

By the Committee on Children and Families

300-1761A-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,"  
5           "family or household member," and "dating  
6           relationship" for purposes of cases involving  
7           domestic violence; creating s. 44.1012, F.S.;  
8           providing legislative intent with respect to  
9           making a continuum of alternatives to  
10          litigation available to families; amending s.  
11          44.108, F.S.; increasing the service charge for  
12          modifying a final judgment of dissolution;  
13          requiring that proceeds from the service charge  
14          be deposited into the state mediation and  
15          arbitration trust fund; creating s. 44.202,  
16          F.S.; requiring the Supreme Court to develop  
17          presuit-mediation pilot programs; providing for  
18          the funds deposited into the state mediation  
19          and arbitration trust fund to be used to  
20          develop the programs; providing requirements  
21          for the programs; requiring a report to the  
22          Legislature 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, 753.04, 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; requesting the Supreme  
11 Court to establish a process for filing  
12 stipulated agreements that does not necessitate  
13 a court appearance; providing an effective  
14 date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Subsection (2) of section 25.385, Florida  
19 Statutes, is amended to read:

20 25.385 Standards for instruction of circuit and county  
21 court judges in handling domestic violence cases.--

22 (2) As used in this section:

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

29 (b) "Family or household member" has the same meaning  
30 ascribed in s. 741.28 ~~means spouse, former spouse, persons~~  
31 ~~related by blood or marriage, persons who are presently~~

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

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

10 39.902 Definitions.--As used in this part, the term:

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

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

23 Section 3. Section 44.1012, Florida Statutes, is  
24 created to read:

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

1 children concerning the constructive resolution of conflicts,  
2 that assist families in resolving their disputes and future  
3 disputes prior to court intervention, and that assist families  
4 involved in judicial intervention to reach agreement and  
5 resolve their disputes.

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

9 44.108 Funding of mediation and  
10 arbitration.--Mediation should be accessible to all parties  
11 regardless of financial status.

12 (1) Each board of county commissioners may support  
13 mediation and arbitration services by appropriating moneys  
14 from county revenues and by:

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

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

27 (2)~~(3)~~ A fee of \$65 is levied ~~Levying,~~ in addition to  
28 other service charges levied by law, ~~a service charge of no~~  
29 ~~more than \$45~~ on any petition for a modification of a final  
30 judgment of dissolution. Of this sum, \$44, ~~which~~ shall be  
31 deposited in the court's family mediation account fund to be

1 used to fund family mediation services under the supervision  
2 of the chief judge of the circuit in which the county is  
3 located. The sum of \$21 shall be forwarded to the Department  
4 of Revenue for deposit in the state mediation and arbitration  
5 trust fund, \$1 of which shall be used by the Supreme Court to  
6 carry out its responsibilities set forth in s. 44.106 and the  
7 remaining \$20 shall be used by the Supreme Court to carry out  
8 its responsibilities set forth in s. 44.202.

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

17 Section 5. Section 44.202, Florida Statutes, is  
18 created to read:

19 44.202 Presuit-mediation pilot programs.--

20 (1) The Supreme Court shall use the funds deposited  
21 into the state mediation and arbitration trust fund under s.  
22 44.108(2) and designated for this section to provide  
23 court-ordered family mediation and to implement  
24 presuit-mediation pilot programs designed to prevent or  
25 minimize court appearances by the parties. At the discretion  
26 of the Supreme Court, up to 50 percent of the funds deposited  
27 into the mediation and arbitration trust fund under s.  
28 44.108(2) and designated for this section may be used to  
29 ensure that a minimum level of court-ordered mediation for  
30 family matters is available in each of the circuits. The  
31 Supreme Court's use of funds deposited into the mediation and

1 arbitration trust fund under s. 44.108(2) and designated for  
2 this section is contingent upon the establishment and  
3 utilization by the presuit-mediation pilot programs of a  
4 formal process that encourages and facilitates the filing of  
5 stipulated agreements in post-judgment family-law matters;  
6 such process should provide for consideration of the  
7 stipulated agreements by the court without necessitating an  
8 appearance before the court.

9 (2) The purpose of the presuit-mediation pilot  
10 programs is to facilitate and evaluate a process for modifying  
11 or enforcing a final judgment involving dissolution of  
12 marriage, paternity, spousal support, parental responsibility,  
13 child support, custody, or visitation while preventing or  
14 minimizing court appearances. The pilot programs should be  
15 offered to parties before the filing of a supplemental  
16 petition to modify a final judgment or a motion to enforce a  
17 final judgment, focusing on families who could otherwise not  
18 afford mediation.

19 (3) The presuit-mediation pilot programs established  
20 pursuant to this section shall meet the purpose as defined in  
21 subsection (2), and shall:

22 (a) Meet the statutory provisions provided for presuit  
23 mediation in s. 44.102.

24 (b) Be available to the parties on a voluntary basis.  
25 The parties shall retain any rights to a hearing before the  
26 court on the supplemental petition to modify a final judgment  
27 or motion to enforce a final judgment.

28 (c) Exclude cases involving temporary or final  
29 judgments entered pursuant to chapter 741.

30 (d) Provide families with the opportunity to mediate a  
31 disputed family matter before filing a supplemental petition

1 with the court to modify a final judgment or a motion to  
2 enforce a final judgment and to enter an agreed upon  
3 stipulated agreement without a court appearance.

4 (e) Provide for the following:

5 1. Each party shall be provided with a signed copy of  
6 the mediated agreement;

7 2. Each party shall be provided the opportunity to  
8 waive his or her right to a hearing and consent in writing to  
9 the entry of the mediated agreement without a hearing or to  
10 request a hearing before the court on the supplemental  
11 petition to modify a final judgment or motion to enforce a  
12 final judgment as part of the filing process with the court.

13 3. The court, in its discretion, may enter an order  
14 adopting the mediated agreement without the appearance of the  
15 parties.

16 4. If the mediated agreement to modify a final  
17 judgment is accepted by the court, it shall be made a part of  
18 the order modifying the final judgment.

19 (4) The Office of the State Courts Administrator shall  
20 evaluate the presuit-mediation pilot programs. The evaluation  
21 shall include, but not be limited to: the use of the pilot  
22 programs; the number of mediated agreements reached; the  
23 number of mediated agreements adopted by the court, with and  
24 without a court appearance; the number of court hearings  
25 avoided; an estimated amount of court time saved; and an  
26 examination of the mediated agreements. A report on the  
27 evaluation of the presuit-mediation pilot programs shall be  
28 submitted to the President of the Senate and the Speaker of  
29 the House of Representatives by December 31, 2004.

30 Section 6. Subsections (3) and (4) of section 61.21,  
31 Florida Statutes, are amended to read:



1           61.21 Parenting course authorized; fees; required  
2 attendance authorized; contempt.--

3           (3) All parties to a dissolution of marriage  
4 proceeding with minor children or a paternity action which  
5 involves issues of parental responsibility shall be required  
6 to complete the Parent Education and Family Stabilization  
7 Course ~~prior to the entry by the court of a final judgment.~~  
8 The court may excuse a party from attending the parenting  
9 course or meeting the required timeframe for completing the  
10 course for good cause.

11           (4) All parties required to complete a parenting  
12 course under this section shall begin the course as  
13 expeditiously as possible after filing for dissolution of  
14 marriage or filing a paternity action. The petitioner of the  
15 dissolution-of-marriage action or paternity action must  
16 complete the course within 45 days after filing. The other  
17 party to the dissolution-of-marriage action or paternity  
18 action must complete the course within 45 days after service  
19 of the petition. All parties ~~and~~ shall file proof of  
20 compliance with the court prior to the entry of the final  
21 judgment.

22           Section 7. Section 741.28, Florida Statutes, is  
23 amended to read:

24           741.28 Domestic violence; definitions.--As used in ss.  
25 741.28-741.31, the term:

26           (1) "Dating relationship" means a relationship between  
27 individuals who have or have had a continuing relationship of  
28 a romantic or intimate nature. The existence of such a  
29 relationship shall be determined based on the consideration of  
30 the length of the relationship, the nature of the  
31 relationship, and the frequency and type of interaction

1 between the persons involved in the relationship. However, the  
2 term does not include a casual acquaintanceship or ordinary  
3 fraternization between persons in a business or social  
4 context.

5 (2) "Department" means the Florida Department of Law  
6 Enforcement.

7 (3)(1) "Domestic violence" means any assault,  
8 aggravated assault, battery, aggravated battery, sexual  
9 assault, sexual battery, stalking, aggravated stalking,  
10 kidnapping, false imprisonment, or any criminal offense  
11 resulting in physical injury or death of one family or  
12 household member by another ~~who is or was residing in the same~~  
13 ~~single dwelling unit.~~

14 (4)(2) "Family or household member" means spouses,  
15 former spouses, persons who have or have had a dating  
16 relationship, persons related by blood or marriage, persons  
17 who are presently residing together as if a family or who have  
18 resided together in the past as if a family, and persons who  
19 are parents of have a child in common regardless of whether  
20 they have been married or have resided together at any time.  
21 With the exception of persons who are parents of a child in  
22 common, or who have or have had a dating relationship, the  
23 family or household members must be currently residing or have  
24 in the past resided together in the same single dwelling unit.

25 ~~(3) "Department" means the Florida Department of Law~~  
26 ~~Enforcement.~~

27 (5)(4) "Law enforcement officer" means any person who  
28 is elected, appointed, or employed by any municipality or the  
29 state or any political subdivision thereof who meets the  
30 minimum qualifications established in s. 943.13 and is  
31 certified as a law enforcement officer under s. 943.1395.

1           Section 8. Sections 753.001, 753.002, and 753.004,  
2 Florida Statutes, are repealed.

3           Section 9. Sections 753.01, 753.02, 753.03, 753.04,  
4 753.05, 753.06, 753.07, 753.08, and 753.09, Florida Statutes,  
5 are created to read:

6           753.01 Supervised visitation programs; legislative  
7 findings and intent.--The Legislature finds that there are  
8 children in this state who have been adjudicated dependent by  
9 the court and, as a result, are ordered into out-of-home  
10 placements. The Legislature further finds that a large number  
11 of children experience the separation or divorce of their  
12 parents and that some of these children have been determined  
13 by the court to be at risk or are potentially at risk for  
14 physical, emotional, or sexual abuse; parental abduction;  
15 domestic violence; or other harm as a result of parental  
16 impairment due to substance abuse or other conditions. The  
17 Legislature also finds that exposing children to the parents'  
18 continuing conflicts is detrimental to the children. The  
19 Legislature recognizes the importance of maintaining contact  
20 between children and their nonresidential parents while  
21 ensuring the safety of those children from further or  
22 potential abuse, danger, or flight. The Legislature further  
23 recognizes the importance of minimizing the circumstances in  
24 which children are exposed to the parents' anger and disputes.  
25 Supervised visitation programs provide a critically needed  
26 service in offering children and nonresidential parents the  
27 opportunity to maintain a relationship in a safe environment  
28 and facilitating safe contact between perpetrators of domestic  
29 violence and their children. By recognizing the necessity of  
30 ensuring the safety of children, parents, and staff in child  
31 visitations and exchanges and offering a quality service that

1 meets the multiple visitation and exchange needs of families,  
2 parents, and courts, the Legislature intends, subject to  
3 available funding, to provide for uniform standards,  
4 strengthened security, training, and certification of the  
5 supervised visitation programs in this state.

6 753.02 Definitions.--As used in this chapter, the  
7 term:

8 (1) "Client" means the residential parent,  
9 nonresidential parent, caregiver, or child receiving services  
10 under a supervised visitation program.

11 (2) "Supervised exchange" means the supervision of the  
12 movement of the child from the residential parent to the  
13 nonresidential parent at the start of the visitation, and from  
14 the nonresidential parent back to the residential parent at  
15 the end of the visitation.

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

19 (4) "Supervised visitation program" means a program  
20 created to offer safe and structured supervised visitation and  
21 supervised exchange.

22 753.03 Comprehensive standards for supervised  
23 visitation programs.--

24 (1) Standards shall be developed, pursuant to s.  
25 753.09, for certifying supervised visitation programs in this  
26 state to ensure the safety and quality of the program. These  
27 standards are intended to provide a uniform set of guidelines  
28 that will be used by all supervised visitation programs and be  
29 required by the courts, the Department of Children and Family  
30 Services, and other entities that refer families for  
31 supervised visitation and supervised exchange services. The

1 standards developed must be comprehensive and address the  
2 purpose, policies, standards of practice, program content,  
3 security measures, qualifications of providers, training,  
4 credentials of staff, information to be provided to the court  
5 and by the court, data collection, and procedures for  
6 supervised visitation programs.

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

9 (3) Before implementing a certification process, each  
10 supervised visitation program is encouraged to voluntarily  
11 comply with the comprehensive standards developed under s.  
12 753.09.

13 753.04 Certification and monitoring of supervised  
14 visitation programs.--

15 (1) A process for certifying and monitoring the  
16 initial and ongoing compliance of a supervised visitation  
17 program with comprehensive standards developed under s. 753.09  
18 shall be phased in, contingent upon the allocation and  
19 availability of funds. The first phase of the certification  
20 process must emphasize compliance with the standards relating  
21 to security.

22 (2) Once the certification process is fully  
23 implemented, a supervised visitation program must be certified  
24 in order to receive state or federal funds. A program must be  
25 certified in order to be a program to which the court may  
26 order parties for supervised visitation or supervised exchange  
27 services.

28 753.05 Interim minimum standards for supervised  
29 visitation programs.--

30 (1) Until the comprehensive standards for supervised  
31 visitation programs are developed under s. 753.03 and a

1 certification and monitoring process implemented, each  
2 supervised visitation program must comply with the "Minimum  
3 Standards for Supervised Visitation Programs Agreements"  
4 adopted by the Supreme Court as an administrative order on  
5 November 18, 1999. Pursuant to this order, each supervised  
6 visitation program shall enter into an agreement with the  
7 circuit court within that geographic jurisdiction attesting to  
8 the program's willingness to comply with the standards.

9 (2) Until the comprehensive standards for supervised  
10 visitation programs are developed and a certification and  
11 monitoring process implemented, a supervised visitation  
12 program may not receive grant funds for access and visitation  
13 under 42 U.S.C. s. 669b unless the program provides to the  
14 state agency responsible for administering the grant  
15 documentation verifying that the program has entered into an  
16 agreement with the circuit court as required under subsection  
17 (1). This subsection does not obligate the state agency  
18 responsible for administering the grant to certify compliance  
19 with the "Minimum Standards for Supervised Visitation Programs  
20 Agreements."

21 753.06 Security in supervised visitation programs.--

22 (1) Due to the volatile nature of the client  
23 relationships that created the need for supervised visitation  
24 and supervised exchange services, the security of each  
25 supervised visitation program is a paramount element of the  
26 program. Therefore, the safety of the clients and program  
27 staff shall be intrinsic in all aspects of the standards,  
28 emphasized in all training, and a precondition of the  
29 certification of a program.

30 (2) Each supervised visitation program is encouraged  
31 to collaborate with local law enforcement agencies to

1 facilitate volunteerism by law enforcement officers at  
2 supervised visitation programs using such mechanisms as those  
3 provided under ss. 943.254 and 943.135(2) and using  
4 administrative leave permitted for state employees who  
5 participate in community service programs.

6 753.07 Training for supervised visitation  
7 programs.--Contingent upon the allocation or availability of  
8 funding, the Clearinghouse on Supervised Visitation shall  
9 develop, maintain, and update competency-based training  
10 materials for supervised visitation which are appropriate to  
11 meet the training needs of program staff. The Clearinghouse on  
12 Supervised Visitation shall also provide training to staff of  
13 the supervised visitation programs and track staff who meet  
14 training requirements, to the extent permitted by available  
15 funding.

16 753.08 Supervised visitation programs; data  
17 collection.--Contingent upon the allocation or availability of  
18 funding, the Clearinghouse on Supervised Visitation shall  
19 develop and implement a mechanism for collecting data on  
20 supervised visitation and supervised exchange services  
21 provided in this state. The Clearinghouse on Supervised  
22 Visitation shall collaborate with the state chapter of the  
23 Supervised Visitation Network in determining the necessary  
24 data to be collected and developing the data-collection  
25 mechanism to ensure the viability and reasonableness of the  
26 data requirements. Each supervised visitation program shall  
27 maintain and submit the identified data to the Clearinghouse  
28 on Supervised Visitation. The Clearinghouse on Supervised  
29 Visitation shall maintain these data and annually compile the  
30 information and make it available to the President of the  
31 Senate, the Speaker of the House of Representatives, the

1 courts, the Chief Justice of the Supreme Court, the Department  
2 of Children and Family Services, and any other organization  
3 represented on the advisory board provided for in s. 753.09.

4 753.09 Development of standards and a certification  
5 process.--

6 (1) The Clearinghouse on Supervised Visitation within  
7 the Institute for Family Violence Studies of the Florida State  
8 University School of Social Work shall develop the standards  
9 for the supervised visitation program. The Clearinghouse on  
10 Supervised Visitation shall use an advisory board to assist in

11 developing the standards. The advisory board must include:

12 (a) Two members of the executive board of the state  
13 chapter of the Supervised Visitation Network, appointed by the  
14 president of the state chapter of the Supervised Visitation  
15 Network.

16 (b) A representative from the Office of the State  
17 Courts Administrator, appointed by the State Courts  
18 Administrator.

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

21 (d) A representative from the Florida Coalition  
22 Against Domestic Violence, appointed by the executive director  
23 of the Florida Coalition Against Domestic Violence.

24 (e) A representative from a state law enforcement  
25 agency, appointed by the executive director of the Florida  
26 Sheriffs Association.

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

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

31



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

3       (2) The Clearinghouse on Supervised Visitation, with  
4 consultation from the advisory board, shall also develop  
5 criteria for approving or rejecting certification of a  
6 supervised visitation program, a process for phasing in the  
7 standards and certification process, and a recommendation for  
8 the state entity that should be charged with certifying and  
9 monitoring supervised visitation programs.

10       (3) The Clearinghouse on Supervised Visitation shall  
11 submit a report to the President of the Senate, the Speaker of  
12 the House of Representatives, and the Chief Justice of the  
13 Supreme Court by December 31, 2003. The standards for  
14 supervised visitation programs and criteria for the  
15 certification process shall be adopted by rule by the state  
16 entity identified by the Legislature to be responsible for the  
17 certification and monitoring process.

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

22       943.135 Requirements for continued employment.--

23       (2) The commission shall permit an employing agency to  
24 allow an officer to meet up to 3 hours of the 40 hours of  
25 required continuing education and training by volunteering at  
26 a community-based, not-for-profit organization that serves  
27 children or families who have experienced or are at risk for  
28 child abuse or domestic violence, including, but not limited  
29 to, a supervised visitation program as provided for in chapter  
30 753. This special population poses complex challenges to law  
31 enforcement officers. Continuing education and training

1 through community service provides a unique learning  
2 opportunity for officers to understand the special needs of  
3 this group of constituents, build community relations, and  
4 provide a visible presence of law enforcement officers in the  
5 community. Volunteer time applied as continuing education and  
6 training under this subsection may include time spent in  
7 providing security services but does not substitute for the  
8 continuing education in domestic violence required under s.  
9 943.1701.

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

12 943.171 Basic skills training in handling domestic  
13 violence cases.--

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

15 (a) "Domestic violence" has the same meaning ascribed  
16 in s. 741.28 means any assault, battery, sexual assault,  
17 sexual battery, or any criminal offense resulting in the  
18 physical injury or death of one family or household member by  
19 another who is or was residing in the same single dwelling  
20 unit.

21 (b) "Household member" has the same meaning ascribed  
22 in s. 741.28 means spouse, former spouse, persons related by  
23 blood or marriage, persons who are presently residing  
24 together, as if a family, or who have resided together in the  
25 past, as if a family, and persons who have a child in common  
26 regardless of whether they have been married or have resided  
27 together at any time.

28 Section 12. Section 943.254, Florida Statutes, is  
29 created to read:

30 943.254 Volunteer work by law enforcement officers.--  
31

1           (1) An employing agency may operate or administer a  
2 program for law enforcement officers to provide volunteer  
3 security services during off-duty hours at a community-based,  
4 not-for-profit program that serves children or families who  
5 have experienced or are at risk for child abuse or domestic  
6 violence and that presents a potential danger to staff or  
7 clients. A community-based, not-for-profit program may  
8 include, but need not be limited to, a supervised visitation  
9 program administered under chapter 753.

10           (2) Any community-based, not-for-profit program at  
11 which a law enforcement officer volunteers is responsible for  
12 the acts or omissions of the law enforcement officer while  
13 performing services for that program off duty. However, for  
14 purposes of coverage under the Workers' Compensation Law, a  
15 law enforcement officer who volunteers, as provided in this  
16 section, and who meets the provisions of s. 440.091 shall be  
17 considered to have been acting within the course of  
18 employment, pursuant to s. 440.091.

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

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

27           (2) The sum of \$\_\_\_\_\_ is appropriated from the  
28 General Revenue Fund to the Office of State Courts  
29 Administrator to conduct the necessary time and staffing  
30 studies to develop the cost-allocation plan required for funds  
31 provided under Title IV-D. This appropriation may not be

1 released until the Office of Child Support Enforcement of the  
2 United States Department of Health and Human Services provides  
3 tentative approval of the proposed cost-allocation plan  
4 requiring a time and staffing study.

5 Section 14. (1) The Legislature finds that underlying  
6 problems experienced by many families often form the basis for  
7 their interaction with the judicial system. Assisting families  
8 with these underlying problems will enhance their functioning  
9 and their ability to constructively resolve their disputes and  
10 should also result in more effective court resolution of  
11 family cases and minimize future court intervention.

12 Therefore, it is the intent of the Legislature that the  
13 circuit courts and social service agencies collaborate to  
14 assist families with the circumstances and problems that are  
15 contributing to their legal issues and need for judicial  
16 intervention.

17 (2) The Legislature requests that the chief judge of  
18 each circuit court initiate, develop, and maintain a  
19 collaboration initiative between the circuit court and the  
20 social service agencies in the community to address the  
21 interrelated legal and nonlegal problems of children and  
22 families involved in the court system in order to improve the  
23 families' functioning and reduce their need for judicial  
24 intervention. This collaboration initiative should include, at  
25 the discretion of the chief judge, a broad cross-section of  
26 the social service agencies in the community that assist  
27 children or members of their families with any basic need or  
28 functional problem that, if not addressed, could contribute to  
29 their use of the judicial system. For purposes of this  
30 section, the term "social services" means the continuum of  
31 private and public services including, but is not limited to,

1 services related to the safety of the child or family,  
2 education, health care, economic support, parenting,  
3 employment, domestic violence, substance abuse, mental health,  
4 law enforcement, and special needs of the children or adults.

5 (3) The Legislature requests that social service  
6 agencies cooperate with and participate in the collaboration  
7 initiative.

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

10 (a) Improving the availability of social services for  
11 children and families who are found in the court system to be  
12 in need of services which will address their legal and  
13 nonlegal problems.

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

16 (c) Eliminating unnecessary delay in providing  
17 appropriate services to children and families.

18 (d) Improving communication between the social  
19 services agencies and the courts.

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

30 (6) The following elements are steps that may be used  
31 to guide the building of the partnership between the court

1 system and the social services system and to achieve the  
2 purpose and goals of the collaboration initiative:

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

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

7 (c) Reach consensus on the changed behaviors or  
8 outcomes expected from services and reasonable timeframes for  
9 delivering services.

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

12 (e) Reach consensus on the roles of the court system  
13 and social services systems in the identification, referral,  
14 service provision, and follow-up phases of service delivery to  
15 children and families.

16 (f) Reach consensus on respective roles of the court  
17 and individual social service agencies in implementing  
18 individual service plans for families and children.

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

22 (h) Determine the gaps in services and establish  
23 partnerships to develop and implement needed services that  
24 address the identified gaps.

25 (i) Encourage greater flexibility in the court and  
26 social services systems and flexibility in funding in order to  
27 address the needs of children and families.

28 (j) Determine the changes in coordination or changes  
29 in the system which are necessary to improve the availability  
30 of services to children and families.

31

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

4           (l) Determine how the courts can use existing  
5 evaluations performed by different social services agencies to  
6 reduce the duplication of child and family evaluations needed  
7 for decisionmaking by the court.

8           (m) Encourage the exchange of information among social  
9 service agencies and the courts in providing services to  
10 children and families.

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

23           (8) The Office of State Courts Administrator shall  
24 submit to the President of the Senate and the Speaker of the  
25 House of Representatives a copy of the report required by the  
26 Supreme Court of each circuit on the progress of the family  
27 law advisory group. The Legislature requests that this report  
28 include the progress of the family law advisory group as it  
29 pertains to developing communication and collaboration with  
30 the social services in the circuits. Any barriers to effective  
31 collaboration and recommendations for legislation to

1 facilitate the building of the partnership between the circuit  
2 courts and social services identified by the Family Court  
3 Steering Committee's Committee should also be included in the  
4 report to the Legislature. The first report must be submitted  
5 by June 30, 2003.

6       Section 15. (1)(a) The Legislature finds that a  
7 significant number of children served by the Department of  
8 Juvenile Justice also come under the jurisdiction of the  
9 Department of Children and Family Services, either  
10 simultaneously or following placement with the Department of  
11 Juvenile Justice. The children who cross the jurisdiction of  
12 the Department of Juvenile Justice's delinquency system and  
13 the Department of Children and Family Services' dependency  
14 system often have difficulty or cannot access needed services  
15 of one or both systems. These "cross-over" children include,  
16 but are not limited to, children who have reached the maximum  
17 time for detention or commitment and are locked out of their  
18 homes, children who have committed domestic violence on  
19 another family member and cannot return home, and children who  
20 do not meet the criteria for detention.

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

24       (c) The Legislature further finds that strong,  
25 productive coordination and cooperation among the Department  
26 of Juvenile Justice, the Department of Children and Family  
27 Services, and the Department of Education is essential to the  
28 goal of successfully serving these children.

29       (2) To that end, the Secretary of Juvenile Justice  
30 shall organize and act as the chairperson of an interagency  
31 workgroup involving, at a minimum, the Secretary of Children



1 and Family Services and the Commissioner of Education. The  
2 workgroup shall accomplish at least the following goals:

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

6 (b) Identify issues involving local school districts  
7 and these children and the role schools can play in assisting  
8 the Department of Juvenile Justice and the Department of  
9 Children and Family Services in serving these children;

10 (c) Develop short-term and long-term strategies to  
11 address these goals using the resources and authority  
12 currently vested with these agencies, including, but not  
13 limited to, sharing resources, timeframes for developing  
14 aftercare plans, and joint planning for children who will move  
15 from the jurisdiction of one agency to the jurisdiction of  
16 another agency;

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

20 (e) Develop and execute an interagency agreement  
21 specifying protocols for handling the identified issues that  
22 can be managed within existing authority and resources and  
23 articulate a mutual plan for addressing the issues that  
24 require additional resources or authority, including the  
25 manner in which the Department of Juvenile Justice, the  
26 Department of Children and Family Services, and the Department  
27 of Education shall:

28 1. Establish a working relationship to provide  
29 appropriate services to the "cross-over" children and to  
30 ensure that the agencies' respective funds are spent in the  
31 most efficient manner possible;

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

5           3. Handle the identified issues that can be managed  
6 within existing authority and resources and articulate a  
7 mutual plan for addressing the issues that require additional  
8 resources or authority; and

9           4. Conduct regular meetings, share information  
10 concerning specific children and families, and resolve  
11 disagreements between the departments regarding the  
12 "cross-over" children and the administration of protocols.

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

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

30           Section 16. The Legislature requests that the Supreme  
31 Court establish a formal process that encourages and

1 facilitates the filing of stipulated agreements in  
2 post-judgment family-law matters; such process should  
3 facilitate consideration of the stipulated agreement by the  
4 court without necessitating an appearance before the court.  
5 This process should provide notice to the parties regarding  
6 their right to a hearing, include safeguards to prevent the  
7 filing or acceptance of agreements reached under duress or  
8 coercion, and provide for a hearing if the court determines  
9 that such a hearing is necessary.

10 Section 17. This act shall take effect July 1, 2002.

11  
12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
13 COMMITTEE SUBSTITUTE FOR  
14 Senate Bill 734

15 Redefines "domestic violence" and "family or household member"  
16 to include individuals who have or have had a dating  
relationship.

17 Requests that the Supreme Court establish a formal process to  
18 encourage the filing of stipulated agreements for the  
modification of family matter judgments that would not  
19 necessitate a court appearance.

20 Revises the presuit mediation pilot program language as  
follows:

21 Clarifies that the pilot programs are facilitating a  
22 process that does not require a court appearance in  
addition to providing mediation services;

23 Makes the availability of funding contingent on both the  
24 Supreme Court developing a formal process that encourages  
parties filing for modifications to not appear before the  
25 court and the pilot program's using this process;

26 Removes reference to mediators certifying the agreements;

27 Revises the required components of the evaluation; and

28 Excludes domestic violence injunctions from the mediation  
pilots.

29 Revises the conditions under which a law enforcement officer  
30 is considered acting within the scope of employment for the  
purposes of workers' compensation to specifically reflect  
31 current law.