



State of Florida
Ninth Judicial Circuit of Florida

BELVIN PERRY, JR.
CHIEF JUDGE

COUNTIES OF ORANGE AND OSCEOLA
ADMINISTRATIVE OFFICE OF THE COURTS
ORANGE COUNTY COURTHOUSE
425 N. ORANGE AVENUE, SUITE 2010
ORLANDO, FLORIDA 32802
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MEMORANDUM

TO: All Judges
FROM: Judge Belvin Perry, Jr., Chief Judge *B. Perry*
RE: Requirements of ss. 741.281 and 741.283, Florida Statutes
DATE: February 13, 2009

Pursuant to s. 741.281, Florida Statutes, the court **must** order a defendant to attend a batterers' intervention program in certain circumstances. If a person is found guilty of, has had adjudication withheld on, or has pled nolo contendere to a crime of domestic violence, as defined in s. 741.28, that person **shall** be ordered by the court to a minimum term of 1 year's probation and the court **shall** order that the defendant attend a batterers' intervention program as a condition of probation. The court **must** impose the condition of the batterers' intervention program for a defendant under this section, but the court, in its discretion, may determine not to impose the condition if it states on the record why a batterers' intervention program might be inappropriate. The court **must** impose the condition of the batterers' intervention program for a defendant placed on probation unless the court determines that the person does not qualify for the batterers' intervention program pursuant to s. 741.325. The batterers' intervention program **must** be a certified program under s. 741.32. The imposition of probation under this section shall not preclude the court from imposing any sentence of imprisonment authorized by s. 775.082.

Additionally, under s. 741.283, if a person is adjudicated guilty of a crime of domestic violence, as defined in s. 741.28, and the person has intentionally caused bodily harm to another person, the court **shall** order the person to serve a minimum of 5 days in the county jail as part of the sentence imposed, unless the court sentences the person to a nonsuspended period of incarceration in a state correctional facility. However, this section does not preclude the court from sentencing the person to probation, community control, or an additional period of incarceration.