

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 friends
 6 are not prohibited from supervising visits; authorizing
 7 certified supervised visitation programs to petition the
 8 court to resolve problems with cases referred to them;
 9 providing for hearings concerning problems with case
 10 referrals; creating s. 753.07, F.S.; providing a
 11 presumption of good faith and civil and criminal immunity
 12 for persons providing services at a certified supervised
 13 visitation or monitored exchange program pursuant to a
 14 court order; creating s. 753.08, F.S.; providing that
 15 after a specified date only those supervised visitation
 16 programs certified as meeting certain standards may
 17 receive state funding; providing an effective date.

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

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

23 753.06 Referrals.—

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

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

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

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

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

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

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

54 3. If no certified program exists, or if the existing
55 certified program is unable to accept the referral and the child
56 protective investigator or case manager is unable to supervise

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

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

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

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

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

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85 753.07 Service providers; immunity.—All persons
86 responsible for providing services at a certified supervised
87 visitation or monitored exchange program pursuant to a court
88 order shall be presumed prima facie to be acting in good faith
89 and in so doing shall be immune from any liability, civil or
90 criminal, that otherwise might be incurred or imposed.

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

93 753.08 Funding eligibility.—After January 1, 2011, only
94 supervised visitation programs certified as meeting standards
95 implemented under this chapter may receive state funding.

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