

By the Committee on Children and Families; and Senator Lynn

300-1343-04

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, and 753.10, F.S.; providing  
8           legislative intent with respect to  
9           administering supervised visitation programs;  
10          defining terms for supervised visitation and  
11          supervised exchange services; providing for the  
12          development of standards for supervised  
13          visitation and supervised exchange services;  
14          requiring compliance with interim minimum  
15          standards; providing for security of supervised  
16          visitation programs; providing for the use of  
17          funds generated from an additional fee on  
18          requests for a certification of birth to be  
19          used by supervised visitation programs to meet  
20          security standards; requiring the Clearinghouse  
21          on Supervised Visitation to develop training  
22          materials; providing for the clearinghouse to  
23          fully implement and maintain a mechanism for  
24          data collection; encouraging supervised  
25          visitation programs to develop partnerships  
26          with community organizations; providing for the  
27          clearinghouse to develop standards for  
28          supervised visitation and supervised exchange  
29          services; providing for an advisory board;  
30          requiring reports to the Legislature; amending  
31          s. 943.135, F.S.; requiring the Criminal

1 Justice Standards and Training Commission to  
2 allow agencies employing law enforcement  
3 officers to authorize volunteer service as a  
4 means of fulfilling requirements for continuing  
5 education; creating s. 943.254, F.S.;  
6 authorizing law enforcement agencies to  
7 administer a volunteer program for officers to  
8 provide security services during off-duty hours  
9 for certain community programs; amending s.  
10 382.0255, F.S.; requiring the Department of  
11 Health to charge an additional fee for requests  
12 for a certification of birth issued by the  
13 department; providing an effective date.  
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15 Be It Enacted by the Legislature of the State of Florida:  
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17 Section 1. Sections 753.001, 753.002, and 753.004,  
18 Florida Statutes, are repealed.

19 Section 2. Sections 753.01, 753.02, 753.03, 753.04,  
20 753.05, 753.06, 753.07, 753.08, 753.09, and 753.10, Florida  
21 Statutes, are created to read:

22 753.01 Supervised visitation programs; legislative  
23 findings and intent.--

24 (1) The Legislature finds that there are children in  
25 this state who have been adjudicated dependent by the court  
26 and, as a result, are ordered into out-of-home placements. The  
27 Legislature finds that a large number of these children  
28 experience the separation or divorce of their parents. Some of  
29 these children have been determined by the court to be at risk  
30 for physical, emotional, or sexual abuse; parental abduction;  
31 domestic violence; or other harm as a result of parental

1 impairment due to substance abuse or other conditions. The  
2 Legislature also finds that exposing the children to their  
3 parents' continuing conflicts is detrimental to the children.

4 (2) The Legislature recognizes the importance of  
5 maintaining contact between children and their noncustodial  
6 parents while ensuring the safety of those children from  
7 further or potential abuse, danger, or flight. The Legislature  
8 further recognizes the importance of minimizing the  
9 circumstances in which children are exposed to their parents'  
10 anger and disputes.

11 (3) The Legislature finds that supervised visitation  
12 programs provide critically needed services by offering  
13 children and noncustodial parents the opportunity to maintain  
14 a relationship in a safe environment while facilitating safe  
15 contact between perpetrators of domestic violence and their  
16 children.

17 (4) The Legislature recognizes the need to ensure the  
18 safety of the children, parents, and staff participating in  
19 child visitations and exchanges. The Legislature also  
20 recognizes the need for high-quality program services that  
21 meet the many visitation and exchange needs of families,  
22 parents, and the courts. Therefore, the Legislature intends to  
23 provide, subject to available funding, uniform standards for  
24 supervised visitation and supervised exchange services to  
25 improve the security, training, and quality of supervised  
26 visitation programs and to use those standards to certify  
27 supervised visitation programs.

28 753.02 Definitions.--As used in this chapter, the  
29 term:

30 (1) "Clearinghouse on Supervised Visitation" or  
31 "clearinghouse" means the entity within the Institute for

1 Family Violence Studies in the School of Social Work of the  
2 Florida State University which serves as a statewide resource  
3 on supervised visitation issues by providing technical  
4 assistance, training, and research.

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

9 (3) "Department" means the Department of Children and  
10 Family Services.

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

14 (5) "Supervised exchange" means the supervision of the  
15 movement of the child from the custodial parent to the  
16 noncustodial parent at the start of the visitation and from  
17 the noncustodial parent back to the custodial parent at the  
18 end of the visitation.

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

22 (7) "Supervised visitation program" means a program  
23 created to offer safe and structured supervised visitation and  
24 supervised exchange services.

25 753.03 Standards for supervised visitation and  
26 supervised exchange services.--

27 (1) The clearinghouse shall develop standards under s.  
28 753.10 to certify supervised visitation programs in order to  
29 ensure the safety, training, and quality of each program.  
30 These standards must be uniform for all the programs and a  
31 supervised visitation program must meet these standards in

1 order to be certified. The standards developed must address  
2 the 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 data collection for supervised visitation programs.

6 (2) A supervised visitation program must be certified  
7 before the court, the department, or another entity may refer  
8 families for supervised visitation or supervised exchange  
9 services.

10 (3) A supervised visitation program is encouraged to  
11 voluntarily comply with the standards developed under s.  
12 753.10 prior to implementation of the certification process  
13 under s. 753.04.

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

16 (1) The process for certifying and monitoring the  
17 initial and ongoing compliance of a supervised visitation  
18 program with the standards developed under s. 753.10 shall be  
19 phased in and is contingent upon the availability of funds.  
20 The first phase of the certification process must emphasize  
21 compliance with the standards relating to program 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.

25 (3) A supervised visitation program must be certified  
26 before it may accept persons referred from courts, the  
27 department, or other entities for supervised visitation or  
28 supervised exchange services.

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

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1           (1) Until the standards for supervised visitation and  
2 supervised exchange services are completed under s. 753.10 and  
3 the certification and monitoring process is fully implemented,  
4 each supervised visitation program must comply with the  
5 "Minimum Standards for Supervised Visitation Programs  
6 Agreement" adopted by the Supreme Court on November 18, 1999.  
7 Under this order, a supervised visitation program shall enter  
8 into an agreement with the circuit court or circuit courts  
9 within that program's geographic jurisdiction attesting to the  
10 program's willingness to comply with the Supreme Court's  
11 standards.

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

23           753.06 Security in supervised visitation programs.--

24           (1) Due to the nature of the relationships that  
25 created the need for supervised visitation and supervised  
26 exchange services, the security of each person participating  
27 in a supervised visitation program must be a priority for each  
28 program. Security concerns shall be a substantial component of  
29 the adopted standards. Therefore, the safety of the children,  
30 custodial and noncustodial parents, and program staff shall be

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1 ensured by each program and the importance of that safety  
2 shall be emphasized in all training.

3 (2) Each supervised visitation program is encouraged  
4 to collaborate with local law enforcement agencies to  
5 facilitate volunteerism by law enforcement officers at  
6 supervised visitation programs using mechanisms such as those  
7 provided under ss. 943.254 and 943.135(2) and using  
8 administrative leave permitted for state employees who  
9 participate in community service programs.

10 (3) Funds made available as a result of s. 382.0255  
11 shall be used to assist supervised visitation programs meet  
12 the standards pertaining to security measures to be developed  
13 pursuant to s. 753.10. The funds shall be made available to  
14 supervised visitation programs through the Department of  
15 Children and Family Services based on criteria recommended by  
16 the advisory board provided in s. 753.10.

17 753.07 Training for supervised visitation and  
18 supervised exchange services.--Contingent upon the  
19 availability of funding, the Clearinghouse on Supervised  
20 Visitation shall develop, maintain, and update  
21 competency-based training materials for supervised visitation  
22 and supervised exchange services which are appropriate to meet  
23 the training needs of program staff. The clearinghouse shall  
24 also provide training to staff of the supervised visitation  
25 programs. The clearinghouse shall track trained staff who have  
26 completed training requirements, to the extent permitted by  
27 available funding.

28 753.08 Supervised visitation programs; data  
29 collection.--Contingent upon the availability of funding, the  
30 clearinghouse shall fully implement and maintain a mechanism  
31 for collecting data on supervised visitation and supervised

1 exchange services provided in this state. Each supervised  
2 visitation program must maintain and submit the identified  
3 data to the clearinghouse. The clearinghouse shall annually  
4 compile the information and make it available to the President  
5 of the Senate, the Speaker of the House of Representatives,  
6 the courts, the Chief Justice of the Supreme Court, the  
7 department, and any other organization represented on the  
8 advisory board provided for in s. 753.10.

9 753.09 Supervised visitation programs; community  
10 partnerships.--A supervised visitation program is encouraged  
11 to develop partnerships with other organizations in its  
12 community which may be able to offer important resources to  
13 strengthen the services provided. Such community partners may  
14 include, but are not limited to, county and city governments,  
15 such as local extension services, and colleges and  
16 universities, such as the University of Florida Institute of  
17 Food and Agricultural Sciences and the Florida State  
18 University Institute of Family Violence Studies, the Junior  
19 League, and the United Way.

20 753.10 Development of standards and a certification  
21 process.--

22 (1) The clearinghouse shall develop standards for the  
23 supervised visitation and supervised exchange services. The  
24 standards developed must address the purpose, policies,  
25 standards of practice, program content, security measures,  
26 qualifications of providers, training, credentials of staff,  
27 information to be provided to the court, and data collection  
28 for supervised visitation programs. The standards shall be the  
29 basis for certifying supervised visitation programs. A  
30 supervised visitation program may not be certified unless it  
31 meets the standards adopted by the designated state agency.

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

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

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

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

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

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

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

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

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

25           (i) A representative from the Commission on Marriage  
26 and Family Support Initiatives.

27           (3) The clearinghouse, with consultation from the  
28 advisory board, shall also develop the criteria and procedures  
29 for approving and rejecting certification applications and for  
30 monitoring compliance with the certification of a supervised  
31 visitation program. Additionally, the clearinghouse shall

1 recommend the process for phasing in the implementation of the  
2 standards and certification procedures and a recommendation  
3 concerning the state entity that should certify and monitor  
4 the supervised visitation programs.

5 (4) The clearinghouse shall submit a preliminary  
6 report containing its recommendations on the uniform standards  
7 and the certification and monitoring developed to date by  
8 December 31, 2004, and a final report of all recommendations  
9 by December 31, 2005, to the President of the Senate, the  
10 Speaker of the House of Representatives, and the Chief Justice  
11 of the Supreme Court.

12 (5) It is the intent of the Legislature that the  
13 standards for supervised visitation and supervised exchange  
14 services and the criteria and procedures for the certification  
15 and monitoring process be adopted as rules by the state entity  
16 designated by the Legislature to certify and monitor the  
17 supervised visitation programs.

18 Section 3. 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 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 4. Section 943.254, Florida Statutes, is  
11 created to read:

12 943.254 Volunteer work by law enforcement officers.--

13 (1) An employing agency may operate or administer a  
14 program for law enforcement officers to provide volunteer  
15 security services during off-duty hours at a community-based,  
16 not-for-profit program that serves children or families who  
17 have experienced or are at risk for child abuse or domestic  
18 violence and that involves potential risk to staff or clients.  
19 A community-based, not-for-profit program may include, but  
20 need not be limited to, a supervised visitation program  
21 operating under chapter 753.

22 (2) Any community-based, not-for-profit program at  
23 which a law enforcement officer volunteers is responsible for  
24 the acts or omissions of the law enforcement officer while he  
25 or she is performing services for that program off-duty.  
26 However, for purposes of coverage under the Workers'  
27 Compensation Law, a law enforcement officer who volunteers as  
28 provided in this section and who meets the provisions of s.  
29 440.091 shall be considered to have been acting within the  
30 course of employment under s. 440.091.

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

5           Section 5. Present subsections (3) and (4) of section  
6 382.0255, Florida Statutes, are redesignated as subsections  
7 (4) and (5), respectively, and a new subsection (3) is added  
8 to that section, to read:

9           382.0255 Fees.--

10           (3) The fee charged for each request for a  
11 certification of a birth record issued by the department shall  
12 be subject to an additional fee of \$1, which shall be  
13 deposited in the appropriate departmental trust fund. Fees  
14 collected pursuant to this section shall be used by the  
15 supervised visitation programs to prevent child abuse and  
16 domestic violence. On a yearly basis, the department shall  
17 transfer the fees collected to the Grants and Donations Trust  
18 Fund to be distributed to the supervised visitation programs  
19 by the Department of Children and Family Services as provided  
20 for in s. 753.06.

21           Section 6. This act shall take effect July 1, 2004.  
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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 498  
4 Recognizes that the Clearinghouse on Supervised Visitation has  
5 already begun implementing the data collection provisions.  
6 Allows for the organization that could be charged with  
7 certifying and monitoring the supervised visitation programs  
8 to be something other than a state agency.  
9 Provides the Clearinghouse on Supervised Visitation with an  
10 additional year to complete the tasks directed by the bill but  
11 with a preliminary report by the deadline initially  
12 stipulated.  
13 Encourages supervised visitation programs to develop  
14 partnerships with other organizations in their community to  
15 strengthen the services provided.  
16 Adds a fee of \$1.00 to the requests for certifications of  
17 birth that are issues by the Department of Health state  
18 office.  
19 Provides that the funds generated from the fees be used to  
20 assist the supervised visitation programs meet security  
21 standards.  
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