

By the Committee on Judiciary and Senators Kirkpatrick and Clary

308-1974-00

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.

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 law
9 division of the circuit court, juvenile law division of the
10 circuit court, or chief judge.

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

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

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

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

20 (a) Obtain certification under ss. 753.01-753.05.
21 However, the issuance of a certificate does not obligate the
22 department to provide funding.

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

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

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

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

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

12 (1) The department shall:

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

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

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

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1 (d) Monitor each supervised visitation program
2 annually to ensure compliance with the minimum standards. The
3 department has the right to enter and inspect the premises of
4 certified supervised visitation programs during operating
5 hours in order to effectively evaluate the state of compliance
6 of the programs with ss. 753.01-753.05 and rules relating
7 thereto.

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

9 (2) If the department finds that a supervised
10 visitation program has failed to comply with ss.
11 753.01-753.05, the department may deny, suspend, or revoke the
12 certification of the program.

13 Section 6. Sections 753.001, 753.002, 753.003, and
14 753.004, Florida Statutes, are repealed.

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

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17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
18 COMMITTEE SUBSTITUTE FOR
19 SB 310

20 Makes a technical change to replace the term "court" with "law
21 division of the circuit court" when referring to family and
juvenile law divisions of the circuit court.

22 Replaces the term "district" with the term "judicial circuit"
23 to reflect that specified petitions and orders are filed and
issued by courts in judicial circuits in lieu of districts.

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