

By the Committee on Children and Families

300-800B-02

1 A bill to be entitled
2 An act relating to family services; amending
3 ss. 25.385, 39.902, 741.28, 943.171, F.S.;
4 redefining the terms "domestic violence" and
5 "family or household member" for purposes of
6 cases involving domestic violence; creating s.
7 44.1012, F.S.; providing legislative intent
8 with respect to making a continuum of
9 alternatives to litigation available to
10 families; amending s. 44.108, F.S.; increasing
11 the service charge for modifying a final
12 judgment of dissolution; requiring that
13 proceeds from the service charge be deposited
14 into the state mediation and arbitration trust
15 fund; creating s. 44.202, F.S.; requiring the
16 Supreme Court to develop presuit-mediation
17 pilot programs; providing for the funds
18 deposited into the state mediation and
19 arbitration trust fund to be used to develop
20 the programs; providing requirements for the
21 programs; requiring a report to the Legislature
22 concerning the evaluation of the
23 presuit-mediation pilot programs; amending s.
24 61.21, F.S.; revising the timeframe for
25 completing a parenting course; repealing ss.
26 753.001, 753.002, 753.004, F.S., relating to
27 the Florida Family Visitation Network; creating
28 ss. 753.01, 753.02, 753.03, 754.04, 753.05,
29 753.06, 753.07, 753.08, 753.09, F.S.; providing
30 legislative intent with respect to
31 administering supervised visitation programs;

1 defining terms; providing for the development
2 of standards for the certification of
3 supervised visitation programs; requiring
4 compliance with interim minimum standards;
5 providing for security of the supervised
6 visitation programs; requiring the
7 Clearinghouse on Supervised Visitation to
8 develop training materials; providing for the
9 clearinghouse to develop and implement a
10 mechanism for data collection; providing for
11 the clearinghouse to develop standards for
12 supervised visitation programs; requiring a
13 report to the Legislature; amending s. 943.135,
14 F.S.; requiring the Criminal Justice Standards
15 and Training Commission to allow agencies
16 employing law enforcement officers to authorize
17 volunteer service as a means of fulfilling
18 requirements for continuing education; creating
19 943.254, F.S.; authorizing law enforcement
20 agencies to administer a volunteer program for
21 officers to provide security services during
22 off-duty hours for certain community programs;
23 authorizing the Department of Revenue and the
24 Office of State Courts Administrator to obtain
25 authorization for the courts to use specified
26 funds for mediation services; providing an
27 appropriation to conduct certain studies;
28 providing legislative intent with respect to
29 the development of a collaborative initiative
30 with social service agencies by circuit judges;
31 providing for goals and elements of the

1 collaborative initiative; requesting that the
2 Supreme Court provide guidance to the circuit
3 courts in developing the collaborative
4 initiatives; requiring a report to the
5 Legislature; requiring the Department of
6 Juvenile Justice to organize an interagency
7 workgroup; specifying the goals of the
8 interagency workgroup; requiring a report to
9 the Legislature on the accomplishments of the
10 interagency workgroup; providing an effective
11 date.

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

14
15 Section 1. Subsection (2) of section 25.385, Florida
16 Statutes, is amended to read:

17 25.385 Standards for instruction of circuit and county
18 court judges in handling domestic violence cases.--

19 (2) As used in this section:

20 (a) The term "domestic violence" has the same meaning
21 ascribed in s. 741.28 ~~means any assault, battery, sexual~~
22 ~~assault, sexual battery, or any criminal offense resulting in~~
23 ~~physical injury or death of one family or household member by~~
24 ~~another, who is or was residing in the same single dwelling~~
25 ~~unit.~~

26 (b) "Family or household member" has the same meaning
27 ascribed in s. 741.28 ~~means spouse, former spouse, persons~~
28 ~~related by blood or marriage, persons who are presently~~
29 ~~residing together, as if a family, or who have resided~~
30 ~~together in the past, as if a family, and persons who have a~~
31 ~~child in common regardless of whether they have been married~~

1 ~~or have presently residing together, as if a family, or who~~
2 ~~have resided together in the past, as if a family, and persons~~
3 ~~who have a child in common regardless of whether they have~~
4 ~~been married or have resided together at any time.~~

5 Section 2. Subsections (1) and (3) of section 39.902,
6 Florida Statutes, are amended to read:

7 39.902 Definitions.--As used in this part, the term:

8 (1) "Domestic violence" has the same meaning ascribed
9 in s. 741.28 means any assault, battery, sexual assault,
10 sexual battery, or any criminal offense resulting in physical
11 injury or death of one family or household member by another
12 who is or was residing in the same single dwelling unit.

13 (3) "Family or household member" has the same meaning
14 ascribed in s. 741.28 means spouses, former spouses, adults
15 related by blood or marriage, persons who are presently
16 residing together as if a family or who have resided together
17 in the past as if a family, and persons who have a child in
18 common regardless of whether they have been married or have
19 resided together at any time.

20 Section 3. Section 44.1012, Florida Statutes, is
21 created to read:

22 44.1012 Continuum of alternatives to litigation;
23 legislative intent.--It is the intent of the Legislature that
24 a range of alternatives to judicial action be available to
25 families in order to reduce the level of costly court
26 intervention required to resolve disputes. Communities, with
27 the involvement of the courts, are encouraged to provide
28 families with a continuum of options that educate parents and
29 children concerning the constructive resolution of conflicts,
30 that assist families in resolving their disputes and future
31 disputes prior to court intervention, and that assist families

1 involved in judicial intervention to reach agreement and
2 resolve their disputes.

3 Section 4. Section 44.108, Florida Statutes, as
4 amended by section 8 of chapter 2001-122, Laws of Florida, is
5 amended to read:

6 44.108 Funding of mediation and
7 arbitration.--Mediation should be accessible to all parties
8 regardless of financial status.

9 (1) Each board of county commissioners may support
10 mediation and arbitration services by appropriating moneys
11 from county revenues and by:

12 (a)~~(1)~~ Levying, in addition to other service charges
13 levied by law, a service charge of no more than \$5 on any
14 circuit court proceeding, which shall be deposited in the
15 court's mediation-arbitration account fund under the
16 supervision of the chief judge of the circuit in which the
17 county is located; and

18 (b)~~(2)~~ Levying, in addition to other service charges
19 levied by law, a service charge of no more than \$5 on any
20 county court proceeding, which shall be deposited in the
21 county's mediation-arbitration account fund to be used to fund
22 county civil mediation services under the supervision of the
23 chief judge of the circuit in which the county is located.

24 (2)~~(3)~~ A fee of \$65 is levied ~~Levying~~, in addition to
25 other service charges levied by law, ~~a service charge of no~~
26 ~~more than \$45~~ on any petition for a modification of a final
27 judgment of dissolution. Of this sum, \$44, ~~which~~ shall be
28 deposited in the court's family mediation account fund to be
29 used to fund family mediation services under the supervision
30 of the chief judge of the circuit in which the county is
31 located. The sum of \$21 shall be forwarded to the Department

1 of Revenue for deposit in the state mediation and arbitration
2 trust fund, \$1 of which shall be used by the Supreme Court to
3 carry out its responsibilities set forth in s. 44.106 and the
4 remaining \$20 shall be used by the Supreme Court to carry out
5 its responsibilities set forth in s. 44.202.

6 ~~(3)(4)~~ If a board of county commissioners levies the
7 service charge authorized in paragraph (1)(a) or paragraph
8 ~~(1)(b) subsection (1), subsection (2), or subsection (3),~~ the
9 clerk of the court shall forward \$1 of each charge to the
10 Department of Revenue for deposit in the state mediation and
11 arbitration trust fund ~~which is hereby established~~. Such fund
12 shall be used by the Supreme Court to carry out its
13 responsibilities set forth in s. 44.106.

14 Section 5. Section 44.202, Florida Statutes, is
15 created to read:

16 44.202 Presuit-mediation pilot programs.--

17 (1) The Supreme Court shall use the funds deposited
18 into the state mediation and arbitration trust fund under s.
19 44.108(2) to develop presuit-mediation pilot programs to
20 ensure that an adequate level of court-ordered family
21 mediation is available in each of the circuits. At the
22 discretion of the Supreme Court, up to 50 percent of the funds
23 deposited into the mediation and arbitration fund under s.
24 44.108(2) may be used to ensure that an adequate level of
25 court-ordered mediation is available in the circuit courts for
26 family matters.

27 (2) The purpose of the presuit-mediation pilot
28 programs is to test and evaluate postjudgment mediation
29 services for parties, including married and unmarried persons,
30 who request modification or enforcement of a judgment for a
31 family matter that involves dissolution of marriage, property

1 division, paternity, adoption, emancipation of a minor, shared
2 or sole parental responsibility, child support, custody, or
3 visitation. Presuit mediation shall be designed to prevent or
4 minimize court appearances by the parties.

5 (3) The presuit mediation pilot programs funded under
6 this section shall:

7 (a) Be available to the parties who voluntarily choose
8 the presuit-mediation services. The parties retain the right
9 to a court hearing to modify a judgment.

10 (b) Meet the purpose of the pilot program as specified
11 in subsection (2).

12 (c) Provide that the mediation proceedings meet the
13 statutory provisions provided for presuit mediation in s.
14 44.102.

15 (d) Provide families with the opportunity to mediate a
16 disputed family matter before filing a petition with the court
17 of a request to modify or enforce a judgment. A mediated
18 agreement between the parties may be certified by the mediator
19 to the judge, with signed copies of the certified mediated
20 agreement provided to each of the parties. The parties may
21 choose to waive their right to a hearing or may consent in
22 writing to the entry of the mediated agreement without a
23 hearing. Based on the certified mediated agreement, the judge
24 may enter an order without an appearance of the parties. The
25 judge may require a court appearance if the mediated agreement
26 reached does not appear to be in the best interests of the
27 parties or a minor child. The certified mediated agreement
28 must be made a part of the order.

29 (e) Provide for an evaluation of each of the
30 presuit-mediation pilot programs, including, but not limited
31 to, a cost comparison between the process under the pilot

1 program and the process under a full court appearance, an
2 examination of the use of the service, and an examination of
3 the mediated agreements reached. A report on the evaluations
4 of each of the presuit-mediation pilot programs shall be
5 submitted to the President of the Senate and the Speaker of
6 the House of Representatives by December 31, 2004.

7 Section 6. Subsection (3) and (4) of section 61.21,
8 Florida Statutes, are amended to read:

9 61.21 Parenting course authorized; fees; required
10 attendance authorized; contempt.--

11 (3) All parties to a dissolution of marriage
12 proceeding with minor children or a paternity action which
13 involves issues of parental responsibility shall be required
14 to complete the Parent Education and Family Stabilization
15 Course ~~prior to the entry by the court of a final judgment.~~
16 The court may excuse a party from attending the parenting
17 course or meeting the required timeframe for completing the
18 course for good cause.

19 (4) All parties required to complete a parenting
20 course under this section shall begin the course as
21 expeditiously as possible after filing for dissolution of
22 marriage or filing a paternity action. The petitioner of the
23 dissolution-of-marriage action or paternity action must
24 complete the course within 45 days after filing. The other
25 party to the dissolution-of-marriage action or paternity
26 action must complete the course within 45 days after service
27 of the petition. All parties ~~and~~ shall file proof of
28 compliance with the court prior to the entry of the final
29 judgment.

30 Section 7. Subsections (1) and (2) of section 741.28,
31 Florida Statutes, are amended to read:

1 741.28 Domestic violence; definitions.--As used in ss.
2 741.28-741.31:

3 (1) "Domestic violence" means any assault, aggravated
4 assault, battery, aggravated battery, sexual assault, sexual
5 battery, stalking, aggravated stalking, kidnapping, false
6 imprisonment, or any criminal offense resulting in physical
7 injury or death of one family or household member by another
8 ~~who is or was residing in the same single dwelling unit.~~
9 Except for persons who are parents of a child in common, the
10 family or household members must currently reside together, or
11 have resided together in the past, in the same dwelling unit.

12 (2) "Family or household member" means spouses, former
13 spouses, persons related by blood or marriage, persons who are
14 presently residing together as if a family or who have resided
15 together in the past as if a family, and persons who have a
16 child in common regardless of whether they have been married
17 ~~or have resided together at any time.~~ Except for persons who
18 are parents of a child in common, the family or household
19 members must currently reside together, or have resided
20 together in the past, in the same dwelling unit.

21 Section 8. Sections 753.001, 753.002, and 753.004,
22 Florida Statutes, are repealed.

23 Section 9. Sections 753.01, 753.02, 753.03, 753.04,
24 753.05, 753.06, 753.07, 753.08, and 753.09, Florida Statutes,
25 are created to read:

26 753.01 Supervised visitation programs; legislative
27 findings and intent.--The Legislature finds that there are
28 children in this state who have been adjudicated dependent by
29 the court and, as a result, are ordered into out-of-home
30 placements. The Legislature further finds that a large number
31 of children experience the separation or divorce of their

1 parents and that some of these children have been determined
2 by the court to be at risk or are potentially at risk for
3 physical, emotional, or sexual abuse; parental abduction;
4 domestic violence; or other harm as a result of parental
5 impairment due to substance abuse or other conditions. The
6 Legislature also finds that exposing children to the parents'
7 continuing conflicts is detrimental to the children. The
8 Legislature recognizes the importance of maintaining contact
9 between children and their nonresidential parents while
10 ensuring the safety of those children from further or
11 potential abuse, danger, or flight. The Legislature further
12 recognizes the importance of minimizing the circumstances in
13 which children are exposed to the parents' anger and disputes.
14 Supervised visitation programs provide a critically needed
15 service in offering children and nonresidential parents the
16 opportunity to maintain a relationship in a safe environment
17 and facilitating safe contact between perpetrators of domestic
18 violence and their children. By recognizing the necessity of
19 ensuring the safety of children, parents, and staff in child
20 visitations and exchanges and offering a quality service that
21 meets the multiple visitation and exchange needs of families,
22 parents, and courts, the Legislature intends, subject to
23 available funding, to provide for uniform standards,
24 strengthened security, training, and certification of the
25 supervised visitation programs in this state.

26 753.02 Definitions.--As used in this chapter, the
27 term:

28 (1) "Client" means the residential parent,
29 nonresidential parent, caregiver, or child receiving services
30 under a supervised visitation program.

31

1 (2) "Supervised exchange" means the supervision of the
2 movement of the child from the residential parent to the
3 nonresidential parent at the start of the visitation, and from
4 the nonresidential parent back to the residential parent at
5 the end of the visitation.

6 (3) "Supervised visitation" means the contact between
7 a nonresidential parent and child which occurs in the presence
8 of an independent third party.

9 (4) "Supervised visitation program" means a program
10 created to offer safe and structured supervised visitation and
11 supervised exchange.

12 753.03 Comprehensive standards for supervised
13 visitation programs.--

14 (1) Standards shall be developed, pursuant to s.
15 753.09, for certifying supervised visitation programs in this
16 state to ensure the safety and quality of the program. These
17 standards are intended to provide a uniform set of guidelines
18 that will be used by all supervised visitation programs and be
19 required by the courts, the Department of Children and Family
20 Services, and other entities that refer families for
21 supervised visitation and supervised exchange services. The
22 standards developed must be comprehensive and address the
23 purpose, policies, standards of practice, program content,
24 security measures, qualifications of providers, training,
25 credentials of staff, information to be provided to the court
26 and by the court, data collection, and procedures for
27 supervised visitation programs.

28 (2) These standards will form the basis for
29 certification of supervised visitation programs.

30 (3) Before implementing a certification process, each
31 supervised visitation program is encouraged to voluntarily

1 comply with the comprehensive standards developed under s.
2 753.09.

3 753.04 Certification and monitoring of supervised
4 visitation programs.--

5 (1) A process for certifying and monitoring the
6 initial and ongoing compliance of a supervised visitation
7 program with comprehensive standards developed under s. 753.09
8 shall be phased in, contingent upon the allocation and
9 availability of funds. The first phase of the certification
10 process must emphasize compliance with the standards relating
11 to security.

12 (2) Once the certification process is fully
13 implemented, a supervised visitation program must be certified
14 in order to receive state or federal funds. A program must be
15 certified in order to be a program to which the court may
16 order parties for supervised visitation or supervised exchange
17 services.

18 753.05 Interim minimum standards for supervised
19 visitation programs.--

20 (1) Until the comprehensive standards for supervised
21 visitation programs are developed under s. 753.03 and a
22 certification and monitoring process implemented, each
23 supervised visitation program must comply with the "Minimum
24 Standards for Supervised Visitation Programs Agreements"
25 adopted by the Supreme Court as an administrative order on
26 November 18, 1999. Pursuant to this order, each supervised
27 visitation program shall enter into an agreement with the
28 circuit court within that geographic jurisdiction attesting to
29 the program's willingness to comply with the standards.

30 (2) Until the comprehensive standards for supervised
31 visitation programs are developed and a certification and

1 monitoring process implemented, a supervised visitation
2 program may not receive grant funds for access and visitation
3 under 42 U.S.C. s. 669b unless the program provides to the
4 state agency responsible for administering the grant
5 documentation verifying that the program has entered into an
6 agreement with the circuit court as required under subsection
7 (1). This subsection does not obligate the state agency
8 responsible for administering the grant to certify compliance
9 with the "Minimum Standards for Supervised Visitation Programs
10 Agreements."

11 753.06 Security in supervised visitation programs.--

12 (1) Due to the volatile nature of the client
13 relationships that created the need for supervised visitation
14 and supervised exchange services, the security of each
15 supervised visitation program is a paramount element of the
16 program. Therefore, the safety of the clients and program
17 staff shall be intrinsic in all aspects of the standards,
18 emphasized in all training, and a precondition of the
19 certification of a program.

20 (2) Each supervised visitation program is encouraged
21 to collaborate with local law enforcement agencies to
22 facilitate volunteerism by law enforcement officers at
23 supervised visitation programs using such mechanisms as those
24 provided under ss. 943.254 and 943.135(2) and using
25 administrative leave permitted for state employees who
26 participate in community service programs.

27 753.07 Training for supervised visitation
28 programs.--Contingent upon the allocation or availability of
29 funding, the Clearinghouse on Supervised Visitation shall
30 develop, maintain, and update competency-based training
31 materials for supervised visitation which are appropriate to

1 meet the training needs of program staff. The Clearinghouse on
2 Supervised Visitation shall also provide training to staff of
3 the supervised visitation programs and track staff who meet
4 training requirements, to the extent permitted by available
5 funding.

6 753.08 Supervised visitation programs; data
7 collection.--Contingent upon the allocation or availability of
8 funding, the Clearinghouse on Supervised Visitation shall
9 develop and implement a mechanism for collecting data on
10 supervised visitation and supervised exchange services
11 provided in this state. The Clearinghouse on Supervised
12 Visitation shall collaborate with the state chapter of the
13 Supervised Visitation Network in determining the necessary
14 data to be collected and developing the data-collection
15 mechanism to ensure the viability and reasonableness of the
16 data requirements. Each supervised visitation program shall
17 maintain and submit the identified data to the Clearinghouse
18 on Supervised Visitation. The Clearinghouse on Supervised
19 Visitation shall maintain these data and annually compile the
20 information and make it available to the President of the
21 Senate, the Speaker of the House of Representatives, the
22 courts, the Chief Justice of the Supreme Court, the Department
23 of Children and Family Services, and any other organization
24 represented on the advisory board provided for in s. 753.09.

25 753.09 Development of standards and a certification
26 process.--

27 (1) The Clearinghouse on Supervised Visitation within
28 the Institute for Family Violence Studies of the Florida State
29 University School of Social Work shall develop the standards
30 for the supervised visitation program. The Clearinghouse on
31

1 Supervised Visitation shall use an advisory board to assist in
2 developing the standards. The advisory board must include:

3 (a) Two members of the executive board of the state
4 chapter of the Supervised Visitation Network, appointed by the
5 president of the state chapter of the Supervised Visitation
6 Network.

7 (b) A representative from the Office of the State
8 Courts Administrator, appointed by the State Courts
9 Administrator.

10 (c) A representative from the Department of Children
11 and Family Services, appointed by the Secretary.

12 (d) A representative from the Florida Coalition
13 Against Domestic Violence, appointed by the executive director
14 of the Florida Coalition Against Domestic Violence.

15 (e) A representative from a state law enforcement
16 agency, appointed by the executive director of the Florida
17 Sheriffs Association.

18 (f) A family law judge, appointed by the Chief Justice
19 of the Supreme Court.

20 (g) Two representatives of supervised visitation
21 programs, appointed by the director of the clearinghouse.

22 (h) A representative from the Junior League, selected
23 by the State Board of the Junior League.

24 (2) The Clearinghouse on Supervised Visitation, with
25 consultation from the advisory board, shall also develop
26 criteria for approving or rejecting certification of a
27 supervised visitation program, a process for phasing in the
28 standards and certification process, and a recommendation for
29 the state entity that should be charged with certifying and
30 monitoring supervised visitation programs.

31

1 (3) The Clearinghouse on Supervised Visitation shall
2 submit a report to the President of the Senate, the Speaker of
3 the House of Representatives, and the Chief Justice of the
4 Supreme Court by December 31, 2003. The standards for
5 supervised visitation programs and criteria for the
6 certification process shall be adopted by rule by the state
7 entity identified by the Legislature to be responsible for the
8 certification and monitoring process.

9 Section 10. Present subsections (2), (3), and (4) of
10 section 943.135, Florida Statutes, are redesignated as
11 subsections (3), (4), and (5), respectively, and a new
12 subsection (2) is added to that section, to read:

13 943.135 Requirements for continued employment.--

14 (2) The commission shall permit an employing agency to
15 allow an officer to meet up to 3 hours of the 40 hours of
16 required continuing education and training by volunteering at
17 a community-based, not-for-profit organization that serves
18 children or families who have experienced or are at risk for
19 child abuse or domestic violence, including, but not limited
20 to, a supervised visitation program as provided for in chapter
21 753. This special population poses complex challenges to law
22 enforcement officers. Continuing education and training
23 through community service provides a unique learning
24 opportunity for officers to understand the special needs of
25 this group of constituents, build community relations, and
26 provide a visible presence of law enforcement officers in the
27 community. Volunteer time applied as continuing education and
28 training under this subsection may include time spent in
29 providing security services but does not substitute for the
30 continuing education in domestic violence required under s.
31 943.1701.

1 Section 11. Subsection (2) of section 943.171, Florida
2 Statutes, is amended to read:

3 943.171 Basic skills training in handling domestic
4 violence cases.--

5 (2) As used in this section, the term:

6 (a) "Domestic violence" has the same meaning ascribed
7 in s. 741.28 ~~means any assault, battery, sexual assault,~~
8 ~~sexual battery, or any criminal offense resulting in the~~
9 ~~physical injury or death of one family or household member by~~
10 ~~another who is or was residing in the same single dwelling~~
11 ~~unit.~~

12 (b) "Household member" has the same meaning ascribed
13 in s. 741.28 ~~means spouse, former spouse, persons related by~~
14 ~~blood or marriage, persons who are presently residing~~
15 ~~together, as if a family, or who have resided together in the~~
16 ~~past, as if a family, and persons who have a child in common~~
17 ~~regardless of whether they have been married or have resided~~
18 ~~together at any time.~~

19 Section 12. Section 943.254, Florida Statutes, is
20 created to read:

21 943.254 Volunteer work by law enforcement officers.--

22 (1) An employing agency may operate or administer a
23 program for law enforcement officers to provide volunteer
24 security services during off-duty hours at a community-based,
25 not-for-profit program that serves children or families who
26 have experienced or are at risk for child abuse or domestic
27 violence and that presents a potential danger to staff or
28 clients. A community-based, not-for-profit program may
29 include, but need not be limited to, a supervised visitation
30 program administered under chapter 753.

31

1 (2) Any community-based, not-for-profit program at
2 which a law enforcement officer volunteers is responsible for
3 the acts or omissions of the law enforcement officer while
4 performing services for that program while off duty, including
5 workers' compensation benefits. However, for purposes of
6 coverage under the Workers' Compensation Law, a law
7 enforcement officer who sustains an injury enforcing the
8 criminal, traffic, or penal laws of this state while
9 volunteering as provided in this section shall be considered
10 to be on duty as a law enforcement officer.

11 (3) A law enforcement officer who volunteers during
12 off-duty hours as provided in this section is exempt from the
13 licensure requirements of chapter 493 for persons who provide
14 security or investigative services.

15 Section 13. (1) The Department of Revenue and the
16 Office of State Courts Administrator may pursue authorization
17 to use funds provided under Title IV-D of the Social Security
18 Act, 42 U.S.C. ss. 651 et seq., for mediation services.

19 (2) The sum of \$_____ is appropriated from the
20 General Revenue Fund to the Office of State Courts
21 Administrator to conduct the necessary time and staffing
22 studies to develop the cost-allocation plan required for funds
23 provided under Title IV-D. This appropriation may not be
24 released until the Office of Child Support Enforcement of the
25 United States Department of Health and Human Services provides
26 tentative approval of the proposed cost-allocation plan
27 requiring a time and staffing study.

28 Section 14. (1) The Legislature finds that underlying
29 problems experienced by many families often form the basis for
30 their interaction with the judicial system. Assisting families
31 with these underlying problems will enhance their functioning

1 and their ability to constructively resolve their disputes and
2 should also result in more effective court resolution of
3 family cases and minimize future court intervention.

4 Therefore, it is the intent of the Legislature that the
5 circuit courts and social service agencies collaborate to
6 assist families with the circumstances and problems that are
7 contributing to their legal issues and need for judicial
8 intervention.

9 (2) The Legislature requests that the chief judge of
10 each circuit court initiate, develop, and maintain a
11 collaboration initiative between the circuit court and the
12 social service agencies in the community to address the
13 interrelated legal and nonlegal problems of children and
14 families involved in the court system in order to improve the
15 families' functioning and reduce their need for judicial
16 intervention. This collaboration initiative should include, at
17 the discretion of the chief judge, a broad cross-section of
18 the social service agencies in the community that assist
19 children or members of their families with any basic need or
20 functional problem that, if not addressed, could contribute to
21 their use of the judicial system. For purposes of this
22 section, the term "social services" means the continuum of
23 private and public services including, but is not limited to,
24 services related to the safety of the child or family,
25 education, health care, economic support, parenting,
26 employment, domestic violence, substance abuse, mental health,
27 law enforcement, and special needs of the children or adults.

28 (3) The Legislature requests that social service
29 agencies cooperate with and participate in the collaboration
30 initiative.

31

1 (4) Goals of the collaboration initiatives include,
2 but need not be limited to:

3 (a) Improving the availability of social services for
4 children and families who are found in the court system to be
5 in need of services which will address their legal and
6 nonlegal problems.

7 (b) Avoiding duplication of services from multiple
8 agencies that are responsible for assisting families.

9 (c) Eliminating unnecessary delay in providing
10 appropriate services to children and families.

11 (d) Improving communication between the social
12 services agencies and the courts.

13 (5) The Legislature recognizes that the Supreme Court
14 has required each circuit to create a family law advisory
15 group to provide communication among all stakeholders in the
16 family court system and that many communities have existing
17 initiatives for coordinating social services which have common
18 or similar goals. Initiatives for collaboration should not
19 duplicate these efforts, but instead, should use the family
20 law advisory group and, to the fullest extent possible, use
21 existing initiatives in the community for coordinating social
22 services to accomplish the collaboration.

23 (6) The following elements are steps that may be used
24 to guide the building of the partnership between the court
25 system and the social services system and to achieve the
26 purpose and goals of the collaboration initiative:

27 (a) Gain knowledge of the services available in the
28 community for children and families.

29 (b) Reach an understanding of each system's needs,
30 processes, operational parameters, goals, and expectations.

31

1 (c) Reach consensus on the changed behaviors or
2 outcomes expected from services and reasonable timeframes for
3 delivering services.

4 (d) Identify where limited funding and existing
5 priority populations result in lack of services.

6 (e) Reach consensus on the roles of the court system
7 and social services systems in the identification, referral,
8 service provision, and follow-up phases of service delivery to
9 children and families.

10 (f) Reach consensus on respective roles of the court
11 and individual social service agencies in implementing
12 individual service plans for families and children.

13 (g) Determine the most appropriate form or model for
14 establishing partnerships within the community at a system
15 level and at the level of an individual child and family.

16 (h) Determine the gaps in services and establish
17 partnerships to develop and implement needed services that
18 address the identified gaps.

19 (i) Encourage greater flexibility in the court and
20 social services systems and flexibility in funding in order to
21 address the needs of children and families.

22 (j) Determine the changes in coordination or changes
23 in the system which are necessary to improve the availability
24 of services to children and families.

25 (k) Determine how the systems can be more accountable
26 for enforcing existing laws that positively impact children
27 and families in court.

28 (l) Determine how the courts can use existing
29 evaluations performed by different social services agencies to
30 reduce the duplication of child and family evaluations needed
31 for decisionmaking by the court.

1 (m) Encourage the exchange of information among social
2 service agencies and the courts in providing services to
3 children and families.

4 (7) The Legislature requests that the Supreme Court
5 incorporate within the responsibilities of the Family Court
6 Steering Committee the duties of providing ongoing guidance to
7 the circuit courts' collaboration initiatives, identifying and
8 addressing statewide barriers to effective collaboration, and
9 identifying and implementing practices and policies that would
10 facilitate effective collaboration. For the purposes of this
11 state-level collaboration initiative, ongoing dialogue should
12 be established among the representatives of the circuit
13 courts, state agencies, and state organizations that represent
14 the public and private social services and that are or should
15 be participating in the community collaboration initiatives.

16 (8) The Office of State Courts Administrator shall
17 submit to the President of the Senate and the Speaker of the
18 House of Representatives a copy of the report required by the
19 Supreme Court of each circuit on the progress of the family
20 law advisory group. The Legislature requests that this report
21 include the progress of the family law advisory group as it
22 pertains to developing communication and collaboration with
23 the social services in the circuits. Any barriers to effective
24 collaboration and recommendations for legislation to
25 facilitate the building of the partnership between the circuit
26 courts and social services identified by the Family Court
27 Steering Committee's Committee should also be included in the
28 report to the Legislature. The first report must be submitted
29 by June 30, 2003.

30 Section 15. (1)(a) The Legislature finds that a
31 significant number of children served by the Department of

1 Juvenile Justice also come under the jurisdiction of the
2 Department of Children and Family Services, either
3 simultaneously or following placement with the Department of
4 Juvenile Justice. The children who cross the jurisdiction of
5 the Department of Juvenile Justice's delinquency system and
6 the Department of Children and Family Services' dependency
7 system often have difficulty or cannot access needed services
8 of one or both systems. These "cross-over" children include,
9 but are not limited to, children who have reached the maximum
10 time for detention or commitment and are locked out of their
11 homes, children who have committed domestic violence on
12 another family member and cannot return home, and children who
13 do not meet the criteria for detention.

14 (b) The Legislature also finds that these children
15 also attend local schools that play a vital role in their
16 lives and the success of their interventions.

17 (c) The Legislature further finds that strong,
18 productive coordination and cooperation among the Department
19 of Juvenile Justice, the Department of Children and Family
20 Services, and the Department of Education is essential to the
21 goal of successfully serving these children.

22 (2) To that end, the Secretary of Juvenile Justice
23 shall organize and act as the chairperson of an interagency
24 workgroup involving, at a minimum, the Secretary of Children
25 and Family Services and the Commissioner of Education. The
26 workgroup shall accomplish at least the following goals:

27 (a) Identify issues that make it difficult to serve
28 "cross-over" children of the Department of Juvenile Justice
29 and the Department of Children and Family Services;

30 (b) Identify issues involving local school districts
31 and these children and the role schools can play in assisting

1 the Department of Juvenile Justice and the Department of
2 Children and Family Services in serving these children;

3 (c) Develop short-term and long-term strategies to
4 address these goals using the resources and authority
5 currently vested with these agencies, including, but not
6 limited to, sharing resources, timeframes for developing
7 aftercare plans, and joint planning for children who will move
8 from the jurisdiction of one agency to the jurisdiction of
9 another agency;

10 (d) Identify any statutory, fiscal, and other
11 inhibitor to the short-term and long-term strategies and
12 develop proposals for removing those inhibitors; and

13 (e) Develop and execute an interagency agreement
14 specifying protocols for handling the identified issues that
15 can be managed within existing authority and resources and
16 articulate a mutual plan for addressing the issues that
17 require additional resources or authority, including the
18 manner in which the Department of Juvenile Justice, the
19 Department of Children and Family Services, and the Department
20 of Education shall:

21 1. Establish a working relationship to provide
22 appropriate services to the "cross-over" children and to
23 ensure that the agencies' respective funds are spent in the
24 most efficient manner possible;

25 2. Coordinate responses to court orders relative to
26 "cross-over" children, regardless of whether the circumstances
27 of the children and families fall or do not fall clearly
28 within the jurisdiction of one department;

29 3. Handle the identified issues that can be managed
30 within existing authority and resources and articulate a

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1 mutual plan for addressing the issues that require additional
2 resources or authority; and

3 4. Conduct regular meetings, share information
4 concerning specific children and families, and resolve
5 disagreements between the departments regarding the
6 "cross-over" children and the administration of protocols.

7 (3) The workgroup is encouraged to draw on the
8 expertise of appropriate groups such as the Florida Supreme
9 Court committees, the Florida Network of Youth and Family
10 Services, the Florida Association of Counties, local school
11 boards, the Florida Council for Behavioral Health, the Florida
12 Alcohol and Drug Abuse Association, and other groups in
13 addressing the issues identified by the workgroup. The
14 workgroup may form subcommittees to develop strategies for
15 addressing identified issues.

16 (4) The Department of Juvenile Justice shall report on
17 the accomplishments of the workgroup in addressing each of the
18 five identified goals and any others added by the workgroup,
19 including a copy of the interagency agreement and the plan for
20 ensuring local adoption of the interagency agreement. The
21 department shall submit a written report to the President of
22 the Senate and the Speaker of the House of Representatives by
23 January 31, 2003.

24 Section 16. This act shall take effect July 1, 2002.
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SENATE SUMMARY

Redefines the terms "domestic violence" and "family or household member" to clarify that, for purposes of cases involving domestic violence, the terms apply to persons who have a child in common or who currently reside together or previously resided together. Increases the service charge for modifying a final judgment of dissolution from \$45 to \$65. Provides for proceeds from the increased charge to be used by the Supreme Court to develop presuit-mediation pilot programs. Requires that a court-ordered parenting course be completed within specified timeframes. Abolishes the Florida Family Visitation Network. Requires the Clearinghouse on Supervised Visitation to create a supervised visitation program. Requires standards for the certification of programs. Requires the Criminal Justice Standards and Training Commission to allow officers to provide volunteer security services at supervised visitation programs to fulfill certain requirements for continuing education. Provides for circuit judges to develop a collaborative initiative with social service agencies. Requires the Department of Juvenile Justice to organize an interagency workgroup. (See bill for details.)