

By Senator Kirkpatrick

5-213-00

1                                   A bill to be entitled  
2           An act relating to supervised visitation;  
3           creating ss. 753.01, 753.02, 753.03, 753.04,  
4           753.05, Florida Statutes; providing legislative  
5           intent relating to supervised visitation  
6           programs; providing definitions; providing  
7           eligibility criteria for supervised visitation;  
8           providing for the establishment, certification,  
9           and funding of supervised visitation programs;  
10          providing duties and functions of the  
11          Department of Children and Family Services  
12          relating to such programs; repealing ss.  
13          753.001, 753.002, 753.003, 753.004, Florida  
14          Statutes, relating to the Florida Family  
15          Visitation Network; providing an effective  
16          date.

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

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20           Section 1. Section 753.01, Florida Statutes, is  
21          created to read:

22           753.01 Supervised visitation programs; legislative  
23          intent.--The Legislature recognizes the value of supervised  
24          visitation programs in providing a safe and structured setting  
25          for child visitation and exchange in some cases. It is the  
26          intent of the Legislature, subject to provisions of  
27          appropriation acts, to assist in the development of supervised  
28          visitation programs and to provide a means by which uniform  
29          standards for the administration and certification of such  
30          programs can be developed.

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1           Section 2. Section 753.02, Florida Statutes, is  
2 created to read:

3           753.02 Definitions.--As used in ss. 753.01-753.05, the  
4 term:

5           (1) "Child" means an unmarried person who is under the  
6 age of 18 years, who has not been emancipated by order of a  
7 court, and whose contact with a nonresidential parent is  
8 supervised pursuant to court order. The term may include more  
9 than one child.

10           (2) "Client" means a residential or nonresidential  
11 parent, other party or individual, or a child who is receiving  
12 supervised contact services pursuant to a court referral to a  
13 supervised contact program.

14           (3) "Department" means the Department of Children and  
15 Family Services.

16           (4) "Supervised or monitored exchange" is the  
17 supervision of movement of a child from the child's  
18 residential parent to the child's nonresidential parent at the  
19 start of the nonresidential parent/child contact and from the  
20 nonresidential parent back to the residential parent at the  
21 end of the contact.

22           (5) "Supervised visitation" is the contact between a  
23 nonresidential parent or other party or individual and a child  
24 which occurs in the presence of an independent third party.

25           Section 3. Section 753.03, Florida Statutes, is  
26 created to read:

27           753.03 Eligibility criteria for supervised  
28 visitation.--A court may provide by court order that a child  
29 is eligible to receive supervised contact services under a  
30 supervised visitation program if:

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1           (1) The court has determined that there has been  
2 documented sexual, physical, or emotional abuse of the child;

3           (2) There is suspected or elevated risk of sexual,  
4 physical, or emotional abuse of the child, or there have been  
5 incidents or threats of parental abduction of the child;

6           (3) Due to domestic violence, there is an ongoing risk  
7 of harm to a parent or child;

8           (4) A parent is impaired because of substance abuse or  
9 mental illness;

10           (5) There are allegations that the child is at risk  
11 for any of the reasons stated in subsections (1)-(4), pending  
12 an investigation; or

13           (6) Other circumstances, as determined by the court,  
14 indicate that the child is at risk for any of the reasons  
15 stated in subsections (1)-(4).

16           Section 4. Section 753.04, Florida Statutes, is  
17 created to read:

18           753.04 Supervised visitation programs; establishment;  
19 certification; funding.--

20           (1) Supervised visitation programs may be established  
21 throughout the state when private, local, state, or federal  
22 funds are available.

23           (2) In order to be certified as a supervised  
24 visitation program, a program must:

25           (a) Provide a facility for receiving clients and  
26 providing supervised visitation services.

27           (b) Have comprehensive written operating procedures  
28 for onsite and offsite supervised visitation and monitored  
29 exchange which comply with rules adopted under ss.

30 753.01-753.05.  
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1       (c) Be approved to receive judicial referrals for  
2 supervised contact services.

3       (d) Comply with all applicable local, state, and  
4 federal laws, statutes, and regulations.

5       (e) Receive the annual written endorsement of a local  
6 police department or sheriff's office.

7       (f) Demonstrate local need and ability to sustain  
8 operation by written endorsement of a local family court,  
9 juvenile court, or chief judge.

10       (g) Complete competency-based training developed by  
11 the Clearinghouse on Supervised Visitation.

12       (h) Develop appropriate outcome measures that reflect  
13 the maximum cost-benefit ratio, track the success of the  
14 clients, and provide accountability for the program.

15       (i) Annually solicit input from local domestic  
16 violence shelters on security issues and safety considerations  
17 for victims.

18       (3) In order to receive state funds, a program must:

19       (a) Obtain certification under ss. 753.01-753.05.

20 However, the issuance of a certificate does not obligate the  
21 department to provide funding.

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

28       (4) All funds collected and appropriated to supervised  
29 visitation programs shall be distributed annually by the  
30 department to each district according to an allocation formula  
31 developed by the department. In developing the formula, the

1 department may consider population, a rural and geographical  
2 area factor, the incidence of reported domestic violence, the  
3 number of orders for protection filed, the number of petitions  
4 for dependency filed, the number of children in foster care,  
5 and the number of petitions for dissolution of marriage filed  
6 in the district.

7 Section 5. Section 753.05, Florida Statutes, is  
8 created to read:

9 753.05 Duties and functions of the department relating  
10 to supervised visitation programs.--

11 (1) The department shall:

12 (a) Adopt rules that establish criteria for the  
13 approval or rejection of certification or funding of  
14 supervised visitation programs.

15 (b) Adopt rules that set minimum standards for the  
16 administration and implementation of supervised visitation  
17 programs to ensure the safety of families and staff in the  
18 programs. In developing these standards, the department may  
19 consult with the executive board of the Florida Chapter of the  
20 Supervised Visitation Network and with the director of the  
21 Florida Clearinghouse on Supervised Visitation or the  
22 director's designees.

23 (c) Receive and approve or reject applications for  
24 certification of supervised visitation programs, and receive  
25 and approve or reject applications for funding of supervised  
26 visitation programs. When approving funding for a newly  
27 certified supervised visitation program, the department shall  
28 consider the adverse economic impact on existing certified  
29 programs or services provided in the same district.

30 (d) Monitor each supervised visitation program  
31 annually to ensure compliance with the minimum standards. The

1 department has the right to enter and inspect the premises of  
2 certified supervised visitation programs during operating  
3 hours in order to effectively evaluate the state of compliance  
4 of the programs with ss. 753.01-753.05 and rules relating  
5 thereto.

6 (e) Adopt rules for administering ss. 753.01-753.05.

7 (2) If the department finds that a supervised  
8 visitation program has failed to comply with ss.  
9 753.01-753.05, the department may deny, suspend, or revoke the  
10 certification of the program.

11 Section 6. Sections 753.001, 753.002, 753.003, and  
12 753.004, Florida Statutes, are repealed.

13 Section 7. This act shall take effect October 1, 2000.

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15 SENATE SUMMARY

16  
17 Relates to supervised visitation for children and their  
18 nonresidential parents or other parties or individuals.  
19 Provides legislative intent. Provides definitions.  
20 Provides criteria in accordance with which a court may  
21 declare a child eligible for a supervised visitation  
22 program. Provides for the establishment, certification,  
23 and funding of such programs. Provides duties and  
24 functions of the Department of Children and Family  
25 Services relating to such programs. Repeals ss.  
26 753.001-753.004, F.S., relating to the Florida Family  
27 Visitation Network.  
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