

CHAPTER 65H-2
BATTERER INTERVENTION PROGRAM CERTIFICATION MINIMUM STANDARDS

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65H-2.001 Purpose.

Rulemaking Authority 741.32, 741.325 FS. Law Implemented 741.32, 741.325 FS. History—New 4-26-07, Repealed 3-21-13.

65H-2.002 Definitions.

Rulemaking Authority 741.325 FS. Law Implemented 741.32, 741.325, 741.327 FS. History—New 4-26-07, Repealed 3-21-13.

65H-2.003 Program Application Requirements.

Rulemaking Authority 741.325 FS. Law Implemented 741.32, 741.325, 741.327 FS. History—New 4-26-07, Repealed 3-21-13.

65H-2.004 Program Requirements.

Rulemaking Authority 741.325 FS. Law Implemented 741.325 FS. History—New 4-26-07, Repealed 3-21-13.

65H-2.005 Program Curriculum.

Rulemaking Authority 741.325 FS. Law Implemented 741.325 FS. History—New 4-26-07, Repealed 3-21-13.

65H-2.006 Facilitator Eligibility.

Rulemaking Authority 741.325 FS. Law Implemented 741.325 FS. History—New 4-26-07, Repealed 3-21-13.

65H-2.007 Assessor Application Requirements.

Rulemaking Authority 741.325 FS. Law Implemented 741.325 FS. History—New 4-26-07, Repealed 3-21-13.

65H-2.008 Assessment Requirements.

Rulemaking Authority 741.325 FS. Law Implemented 741.325 FS. History—New 4-26-07, Repealed 3-21-13.

65H-2.009 Assessor Eligibility.

Rulemaking Authority 741.325 FS. Law Implemented 741.325 FS. History—New 4-26-07, Repealed 3-21-13.

65H-2.010 Trainer Requirements.

Rulemaking Authority 741.325 FS. Law Implemented 741.325 FS. History—New 4-26-07, Repealed 3-21-13.

65H-2.011 Conflicts of Interest.

Rulemaking Authority 741.325 FS. Law Implemented 741.325 FS. History—New 4-26-07, Repealed 3-21-13.

65H-2.012 Monitoring.

Rulemaking Authority 741.325 FS. Law Implemented 741.325 FS. History—New 4-26-07, Repealed 3-21-13.

65H-2.014 Definitions.

For the purposes of this rule chapter, the following definitions apply:

(1) “Assessment” means a psychosocial evaluation to determine if an individual is a batterer as defined in subsection (3) of this rule and engages in dynamics of power and control, including coercion. Assessment also includes an evaluation of an individual’s competency to consent to treatment, patterns of a co-occurring mental illness and substance abuse, as well as clinically significant neurological deficits, that necessitate referrals to treatment or other programs prior to or concurrent with participation in a batterers’ intervention program.

(2) “Assessor” means a person who performs the psychosocial assessment of individuals who have been referred to a certified batterers’ intervention program and who meets the qualifications set forth in this rule chapter.

(3) “Batterer” means a perpetrator of domestic violence, as defined in Section 741.28(2) F.S., or dating violence, as defined in Section 784.046(1)(d), F.S.

(4) “Batterers’ Intervention Program” means a 29-week program certified pursuant to this rule chapter that addresses the perpetration of violence by an intimate partner, spouse, ex-spouse, or a person who shares a child in common or who is a cohabitant in an intimate relationship for the purpose of exercising power and control by one over the other.

(5) “Certification” means a process of satisfying the requirements and minimum standards as set forth in this rule chapter and Section 741.325, F.S. for a certified batterers’ intervention program.

(6) “Change of ownership” means an event in which the Provider sells or otherwise transfers its ownership to a different individual or entity as evidenced by a change in federal employer identification number or taxpayer identification number; or, an event in which 51 percent or more of the ownership, shares, membership, or controlling interest of a Provider is in any manner transferred or otherwise assigned. A change solely in the management company or board of directors is not a change of ownership.

(7) “Coercive control” means a pattern of domination that includes tactics to isolate, degrade, exploit, and control the victim.

(8) “Cognitive Behavioral Therapy Model” (CBT) means a therapeutic intervention that has been demonstrated to be effective for a range of problems whereby participants can learn to change their own thinking, problematic emotions, and behavior.

(9) “Curriculum” means the Department-approved educational content for a certified batterers’ intervention program.

(10) “Dating Violence” as defined in Section 784.046(1)(d), F.S.

(11) “Department” means the Florida Department of Children and Families.

(12) “Direct service staff” means the on-site director responsible for the day-to-day operation of a certified batterers’ intervention program, and individuals who are employed or contracted by a provider to conduct orientation, facilitate groups, or conduct assessments.

(13) “Domestic Violence” as defined in Section 741.28(2), F.S.

(14) “Equality Wheel” means a graphically designed tool that illustrates the dynamics of an equal, violence-free partnership.

(15) “Facilitator” means a group leader for a certified batterers’ intervention program.

(16) “Groups” means two or more participants attending interactive sessions with designated facilitators who manage discourse and topics of discussion.

(17) “Monitoring” means a process of reviewing the administrative and programmatic components of a certified batterers’ intervention program to ensure compliance with minimum standards as set forth in rule and statute.

(18) “Office of Domestic Violence” (ODV) means the Department’s office responsible for the oversight of certification and monitoring of batterers’ intervention programs.

(19) “Participant” means an individual:

(a) Who is adjudged to have committed a criminal act of domestic violence as defined in Section 741.28, F.S., or dating violence as defined by Section 784.046, F.S.,

(b) Against whom a final injunction for protection against domestic violence or dating violence is entered,

(c) Who is referred by the Department, or

(d) Who volunteers to attend a program after committing an act of domestic violence or dating violence.

(20) “Power and Control Model” means intervention that recognizes domestic violence where one partner in an intimate relationship systematically uses tactics of emotional and physical abuse in order to maintain power and control over the other.

(21) “Power and Control Wheel” means a graphically designed tool that illustrates the tactics of abusive behaviors used by batterers to establish and maintain control over their partners.

(22) “Provider” means the owner and/or operator of a certified batterers’ intervention program.

(23) “Psychoeducational Model” means a psychotherapeutic intervention that utilizes a critical thinking program model and structured didactic interventions with batterers.

(24) “Victim” means an intimate partner, spouse, ex-spouse or one who shares a child in common or who is a cohabitant in an intimate relationship against whom the batterer has perpetrated an act of domestic or dating violence for the purpose of exercising power and control.

Rulemaking Authority 741.327 FS. Law Implemented 741.32, 741.325, 741.327 FS. History—New 9-4-22.

65H-2.015 Program Application Requirements.

(1) Application.

(a) Application for initial certification or for renewal of certification shall be made on Form CF 831, Batterers’ Intervention Program Certification Application, (August 2022), which is incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-14616>. The individual owner or the designated representative of a corporation or partnership shall complete the application.

(b) All program locations of a provider shall be included in the application.

(2) Initial Certification.

(a) An applicant for initial certification of a Batterers’ Intervention Program shall submit to the ODV the following:

1. Form CF 831, Batterers’ Intervention Program Certification Application,

2. The program’s policy and procedure manual,

3. All curricula, forms (including screening and assessment tools), and informational brochures used by the program,

4. Educational, experiential, and training documentation for each direct service staff and, if applicable, contracted assessor, and

5. Form CF 1649, Affidavit of Good Moral Character, (April 2021), which is incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-14615>, for each direct service staff. Thereafter, this information must be updated and maintained in such a form as to permit review for rule compliance by the Department.

(b) If the initial certification application includes all information and documentation set forth in paragraph (2)(a) above, the Department will issue a provisional certification. The provisional certification shall not exceed a period of six months. If the initial certification application meets all certification requirements, the certification shall be issued. The provisional license shall end on the date the Department issues the final certification decision.

(c) Certification is issued in the name of the owner, corporation, or partnership of the program. Certification is non-transferable and valid only for the program and location or locations named in the certificate. Any changes in ownership shall be reported to the Department at least 60 days prior to the change.

(d) The Department-issued certificate, or a copy of the certificate shall be displayed within public view at all program locations.

(3) Renewal of Certification.

(a) Certification must be renewed annually.

(b) An applicant for renewal of certification of a Batterers’ Intervention Program shall submit to the ODV the following:

1. Form CF 831, Batterers’ Intervention Program Certification Application, and

2. Any updates to the information initially provided in paragraph (2)(a) of this rule.

(c) The Batterers' Intervention Program Certification Application and any accompanying documentation must be submitted to the ODV for renewal of certification at least 60 days prior to the expiration of certification to ensure that a lapse of certification does not occur.

(d) If the program does not submit its renewal application at least 60 days prior to the expiration date and a lapse in certification occurs, the certification shall expire, and the Department shall notify the Office of State Courts Administrator, the trial court administrator, and the certified domestic violence center(s) in the judicial circuits where the program provides services. The program will remain uncertified until it submits, and the Department approves a new application.

(e) Certification will be renewed if the program meets all requirements set forth in this rule chapter.

(4) Change of Location of Service. If the provider wishes to change a program's location of service or open additional locations within the circuit where certified, the provider shall notify the Department, in writing, at least 60 days prior to the change.

Rulemaking Authority 741.327 FS. Law Implemented 741.32, 741.325, 741.327 FS. History--New 9-4-22.

65H-2.016 Program Requirements.

To qualify for certification, a batterers' intervention program shall meet and comply with the following minimum standards:

(1) Community Collaboration and Coordination.

(a) The program must coordinate its efforts within the community, particularly with victims and their families, the local justice system, social service agencies, including the certified domestic violence centers, and state and local governments to enhance the safety of victims and their children and establish protocols to effectively communicate to stakeholders any potential danger the batterer poses to the victim and/or children.

(b) The provider will inform courts, prosecutors, probation and parole, the victim, and other stakeholders as appropriate to the case of the batterer's positive progress and compliance with program expectations, and if the batterer is not in compliance with the program expectations or demonstrates any risk of repeat violence or homicide.

(2) Personnel.

(a) The provider shall have a policy to provide confidential employee assistance to employees who are victims of domestic and dating violence, including referral to domestic violence centers for safety planning and other services, and continued employment where appropriate and safe.

(b) All direct service staff employed or contracted by a provider shall be required to undergo security background investigations as a condition of employment and continued employment. Background investigations shall be completed by the provider and shall at minimum be level 1 screening as defined in Section 435.03, F.S., and include local criminal records checks through local law enforcement agencies, and statewide criminal records checks through the Florida Department of Law Enforcement, Division of Criminal Justice Information Services (CJIS), including a check for registered sex offenders/sexual predators, and injunctions for protection against domestic violence. The local law enforcement screening shall also be conducted for the employee's or contractor's previous address if she or he has lived in the current jurisdiction less than one year. Such background investigations shall be conducted at the expense of the employing agency.

1. An individual who has been a perpetrator of domestic, dating or sexual violence or stalking, as defined in Sections 741.28(2), 784.046(1)(d), 784.048, and 794.011 F.S., or was a respondent in a final injunction for protection against domestic, dating, or sexual violence or stalking in Florida or another state, based on the severity of the offense as established in the provider's policies, shall be ineligible for employment unless the individual has successfully completed a certified batterers' intervention program and remained violence free as defined by the aforementioned policies for a minimum period of five years preceding the hiring date.

2. An individual who is under any form of community supervision including probation, pre-trial diversion, or parole shall be ineligible for employment.

(c) All direct service staff of a certified provider shall complete annually, as a condition of employment and continued employment, Form CF 1649, Affidavit of Good Moral Character, which is incorporated by reference in Rule 65H-2.015, F.A.C.

(d) A provider may employ an otherwise disqualified individual, except as stipulated in subparagraphs (2)(b)1.-(2)(b)2. above, if the applicant can provide documentation that she or he has not been convicted of any of the disqualifying offenses for a minimum period of five years preceding the hiring date and demonstrates a commitment to non-violence as determined by criteria in the agency policies and procedures.

(e) The provider shall immediately terminate the employment or contract of any direct service staff convicted or found guilty, regardless of adjudication, or having entered a plea of nolo contendere, to any disqualifying offense while employed. The provider

shall notify ODV of the termination within 24 hours.

(3) Fees. The program shall establish a policy regarding whether it will admit participants who require fee waivers or reduced fees because they are indigent or unable to pay the full program fee.

(4) Operating Policies and Procedures Manual.

(a) The provider shall maintain and follow written policies and procedures that direct the operation of the batterers' intervention program that include the following:

1. Mission Statement and Philosophy,
2. Days and Hours of Operation and Group Schedules,
3. Intake and Enrollment,
4. Orientation and Curriculum Outline,
5. Record Keeping and Reporting,
6. Fee Collection and Acceptance of Indigent Participants,
8. Non-discrimination,
9. Accessibility to Persons with Disabilities,
10. Duty to Warn and Reporting of Criminal Behavior, and
11. Reporting of Enrollment and Discharge Information to Referral Source and Probation and Parole, if applicable,

(b) The provider shall maintain and follow personnel policies and procedures for the following: equal employment opportunity; code of professional ethics and moral conduct; confidentiality; non-fraternization; conflict of interest; violence free lifestyle; drug free workplace; sexual harassment, confidential employee assistance, and domestic violence in the workplace. The aforementioned policies and procedures shall be submitted with the certification application and made available during annual monitoring.

(5) Provision of Services.

(a) Services shall not be denied to any person because of race, ethnicity, national origin, religion, age, gender, sex, sexual orientation, or disability.

(b) A list of certified programs compiled and updated by the ODV, which is available on the Department's website, will be provided to the Office of the State Courts Administrator for distribution to the justice system for use when referring the batterer to a batterers' intervention program. The program selected by the batterer shall perform the intake and enrollment, which shall include:

1. An explanation of program fees, rules, regulations, and expectations that includes at minimum, exceptions to confidentiality, refraining from perpetrating violence and violating pre-trial conditions or civil injunctions, refraining from use of substance prior to and during group, any special considerations surrounding recording of sessions or visitors to group (such as monitors), and when consent is required to release participant information.

2. A Participant Enrollment Form that includes at minimum personal demographics, economic status and income qualifications, history of perpetrated violence, source of referral, criminal and civil injunction history, and prior attendance at a batterers' intervention program.

(c) The program shall not accept for enrollment a participant who has been or is currently enrolled in another certified batterers' intervention program unless the program receives written approval via electronic mail for the participant to change programs from:

1. The referral source,
2. Probation and parole, if applicable, and
3. The program director of the batterers' intervention program where the participant is currently or was enrolled.

Upon approved transfer, the program that the participant is currently or was enrolled in will provide within 48 hours an electronic copy of the participant's file to the new program.

(d) The program shall conduct an initial eligibility screening of a participant to verify that the participant has perpetrated violence against an intimate partner, spouse, ex-spouse, or a person who shares a child in common or who is a cohabitant in an intimate relationship, for the purpose of exercising power and control by one over the other. Pursuant to Section 741.325(2), F.S., individuals who are not perpetrators of this type of violence are not appropriate for Batterers' Intervention Programs and should not be accepted into the program.

(e) The program shall conduct an orientation session with each participant. An outline of the orientation shall be given to each participant and a signed statement from the participant acknowledging attendance shall be placed in the participant's file. The orientation shall include:

1. Comprehensive definition of domestic violence, including coercive control, tactics of violence, and gender-based violence

models.

2. Domestic violence and dating violence statistics.
3. Introduction of the Power and Control Wheel and Equality Wheel.
4. Overview of program rules, regulations, and expectations.
5. Outline of program content showing the dynamics of power and control, the effects of abuse on the victim, children and others, gender roles, socialization, and nature of the violence.

(f) Explanation of Assessments. The provider shall ensure that all participants are assessed to determine if they will benefit from mental health or substance abuse treatment programs prior to or concurrent with batterers' intervention.

(6) Group Sessions.

(a) The provider shall use a psychoeducational and/or cognitive behavioral therapy group model that incorporates power and control dynamics in the program curriculum.

(b) The program shall be a minimum of 29 weeks in length and include a minimum of 24 weekly group sessions. Each session shall be for a time period of one hour and 30 minutes, excluding breaks.

(c) The provider must establish policies on excused and unexcused absences and the requirements for participants to make up and receive credit for missed group sessions. The policy must include the maximum number of unexcused absences allowed before the participant is terminated from the program.

(d) The provider shall maintain policies regarding participant conduct and expectations during group sessions. Groups shall be in-person or virtual to ensure safety and confidentiality. Virtual groups must require attendees to participate on camera with audio and must be accessible to all participants when offered regardless of personal access to technology.

(e) The provider shall maintain group sizes appropriate to the intervention model being utilized and not exceed a maximum number of over 23 people for a co-facilitated group and 15 people in single facilitated groups.

(f) The program shall accept new members into the group on an ongoing basis.

(g) The program must provide separate services for offenders based on sex or gender to ensure safety and the use of appropriate interventions.

(h) If a participant has limited English proficiency and the program does not employ or contract with staff who are fluent in the participant's preferred language, the program will assess whether the participant has the ability to pay for an interpreter or utilize a translation language line. If the participant is unable to pay for an interpreter and there is no community resource to provide interpreter services free of charge, the program will assist the participant in finding a program that has bilingual staff or has the ability to provide interpreters. The program may permit the participant to use a family member or friend of the same sex to interpret in circumstances where the alternative options are not successful and there is documentation of the attempts to find an alternative. The program shall record in the participant's file how it addressed the participant's limited English proficiency.

(i) The program conducting a non-English speaking group shall have a facilitator who is fluent in that language.

(j) The program shall ensure continuity of weekly group sessions and not suspend or cancel weekly groups for a period of more than one week consecutively.

(7) Discharge Criteria.

(a) There are three categories of discharge from a certified program:

1. Completion indicates that the participant has completed the assessment performed by an assessor, has been in compliance with the program's rules and contract, has participated in the group at an acceptable level as determined by the facilitator, and has paid required provider program fees.

2. Termination indicates the participant is inappropriate for the program according to the screening criteria outlined in paragraph (5)(d) of this rule as determined by a certified assessor or the program or has not successfully met the requirements of the program as specified in the contract or program rules.

3. Transfer indicates the participant has been approved to transfer to another program as required in subparagraph 65H-2.016(5)(b)2., F.A.C.

(b) When a participant is discharged from the program, the provider shall complete the following:

1. Document the reason(s) for discharge in the participant's file, and
2. Inform the victim as required in paragraph (8)(c) of this rule, and inform the referral source, probation and parole, if applicable, in writing, within three business days.

(8) Victim Participation and Notification.

(a) The provider must maintain policies and procedures on how it will communicate safely with victims, including obtaining victim contact information, providing initial notification that the perpetrator is attending a batterers' intervention program, determining whether the victim wants to receive information about the perpetrator's progress or provide information so that the provider can better understand the context of the perpetrator's violence, and when and how to share information regarding threats of violence made by the perpetrator during group sessions. The provider must rely on the referral source, and/or other sources such as court documents or police reports to ensure the victim contact information is valid. Providers shall not utilize perpetrators to provide victim contact information.

(b) The provider shall document that it notified or attempted to notify the victim within three business days of the batterer's enrollment in the program, and to confirm whether and how the victim wants to receive information about the batterer's progress, non-compliance, and discharge. The letter/email or documentation of telephonic communication shall be dated and include contact information for the local certified domestic violence center, law enforcement, probation or parole, if applicable, and the state attorney's office. Communication shall include information on the goals and objectives of the certified batterers' intervention program and advise the victim that information disclosed by the victim to program staff is not privileged communication as defined in Section 90.5036, F.S.

(c) The provider shall document that it notified or attempted to notify the victim by electronic or telephonic communication within 24 hours of the batterer's discharge from the program, and the reason for discharge: completion, termination, or transfer. Communication shall include contact information for the local certified domestic violence center, law enforcement, probation or parole, if applicable, and the state attorney's office.

(d) The program shall keep copies of all notification letters, documentation of telephonic communications or attempts to contact the victim in the batterer's file. Letters kept in the batterer's file shall not disclose the physical address or any other contact information for the victim.

(9) Record Keeping and Reporting Requirements.

(a) General Requirements. A provider shall maintain complete and accurate records regarding the program, personnel, and program participants at the program's office. Records shall be made available for review during the annual monitoring by the Department. Copies of required records with redacted personal information are acceptable for documentation.

(b) Personnel Records. The provider shall maintain complete and accurate records on each direct service staff employed or contracted by the program, which includes:

1. Name, address, home phone number, and date of birth;
2. Proof of identity, in the form of a copy of a valid government issued photo identification;
3. Proof of employment history check and security background investigations;
4. Current job description;
5. A resume or employment application;
6. Documentation of required education and work experience;
7. Documentation of required training and annual continuing education;
8. For individuals licensed under Chapters 490 and 491, F.S., a signed statement acknowledging confidentiality of information received;
9. Receipt of the program's policy and procedure manual; and
10. Form CF 1649, Affidavit of Good Moral Character, renewed annually. This form is incorporated by reference in subparagraph 65H-2.015(2)(a)5., F.A.C.

(c) Program Participant Records. The provider shall maintain individual files on each program participant and retain the records for a minimum of five years from the date of discharge. Client files shall include the following information:

1. Proof of identity, in the form of a valid government issued photo identification;
2. Copy of the court order and police report, if applicable;
3. Financial assessment;
4. Completed assessment;
5. Record of attendance at orientation and groups with the dates of each session attended, missed, and made up;
6. Record of payment of all fees, including dates and amounts;
7. Copies of notification letters to the victim. Letters shall be dated and shall not disclose the physical address or any other contact information for the victim;

8. Copy of non-compliance reports, if any, to the referral source and probation and parole, if applicable; and
9. Copy of the discharge report to the referral source and probation and parole, if applicable.

(d) Health Insurance Portability and Accountability Act (HIPAA). The provider is responsible for determining if they must follow federal HIPAA requirements.

Rulemaking Authority 741.327 FS. Law Implemented 741.32, 741.325, 741.327 FS. History--New 9-4-22

65H-2.017 Program Curriculum.

(1) The program curriculum shall be based on a psychoeducational or cognitive behavioral therapy intervention model that recognizes domestic violence and dating violence as the result of one person in an intimate relationship systematically using tactics of coercion, emotional abuse and physical violence in order to assert power and control over the other. The curriculum shall incorporate the following elements/content:

(a) An educational approach that assigns responsibility for the violence solely to the batterer and provides a strategy for assisting the batterer in taking responsibility for the violence,

(b) Encourages the batterer to develop critical thinking skills that will allow the batterer to rethink their behavior and identify behavior choices other than violence,

(c) Addresses intimate partner violence as a learned behavior, not an impulse control issue,

(d) Domestic violence is not provoked or the result of substance abuse and recognizes substance abuse patterns in domestic violence,

(e) The batterer's ability to identify and articulate feelings,

(f) Communication skills and listening with empathy,

(g) Negotiation and conflict resolution skills,

(h) Addresses gender specific forms of violence and challenges stereotypical gender role expectations,

(i) Strategies for helping the batterer to develop and improve support systems,

(j) The effects of distorted thinking on emotions and behavior, and

(k) The effects of domestic violence on children.

(2) The program curriculum shall not include the following elements:

(a) Couples, marriage or family therapy, or any manner of victim participation;

(b) Anger management techniques that identify anger as the cause of domestic violence;

(c) Theories or techniques that identify poor impulse control as the primary cause of the domestic violence or identify psychopathology on the part of either party as a primary cause of domestic violence;

(d) Fair fighting techniques; or

(e) Faith-based ideology associated with a particular religion or denomination.

(3) The program curriculum shall be submitted with the initial certification application and in annual monitoring to the ODV which will review for compliance with rule and statute.

Rulemaking Authority 741.327 FS. Law Implemented 741.32, 741.325, 741.327 FS. History--New 9-4-22.

65H-2.018 Facilitator Eligibility.

(1) Facilitator Employment Credentials. A facilitator employed or contracted by a provider shall meet the following educational, experiential, and training requirements:

(a) Bachelor's degree or, in lieu of a bachelor's degree, two years of experience working with domestic violence victims and batterers;

(b) Completion of 40 hours of domestic violence training to include at a minimum, domestic violence tactics, risk indicators to homicide, culturally-informed/culturally competent practices, batterers as parents, the relationship of substance abuse and mental health in domestic violence, victim blaming, perpetrator accountability, participation in coordinated community response efforts, and court attendance during domestic violence cases;

(c) Completion of 21 hours of facilitator training on the power and control model of intervention, gender-based violence model, and group facilitation;

(d) Completion of 72 hours of supervised facilitating or co-facilitating batterers' intervention groups. Within six months of promulgation of this rule, supervised facilitating or co-facilitating batterer's intervention groups must be completed with a Florida

certified batterer's intervention program;

(e) Documentation for all facilitator training shall be submitted to the ODV for approval prior to a facilitator facilitating groups on their own. Facilitator training will be approved if it meets the standards set forth in this rule.

(2) Facilitator Continuing Education Training.

(a) Each facilitator shall complete a minimum of 12 hours of continuing education annually. The training must contribute to the advancement, extension, or enhancement of the facilitator's skills and knowledge related to domestic violence and BIP facilitation. Training shall comply with the program curriculum as required in Rule 65H-2.017, F.A.C., and include information in any of the following areas as they pertain to intimate partner violence:

1. Current law,
2. Evaluation and intervention with families,
3. Victimization,
4. Effects on children,
5. Dating violence,
6. Intervention and prevention,
7. Substance abuse, and
8. The power and control model.

(b) Documentation for all continuing education training must be updated and maintained in the facilitator's personnel file.

Rulemaking Authority 741.327 FS. Law Implemented 741.32, 741.325, 741.327 FS. History--New 9-4-22.

65H-2.019 Assessor Eligibility.

(1) Assessor Credentials. The provider must hire or contract with assessors who meet the following educational, experiential, and training requirements, and must maintain the necessary documentation to demonstrate compliance with these requirements:

(a) Licensed or eligible for license under Chapter 490, 491, or 397, F.S., and two years of supervised psychosocial assessment clinical experience. Individuals with a minimum of three years of experience conducting assessments for batterers' intervention programs prior to the promulgation of this rule are exempt from this requirement.

(b) Completion of 30 hours of domestic violence training to include at a minimum, domestic violence tactics, risk indicators to homicide, culturally-informed practices, batterers as parents, the relationship of substance abuse in domestic violence, victim blaming, survivor-focused/trauma-informed services, participation in coordinated community response efforts, and court attendance during domestic violence cases.

(2) Assessor Continuing Education Training.

(a) Each assessor shall complete a minimum of 12 hours of continuing education annually. The training must contribute to the advancement, extension, or enhancement of the assessor's skills and knowledge related to the assessment of a batterer. Training shall comply with the program curriculum as required in Rule 65H-2.017, F.A.C., and include information in any of the following areas as they pertain to intimate partner violence:

1. Current law,
2. Evaluation and intervention with families,
3. Victimization,
4. Effects on children,
5. Dating violence,
6. Intervention and prevention,
7. Substance abuse, and
8. The power and control model.

(b) Documentation for all continuing education training must be updated and maintained in the assessor's personnel file.

Rulemaking Authority 741.327 FS. Law Implemented 741.32, 741.325, 741.327 FS. History--New 9-4-22.

65H-2.020 Conflicts of Interest.

(1) It is essential to the proper operation of batterers' intervention programs that direct-service staff, program employees, assessors, concurrent treatment providers, and program participants do not engage in any activity that presents a conflict of interest or the appearance of a conflict of interest. The provider must maintain policies pertaining to conflicts of interest.

(2) If an assessor determines that the batterer who has been referred to a batterers' intervention program should also be referred for further evaluation, the assessor shall provide a list of licensed or certified providers to the batterer. The assessor may not self-refer.

(3) Program staff or assessors providing direct services to program participants must not engage in direct counseling or therapy with the victim, and/or current partner of the program participant, or with family or household members of the victim and/or current partner.

Rulemaking Authority 741.327 FS. Law Implemented 741.32, 741.325, 741.327 FS. History--New 9-4-22.

65H-2.021 Monitoring.

(1) The Department will conduct monitoring of certified programs to ensure compliance of the minimum standards as set forth in this rule chapter.

(2) The first monitoring of a certified batterers' intervention program may be conducted on-site within six (6) months after initial certification. Thereafter, a certified batterers' intervention program will be monitored annually, through an on-site visit or desk review, as determined by the Department. However, monitoring may occur at any time there is a corrective action or a complaint to the Department.

(3) Within 30 calendar days after the monitoring, the provider will receive a written report from the Department indicating whether or not standards have been met.

(4) If Department monitoring indicates that a provider has violated or otherwise does not meet the standards set forth in this rule chapter, the provider will be given 30 calendar days from the date of the written report to submit a corrective action plan. The severity of the noncompliance may affect the period of time allowed for correction, but in no event shall the corrective action period exceed 90 days.

(a) The proposed corrective action plan must contain all of the following:

1. The actions the provider and its staff will take to correct each of the violations identified and to comply with the applicable requirements;

2. The name of the staff person(s) responsible for completing each action; and

3. A timeframe for accomplishing each action.

(b) The Department will reject any proposed corrective action plan that fails to identify all of the information described in paragraph (4)(a) of this rule or reflects a plan of action that does not address the violation(s). If the Department rejects a proposed corrective action plan, the Department shall notify the provider in writing of the reasons for rejection and require the provider to submit an amended corrective action plan addressing the deficiency or deficiencies within five business days of receipt of the Department's notice rejecting the corrective action plan.

(c) The provider is responsible for ensuring that the corrective action plan is fully implemented within the timeframes designated in the corrective action plan, which includes documenting in writing all action taken to correct a violation.

(5) Failure of the provider to successfully complete the corrective action plan will result in suspension of a program's certification, unless the Department finds that the failure to successfully complete the corrective action plan is due to extraordinary circumstances beyond the provider's reasonable control. However, the Department will suspend a program's certification immediately without allowing a corrective action in cases of recurring violations or intervention approaches contrary to those as set forth in this rule chapter.

(6) A provider that is notified by the Department that its certification is suspended for recurring violations, inappropriate intervention approaches, or failure to complete a corrective action may not apply for new certification for a period of one year from the date of suspension and shall not advertise itself as a certified Batterers' Intervention Program during this time.

(7) A provider that is notified that its certification is suspended shall comply with the transfer requirements set forth in paragraph 65H-2.016(5)(c), F.A.C., to assist its participants in transferring to a certified batterers' intervention program so that participants receive credit for their attendance at the decertified provider's program.

(8) The Department's primary communication with providers will be electronic. Providers shall have the capability to access the internet and to electronically submit certification documentation as required by the Department. Providers shall maintain a functional email address with the capability of receiving attachments and provide that address to the Department for the purposes of certification and monitoring.

Rulemaking Authority 741.327 FS. Law Implemented 741.32, 741.325, 741.327 FS. History--New 9-4-22.