

By Senator Lynn

7-79-06

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20 Florida Statutes, are repealed.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 before 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, 2006, and a final report of all recommendations
9 by December 31, 2007, 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 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, 2006.
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SENATE SUMMARY

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3 Repeals provisions relating to the Florida Family
4 Visitation Network. Provides legislative finding and
5 intent with respect to administering supervised
6 visitation programs. Provides for developing standards
7 for supervised visitation and supervised exchange
8 services. Requires compliance with interim minimum
9 standards. Provides for security of supervised visitation
10 programs. Provides for the use of funds generated from an
11 additional fee on requests for a certification of birth
12 to be used by supervised visitation programs to meet
13 security standards. Requires the Clearinghouse on
14 Supervised Visitation to develop training materials.
15 Encourages supervised visitation programs to develop
16 partnerships with community organizations. Directs the
17 clearinghouse to develop standards for supervised
18 visitation and supervised exchange services. Creates an
19 advisory board. Requires the Criminal Justice Standards
20 and Training Commission to allow agencies employing law
21 enforcement officers to authorize volunteer service as a
22 means of fulfilling requirements for continuing
23 education. Authorizes law enforcement agencies to
24 administer a volunteer program for officers to provide
25 security services during off-duty hours for certain
26 community programs. Requires the Department of Health to
27 charge an additional fee for requests for a certification
28 of birth issued by the department. Requires that the fee
29 be used to fund supervised visitation programs.
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