

By Senator Wise

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1 A bill to be entitled
2 An act relating to supervised visitation; creating s.
3 753.06, F.S.; providing a hierarchy of factors to be
4 considered in determining where to refer cases for
5 supervised visitation; providing that relatives or
6 friends are not prohibited from supervising visits;
7 authorizing certified supervised visitation programs
8 to petition the court to resolve problems with cases
9 referred to them; providing for hearings concerning
10 problems with case referrals; creating s. 753.07,
11 F.S.; providing a presumption of good faith and civil
12 and criminal immunity for persons providing services
13 at a certified supervised visitation or monitored
14 exchange program pursuant to a court order; creating
15 s. 753.08, F.S.; providing that after a specified date
16 only those supervised visitation programs certified as
17 meeting certain standards may receive state funding;
18 providing an effective date.

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

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22 Section 1. Section 753.06, Florida Statutes, is created to
23 read:

24 753.06 Referrals.-

25 (1) Courts and referring agencies shall abide by the
26 following visitation decision hierarchy in determining where to
27 refer cases for supervised visitation:

28 (a) In non-dependency cases where the courts are the
29 primary source of referrals:

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30 1. Courts should prioritize referrals, and whenever a court
31 orders supervised visitation or monitored exchange, the order
32 should refer the parties to a local certified supervised
33 visitation or monitored exchange program if one exists in the
34 community.

35 2. If no certified program exists, or if the existing
36 certified program is not able to accept the referral, the court
37 must indicate this in writing and may refer the case to a local
38 mental health professional who has completed online training
39 required by the department and reviewed the applicable
40 standards.

41 (b) In dependency cases, referring agencies shall adhere to
42 the following:

43 1. The agency that has primary responsibility for the case
44 shall refer the parties to a local certified supervised
45 visitation program, if one exists in the community.

46 2. If no certified program exists, or if the existing
47 certified program is unable to accept the referral, the child
48 protective investigator or case manager who has primary
49 responsibility for the case may supervise the parent-child
50 contact. However, before a child protective investigator or case
51 manager may supervise any visits, he or she must complete a
52 review of the online training manual for Florida's supervised
53 visitation programs and certify to his or her own agency that he
54 or she has read and understands these standards and principles.

55 3. If no certified program exists, or if the existing
56 certified program is unable to accept the referral and the child
57 protective investigator or case manager is unable to supervise
58 the parent-child contact, the designated individual who has

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59 primary responsibility for the case may refer the case to other
60 qualified individuals, such as interns, other agency staff, or
61 transporters, within that agency to supervise the contact.
62 However, before any such qualified individual may supervise any
63 visits, he or she must complete a review of the online training
64 manual for Florida's supervised visitation programs and certify
65 to his or her own agency that he or she has read and understands
66 these standards and principles.

67 4. The agency that has primary responsibility for the case
68 may not refer the case to a subcontracting or other agency to
69 perform the supervised visitation unless all of that agency's
70 child protective investigators or case managers who supervise
71 visits, either onsite or offsite, have completed a review of the
72 online training manual for Florida's supervised visitation
73 programs and certify to their own agency that they have read and
74 understand these standards and principles. In this circumstance,
75 the subcontracting or other agency staff's completion of the
76 training manual alone is not sufficient to qualify them to
77 supervise visits.

78 (2) This section does not prohibit judges from allowing
79 relatives or friends to supervise visits.

80 (3) Certified programs that have accepted referrals may
81 petition the court in writing when there are problems with case
82 referrals, and the court may set a hearing to address these
83 problems.

84 Section 2. Section 753.07, Florida Statutes, is created to
85 read:

86 753.07 Service providers; immunity.—All persons responsible
87 for providing services at a certified supervised visitation or

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88 monitored exchange program pursuant to a court order shall be
89 presumed prima facie to be acting in good faith and in so doing
90 shall be immune from any liability, civil or criminal, which
91 otherwise might be incurred or imposed.

92 Section 3. Section 753.08, Florida Statutes, is created to
93 read:

94 753.08 Funding eligibility.—After January 1, 2011, only
95 supervised visitation programs certified as meeting standards
96 implemented under this chapter may receive state funding.

97 Section 4. This act shall take effect July 1, 2010.