

By Senator Lynn

7-350A-04

1                                   A bill to be entitled  
2           An act relating to supervised visitation  
3           programs for children; repealing ss. 753.001,  
4           753.002, 753.004, F.S., relating to the Florida  
5           Family Visitation Network; creating ss. 753.01,  
6           753.02, 753.03, 753.04, 753.05, 753.06, 753.07,  
7           753.08, 753.09, F.S.; providing legislative  
8           intent with respect to administering supervised  
9           visitation programs; defining terms for  
10          supervised visitation and supervised exchange  
11          services; providing for the development of  
12          standards for supervised visitation and  
13          supervised exchange services; requiring  
14          compliance with interim minimum standards;  
15          providing for security of supervised visitation  
16          programs; requiring the Clearinghouse on  
17          Supervised Visitation to develop training  
18          materials; providing for the clearinghouse to  
19          develop and implement a mechanism for data  
20          collection; providing for the clearinghouse to  
21          develop standards for supervised visitation and  
22          supervised exchange services; providing for an  
23          advisory board; requiring a report to the  
24          Legislature; amending s. 943.135, F.S.;  
25          requiring the Criminal Justice Standards and  
26          Training Commission to allow agencies employing  
27          law enforcement officers to authorize volunteer  
28          service as a means of fulfilling requirements  
29          for continuing education; creating s. 943.254,  
30          F.S.; authorizing law enforcement agencies to  
31          administer a volunteer program for officers to

1 provide security services during off-duty hours  
2 for certain community programs; providing an  
3 effective date.  
4

5 Be It Enacted by the Legislature of the State of Florida:  
6

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8 Florida Statutes, are repealed.

9 Section 2. Sections 753.01, 753.02, 753.03, 753.04,  
10 753.05, 753.06, 753.07, 753.08, and 753.09, Florida Statutes,  
11 are created to read:

12 753.01 Supervised visitation programs; legislative  
13 findings and intent.--

14 (1) The Legislature finds that there are children in  
15 this state who have been adjudicated dependent by the court  
16 and, as a result, are ordered into out-of-home placements. The  
17 Legislature finds that a large number of these children  
18 experience the separation or divorce of their parents. Some of  
19 these children have been determined by the court to be at risk  
20 for physical, emotional, or sexual abuse; parental abduction;  
21 domestic violence; or other harm as a result of parental  
22 impairment due to substance abuse or other conditions. The  
23 Legislature also finds that exposing the children to their  
24 parents' continuing conflicts is detrimental to the children.

25 (2) The Legislature recognizes the importance of  
26 maintaining contact between children and their noncustodial  
27 parents while ensuring the safety of those children from  
28 further or potential abuse, danger, or flight. The Legislature  
29 further recognizes the importance of minimizing the  
30 circumstances in which children are exposed to their parents'  
31 anger and disputes.

1           (3) The Legislature finds that supervised visitation  
2 programs provide critically needed services by offering  
3 children and noncustodial parents the opportunity to maintain  
4 a relationship in a safe environment while facilitating safe  
5 contact between perpetrators of domestic violence and their  
6 children.

7           (4) The Legislature recognizes the need to ensure the  
8 safety of the children, parents, and staff participating in  
9 child visitations and exchanges. The Legislature also  
10 recognizes the need for high-quality program services that  
11 meet the many visitation and exchange needs of families,  
12 parents, and the courts. Therefore, the Legislature intends to  
13 provide, subject to available funding, uniform standards for  
14 supervised visitation and supervised exchange services to  
15 improve the security, training, and quality of supervised  
16 visitation programs and to use those standards to certify  
17 supervised visitation programs.

18           753.02 Definitions.--As used in this chapter, the  
19 term:

20           (1) "Clearinghouse on Supervised Visitation" or  
21 "clearinghouse" means the entity within the Institute for  
22 Family Violence Studies in the School of Social Work of the  
23 Florida State University which serves as a statewide resource  
24 on supervised visitation issues by providing technical  
25 assistance, training, and research.

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

30           (3) "Department" means the Department of Children and  
31 Family Services.

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

4           (5) "Supervised exchange" means the supervision of the  
5 movement of the child from the custodial parent to the  
6 noncustodial parent at the start of the visitation and from  
7 the noncustodial parent back to the custodial parent at the  
8 end of the visitation.

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

12           (7) "Supervised visitation program" means a program  
13 created to offer safe and structured supervised visitation and  
14 supervised exchange services.

15           753.03 Standards for supervised visitation and  
16 supervised exchange services.--

17           (1) The clearinghouse shall develop standards under s.  
18 753.09 to certify supervised visitation programs in order to  
19 ensure the safety, training, and quality of each program.  
20 These standards must be uniform for all the programs and a  
21 supervised visitation program must meet these standards in  
22 order to be certified. The standards developed must address  
23 the 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 data collection for supervised visitation programs.

27           (2) A supervised visitation program must be certified  
28 before the court, the department, or another entity may refer  
29 families for supervised visitation or supervised exchange  
30 services.

31

1           (3) A supervised visitation program is encouraged to  
2 voluntarily comply with the standards developed under s.  
3 753.09 prior to implementation of the certification process  
4 under s. 753.04.

5           753.04 Certification and monitoring of supervised  
6 visitation programs.--

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

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

16           (3) A supervised visitation program must be certified  
17 before it may accept persons referred from courts, the  
18 department, or other entities for supervised visitation or  
19 supervised exchange services.

20           753.05 Interim minimum standards for supervised  
21 visitation programs.--

22           (1) Until the standards for supervised visitation and  
23 supervised exchange services are completed under s. 753.09 and  
24 the certification and monitoring process is fully implemented,  
25 each supervised visitation program must comply with the  
26 "Minimum Standards for Supervised Visitation Programs  
27 Agreement" adopted by the Supreme Court on November 18, 1999.  
28 Under this order, a supervised visitation program shall enter  
29 into an agreement with the circuit court or circuit courts  
30 within that program's geographic jurisdiction attesting to the  
31

1 program's willingness to comply with the Supreme Court's  
2 standards.

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

14 753.06 Security in supervised visitation programs.--

15 (1) Due to the nature of the relationships that  
16 created the need for supervised visitation and supervised  
17 exchange services, the security of each person participating  
18 in a supervised visitation program must be a priority for each  
19 program. Security concerns shall be a substantial component of  
20 the adopted standards. Therefore, the safety of the children,  
21 custodial and noncustodial parents, and program staff shall be  
22 ensured by each program and the importance of that safety  
23 shall be emphasized in all training.

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

31

1           753.07 Training for supervised visitation and  
2 supervised exchange services.--Contingent upon the  
3 availability of funding, the Clearinghouse on Supervised  
4 Visitation shall develop, maintain, and update  
5 competency-based training materials for supervised visitation  
6 and supervised exchange services which are appropriate to meet  
7 the training needs of program staff. The clearinghouse shall  
8 also provide training to staff of the supervised visitation  
9 programs. The clearinghouse shall track trained staff who have  
10 completed training requirements, to the extent permitted by  
11 available funding.

12           753.08 Supervised visitation programs; data  
13 collection.--Contingent upon the availability of funding, the  
14 clearinghouse shall develop and implement a mechanism for  
15 collecting data on supervised visitation and supervised  
16 exchange services provided in this state. The clearinghouse  
17 shall collaborate with the state chapter of the Supervised  
18 Visitation Network to determine the necessary data to be  
19 collected and develop the data-collection mechanism to ensure  
20 the viability and reasonableness of the data requirements.  
21 Each supervised visitation program must maintain and submit  
22 the identified data to the clearinghouse. The clearinghouse  
23 shall maintain these data and annually compile the information  
24 and make it available to the President of the Senate, the  
25 Speaker of the House of Representatives, the courts, the Chief  
26 Justice of the Supreme Court, the department, and any other  
27 organization represented on the advisory board provided for in  
28 s. 753.09.

29           753.09 Development of standards and a certification  
30 process.--

31

1           (1) The clearinghouse shall develop standards for the  
2 supervised visitation and supervised exchange services. The  
3 standards developed must address the purpose, policies,  
4 standards of practice, program content, security measures,  
5 qualifications of providers, training, credentials of staff,  
6 information to be provided to the court, and data collection  
7 for supervised visitation programs. The standards shall be the  
8 basis for certifying supervised visitation programs. A  
9 supervised visitation program may not be certified unless it  
10 meets the standards adopted by the designated state agency.

11           (2) The clearinghouse shall use an advisory board to  
12 assist in developing the standards. The advisory board must  
13 include:

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

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

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

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

26           (e) A representative from a local law enforcement  
27 agency, appointed by the executive director of the Florida  
28 Sheriffs Association.

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

31



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

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

5           (i) A representative from the Commission on Marriage  
6 and Family Support Initiatives.

7           (3) The clearinghouse, with consultation from the  
8 advisory board, shall also develop the criteria and procedures  
9 for approving and rejecting certification applications and for  
10 monitoring compliance with the certification of a supervised  
11 visitation program. Additionally, the clearinghouse shall  
12 recommend the process for phasing in the implementation of the  
13 standards and certification procedures and a recommendation  
14 concerning the state agency that should certify and monitor  
15 the supervised visitation programs.

16           (4) The clearinghouse shall submit a report containing  
17 its recommendations on the uniform standards and the  
18 certification and monitoring procedures to the President of  
19 the Senate, the Speaker of the House of Representatives, and  
20 the Chief Justice of the Supreme Court by December 31, 2004.

21           (5) It is the intent of the Legislature that the  
22 standards for supervised visitation and supervised exchange  
23 services and the criteria and procedures for the certification  
24 and monitoring process be adopted as rules by the state agency  
25 designated by the Legislature to certify and monitor the  
26 supervised visitation programs.

27           Section 3. Present subsections (2), (3), and (4) of  
28 section 943.135, Florida Statutes, are redesignated as  
29 subsections (3), (4), and (5), respectively, and a new  
30 subsection (2) is added to that section, to read:

31           943.135 Requirements for continued employment.--

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

19           Section 4. 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 involves potential risk to staff or clients.  
28 A community-based, not-for-profit program may include, but  
29 need not be limited to, a supervised visitation program  
30 operating 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 he  
4 or she is performing services for that program off-duty.  
5 However, for purposes of coverage under the Workers'  
6 Compensation Law, a law enforcement officer who volunteers as  
7 provided in this section and who meets the provisions of s.  
8 440.091 shall be considered to have been acting within the  
9 course of employment under s. 440.091.

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

14           Section 5. This act shall take effect July 1, 2004.

15  
16           \*\*\*\*\*

17                               SENATE SUMMARY

18       Repeals provisions relating to the Florida Family  
19       Visitation Network. Provides legislative intent with  
20       respect to administering supervised visitation programs.  
21       Defines terms for supervised visitation and supervised  
22       exchange services. Provides for developing standards for  
23       supervised visitation and supervised exchange services.  
24       Requires compliance with interim minimum standards  
25       developed by the Supreme Court. Requires that supervised  
26       visitation programs provide security for all persons  
27       participating in the program. Requires the Clearinghouse  
28       on Supervised Visitation to develop training materials.  
29       Directs the clearinghouse to develop and implement a  
30       mechanism for data collection. Directs the clearinghouse,  
31       with the assistance of an advisory board, to develop  
      standards for supervised visitation and supervised  
      exchange services. Requires that a report with  
      recommendations be sent to the Legislature. Requires the  
      Criminal Justice Standards and Training Commission to  
      allow agencies employing law enforcement officers to  
      authorize volunteer service as a means of fulfilling  
      requirements for continuing education. Authorizes law  
      enforcement agencies to administer a volunteer program  
      for officers to provide security services during off-duty  
      hours for certain community programs.