

CHAMBER ACTION

1 The Committee on Future of Florida's Families recommends the  
2 following:

3  
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to supervised visitation programs for  
8 children; repealing ss. 753.001, 753.002, and 753.004,  
9 F.S., relating to the Florida Family Visitation Network;  
10 creating ss. 753.01, 753.02, 753.03, 753.04, 753.05,  
11 753.06, 753.07, 753.08, 753.09, and 753.10, F.S.;  
12 providing legislative findings and intent with respect to  
13 administering supervised visitation programs; defining  
14 terms for supervised visitation and supervised exchange  
15 services; providing for the development of standards for  
16 supervised visitation and supervised exchange services;  
17 providing for certification and monitoring of supervised  
18 visitation programs; requiring compliance with interim  
19 minimum standards; providing for security of supervised  
20 visitation programs; providing for the use of certain  
21 funds generated from an additional fee on requests for a  
22 certification of birth to be used by supervised visitation  
23 programs to meet security standards; requiring the

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24 Clearinghouse on Supervised Visitation to develop training  
25 materials; requiring the clearinghouse to fully implement  
26 and maintain a mechanism for data collection; encouraging  
27 supervised visitation programs to develop partnerships  
28 with community organizations; requiring the clearinghouse  
29 to develop standards for supervised visitation and  
30 supervised exchange services; providing for an advisory  
31 board; requiring reports to the Legislature and the Chief  
32 Justice of the Supreme Court; amending s. 943.135, F.S.;  
33 requiring the Criminal Justice Standards and Training  
34 Commission to allow agencies employing law enforcement  
35 officers to authorize volunteer service as a means of  
36 fulfilling requirements for continuing education; creating  
37 s. 943.254, F.S.; authorizing law enforcement agencies to  
38 administer a volunteer program for officers to provide  
39 security services during off-duty hours for certain  
40 community programs; amending s. 382.0255, F.S.; requiring  
41 the Department of Health to charge an additional fee for  
42 requests for a certification of birth issued by the  
43 department; providing for the distribution of the fee;  
44 providing an effective date.

45  
46 Be It Enacted by the Legislature of the State of Florida:

47  
48 Section 1. Sections 753.001, 753.002, and 753.004, Florida  
49 Statutes, are repealed.

50 Section 2. Sections 753.01, 753.02, 753.03, 753.04,  
51 753.05, 753.06, 753.07, 753.08, 753.09, and 753.10, Florida  
52 Statutes, are created to read:

53 753.01 Supervised visitation programs; legislative  
54 findings and intent.--

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

66 (2) The Legislature recognizes the importance of  
67 maintaining contact between children and their noncustodial  
68 parents while ensuring the safety of those children from further  
69 or potential abuse, danger, or flight. The Legislature further  
70 recognizes the importance of minimizing the circumstances in  
71 which children are exposed to their parents' anger and disputes.

72 (3) The Legislature finds that supervised visitation  
73 programs provide critically needed services by offering children  
74 and noncustodial parents the opportunity to maintain a  
75 relationship in a safe environment while facilitating safe  
76 contact between perpetrators of domestic violence and their  
77 children.

78 |       (4) The Legislature recognizes the need to ensure the  
 79 | safety of the children, parents, and staff participating in  
 80 | child visitations and exchanges. The Legislature also recognizes  
 81 | the need for high-quality program services that meet the many  
 82 | visitation and exchange needs of families, parents, and the  
 83 | courts. Therefore, the Legislature intends to provide, subject  
 84 | to available funding, uniform standards for supervised  
 85 | visitation and supervised exchange services to improve the  
 86 | security, training, and quality of supervised visitation  
 87 | programs and to use those standards to certify supervised  
 88 | visitation programs.

89 |       753.02 Definitions.--As used in this chapter, the term:

90 |       (1) "Clearinghouse on Supervised Visitation" or  
 91 | "clearinghouse" means the entity within the Institute for Family  
 92 | Violence Studies in the School of Social Work of the Florida  
 93 | State University, which serves as a statewide resource on  
 94 | supervised visitation issues by providing technical assistance,  
 95 | training, and research.

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

99 |       (3) "Department" means the Department of Children and  
 100 | Family Services.

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

104 |       (5) "Supervised exchange" means the supervision of the  
 105 | movement of the child from the custodial parent to the

106 noncustodial parent at the start of the visitation and from the  
 107 noncustodial parent back to the custodial parent at the end of  
 108 the visitation.

109 (6) "Supervised visitation" means the contact between a  
 110 noncustodial parent and child which occurs in the presence of an  
 111 independent third party.

112 (7) "Supervised visitation program" means a program  
 113 created to offer safe and structured supervised visitation and  
 114 supervised exchange services.

115 753.03 Standards for supervised visitation and supervised  
 116 exchange services.--

117 (1) The clearinghouse shall develop standards under s.  
 118 753.10 to certify supervised visitation programs in order to  
 119 ensure the safety, training, and quality of each program. These  
 120 standards must be uniform for all the programs, and a supervised  
 121 visitation program must meet these standards in order to be  
 122 certified. The standards developed must address the purpose,  
 123 policies, standards of practice, program content, security  
 124 measures, qualifications of providers, training, credentials of  
 125 staff, information to be provided to the court, and data  
 126 collection for supervised visitation programs.

127 (2) A supervised visitation program must be certified  
 128 before the court, the department, or another entity may refer  
 129 families for supervised visitation or supervised exchange  
 130 services.

131 (3) A supervised visitation program is encouraged to  
 132 voluntarily comply with the standards developed under s. 753.10

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133 prior to implementation of the certification process under s.  
134 753.04.

135 753.04 Certification and monitoring of supervised  
136 visitation programs.--

137 (1) The process for certifying and monitoring the initial  
138 and ongoing compliance of a supervised visitation program with  
139 the standards developed under s. 753.10 shall be phased in and  
140 is contingent upon the availability of funds. The first phase of  
141 the certification process must emphasize compliance with the  
142 standards relating to program security.

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

146 (3) A supervised visitation program must be certified  
147 before it may accept persons referred from courts, the  
148 department, or other entities for supervised visitation or  
149 supervised exchange services.

150 753.05 Interim minimum standards for supervised visitation  
151 programs.--

152 (1) Until the standards for supervised visitation and  
153 supervised exchange services are completed under s. 753.10 and  
154 the certification and monitoring process is fully implemented,  
155 each supervised visitation program must comply with the "Minimum  
156 Standards for Supervised Visitation Programs Agreement" adopted  
157 by the Supreme Court on November 18, 1999. Under this order, a  
158 supervised visitation program shall enter into an agreement with  
159 the circuit court or circuit courts within that program's

160 geographic jurisdiction attesting to the program's willingness  
 161 to comply with the Supreme Court's standards.

162 (2) Until the standards for supervised visitation and  
 163 supervised exchange services are completed and a certification  
 164 and monitoring process is fully implemented, a supervised  
 165 visitation program may not receive grant funds for access and  
 166 visitation under 42 U.S.C. s. 669b, unless the program provides  
 167 documentation to the state agency administering the grant  
 168 verifying that the program has entered into an agreement with  
 169 the circuit court as required under subsection (1). This  
 170 subsection does not obligate the state agency administering the  
 171 grant to certify a program's compliance with the Minimum  
 172 Standards for Supervised Visitation Programs Agreements.

173 753.06 Security in supervised visitation programs.--

174 (1) Due to the nature of the relationships that created  
 175 the need for supervised visitation and supervised exchange  
 176 services, the security of each person participating in a  
 177 supervised visitation program must be a priority for each  
 178 program. Security concerns shall be a substantial component of  
 179 the adopted standards. Therefore, the safety of the children,  
 180 custodial and noncustodial parents, and program staff shall be  
 181 ensured by each program, and the importance of that safety shall  
 182 be emphasized in all training.

183 (2) Each supervised visitation program is encouraged to  
 184 collaborate with local law enforcement agencies to facilitate  
 185 volunteerism by law enforcement officers at supervised  
 186 visitation programs using mechanisms such as those provided  
 187 under ss. 943.135(2) and 943.254 and using administrative leave

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188 permitted for state employees who participate in community  
189 service programs.

190 (3) Funds made available as a result of s. 382.0255 shall  
191 be used to assist supervised visitation programs meet the  
192 standards pertaining to security measures to be developed  
193 pursuant to s. 753.10. The funds shall be made available to  
194 supervised visitation programs through the Department of  
195 Children and Family Services based on criteria recommended by  
196 the advisory board provided in s. 753.10.

197 753.07 Training for supervised visitation and supervised  
198 exchange services.--Contingent upon the availability of funding,  
199 the clearinghouse shall develop, maintain, and update  
200 competency-based training materials for supervised visitation  
201 and supervised exchange services which are appropriate to meet  
202 the training needs of program staff. The clearinghouse shall  
203 also provide training to staff of the supervised visitation  
204 programs. The clearinghouse shall track trained staff who have  
205 completed training requirements, to the extent permitted by  
206 available funding.

207 753.08 Supervised visitation programs; data  
208 collection.--Contingent upon the availability of funding, the  
209 clearinghouse shall fully implement and maintain a mechanism for  
210 collecting data on supervised visitation and supervised exchange  
211 services provided in this state. Each supervised visitation  
212 program must maintain and submit the identified data to the  
213 clearinghouse. The clearinghouse shall annually compile the  
214 information and make it available to the President of the  
215 Senate, the Speaker of the House of Representatives, the courts,



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216 the Chief Justice of the Supreme Court, the department, and any  
 217 other organization represented on the advisory board provided  
 218 for in s. 753.10.

219 753.09 Supervised visitation programs; community  
 220 partnerships.--A supervised visitation program is encouraged to  
 221 develop partnerships with other organizations in its community  
 222 which may be able to offer important resources to strengthen the  
 223 services provided. Such community partners may include, but are  
 224 not limited to, county and city governments, such as local  
 225 extension services, and colleges and universities, such as the  
 226 University of Florida Institute of Food and Agricultural  
 227 Sciences and the Florida State University Institute of Family  
 228 Violence Studies, the Junior League, and the United Way.

229 753.10 Development of standards and a certification  
 230 process.--

231 (1) The clearinghouse shall develop standards for the  
 232 supervised visitation and supervised exchange services. The  
 233 standards developed must address the purpose, policies,  
 234 standards of practice, program content, security measures,  
 235 qualifications of providers, training, credentials of staff,  
 236 information to be provided to the court, and data collection for  
 237 supervised visitation programs. The standards shall be the basis  
 238 for certifying supervised visitation programs. A supervised  
 239 visitation program may not be certified unless it meets the  
 240 standards adopted by the designated state agency.

241 (2) The clearinghouse shall use an advisory board to  
 242 assist in developing the standards. The advisory board must  
 243 include:

244       (a) Two members of the executive board of the state  
 245 chapter of the Supervised Visitation Network, appointed by the  
 246 president of the state chapter of the Supervised Visitation  
 247 Network.

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

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

252       (d) A representative from the Florida Coalition Against  
 253 Domestic Violence, appointed by the executive director of the  
 254 Florida Coalition Against Domestic Violence.

255       (e) A representative from a local law enforcement agency,  
 256 appointed by the executive director of the Florida Sheriffs  
 257 Association.

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

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

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

264       (i) A representative from the Commission on Marriage and  
 265 Family Support Initiatives.

266       (3) The clearinghouse, with consultation from the advisory  
 267 board, shall also develop the criteria and procedures for  
 268 approving and rejecting certification applications and for  
 269 monitoring compliance with the certification of a supervised  
 270 visitation program. Additionally, the clearinghouse shall  
 271 recommend the process for phasing in the implementation of the

272 standards and certification procedures and a recommendation  
 273 concerning the state entity that should certify and monitor the  
 274 supervised visitation programs.

275 (4) The clearinghouse shall submit a preliminary report  
 276 containing its recommendations on the uniform standards and the  
 277 certification and monitoring developed to date by December 31,  
 278 2004, and a final report of all recommendations by December 31,  
 279 2005, to the President of the Senate, the Speaker of the House  
 280 of Representatives, and the Chief Justice of the Supreme Court.

281 (5) It is the intent of the Legislature that the standards  
 282 for supervised visitation and supervised exchange services and  
 283 the criteria and procedures for the certification and monitoring  
 284 process be adopted as rules by the state entity designated by  
 285 the Legislature to certify and monitor the supervised visitation  
 286 programs.

287 Section 3. Subsections (2), (3), and (4) of section  
 288 943.135, Florida Statutes, are renumbered as subsections (3),  
 289 (4), and (5), respectively, and a new subsection (2) is added to  
 290 said section to read:

291 943.135 Requirements for continued employment.--

292 (2) The commission shall permit an employing agency to  
 293 allow an officer to meet up to 3 hours of the 40 hours of  
 294 required continuing education and training by volunteering at a  
 295 community-based, not-for-profit organization that serves  
 296 children or families who have experienced or are at risk for  
 297 child abuse or domestic violence, including, but not limited to,  
 298 a supervised visitation program as provided in chapter 753. This  
 299 special population poses complex challenges to law enforcement

300 officers. Continuing education and training through community  
 301 service provides a unique learning opportunity for officers to  
 302 understand the special needs of this group of constituents,  
 303 build community relations, and provide a visible presence of law  
 304 enforcement officers in the community. Volunteer time applied as  
 305 continuing education and training under this subsection may  
 306 include time spent in providing security services but does not  
 307 substitute for the continuing education in domestic violence  
 308 required under s. 943.1701.

309 Section 4. Section 943.254, Florida Statutes, is created  
 310 to read:

311 943.254 Volunteer work by law enforcement officers.--

312 (1) An employing agency may operate or administer a  
 313 program for law enforcement officers to provide volunteer  
 314 security services during off-duty hours at a community-based,  
 315 not-for-profit program that serves children or families who have  
 316 experienced or are at risk for child abuse or domestic violence  
 317 and that involves potential risk to staff or clients. A  
 318 community-based, not-for-profit program may include, but need  
 319 not be limited to, a supervised visitation program operating  
 320 under chapter 753.

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

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328 | to have been acting within the course of employment under s.  
 329 | 440.091.

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

334 | Section 5. Subsections (3) and (4) of section 382.0255,  
 335 | Florida Statutes, are renumbered as subsections (4) and (5),  
 336 | respectively, and a new subsection (3) is added to said section  
 337 | to read:

338 | 382.0255 Fees.--

339 | (3) The fee charged for each request for a certification  
 340 | of a birth record issued by the department shall be subject to  
 341 | an additional fee of \$1, which shall be deposited in the  
 342 | appropriate departmental trust fund. Fees collected pursuant to  
 343 | this section shall be used by the supervised visitation programs  
 344 | to prevent child abuse and domestic violence. On a yearly basis,  
 345 | the department shall transfer the fees collected to the Grants  
 346 | and Donations Trust Fund to be distributed to the supervised  
 347 | visitation programs by the Department of Children and Family  
 348 | Services as provided for in s. 753.06.

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