

By Senator Lynn

7-377A-05

1                                   A bill to be entitled  
2           An act relating to supervised visitation  
3           programs for children; repealing ss. 753.001,  
4           753.002, and 753.004, F.S., relating to the  
5           Florida Family Visitation Network; creating ss.  
6           753.01, 753.02, 753.03, 753.04, 753.05, 753.06,  
7           753.07, 753.08, 753.09, and 753.10, F.S.;  
8           providing legislative finding and intent with  
9           respect to administering supervised visitation  
10          programs; defining terms for supervised  
11          visitation and supervised exchange services;  
12          providing for the development of standards for  
13          supervised visitation and supervised exchange  
14          services; requiring compliance with interim  
15          minimum standards; providing for security of  
16          supervised visitation programs; providing for  
17          the use of funds generated from an additional  
18          fee on requests for a certification of birth to  
19          be used by supervised visitation programs to  
20          meet security standards; requiring the  
21          Clearinghouse on Supervised Visitation to  
22          develop training materials; providing for the  
23          clearinghouse to fully implement and maintain a  
24          mechanism for data collection; encouraging  
25          supervised visitation programs to develop  
26          partnerships with community organizations;  
27          providing for the clearinghouse to develop  
28          standards for supervised visitation and  
29          supervised exchange services; providing for an  
30          advisory board; requiring reports to the  
31          Legislature; amending s. 943.135, F.S.;

1 requiring the Criminal Justice Standards and  
2 Training Commission to allow agencies employing  
3 law enforcement officers to authorize volunteer  
4 service as a means of fulfilling requirements  
5 for continuing education; creating s. 943.254,  
6 F.S.; 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; requiring that the fee be used to  
14 fund supervised visitation programs; providing  
15 an effective date.

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

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19 Section 1. Sections 753.001, 753.002, and 753.004,  
20 Florida Statutes, are repealed.

21 Section 2. Sections 753.01, 753.02, 753.03, 753.04,  
22 753.05, 753.06, 753.07, 753.08, 753.09, and 753.10, Florida  
23 Statutes, are created to read:

24 753.01 Supervised visitation programs; legislative  
25 findings and intent.--

26 (1) The Legislature finds that there are children in  
27 this state who have been adjudicated dependent by the court  
28 and, as a result, are ordered into out-of-home placements. The  
29 Legislature finds that a large number of these children  
30 experience the separation or divorce of their parents. Some of  
31 these children have been determined by the court to be at risk

1 for physical, emotional, or sexual abuse; parental abduction;  
2 domestic violence; or other harm as a result of parental  
3 impairment due to substance abuse or other conditions. The  
4 Legislature also finds that exposing the children to their  
5 parents' continuing conflicts is detrimental to the children.

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

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

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

30 753.02 Definitions.--As used in this chapter, the  
31 term:

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

7           (2) "Custodian" means the same as "custodial parent"  
8 and "primary residential parent" as defined in s. 61.046 and  
9 "caregiver" as defined in s. 39.01.

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

12           (4) "Supervised exchange" means the supervision of the  
13 movement of a child from the custodian to the visitor at the  
14 start of the visitation and from the visitor back to the  
15 custodian at the end of the visitation.

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

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

22           (7) "Visitor" means the same as "noncustodial parent"  
23 as defined in s. 61.046 as well as other persons authorized by  
24 court order to have supervised contact with the child.

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 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) If a certification program is established under s.  
7 753.04, a supervised visitation program must be certified  
8 before the court, the department, or another entity may refer  
9 families for supervised visitation or supervised exchange  
10 services.

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

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

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

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

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

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

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 Agreement.

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 must be a substantial component of  
29 the adopted standards. Therefore, the safety of the children,  
30 custodians, visitors, and program staff shall be ensured by  
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1 each program, and the importance of that safety shall be  
2 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 to meet  
12 the standards pertaining to security measures to be developed  
13 under s. 753.10. The funds shall be made available to  
14 supervised visitation programs through the Department of  
15 Children and Family Services using criteria recommended by the  
16 clearinghouse as 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 shall develop,  
20 maintain, and update competency-based training materials for  
21 supervised visitation and supervised exchange services which  
22 are appropriate to meet the training needs of program staff.  
23 The clearinghouse shall also provide training to staff of the  
24 supervised visitation programs. The clearinghouse shall track  
25 trained staff who have completed training requirements, to the  
26 extent permitted by available funding.

27 753.08 Supervised visitation programs; data  
28 collection.--Contingent upon the availability of funding, the  
29 clearinghouse shall fully implement and maintain a mechanism  
30 for collecting data on supervised visitation and supervised  
31 exchange services provided in this state. Each supervised

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

8 753.09 Supervised visitation programs; community  
9 partnerships.--A supervised visitation program is encouraged  
10 to develop partnerships with other organizations in its  
11 community which may be able to offer important resources to  
12 strengthen the services provided. The community partners may  
13 include, but are not limited to, county and municipal  
14 governments, such as local extension services, and colleges  
15 and universities, such as the University of Florida Institute  
16 of Food and Agricultural Sciences and the Florida State  
17 University Institute of Family Violence Studies; the Junior  
18 League; and the United Way.

19 753.10 Development of standards and a certification  
20 process.--

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

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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 develop criteria and procedures for  
29 approving and rejecting certification applications and  
30 monitoring compliance with the certification of a supervised  
31 visitation program. The clearinghouse shall recommend the

1 process for phasing in the implementation of the standards and  
2 certification procedures, criteria for distributing funds to  
3 eligible programs, and the state entity that should certify  
4 and monitor 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, 2005, and a final report of all recommendations  
9 by December 31, 2006, 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.

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 under this section shall be used by the supervised  
15 visitation programs to prevent child abuse and domestic  
16 violence. On a yearly basis, the department shall transfer the  
17 fees collected to the Grants and Donations Trust Fund to be  
18 distributed to the supervised visitation programs by the  
19 Department of Children and Family Services as provided in s.  
20 753.06.

21           Section 6. This act shall take effect July 1, 2005.  
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SENATE SUMMARY

Repeals certain sections relating to the Florida Family Visitation Network. Provides legislative intent and definitions with respect to supervised visitation and supervised exchange services. Provides development standards. Requires compliance with certain interim minimum standards. Provides security of supervised visitation programs. Provides for certain funds generated from a specified fee to be used to meet security standards. Directs the Clearinghouse on Supervised Visitation to develop training materials, a mechanism for data collection, and operating standards. Encourages supervised visitation programs to develop partnerships with community organizations. Provides for an advisory board and creates duties for the board. Requires reports to the Legislature. Directs 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. Directs the Department of Health to collect an additional fee when birth certificates are issued.