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1 A bill to be entitled

2 An act relating to supervised visitation programs for
3 children; repealing ss. 753.001, 753.002, and 753.004,
4 F.S., relating to the Florida Family Visitation Network;
5 creating ss. 753.01, 753.02, 753.03, 753.04, 753.05,
6 753.06, 753.07, 753.08, 753.09, and 753.10, F.S.;
7 providing legislative findings and intent with respect to
8 administering supervised visitation programs; providing
9 definitions; providing for the development of standards
10 for supervised visitation and supervised exchange
11 services; providing for certification and monitoring of
12 supervised visitation programs; requiring compliance with
13 interim minimum standards; providing for security of
14 supervised visitation programs; providing for the use of
15 certain funds by supervised visitation programs to meet
16 security standards; requiring the Clearinghouse on
17 Supervised Visitation to develop training materials;
18 requiring the clearinghouse to fully implement and
19 maintain a mechanism for data collection; encouraging
20 supervised visitation programs to develop partnerships
21 with community organizations; requiring the clearinghouse
22 to develop standards for supervised visitation and
23 supervised exchange services; providing for an advisory
24 board; requiring reports to the Legislature and the Chief
25 Justice of the Supreme Court; amending s. 943.135, F.S.;
26 requiring the Criminal Justice Standards and Training
27 Commission to allow agencies employing law enforcement
28 officers to authorize volunteer service as a means of
29 fulfilling requirements for continuing education; creating

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30 s. 943.254, F.S.; authorizing law enforcement agencies to
 31 administer a volunteer program for officers to provide
 32 security services during off-duty hours for certain
 33 community programs; amending s. 382.0255, F.S.; requiring
 34 the Department of Health to charge an additional fee for
 35 requests for a certification of birth issued by the
 36 department; providing for the distribution of the fee;
 37 providing an effective date.

38

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

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41 Section 1. Sections 753.001, 753.002, and 753.004, Florida
 42 Statutes, are repealed.

43 Section 2. Sections 753.01, 753.02, 753.03, 753.04,
 44 753.05, 753.06, 753.07, 753.08, 753.09, and 753.10, Florida
 45 Statutes, are created to read:

46 753.01 Supervised visitation programs; legislative
 47 findings and intent.--

48 (1) The Legislature finds that there are children in this
 49 state who have been adjudicated dependent by the court and, as a
 50 result, are ordered into out-of-home placements. The Legislature
 51 finds that a large number of these children experience the
 52 separation or divorce of their parents. Some of these children
 53 have been determined by the court to be at risk for physical,
 54 emotional, or sexual abuse, parental abduction, domestic
 55 violence, or other harm as a result of parental impairment due
 56 to substance abuse or other conditions. The Legislature also
 57 finds that exposing children to their parents' continuing
 58 conflicts is detrimental to the children.

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59 (2) The Legislature recognizes the importance of
60 maintaining contact between children and their noncustodial
61 parents while ensuring the safety of those children from further
62 or potential abuse, danger, or flight. The Legislature further
63 recognizes the importance of minimizing the circumstances in
64 which children are exposed to their parents' anger and disputes.

65 (3) The Legislature finds that supervised visitation
66 programs provide critically needed services by offering children
67 and noncustodial parents the opportunity to maintain a
68 relationship in a safe environment while facilitating safe
69 contact between perpetrators of domestic violence and their
70 children.

71 (4) The Legislature recognizes the need to ensure the
72 safety of the children, parents, and staff participating in
73 child visitations and exchanges. The Legislature also recognizes
74 the need for high-quality program services that meet the many
75 visitation and exchange needs of families, parents, and courts.
76 Therefore, the Legislature intends to provide, subject to
77 available funding, uniform standards for supervised visitation
78 and supervised exchange services to improve the security,
79 training, and quality of supervised visitation programs and to
80 use those standards to certify supervised visitation programs.

81 753.02 Definitions.--As used in this chapter, the term:

82 (1) "Clearinghouse" means the Clearinghouse on Supervised
83 Visitation within the Institute for Family Violence Studies in
84 the School of Social Work of the Florida State University, which
85 serves as a statewide resource on supervised visitation issues
86 by providing technical assistance, training, and research.

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87 (2) "Custodial parent" means a natural or adoptive parent,
 88 guardian, caregiver, or state agency and its representative who
 89 has temporary or permanent legal custody of a child.

90 (3) "Department" means the Department of Children and
 91 Family Services.

92 (4) "Noncustodial parent" means a natural or adoptive
 93 parent, guardian, caregiver, or other adult authorized by a
 94 court order to have supervised contact with the child.

95 (5) "Supervised exchange" means the supervision of the
 96 movement of the child from the custodial parent to the
 97 noncustodial parent at the start of the visitation and from the
 98 noncustodial parent back to the custodial parent at the end of
 99 the visitation.

100 (6) "Supervised visitation" means the contact between a
 101 noncustodial parent and child that occurs in the presence of an
 102 independent third party.

103 (7) "Supervised visitation program" means a program
 104 created to offer safe and structured supervised visitation and
 105 supervised exchange services.

106 753.03 Standards for supervised visitation and supervised
 107 exchange services.--

108 (1) The clearinghouse shall develop standards under s.
 109 753.10 to certify supervised visitation programs in order to
 110 ensure the safety, training, and quality of each program. These
 111 standards must be uniform for all programs, and a supervised
 112 visitation program must meet these standards in order to be
 113 certified. The standards developed must address the purpose,
 114 policies, standards of practice, program content, security
 115 measures, qualifications of providers, training, credentials of

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116 staff, information to be provided to the court, and data
 117 collection for supervised visitation programs.

118 (2) A supervised visitation program must be certified
 119 before the court, the department, or another entity may refer
 120 families for supervised visitation or supervised exchange
 121 services.

122 (3) A supervised visitation program is encouraged to
 123 voluntarily comply with the standards developed under s. 753.10
 124 prior to implementation of the certification process under s.
 125 753.04.

126 753.04 Certification and monitoring of supervised
 127 visitation programs.--

128 (1) The process for certifying and monitoring the initial
 129 and ongoing compliance of a supervised visitation program with
 130 the standards developed under s. 753.10 shall be phased in and
 131 is contingent upon the availability of funds. The first phase of
 132 the certification process must emphasize compliance with the
 133 standards relating to program security.

134 (2) Once the certification process is fully implemented, a
 135 supervised visitation program must be certified in order to
 136 receive state or federal funds.

137 (3) A supervised visitation program must be certified
 138 before it may accept persons referred from courts, the
 139 department, or other entities for supervised visitation or
 140 supervised exchange services.

141 753.05 Interim minimum standards for supervised visitation
 142 programs.--

143 (1) Until the standards for supervised visitation and
 144 supervised exchange services are completed under s. 753.10 and

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145 the certification and monitoring process is fully implemented,
 146 each supervised visitation program must comply with the "Minimum
 147 Standards for Supervised Visitation Programs Agreement" adopted
 148 by the Supreme Court on November 18, 1999. Under this order, a
 149 supervised visitation program shall enter into an agreement with
 150 the circuit court or circuit courts within that program's
 151 geographic jurisdiction attesting to the program's willingness
 152 to comply with the Supreme Court's standards.

153 (2) Until the standards for supervised visitation and
 154 supervised exchange services are completed and a certification
 155 and monitoring process is fully implemented, a supervised
 156 visitation program may not receive grant funds for access and
 157 visitation under 42 U.S.C. s. 669b unless the program provides
 158 documentation to the state agency administering the grant
 159 verifying that the program has entered into an agreement with
 160 the circuit court as required under subsection (1). This
 161 subsection does not obligate the state agency administering the
 162 grant to certify a program's compliance with the Minimum
 163 Standards for Supervised Visitation Programs Agreement.

164 753.06 Security in supervised visitation programs.--

165 (1) Due to the nature of the relationships that created
 166 the need for supervised visitation and supervised exchange
 167 services, the security of each person participating in a
 168 supervised visitation program must be a priority for each
 169 program. Security concerns shall be a substantial component of
 170 the adopted standards. Therefore, the safety of children,
 171 custodial and noncustodial parents, and program staff shall be
 172 ensured by each program, and the importance of that safety shall
 173 be emphasized in all training.

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174 (2) Each supervised visitation program is encouraged to
175 collaborate with local law enforcement agencies to facilitate
176 volunteerism by law enforcement officers at supervised
177 visitation programs using mechanisms such as those provided
178 under ss. 943.135(2) and 943.254 and using administrative leave
179 permitted for state employees who participate in community
180 service programs.

181 (3) Funds made available pursuant to s. 382.0255(3) shall
182 be used to assist supervised visitation programs in meeting the
183 standards pertaining to security measures to be developed
184 pursuant to s. 753.10. The funds shall be made available to
185 supervised visitation programs through the Department of
186 Children and Family Services based on criteria recommended by
187 the advisory board provided in s. 753.10.

188 753.07 Training for supervised visitation and supervised
189 exchange services.--Contingent upon the availability of funding,
190 the clearinghouse shall develop, maintain, and update
191 competency-based training materials for supervised visitation
192 and supervised exchange services that are appropriate to meet
193 the training needs of program staff. The clearinghouse shall
194 also provide training to staff of the supervised visitation
195 programs. To the extent permitted by available funding, the
196 clearinghouse shall track trained staff who have completed
197 training requirements.

198 753.08 Supervised visitation programs; data
199 collection.--Contingent upon the availability of funding, the
200 clearinghouse shall fully implement and maintain a mechanism for
201 collecting data on supervised visitation and supervised exchange
202 services provided in this state. Each supervised visitation

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203 program must maintain and submit the identified data to the
 204 clearinghouse. The clearinghouse shall annually compile the
 205 information and make it available to the President of the
 206 Senate, the Speaker of the House of Representatives, the courts,
 207 the Chief Justice of the Supreme Court, the department, and any
 208 other organization represented on the advisory board provided
 209 for in s. 753.10.

210 753.09 Supervised visitation programs; community
 211 partnerships.--A supervised visitation program is encouraged to
 212 develop partnerships with other organizations in its community
 213 that may be able to offer important resources to strengthen the
 214 services provided. Such community partners may include, but need
 215 not be limited to, county and city governments, such as local
 216 extension services, colleges and universities, such as the
 217 University of Florida Institute of Food and Agricultural
 218 Sciences and the Florida State University Institute of Family
 219 Violence Studies, the Junior League, and the United Way.

220 753.10 Development of standards and certification
 221 process.--

222 (1) The clearinghouse shall develop standards for the
 223 supervised visitation and supervised exchange services. The
 224 standards developed must address the purpose, policies,
 225 standards of practice, program content, security measures,
 226 qualifications of providers, training, credentials of staff,
 227 information to be provided to the court, and data collection for
 228 supervised visitation programs. The standards shall be the basis
 229 for certifying supervised visitation programs. A supervised
 230 visitation program may not be certified unless it meets the
 231 standards adopted by the designated state agency.

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232 (2) The clearinghouse shall use an advisory board to
 233 assist in developing the standards. The advisory board must
 234 include:

235 (a) Two members of the executive board of the state
 236 chapter of the Supervised Visitation Network, appointed by the
 237 president of the state chapter of the Supervised Visitation
 238 Network.

239 (b) A representative from the Office of the State Courts
 240 Administrator, appointed by the State Courts Administrator.

241 (c) A representative from the department, appointed by the
 242 Secretary of Children and Family Services.

243 (d) A representative from the Florida Coalition Against
 244 Domestic Violence, appointed by the executive director of the
 245 Florida Coalition Against Domestic Violence.

246 (e) A representative from a local law enforcement agency,
 247 appointed by the executive director of the Florida Sheriffs
 248 Association.

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

251 (g) Two representatives from a supervised visitation
 252 program, appointed by the director of the clearinghouse.

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

255 (i) A representative from the Commission on Marriage and
 256 Family Support Initiatives.

257 (3) The clearinghouse, in consultation with the advisory
 258 board, shall also develop the criteria and procedures for
 259 approving and rejecting certification applications and for
 260 monitoring compliance with the certification of a supervised

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261 visitation program. Additionally, the clearinghouse shall
262 recommend the process for phasing in the implementation of the
263 standards and certification procedures and shall recommend the
264 state entity that should certify and monitor the supervised
265 visitation programs.

266 (4) The clearinghouse shall submit a preliminary report
267 containing its recommendations on the uniform standards and the
268 certification and monitoring developed to date by December 31,
269 2004, and a final report of all recommendations by December 31,
270 2005, to the President of the Senate, the Speaker of the House
271 of Representatives, and the Chief Justice of the Supreme Court.

272 (5) It is the intent of the Legislature that the standards
273 for supervised visitation and supervised exchange services and
274 the criteria and procedures for the certification and monitoring
275 process be adopted as rules by the state entity designated by
276 the Legislature to certify and monitor the supervised visitation
277 programs.

278 Section 3. Subsections (2), (3), and (4) of section
279 943.135, Florida Statutes, are renumbered as subsections (3),
280 (4), and (5), respectively, and a new subsection (2) is added to
281 said section to read:

282 943.135 Requirements for continued employment.--

283 (2) The commission shall permit an employing agency to
284 allow an officer to meet up to 3 hours of the 40 hours of
285 required continuing education and training by volunteering at a
286 community-based, not-for-profit organization that serves
287 children or families who have experienced or are at risk for
288 child abuse or domestic violence, including, but not limited to,
289 a supervised visitation program as provided in chapter 753. This

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290 special population poses complex challenges to law enforcement
 291 officers. Continuing education and training through community
 292 service provides a unique learning opportunity for officers to
 293 understand the special needs of this group of constituents,
 294 build community relations, and provide a visible presence of law
 295 enforcement officers in the community. Volunteer time applied as
 296 continuing education and training under this subsection may
 297 include time spent in providing security services but does not
 298 substitute for the continuing education in domestic violence
 299 required under s. 943.1701.

300 Section 4. Section 943.254, Florida Statutes, is created
 301 to read:

302 943.254 Volunteer work by law enforcement officers.--

303 (1) An employing agency may operate or administer a
 304 program for law enforcement officers to provide volunteer
 305 security services during off-duty hours at a community-based,
 306 not-for-profit program that serves children or families who have
 307 experienced or are at risk for child abuse or domestic violence
 308 and that involves potential risk to staff or clients. A
 309 community-based, not-for-profit program may include, but need
 310 not be limited to, a supervised visitation program operating
 311 under chapter 753.

312 (2) Any community-based, not-for-profit program at which a
 313 law enforcement officer volunteers is responsible for the acts
 314 or omissions of the law enforcement officer while he or she is
 315 performing services for that program off-duty. However, for
 316 purposes of coverage under the Workers' Compensation Law, a law
 317 enforcement officer who volunteers as provided in this section
 318 and who meets the provisions of s. 440.091 shall be considered

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319 to have been acting within the course of employment under s.
 320 440.091.

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

325 Section 5. Subsections (3) and (4) of section 382.0255,
 326 Florida Statutes, are renumbered as subsections (4) and (5),
 327 respectively, and a new subsection (3) is added to said section
 328 to read:

329 382.0255 Fees.--

330 (3) The fee charged for each request for a certification
 331 of a birth record issued by the department shall be subject to
 332 an additional fee of \$1, which shall be deposited in the
 333 appropriate departmental trust fund. Fees collected pursuant to
 334 this subsection shall be used by the supervised visitation
 335 programs to prevent child abuse and domestic violence. On an
 336 annual basis, the department shall transfer the fees collected
 337 to the Grants and Donations Trust Fund to be distributed to the
 338 supervised visitation programs of the Department of Children and
 339 Family Services as provided for in s. 753.06.

340 Section 6. This act shall take effect July 1, 2004.