <u>domestic</u>	4.13
27	<u>violence</u> center, through files, reports, inspection, or	
28	otherwise, shall be deemed confidential information and shall	4.17
29	not be disclosed publicly in such a manner as to identify	4.18
30	individuals or facilities. This information is exempt from	4.19
31	the provisions of s. 119.07.	

1	Section 8. Section 415.609, Florida Statutes, is	4.20
2	created to read:	
3	<u>415.609 Training.--</u>	1:lus
4	<u>(1) The Department of Law Enforcement shall provide a</u>	4.24
5	<u>copy of ss. 415.606 and 901.115 to every law enforcement</u>	
6	<u>agency in this state on or before January 1, 1985.</u>	4.25
7	<u>(2) The Criminal Justice Standards and Training</u>	1:lus
8	<u>Commission shall establish standards for instruction of law</u>	4.28
9	<u>enforcement officers in the subject matter of domestic</u>	
10	<u>violence. Every basic skills course required in order to</u>	4.29
11	<u>obtain initial certification for law enforcement officers</u>	4.30
12	<u>shall, after January 1, 1986, include training of a minimum of</u>	
13	<u>6 hours in handling domestic violence cases.</u>	4.32
14	<u>(3) The Florida Court Education Council shall</u>	1:lus
15	<u>establish standards for instruction of circuit court judges</u>	4.34
16	<u>who have responsibility for domestic violence cases and shall</u>	
17	<u>provide such instruction on a periodic and timely basis.</u>	4.35
18	Section 9. Subsection (2) of section 741.01, Florida	4.35
19	Statutes, is amended to read:	
20	741.01 County court judge or clerk of the circuit	4.37
21	court to issue marriage license; fee.--	4.38
22	(2) The fee charged for each marriage license issued	4.39
23	in the state shall be increased by the sum of \$10. This fee	4.41
24	shall be collected upon receipt of the application for the	
25	issuance of a marriage license. The Executive Office of the	4.42
26	Governor shall establish a trust fund for the purpose of	4.43
27	collecting and disbursing funds generated from the increase in	4.44
28	marriage license fees. Such funds generated shall be directed	4.45
29	to the Department of Health and Rehabilitative Services for	
30	the specific purpose of funding <u>domestic violence spouse-abuse</u>	4.47
31	centers, and the funds shall be appropriated in a "grants-in-	4.48

1	aid" category to the Department of Health and Rehabilitative	4.50
2	Services for the purpose of funding <u>domestic violence spouse</u>	1:10s
3	<u>abuse</u> centers.	4.53
4	Section 10. Section 741.30, Florida Statutes, is	4.54
5	amended to read:	
6	<u>(Substantial rewording of section. See</u>	4.57
7	<u>s. 741.30, F.S., for present text.)</u>	1:1us
8	741.30 Petition for injunction for protection.--	4.58
9	(1) As used in this section:	4.58
10	(a) "Domestic violence" means any assault, battery, or	4.59
11	criminal sexual conduct against one's spouse.	4.60
12	(b) "Spouse" means a person to whom another person is	4.60
13	married or a person to whom another person has been married	4.61
14	and from whom such person is now separated or divorced.	4.62
15	(2) There is hereby created a cause of action for an	4.62
16	injunction for protection in cases of domestic violence.	4.64
17	(a) Any person, on behalf of himself or herself, who	4.65
18	is the victim of any act of domestic violence shall have	4.66
19	standing in the circuit court to file a sworn petition for a	
20	domestic violence injunction for protection.	4.67
21	(b) The sworn petition shall allege the existence of	4.68
22	domestic violence and shall include the specific facts and	4.69
23	circumstances upon which relief is sought.	
24	(c) The cause of action may be sought whether or not	4.70
25	there is currently pending any other petition, complaint, or	4.71
26	cause of action between the parties.	
27	(d) The clerk of the court shall provide a copy of	4.72
28	this section, simplified forms, and clerical assistance for	4.73
29	the preparation and filing of a petition by any victim not	
30	represented by counsel.	4.74
31		

1	(e) In the event the victim shall not have sufficient	4.75
2	funds with which to pay filing fees to the clerk of the court	4.76
3	or service fees to the sheriff and signs an affidavit so	
4	stating, said fees shall be waived by the clerk of the court	4.77
5	or the sheriff to the extent necessary to process the petition	4.78
6	and serve the injunction for protection, subject to an order	
7	of the court relative to the payment of said fees.	4.80
8	(f) No bond shall be required by the court for the	4.81
9	entry of an injunction for protection.	
10	(g) A person's right to petition for an injunction for	4.82
11	protection shall not be affected by his or her leaving a	4.83
12	residence or household to avoid domestic violence.	
13	(3) The sworn petition shall be in substantially the	4.84
14	following form:	
15	PETITION FOR	5.1
16	INJUNCTION FOR PROTECTION	5.2
17		
18	Before me, the undersigned authority, personally appeared	5.2
19	Petitioner ...(Name)..., who was sworn and says that the	5.3
20	following statement is true.	
21	(a) Petitioner resides at: ...(address)...	5.4
22	(b) Respondent resides at: ...(address)...	5.5
23	(c) Respondent is a family or household member because	5.5
24	.....	5.6
25	(d) Petitioner has suffered domestic violence because	5.6
26	respondent has: .....	5.7
27	(e) Petitioner genuinely fears domestic violence by	5.8
28	respondent.	
29	(f) Petitioner seeks: (Mark appropriate section or	5.10
30	sections.)	5.11
31		

1	....An injunction restraining any party from committing	1:LN
2	acts of domestic violence.	5.12
3	....An injunction excluding the respondent from the	1:LN
4	dwelling which the parties share or from the residence of the	5.14
5	petitioner.	
6	....An injunction on the same basis as is provided in	5.16
7	chapter 61, awarding temporary custody or establishing	
8	temporary visitation with regard to minor children of the	5.17
9	parties.	
10	....An injunction provided as in chapter 61	5.19
11	establishing temporary support for minor children or a spouse.	5.20
12	....An injunction directing the respondent to	1:LN
13	participate in assessment and treatment.	5.21
14	....An injunction providing any terms the court deems	1:LN
15	necessary for the protection of a victim of domestic violence,	5.25
16	including injunctions or directives to the law enforcement	5.26
17	agencies.	5.27
18	(4)(a) Upon the filing of the petition, the court	5.28
19	shall set a hearing which shall be held at the earliest	5.29
20	possible time and shall take precedence over all matters	
21	except older matters of the same character. Personal service	5.32
22	of the petition and notice of hearing shall be made upon the	
23	respondent prior to the hearing.	5.33
24	(b) When it appears to the court that an immediate and	5.34
25	present danger of domestic violence exists, the court may	5.35
26	grant an ex parte temporary injunction, pending a full	
27	hearing, and may grant relief as the court deems proper,	5.36
28	including an injunction:	
29	1. Restraining any party from committing acts of	5.37
30	domestic violence.	
31		

1	2. Excluding any party from the dwelling that the	5.38
2	parties share or from the residence of the other party except	
3	by further order of the court.	5.39
4	3. Granting temporary custody of a minor child of the	5.39
5	party seeking the ex parte temporary injunction, to that	5.40
6	party.	
7	(c) In an ex parte hearing for the purpose of	5.41
8	obtaining an ex parte temporary injunction, the court may take	5.42
9	oral testimony to support the application for the ex parte	
10	temporary injunction. A record shall be made of all oral	5.43
11	testimony and the record shall be made available to any party	
12	upon request.	5.44
13	(d) Any ex parte temporary injunction shall be	5.45
14	effective for a fixed period not to exceed 10 days. A full	5.47
15	hearing, as provided by this section, shall be set no later	
16	than the day when the temporary injunction shall cease to be	5.48
17	effective.	
18	(5) The sheriff shall serve the injunction for	5.49
19	protection upon the person complained against within 24 hours	5.50
20	after its issuance.	
21	(6) The clerk of the court shall provide the	5.51
22	petitioner with a certified copy of any injunction for	5.53
23	protection entered by the court.	
24	(7) The issuance of an injunction for protection shall	5.55
25	not require that the party alleging domestic violence be	5.56
26	represented by an attorney, nor shall such injunction be	5.58
27	conditioned upon any dissolution of marriage proceedings or	5.60
28	other complaint, petition, or legal action between the	
29	petitioner and the respondent.	5.61
30	(8) Nothing in this section shall affect the title to	5.62
31	real estate.	

1	(9)(a) Upon notice and hearing, the court, in the	5.63
2	injunction for protection, may provide for one or more types	5.66
3	of injunctive relief, conditions of bond, or other relief as	
4	follows:	
5	1. The restraint of any party from committing acts of	5.67
6	domestic violence.	5.68
7	2. The exclusion of the respondent from the dwelling	5.69
8	which the parties share or from the residence of the	5.71
9	petitioner.	
10	3. On the same basis as is provided in chapter 61, the	5.72
11	awarding of temporary custody or establishment of temporary	5.74
12	visitation with regard to minor children of the parties.	
13	4. On the same basis as is provided in chapter 61, the	5.75
14	establishment of temporary support for minor children or a	5.77
15	spouse.	
16	5. The requirement that the respondent participate in	5.78
17	treatment or counseling services.	5.79
18	6. Other relief as it deems necessary for the	5.79
19	protection of a victim of domestic violence, including	5.80
20	injunctions or directives to the law enforcement agencies, as	
21	provided in this section.	5.82
22	(b) Any relief granted by the injunction for	5.83
23	protection shall be for a fixed period not to exceed 1 year,	5.84
24	unless upon petition of the victim the court shall extend the	
25	injunction for successive fixed periods not to exceed 1 year.	6.1
26	Such relief may be granted in addition to other civil or	6.2
27	criminal remedies.	
28	(c) The court shall enforce compliance by the	6.3
29	respondent to the injunction for protection through contempt	6.4
30	proceedings which may include the imposition of a fine. Any	6.5
31		



1	such fine shall be collected and disbursed to the trust fund	
2	established in s. 741.01.	
3	(d) In the event the respondent is arrested by a peace	6.6
4	officer under authority of s. 901.15(1)(f), he shall be held	6.7
5	in custody and brought before the court as expeditiously as	6.8
6	possible for the purpose of enforcing the injunction for	6.9
7	protection.	
8	(10) When an injunction for protection is issued, if	6.10
9	the petitioner requests the assistance of a law enforcement	6.12
10	agency, the court shall order that an officer from the	
11	appropriate law enforcement agency accompany the petitioner	6.13
12	and assist in placing the petitioner in possession of the	6.14
13	dwelling or residence, or otherwise assist in execution or	
14	service of the injunction for protection.	6.15
15	(11) An injunction for protection shall be forwarded	6.18
16	by the clerk of court within 24 hours to the local law	
17	enforcement agency with jurisdiction over the residence of the	6.19
18	applicant. Each appropriate law enforcement agency shall make	6.20
19	available to other law enforcement officers, through a system	6.21
20	for verification, information as to the existence and status	
21	of any such injunction for protection.	6.24
22	Section 11. Section 901.15, Florida Statutes, is	6.25
23	amended to read:	
24	901.15 When arrest by officer without warrant is	6.26
25	lawful.--	
26	<u>(1)</u> A law enforcement officer may arrest a person	6.29
27	without a warrant when:	
28	<u>(a)</u> <del>(1)</del> The person has committed a felony or	6.31
29	misdemeanor or violated a municipal or county ordinance in the	
30	presence of the officer. Arrest for the commission of a	6.32
31		

1	misdemeanor or violation of a municipal or county ordinance	6.33
2	shall be made immediately or in fresh pursuit.	6.35
3	<b><u>(b)(2)</u></b> A felony has been committed and he reasonably	6.36
4	believes that the person committed it.	6.37
5	<b><u>(c)(3)</u></b> He reasonably believes that a felony has been	6.38
6	or is being committed and reasonably believes that the person	6.39
7	to be arrested has committed or is committing it.	6.40
8	<b><u>(d)(4)</u></b> A warrant for the arrest has been issued and is	6.41
9	held by another peace officer for execution.	6.42
10	<b><u>(e)(5)</u></b> A violation of chapter 316 has been committed	6.44
11	in the presence of the officer. Such arrest may be made	6.46
12	immediately or on fresh pursuit.	6.47
13	<b><u>(f)</u></b> <u>The officer has probable cause to believe that the</u>	1:lus
14	<u>person has knowingly violated or refused to comply with a</u>	6.49
15	<u>domestic violence injunction for protection entered pursuant</u>	
16	<u>to s. 741.30.</u>	6.50
17	<b><u>(2)(6)(a)</u></b> <u>Notwithstanding any law to the contrary, a</u>	6.52
18	<u>law enforcement officer shall arrest a person anywhere,</u>	
19	<u>including at his place of residence, whether or not the</u>	6.53
20	<u>officer has a warrant, if the officer has probable cause to</u>	6.54
21	<u>believe that the person has committed an assault, battery, or</u>	6.55
22	<u>criminal sexual conduct as an act of domestic violence as</u>	6.56
23	<u>defined in s. 741.30(1)(a), although the assault, battery, or</u>	
24	<u>criminal sexual conduct did not take place in the presence of</u>	6.58
25	<u>a-battery-upon-the-person's-spouse-and the officer.:</u>	6.61
26	<b><u>(a)</u></b> <del>--Finds-evidence-of-bodily-harm;-or</del>	6.62
27	<b><u>(b)</u></b> <del>--The-officer-reasonably-believes-that-there-is</del>	6.63
28	<del>danger-of-violence-unless-the-person-alleged-to-have-committed</del>	
29	<del>the-battery-is-arrested-without-delay.</del>	6.64
30	<b><u>(b)</u></b> <u>A law enforcement officer who acts in good faith</u>	1:lus
31	<u>and exercises due care in making an arrest pursuant to</u>	6.66

1	<u>paragraph (a) shall be immune from civil liability that</u>	
2	<u>otherwise might result by reason of his action.</u>	6.67
3	Section 12. Section 901.155, Florida Statutes, is	6.68
4	created to read:	6.69
5	<u>901.155 Investigations of domestic violence; duties of</u>	1:1us
6	<u>officers.--</u>	6.70
7	<u>(1) Any law enforcement officer who investigates an</u>	6.72
8	<u>alleged incident of domestic violence shall advise the victim</u>	6.73
9	<u>of such violence that there is a domestic violence center from</u>	
10	<u>which he or she may receive services. The law enforcement</u>	6.75
11	<u>officer shall give the victim immediate notice of the legal</u>	
12	<u>rights and remedies available on a standard form developed and</u>	6.76
13	<u>distributed by the Florida Department of Law Enforcement. The</u>	6.78
14	<u>notice shall include:</u>	
15	<u>(a) The resource listing, including telephone number,</u>	1:1us
16	<u>for the area domestic violence center designated by the</u>	6.79
17	<u>Department of Health and Rehabilitative Services;</u>	6.80
18	<u>(b) A copy of the following statement: "IF YOU ARE</u>	1:1us
19	<u>THE VICTIM OF DOMESTIC VIOLENCE, you may ask the state</u>	6.81
20	<u>attorney to file a criminal complaint. You also have the</u>	6.82
21	<u>right to go to court and file a petition requesting an</u>	
22	<u>injunction for protection from domestic violence which may</u>	6.83
23	<u>include, but need not be limited to, provisions which restrain</u>	6.84
24	<u>the abuser from further acts of abuse; direct the abuser to</u>	
25	<u>leave your household; prevent the abuser from entering your</u>	7.1
26	<u>residence, school, business, or place of employment; award you</u>	
27	<u>custody of your minor child or children; and direct the abuser</u>	7.2
28	<u>to pay support to you and the minor children if the abuser has</u>	7.3
29	<u>a legal obligation to do so"; and</u>	
30	<u>(c) A copy of s. 741.30.</u>	7.4
31		

1	<u>(2) When a law enforcement officer investigates an</u>	1:1us
2	<u>allegation that an incident of domestic violence has occurred,</u>	7.6
3	<u>whether or not an arrest is made, the officer shall make a</u>	
4	<u>written police report of the alleged incident. The officer</u>	7.8
5	<u>shall submit the report to his supervisor or other person to</u>	
6	<u>whom the employer's rules or policies require reports of</u>	7.9
7	<u>similar allegations of criminal activity to be made.</u>	
8	Section 13. This act shall take effect October 1,	7.10
9	1984.	
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