Florida Senate - 2006

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.;
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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. <u>Sections 753.001, 753.002, and 753.004,</u>
20	Florida Statutes, are repealed.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

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2domestic violence: or other harm as a result of parental3impairment due to substance abuse or other conditions. The4Legislature also finds that exposing the children to their5parents' continuing conflicts is detrimental to the children.6(2) The Legislature recognizes the importance of7maintaining contact between children and their noncustodial8parents while ensuring the safety of those children from9further or potential abuse, danger, or flight. The Legislature10further recognizes the importance of minimizing the11circumstances in which children are exposed to their parents'12anger and disputes.13(3) The Legislature finds that supervised visitation14programs provide critically needed services by offering15children and noncustodial parents the opportunity to maintain16a relationship in a safe environment while facilitating safe17children.18children.19(4) The Legislature recognizes the need to ensure the20safety of the children, parents, and department staff who21participate in child visitations and exchanges. The22Legislature also recognizes the need for high-quality program23services that meet the many visitation and supervised exchange24intends to provide, subject to available funding, uniform25standards for supervised visitation and supervised exchange26supervised visitation programs.27753.02 DefinitionsAs used in this	1	for physical, emotional, or sexual abuse; parental abduction;
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30 <u>Standards must be uniform for all the programs and a</u>	28	753.10 to certify supervised visitation programs in order to
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31 supervised visitation program must meet these standards in	30	Standards must be uniform for all the programs and a
	31	supervised visitation program must meet these standards in

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	
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7 753.04, a supervised visitation program must be certified 8 before the court, the department, or another entity may refer	
8 <u>before the court, the department, or another entity may refer</u>	
9 families for supervised visitation or supervised evolution	
I TAULTIES FOR SUPERVISED VISICALION OF SUPERVISED EXCHANGE	
10 <u>services.</u>	
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 <u>under s. 753.04.</u>	
15 <u>753.04 Certification and monitoring of supervised</u>	
16 <u>visitation programs</u>	
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 <u>compliance with the standards relating to program security.</u>	
23 (2) Once the certification process is fully	
24 implemented, a supervised visitation program must be certified	<u>t</u>
25 <u>in order to receive state or federal funds.</u>	
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 <u>supervised exchange services.</u>	
30 <u>753.05</u> Interim minimum standards for supervised	
31 visitation programs	

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supervised exchange services are completed under s. 753.10 and the certification and monitoring process is fully implemented, each supervised visitation program must comply with the "Minimum Standards for Supervised Visitation Programs Acreement" adopted by the Supreme Court on November 18, 1999. Under this order, a supervised visitation program shall enter into an agreement with the circuit court or circuit courts within that program's deographic iurisdiction attesting to the program's willingness to comply with the Supreme Court's standards. (2) Until the standards for supervised visitation and supervised exchange services are completed and a certification and monitoring process is fully implemented, a supervised visitation program may not receive grant funds for access and visitation under 42 U.S.C. s. 669b, unless the program provides documentation to the state agency administering the grant verifying that the program has entered into an agreement with the circuit court as required under subsection (1). This subsection does not obligate the state agency administering the grant to certify a program's compliance with the Minimum standards for Supervised Visitation Programs (1) Due to the nature of the relationships that graated the need for supervised visitation and supervised exchange services, the security of each person participating in a supervised visitation program must be a priority for each program. Security concerns must be a substantial component of the adopted standards. Therefore, the safety of the children, custodians, visitors, and program staff shall be ensured by	1	(1) Until the standards for supervised visitation and
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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	26	exchange services, the security of each person participating
29 <u>the adopted standards. Therefore, the safety of the children,</u> 30 <u>custodians, visitors, and program staff shall be ensured by</u>	27	in a supervised visitation program must be a priority for each
30 <u>custodians</u> , visitors, and program staff shall be ensured by	28	program. Security concerns must be a substantial component of
	29	the adopted standards. Therefore, the safety of the children,
31	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. (2) Each supervised visitation program is encouraged 3 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 participate in community service programs. 9 10 (3) Funds made available as a result of s. 382.0255 shall be used to assist supervised visitation programs to meet 11 12 the standards pertaining to security measures to be developed 13 under s. 753.10. The funds shall be made available to supervised visitation programs through the Department of 14 Children and Family Services using criteria recommended by the 15 16 clearinghouse as provided in s. 753.10. 753.07 Training for supervised visitation and 17 18 supervised exchange services. -- Contingent upon the 19 availability of funding, the clearinghouse shall develop, maintain, and update competency-based training materials for 20 21 supervised visitation and supervised exchange services which 2.2 are appropriate to meet the training needs of program staff. 23 The clearinghouse shall also provide training to staff of the supervised visitation programs. The clearinghouse shall track 2.4 trained staff who have completed training requirements, to the 25 extent permitted by available funding. 26 27 753.08 Supervised visitation programs; data 2.8 collection. -- Contingent upon the availability of funding, the clearinghouse shall fully implement and maintain a mechanism 29 for collecting data on supervised visitation and supervised 30 exchange services provided in this state. Each supervised 31

2data to the clearinghouse. The clearinghouse shall annually compile the information and make it available to the President3of the Senate, the Speaker of the House of Representatives. the courts, the Chief Justice of the Supreme Court, the department, and any other organization represented on the advisory board provided for in s. 753.10.8753.099supervised visitation programs; community partnershipsA supervised visitation program is encouraged to develop partnerships with other organizations in its community which may be able to offer important resources to strengthen the services provided. The community partners may include, but are not limited to, county and municipal governments, such as local extension services, and colleges and universities, such as the University of Florida Institute of Food and Agricultural Sciences and the Florida State University Institute of Family Violence Studies; the Junior league; and the United Way. 753.1010process (1) The clearinghouse shall develop standards for supervised visitation and supervised exchange services. The standards developed must address the purpose, policies. standards of providers, training, credentials of staff, information to be provided to the court, and data collection for supervised visitation programs. The standards shall be the basis for certifying supervised visitation programs. A supervised visitation programs A supervised visitation programs. A supervised visitation programs and not be certified unless it meets the standards adopted by the designated state agency.	1	visitation program must maintain and submit the identified
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30 meets the standards adopted by the designated state agency.	28	basis for certifying supervised visitation programs. A
	29	supervised visitation program may not be certified unless it
31	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	<u>include:</u>
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	(q) 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
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1 process for phasing in the implementation of the standards and 2 certification procedures, criteria for distributing funds to eligible programs, and the state entity that should certify 3 4 and monitor the supervised visitation programs. 5 (4) The clearinghouse shall submit a preliminary б 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 by December 31, 2007, to the President of the Senate, the 9 10 Speaker of the House of Representatives, and the Chief Justice of the Supreme Court. 11 12 (5) It is the intent of the Legislature that the 13 standards for supervised visitation and supervised exchange services and the criteria and procedures for the certification 14 and monitoring process be adopted as rules by the state entity 15 designated by the Legislature to certify and monitor the 16 17 supervised visitation programs. 18 Section 3. Present subsections (2), (3), and (4) of section 943.135, Florida Statutes, are redesignated as 19 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 allow an officer to meet up to 3 hours of the 40 hours of 2.4 25 required continuing education and training by volunteering at a community-based, not-for-profit organization that serves 26 27 children or families who have experienced or are at risk for 2.8 child abuse or domestic violence, including, but not limited to, a supervised visitation program as provided in chapter 29 753. This special population poses complex challenges to law 30 enforcement officers. Continuing education and training 31

1 through community service provides a unique learning 2 opportunity for officers to understand the special needs of this group of constituents, build community relations, and 3 4 provide a visible presence of law enforcement officers in the community. Volunteer time applied as continuing education and 5 б 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. 943.1701. 9 10 Section 4. Section 943.254, Florida Statutes, is created to read: 11 12 943.254 Volunteer work by law enforcement officers.--13 (1) An employing agency may operate or administer a program for law enforcement officers to provide volunteer 14 security services during off-duty hours at a community-based, 15 not-for-profit program that serves children or families who 16 17 have experienced or are at risk for child abuse or domestic 18 violence and that involves potential risk to staff or clients. A community-based, not-for-profit program may include, but 19 need not be limited to, a supervised visitation program 20 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 the acts or omissions of the law enforcement officer while he 2.4 or she is performing services for that program off-duty. 25 However, for purposes of coverage under the Workers' 26 27 Compensation Law, a law enforcement officer who volunteers as 2.8 provided in this section and who meets the provisions of s. 440.091 shall be considered to have been acting within the 29 30 course of employment under s. 440.091. 31

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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
б	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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SB 1706	SB	1706
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2	SENATE SUMMARY
3 4	Repeals provisions relating to the Florida Family Visitation Network. Provides legislative finding and intent with respect to administering supervised
5	visitation programs. Provides for developing standards for supervised visitation and supervised exchange
б	services. Requires compliance with interim minimum standards. Provides for security of supervised visitation
7	programs. Provides for the use of funds generated from an additional fee on requests for a certification of birth
8	to be used by supervised visitation programs to meet security standards. Requires the Clearinghouse on
9	Supervised Visitation to develop training materials. Encourages supervised visitation programs to develop
10	partnerships with community organizations. Directs the clearinghouse to develop standards for supervised
11	visitation and supervised exchange services. Creates an advisory board. Requires the Criminal Justice Standards
12	and Training Commission to allow agencies employing law enforcement officers to authorize volunteer service as a means of fulfilling requirements for continuing
13	education. Authorizes law enforcement agencies to administer a volunteer program for officers to provide
14	security services during off-duty hours for certain community programs. Requires the Department of Health to
15	charge an additional fee for requests for a certification of birth issued by the department. Requires that the fee
16	be used to fund supervised visitation programs.
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