

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 762

INTRODUCER: Senator Baxley

SUBJECT: Child Protection

DATE: March 24, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Crosier	Hendon	CF	Pre-meeting
2.			JU	
3.			RC	

I. Summary:

SB 762 provides that a time-sharing plan allowing a child continuing contact with both parents may not require a minor child to visit a parent residing in a recovery residence between the hours of 9 p.m. and 7 a.m. The recovery residence may allow minor children to visit a resident parent but not allow the child to remain between the hours of 9 p.m. and 7 a.m.

The bill has an effective date of July 1, 2017, and does appear to have a fiscal impact.

II. Present Situation:

Parenting and Time-sharing plans

The public policy of this state is that each minor child has frequent and continuing contact with both parents.¹ A court must order shared parental responsibility for a minor child unless the court finds that shared responsibility would be detrimental to the child.² In determining timesharing with each parent, a court must consider the best interests of the child based on a list of factors.³ These factors include:

- The demonstrated capacity and disposition of each parent to facilitate and encourage a close and continuing parent-child relationship, to honor the time-sharing schedule, and to be reasonable when changes are required;
- The anticipated division of parental responsibilities after the litigation, including the extent to which parental responsibilities will be delegated to third parties;
- The demonstrated capacity and disposition of each parent to determine, consider, and act upon the needs of the child as opposed to the needs or desires of the parent;

¹ Section 61.13(2)(c)1, F.S.

² Section 61.13(2)(c)2, F.S.

³ Section 61.13(3), F.S.

- The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;
- The geographic viability of the parenting plan;
- The moral fitness of the parents;
- The mental and physical health of the parents;
- The home, school, and community record of the child;
- The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference;
- The demonstrated knowledge, capacity, and disposition of each parent to be informed of the circumstances of the minor child;
- The demonstrated capacity and disposition of each parent to provide a consistent routine for the child;
- The demonstrated capacity of each parent to communicate with and keep the other parent informed of issues and activities regarding the minor child; and
- The demonstrated capacity and disposition of each parent to maintain an environment for the child which is free from substance abuse.

A final factor allows the court to take into account any other factor that is relevant to the determination of a specific parenting plan, including the time-sharing schedule.⁴

Recovery Residences

In section 397.311(33), F.S., a recovery residence is defined as a residential dwelling unit, or other form of group housing, that is offered or advertised through any means by any person or entity as a residence that provides a peer-supported, alcohol-free, and drug-free living environment. Recovery residences, also known as sober homes, may elect to participate in a voluntary certification program administered through the Department of Children and Families (DCF).⁵ Requirements for certification of a recovery residence include:

- Submission of documents, including a policy and procedure manual, rules for residents, intake procedures, refund policy, a code of ethics, proof of insurance, and proof of background screening;⁶
- Active management by a certified recovery residence administrator;⁷
- Submission of all owners, directors, and chief financial officers to a level 2 (nationwide) background screening;⁸ and
- An onsite inspection of the recovery residence.⁹

The certification of a recovery residence may be suspended or revoked if the residence is not in compliance with any part of s. 397.487, F.S.¹⁰

⁴ Section 61.13(3)(t), F.S.

⁵ Section 397.487, F.S.

⁶ Section 397.487(3), F.S.

⁷ Section 397.487(4), F.S.

⁸ Section 397.487(6), F.S.

⁹ Section 397.487(5), F.S.

¹⁰ Section 397.487(8)(a), F.S.

III. Effect of Proposed Changes:

Section 1 amends s. 61.13, F.S., to provide that a time-sharing plan may not require a minor child to visit a parent residing in a recovery residence between the hours of 9 p.m. and 7 a.m.

Section 2 amends s. 397.487, F.S., to provide that as a requirement of certification, a recovery residence may not allow minor children to visit or remain between 9 p.m. and 7 a.m. A certified recovery residence may allow minor children to visit a parent during the other hours of the day.

Section 3 provides an effective date of July 1, 2017.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 61.13 and 397.487 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
