

By the Committee on Judiciary; and Senator Burt

308-820A-02

1 A bill to be entitled
2 An act relating to family court reform;
3 providing legislative intent with respect to
4 developing a unified family court model to
5 facilitate the comprehensive resolution of the
6 legal and nonlegal needs of children and
7 families; directing the Division of Statutory
8 Revision to submit a reviser's bill to
9 reorganize various chapters of the Florida
10 Statutes relating to family law to create the
11 Family Code; directing the division to
12 reorganize chapters 61 and 741, F.S., into
13 designated parts; creating s. 25.375, F.S.;
14 authorizing the Supreme Court to create a
15 system to identify individuals and families
16 within the court system; amending ss. 39.013,
17 39.521 F.S.; providing for modifying a court
18 order in a subsequent civil action or
19 proceeding affecting the same minor child;
20 amending s. 39.502, F.S., relating to notice,
21 process, and service; conforming a
22 cross-reference to changes made by the act;
23 amending s. 44.1011, F.S.; redefining the term
24 "mediation" to include voluntary mediation and
25 presuit mediation; amending s. 44.102, F.S.;
26 providing procedures for conducting voluntary
27 and presuit mediation; limiting the
28 confidentiality of certain disclosures in
29 mediation proceedings involving mandatory
30 reports and threats to inflict injury or commit
31 a crime of violence; amending ss. 61.09, 61.10

1 F.S.; providing for a parent to petition the
2 court for child support regardless of the
3 parent's marital status and independent of an
4 action for dissolution of marriage; amending s.
5 61.13, F.S.; providing for the court to
6 determine matters relating to child support in
7 any proceeding under ch. 61, F.S.; eliminating
8 provisions authorizing the court to award
9 grandparents visitation rights; repealing ss.
10 61.1302, 61.1304, 61.1306, 61.1308, 61.131,
11 61.1312, 61.1314, 61.1316, 61.1318, 61.132,
12 61.1322, 61.1324, 61.1326, 61.1328, 61.133,
13 61.1332, 61.1334, 61.1336, 61.1338, 61.134,
14 61.1342, 61.1344, 61.1346, 61.1348, F.S., the
15 "Uniform Child Custody Jurisdiction Act";
16 repealing s. 61.183, F.S., relating to
17 mediation of certain contested issues;
18 transferring and renumbering ss. 61.19, 61.191,
19 F.S., relating to entry of judgment of
20 dissolution of marriage and actions for
21 divorce; creating part IV of ch. 61, F.S., the
22 "Uniform Child Custody Jurisdiction and
23 Enforcement Act"; providing purposes of part IV
24 of ch. 61, F.S.; providing definitions;
25 providing for proceedings governed under other
26 laws; providing for application to Indian
27 tribes; providing for international
28 application; providing for the effect of a
29 determination of child custody; providing for
30 expedited hearings; requiring notice to persons
31 outside the state; providing for limited

1 immunity; providing for communications between
2 courts; authorizing the taking of testimony in
3 another state; requiring preservation of
4 records; providing for initial jurisdiction for
5 determining child custody; providing for
6 exclusive, continuing jurisdiction; providing
7 for jurisdiction to modify a determination;
8 providing for emergency temporary jurisdiction;
9 requiring notice; providing for an opportunity
10 to be heard; providing for joinder of parties;
11 providing for simultaneous proceedings;
12 authorizing the court to decline jurisdiction;
13 specifying the information to be submitted to
14 the court; providing for appearance of parties
15 and the child; providing for enforcement under
16 the Hague Convention; providing for temporary
17 visitation; requiring registration of a
18 determination of child custody; providing for
19 enforcement of a registered determination;
20 requiring expedited enforcement of a
21 determination of child custody; providing for a
22 hearing and court order; providing procedures
23 for obtaining a warrant to take physical
24 custody of a child; providing for costs, fees,
25 and expenses; providing for appeals; specifying
26 duties of the state attorney and law
27 enforcement officers; providing for application
28 and construction of the act; providing for
29 application of laws with respect to a motion
30 filed before the effective date of the act;
31 transferring and renumbering s. 741.24, F.S.,

1 relating to civil actions against parents;
2 amending s. 741.30, F.S.; providing for an
3 order of temporary custody, visitation, or
4 support to remain in effect until the court
5 enters a permanent order; amending s. 787.03,
6 F.S., relating to interference with custody;
7 conforming cross-references to changes made by
8 the act; providing for a workgroup to develop
9 an information system for the unified family
10 court model; providing for a report to the
11 Legislature; providing for severability;
12 providing an effective date.

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

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16 Section 1. It is the intent of the Legislature to
17 continue its initiative to reform the family courts which
18 began in 1990 when the Legislature created the Commission on
19 Family Courts and directed the commission to develop
20 guidelines for reform; recommend statutory, regulatory, and
21 organizational changes; and identify support services
22 necessary to implement a family division within each circuit.
23 The Legislature recognizes the Supreme Court's continuing
24 efforts to develop an integrated and comprehensive approach to
25 coordinating family law and related matters that affect a
26 child and his or her family, which culminated with the Supreme
27 Court endorsing the guiding principles and characteristics for
28 a unified family court model, adopted by the Family Court
29 Steering Committee in May, 2001. The Legislature also finds
30 that the unified family court model outlines a fully
31 integrated and comprehensive approach to resolving the legal

1 and underlying nonlegal issues faced by children and families,
2 regardless of whether the court's interaction involves
3 dissolution of marriage, child support, spousal support,
4 visitation, parental responsibility, interstate matters under
5 the Uniform Child Custody Jurisdiction Act or the Uniform
6 Reciprocal Enforcement of Support Act, adoption, paternity,
7 domestic or repeat violence, juvenile delinquency or
8 dependency, termination of parental rights, or children or
9 families in need of services. The Legislature also finds that
10 developing and implementing an effective system of case
11 management in order to identify, coordinate, and monitor all
12 cases that impact a family, including its children, and move
13 the case along more expeditiously within the judicial process
14 to final resolution is very important to the operations and
15 concept of a unified family court model. The Legislature
16 recognizes that there are services within and outside the
17 judicial system which assist the courts in making decisions
18 and achieve positive and lasting outcomes desired for
19 families. The Legislature recognizes the need for systematic
20 coordination between the courts and social service agencies in
21 order to assure the safety of the children, inform the courts
22 of services available within the community for children and
23 families, link children and families to needed services,
24 encourage the sharing of information, and prevent the
25 duplication of services. The Legislature finds that
26 information sharing is essential in order to assist the courts
27 and support systems in developing knowledge of the legal and
28 nonlegal needs of multiple or related cases that impact a
29 child and family. The Legislature recognizes, however, that
30 along with the sharing of more information between the courts
31 and various agencies, service providers, and other

1 stakeholders who interact with the court, and along with
2 greater ease of public accessibility to public records, there
3 are concerns as to whether existing policies and laws
4 governing public and nonpublic information are appropriate in
5 light of technological advances, and whether existing policies
6 and laws are adequate to protect the privacy, due process, and
7 safety of individuals. In light of these findings and
8 considerations, it is the intent of the Legislature to develop
9 policies, procedures, and laws that facilitate the
10 comprehensive resolution of the legal and nonlegal needs of
11 children and families and that protect the rights, privileges,
12 and safety of children and families who come before the court.

13 Section 2. (1) The Division of Statutory Revision of
14 the Office of Legislative Services shall submit a reviser's
15 bill for the 2003 Regular Session of the Legislature to
16 reorganize the material in chapters 39, 61, 63, 88, 741, 742,
17 743, 751, 752, 753, 984, and 985, into a new Title XLVIII as
18 follows:

19 (a) Title XLVIII shall be entitled the "Family Code"
20 and shall consist of chapters 986-998.

21 (b) Chapters 39, 61, 63, 88, 741, 742, 743, 751, 752,
22 753, 984, and 985 shall be renumbered within new chapters 987,
23 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, and 998,
24 respectively. The division is also requested to revise
25 numerical cross-references to provisions within these chapters
26 as appropriate.

27 (c) Chapter 986 shall be entitled "Family Code:
28 General Provisions."

29 (2) In the next edition of the Florida Statutes, the
30 Division of Statutory Revision of the Office of Legislative
31 Services shall designate:

1 (a) Sections 61.001-61.08, Florida Statutes, as part I
2 of chapter 61, Florida Statutes, to be entitled "Dissolution
3 of Marriage."

4 (b) Sections 61.09-61.30, Florida Statutes, as part II
5 of chapter 61, Florida Statutes, to be entitled "Support and
6 Custody."

7 (c) Sections 61.401-61.405, Florida Statutes, as part
8 III of chapter 61, Florida Statutes, to be entitled "Guardian
9 Ad Litem."

10 (d) Sections 61.501-61.542, Florida Statutes, as
11 created by this act, as part IV of chapter 61, Florida
12 Statutes, to be entitled "Interstate Custody Jurisdiction and
13 Enforcement."

14 (3) In the next edition of the Florida Statutes, the
15 Division of Statutory Revision of the Office of Legislative
16 Services shall:

17 (a) Change the title of chapter 741, Florida Statutes,
18 from "Husband and Wife" to "Marriage; Domestic Violence."

19 (b) Designate sections 741.01-741.24, Florida
20 Statutes, as part I of chapter 741, Florida Statutes, to be
21 entitled "Marriage."

22 (c) Designate sections 741.28-741.327, Florida
23 Statutes, as part II of chapter 741, Florida Statutes, to be
24 entitled "Domestic Violence."

25 Section 3. Section 25.375, Florida Statutes, is
26 created to read:

27 25.375 Identification of related cases.--The Supreme
28 Court may create a unique identifier for each individual to
29 identify all court cases related to that individual or his or
30 her family previously or currently in the court system. The
31 unique identifier must be the same for that individual in any

1 court case. To create the unique identifier, the court may
2 collect a portion of the individual's social security number
3 or other personal identification information, such as the
4 individual's date of birth.

5 Section 4. Subsection (4) of section 39.013, Florida
6 Statutes, is amended to read:

7 39.013 Procedures and jurisdiction; right to
8 counsel.--

9 (4) The order of the circuit court hearing dependency
10 matters shall be filed by the clerk of the court in any
11 dissolution or other custody action or proceeding. Such order
12 ~~and~~ shall take precedence over other custody and visitation
13 orders entered in those actions or proceedings. However, if
14 the court has terminated jurisdiction, such order may be
15 subsequently modified by a court of competent jurisdiction in
16 any other civil action or proceeding affecting placement of,
17 access to, parental time with, or parental responsibility for
18 the same minor child, if notice is given of the action or
19 proceeding to the Department of Children and Family Services.

20 Section 5. Subsection (7) of section 39.502, Florida
21 Statutes, is amended to read:

22 39.502 Notice, process, and service.--

23 (7) Service of the summons and service of pleadings,
24 papers, and notices subsequent to the summons on persons
25 outside this state must be made pursuant to s. 61.509 ~~s.~~
26 ~~61.1312~~.

27 Section 6. Subsection (3) of section 39.521, Florida
28 Statutes, is amended to read:

29 39.521 Disposition hearings; powers of disposition.--

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1 (3) When any child is adjudicated by a court to be
2 dependent, the court shall determine the appropriate placement
3 for the child as follows:

4 (a) If the court determines that the child can safely
5 remain in the home with the parent with whom the child was
6 residing at the time the events or conditions arose that
7 brought the child within the jurisdiction of the court and
8 that remaining in this home is in the best interest of the
9 child, then the court shall order conditions under which the
10 child may remain or return to the home and that this placement
11 be under the protective supervision of the department for not
12 less than 6 months.

13 (b) If there is a parent with whom the child was not
14 residing at the time the events or conditions arose that
15 brought the child within the jurisdiction of the court who
16 desires to assume custody of the child, the court shall place
17 the child with that parent upon completion of a home study,
18 unless the court finds that such placement would endanger the
19 safety, well-being, or physical, mental, or emotional health
20 of the child. Any party with knowledge of the facts may
21 present to the court evidence regarding whether the placement
22 will endanger the safety, well-being, or physical, mental, or
23 emotional health of the child. If the court places the child
24 with such parent, it may do either of the following:

25 1. Order that the parent assume sole custodial
26 responsibilities for the child. The court may also provide for
27 reasonable visitation by the noncustodial parent. The court
28 may then terminate its jurisdiction over the child. The
29 custody order shall continue unless modified by a subsequent
30 order of the circuit court hearing dependency matters. The
31 order of the circuit court hearing dependency matters shall be

1 filed in any dissolution or other custody action or proceeding
2 between the parents. Such order ~~and~~ shall take precedence over
3 other custody and visitation orders entered in those actions
4 or proceedings. However, if the court terminates jurisdiction,
5 such order may be subsequently modified by a court of
6 competent jurisdiction in any other civil action or proceeding
7 affecting placement of, access to, parental time with, or
8 parental responsibility for the same minor child, if notice is
9 given of the action or proceeding to the Department of
10 Children and Family Services.

11 2. Order that the parent assume custody subject to the
12 jurisdiction of the circuit court hearing dependency matters.
13 The court may order that reunification services be provided to
14 the parent from whom the child has been removed, that services
15 be provided solely to the parent who is assuming physical
16 custody in order to allow that parent to retain later custody
17 without court jurisdiction, or that services be provided to
18 both parents, in which case the court shall determine at every
19 review hearing which parent, if either, shall have custody of
20 the child. The standard for changing custody of the child from
21 one parent to another or to a relative or another adult
22 approved by the court shall be the best interest of the child.

23 (c) If no fit parent is willing or available to assume
24 care and custody of the child, place the child in the
25 temporary legal custody of an adult relative or other adult
26 approved by the court who is willing to care for the child,
27 under the protective supervision of the department. The
28 department must supervise this placement until the child
29 reaches permanency status in this home, and in no case for a
30 period of less than 6 months. Permanency in a relative
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1 placement shall be by adoption, long-term custody, or
2 guardianship.

3 (d) If the child cannot be safely placed in a
4 nonlicensed placement, the court shall commit the child to the
5 temporary legal custody of the department. Such commitment
6 invests in the department all rights and responsibilities of a
7 legal custodian. The department shall not return any child to
8 the physical care and custody of the person from whom the
9 child was removed, except for court-approved visitation
10 periods, without the approval of the court. The term of such
11 commitment continues until terminated by the court or until
12 the child reaches the age of 18. After the child is committed
13 to the temporary legal custody of the department, all further
14 proceedings under this section are governed by this chapter.

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16 Protective supervision continues until the court terminates it
17 or until the child reaches the age of 18, whichever date is
18 first. Protective supervision shall be terminated by the court
19 whenever the court determines that permanency has been
20 achieved for the child, whether with a parent, another
21 relative, or a legal custodian, and that protective
22 supervision is no longer needed. The termination of
23 supervision may be with or without retaining jurisdiction, at
24 the court's discretion, and shall in either case be considered
25 a permanency option for the child. The order terminating
26 supervision by the department shall set forth the powers of
27 the custodian of the child and shall include the powers
28 ordinarily granted to a guardian of the person of a minor
29 unless otherwise specified. Upon the court's termination of
30 supervision by the department, no further judicial reviews are

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1 required, so long as permanency has been established for the
2 child.

3 Section 7. Subsection (2) of section 44.1011, Florida
4 Statutes, is amended to read:

5 44.1011 Definitions.--As used in this chapter:

6 (2) "Mediation" means a process whereby a neutral
7 third person called a mediator acts to encourage and
8 facilitate the resolution of a dispute between two or more
9 parties. It is an informal and nonadversarial process with
10 the objective of helping the disputing parties reach a
11 mutually acceptable and voluntary agreement. In mediation,
12 decisionmaking authority rests with the parties. The role of
13 the mediator includes, but is not limited to, assisting the
14 parties in identifying issues, fostering joint problem
15 solving, and exploring settlement alternatives. "Mediation"
16 includes:

17 (a) "Appellate court mediation," which means mediation
18 that occurs during the pendency of an appeal of a civil case.

19 (b) "Circuit court mediation," which means mediation
20 of civil cases, other than family matters, in circuit court.
21 If a party is represented by counsel, the counsel of record
22 must appear unless stipulated to by the parties or otherwise
23 ordered by the court.

24 (c) "County court mediation," which means mediation of
25 civil cases within the jurisdiction of county courts,
26 including small claims. Negotiations in county court mediation
27 are primarily conducted by the parties. Counsel for each party
28 may participate. However, presence of counsel is not required.

29 (d) "Family mediation" which means mediation of family
30 matters, including married and unmarried persons, before and
31 after judgments involving dissolution of marriage; property

1 division; paternity; adoption; emancipation of a minor;shared
2 or sole parental responsibility; or child support, custody,
3 and visitation involving emotional or financial considerations
4 not usually present in other circuit civil cases. Negotiations
5 in family mediation are primarily conducted by the parties.
6 Counsel for each party may attend the mediation conference and
7 privately communicate with their clients. However, presence
8 of counsel is not required, and, in the discretion of the
9 mediator, and with the agreement of the parties, mediation may
10 proceed in the absence of counsel unless otherwise ordered by
11 the court.

12 (e) "Dependency or in need of services mediation,"
13 which means mediation of dependency, child in need of
14 services, or family in need of services matters. Negotiations
15 in dependency or in need of services mediation are primarily
16 conducted by the parties. Counsel for each party may attend
17 the mediation conference and privately communicate with their
18 clients. However, presence of counsel is not required and, in
19 the discretion of the mediator and with the agreement of the
20 parties, mediation may proceed in the absence of counsel
21 unless otherwise ordered by the court.

22 (f) "Voluntary mediation," which means mediation of
23 any matters as provided in paragraphs (a)-(e) if a court has
24 not referred the matter to mediation, but the parties agree to
25 submit to mediation.

26 (g) "Presuit mediation," which means mediation of any
27 matters as provided in paragraphs (b)-(e) which are in dispute
28 and for which the parties agree to submit to mediation before
29 the initiation of any court proceeding.

30 Section 8. Section 44.102, Florida Statutes, is
31 amended to read:

1 44.102 Court-ordered, voluntary, and presuit
2 mediation.--
3 (1) Court-ordered voluntary, and presuit mediation
4 shall be conducted according to rules of practice and
5 procedure adopted by the Supreme Court.
6 (2) A court, under rules adopted by the Supreme Court:
7 (a) Must, upon request of one party, refer to
8 mediation any filed civil action for monetary damages,
9 provided the requesting party is willing and able to pay the
10 costs of the mediation or the costs can be equitably divided
11 between the parties, unless:
12 1. The action is a landlord and tenant dispute that
13 does not include a claim for personal injury.
14 2. The action is filed for the purpose of collecting a
15 debt.
16 3. The action is a claim of medical malpractice.
17 4. The action is governed by the Florida Small Claims
18 Rules.
19 5. The court determines that the action is proper for
20 referral to nonbinding arbitration under this chapter.
21 6. The parties have agreed to binding arbitration.
22 7. The parties have agreed to an expedited trial
23 pursuant to s. 45.075.
24 8. The parties have agreed to voluntary trial
25 resolution pursuant to s. 44.104.
26 (b) May refer to mediation all or any part of a filed
27 civil action for which mediation is not required under this
28 section.
29 (c) In circuits in which a family mediation program
30 has been established and upon a court finding of a dispute,
31 shall refer to mediation all or part of custody, visitation,

1 or other parental responsibility issues as defined in s.
2 61.13. Upon motion or request of a party, a court shall not
3 refer any case to mediation if it finds there has been a
4 history of domestic violence that would compromise the
5 mediation process.

6 (d) In circuits in which a dependency or in need of
7 services mediation program has been established, may refer to
8 mediation all or any portion of a matter relating to
9 dependency or to a child in need of services or a family in
10 need of services.

11 (3) Each party involved in a ~~court-ordered~~ mediation
12 proceeding has a privilege to refuse to disclose, and to
13 prevent any person present at the proceeding from disclosing,
14 communications made during such proceeding. All oral or
15 written communications in a mediation proceeding, other than
16 an executed settlement agreement, shall be exempt from the
17 requirements of chapter 119 and shall be confidential and
18 inadmissible as evidence in any subsequent legal proceeding,
19 unless all parties agree otherwise.

20 (4) There shall be no privilege and no restriction on
21 any disclosure of oral or written communications made
22 confidential by subsection (3) which:

23 (a) Require a mandatory report required by law,
24 including, but not limited to, reports required by chapter 39
25 or chapter 415; or

26 (b) Evidence a threat to inflict bodily injury or
27 commit a crime of violence.

28 (5)~~(4)~~ There shall be no privilege and no restriction
29 on any disclosure of communications made confidential in
30 subsection (3) in relation to disciplinary proceedings filed
31 against mediators pursuant to s. 44.106 and court rules, to

1 the extent the communication is used for the purposes of such
2 proceedings. In such cases, the disclosure of an otherwise
3 privileged communication shall be used only for the internal
4 use of the body conducting the investigation. Prior to the
5 release of any disciplinary files to the public, all
6 references to otherwise privileged communications shall be
7 deleted from the record. When an otherwise confidential
8 communication is used in a mediator disciplinary proceeding,
9 such communication shall be inadmissible as evidence in any
10 subsequent legal proceeding. "Subsequent legal proceeding"
11 means any legal proceeding between the parties to the
12 mediation which follows the court-ordered mediation.

13 (6)~~(5)~~ The chief judge of each judicial circuit shall
14 maintain a list of mediators who have been certified by the
15 Supreme Court and who have registered for appointment in that
16 circuit.

17 (a) Whenever possible, qualified individuals who have
18 volunteered their time to serve as mediators shall be
19 appointed. If a mediation program is funded pursuant to s.
20 44.108, volunteer mediators shall be entitled to reimbursement
21 pursuant to s. 112.061 for all actual expenses necessitated by
22 service as a mediator.

23 (b) Nonvolunteer mediators shall be compensated
24 according to rules adopted by the Supreme Court. If a
25 mediation program is funded pursuant to s. 44.108, a mediator
26 may be compensated by the county or by the parties. When a
27 party has been declared indigent or insolvent, that party's
28 pro rata share of a mediator's compensation shall be paid by
29 the county at the rate set by administrative order of the
30 chief judge of the circuit.

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1 (7)(6)(a) When an action is referred to mediation by
2 court order, the time periods for responding to an offer of
3 settlement pursuant to s. 45.061, or to an offer or demand for
4 judgment pursuant to s. 768.79, respectively, shall be tolled
5 until:

- 6 1. An impasse has been declared by the mediator; or
- 7 2. The mediator has reported to the court that no
8 agreement was reached.

9 (b) Sections 45.061 and 768.79 notwithstanding, an
10 offer of settlement or an offer or demand for judgment may be
11 made at any time after an impasse has been declared by the
12 mediator, or the mediator has reported that no agreement was
13 reached. An offer is deemed rejected as of commencement of
14 trial.

15 Section 9. Section 61.09, Florida Statutes, is amended
16 to read:

17 61.09 Alimony and child support unconnected with
18 dissolution.--If a person having the ability to contribute to
19 the maintenance of his or her spouse or ~~and~~ support of his or
20 her minor child fails to do so, the spouse who is not
21 receiving spousal support may petition the court for support
22 or the parent, whether a spouse or not,~~or~~ who has custody of
23 the child or with whom the child has primary residence may
24 petition ~~apply to~~ the court ~~for alimony and~~ for support for
25 the child independent of any action for ~~without seeking~~
26 dissolution of marriage.~~7~~ ~~and~~ The court shall enter an order
27 as it deems just and proper.

28 Section 10. Section 61.10, Florida Statutes, is
29 amended to read:

30 61.10 Adjudication of obligation to support spouse or
31 minor child unconnected with dissolution; child custody,

1 child's primary residence, and visitation.--Except when relief
2 is afforded by some other pending civil action or proceeding,
3 a spouse or parent residing in this state apart from the other
4 ~~his or her~~ spouse or the other parent and minor child, whether
5 or not such separation is through his or her fault, may
6 petition for ~~obtain~~ an adjudication of obligation to maintain
7 the spouse, if applicable, or ~~and~~ minor child, if any. The
8 court shall adjudicate his or her financial obligations to the
9 spouse and child, shall establish the child's primary
10 residence, and shall determine the custody and visitation
11 rights of the parties. Such an action does not preclude
12 either party from maintaining any other proceeding under this
13 chapter for other or additional relief at any time.

14 Section 11. Paragraph (a) of subsection (1) and
15 paragraph (b) of subsection (2) of section 61.13, Florida
16 Statutes, are amended to read:

17 61.13 Custody and support of children; visitation
18 rights; power of court in making orders.--

19 (1)(a) In a proceeding under this chapter for
20 ~~dissolution of marriage~~, the court has jurisdiction to
21 determine all matters relating to child support ~~may at any~~
22 ~~time order either or both parents who owe a duty of support to~~
23 ~~a child to pay support~~ in accordance with the guidelines in s.
24 61.30. The court initially entering an order requiring one or
25 both parents to make child support payments shall have
26 continuing jurisdiction after the entry of the initial order
27 to modify the amount and terms and conditions of the child
28 support payments when the modification is found necessary by
29 the court in the best interests of the child, when the child
30 reaches majority, or when there is a substantial change in the
31 circumstances of the parties. The court initially entering a

1 child support order shall also have continuing jurisdiction to
2 require the obligee to report to the court on terms prescribed
3 by the court regarding the disposition of the child support
4 payments.

5 (2)

6 (b)1. The court shall determine all matters relating
7 to custody of each minor child of the parties in accordance
8 with the best interests of the child and in accordance with
9 the Uniform Child Custody Jurisdiction and Enforcement Act. It
10 is the public policy of this state to assure that each minor
11 child has frequent and continuing contact with both parents
12 after the parents separate or the marriage of the parties is
13 dissolved and to encourage parents to share the rights and
14 responsibilities, and joys, of childrearing. After considering
15 all relevant facts, the father of the child shall be given the
16 same consideration as the mother in determining the primary
17 residence of a child irrespective of the age or sex of the
18 child.

19 2. The court shall order that the parental
20 responsibility for a minor child be shared by both parents
21 unless the court finds that shared parental responsibility
22 would be detrimental to the child. Evidence that a parent has
23 been convicted of a felony of the third degree or higher
24 involving domestic violence, as defined in s. 741.28 and
25 chapter 775, or meets the criteria of s. 39.806(1)(d), creates
26 a rebuttable presumption of detriment to the child. If the
27 presumption is not rebutted, shared parental responsibility,
28 including visitation, residence of the child, and decisions
29 made regarding the child, may not be granted to the convicted
30 parent. However, the convicted parent is not relieved of any
31 obligation to provide financial support. If the court

1 determines that shared parental responsibility would be
2 detrimental to the child, it may order sole parental
3 responsibility and make such arrangements for visitation as
4 will best protect the child or abused spouse from further
5 harm. Whether or not there is a conviction of any offense of
6 domestic violence or child abuse or the existence of an
7 injunction for protection against domestic violence, the court
8 shall consider evidence of domestic violence or child abuse as
9 evidence of detriment to the child.

10 a. In ordering shared parental responsibility, the
11 court may consider the expressed desires of the parents and
12 may grant to one party the ultimate responsibility over
13 specific aspects of the child's welfare or may divide those
14 responsibilities between the parties based on the best
15 interests of the child. Areas of responsibility may include
16 primary residence, education, medical and dental care, and any
17 other responsibilities that the court finds unique to a
18 particular family.

19 b. The court shall order "sole parental
20 responsibility, with or without visitation rights, to the
21 other parent when it is in the best interests of" the minor
22 child.

23 ~~c. The court may award the grandparents visitation~~
24 ~~rights with a minor child if it is in the child's best~~
25 ~~interest. Grandparents have legal standing to seek judicial~~
26 ~~enforcement of such an award.~~This section does not require
27 that grandparents be made parties or given notice of
28 dissolution pleadings or proceedings, ~~nor do grandparents have~~
29 ~~legal standing as "contestants" as defined in s. 61.1306.~~ A
30 court may not order that a child be kept within the state or
31

1 jurisdiction of the court solely for the purpose of permitting
2 visitation by the grandparents.

3 3. Access to records and information pertaining to a
4 minor child, including, but not limited to, medical, dental,
5 and school records, may not be denied to a parent because the
6 parent is not the child's primary residential parent. Full
7 rights under this subparagraph apply to either parent unless a
8 court order specifically revokes these rights, including any
9 restrictions on these rights as provided in a domestic
10 violence injunction. A parent having rights under this
11 subparagraph has the same rights upon request as to form,
12 substance, and manner of access as are available to the other
13 parent of a child, including, without limitation, the right to
14 in-person communication with medical, dental, and education
15 providers.

16 Section 12. The "Uniform Child Custody Jurisdiction
17 Act," consisting of sections 61.1302, 61.1304, 61.1306,
18 61.1308, 61.131, 61.1312, 61.1314, 61.1316, 61.1318, 61.132,
19 61.1322, 61.1324, 61.1326, 61.1328, 61.133, 61.1332, 61.1334,
20 61.1336, 61.1338, 61.134, 61.1342, 61.1344, 61.1346, and
21 61.1348, Florida Statutes, is repealed.

22 Section 13. Section 61.183, Florida Statutes, is
23 repealed.

24 Section 14. Sections 61.19 and 61.191, Florida
25 Statutes, are transferred and renumbered as sections 61.053
26 and 61.054, respectively.

27 Section 15. Part IV of chapter 61, Florida Statutes,
28 consisting of sections 61.501, 61.502, 61.503, 61.504, 61.505,
29 61.506, 61.507, 61.508, 61.509, 61.510, 61.511, 61.512,
30 61.513, 61.514, 61.515, 61.516, 61.517, 61.518, 61.519,
31 61.520, 61.521, 61.522, 61.523, 61.524, 61.525, 61.526,

1 61.527, 61.528, 61.529, 61.530, 61.531, 61.532, 61.533,
2 61.534, 61.535, 61.536, 61.537, 61.538, 61.539, 61.540,
3 61.541, and 61.542, Florida Statutes, is created to read:
4 61.501 Short title.--This part may be cited as the
5 "Uniform Child Custody Jurisdiction and Enforcement Act."
6 61.502 Purposes of part; construction of
7 provisions.--The general purposes of this part are to:
8 (1) Avoid jurisdictional competition and conflict with
9 courts of other states in matters of child custody which have
10 in the past resulted in the shifting of children from state to
11 state with harmful effects on their well-being.
12 (2) Promote cooperation with the courts of other
13 states to the end that a custody decree is rendered in the
14 state that can best decide the case in the interest of the
15 child.
16 (3) Discourage the use of the interstate system for
17 continuing controversies over child custody.
18 (4) Deter abductions.
19 (5) Avoid relitigating the custody decisions of other
20 states in this state.
21 (6) Facilitate the enforcement of custody decrees of
22 other states.
23 (7) Promote and expand the exchange of information and
24 other forms of mutual assistance between the courts of this
25 state and those of other states concerned with the same child.
26 (8) Make uniform the law with respect to the subject
27 of this part among the states enacting it.
28 61.503 Definitions.--As used in this part, the term:
29 (1) "Abandoned" means left without provision for
30 reasonable and necessary care or supervision.
31

1 (2) "Child" means an individual who has not attained
2 18 years of age.

3 (3) "Child custody determination" means a judgment,
4 decree, or other order of a court providing for the legal
5 custody, physical custody, residential care, or visitation
6 with respect to a child. The term includes a permanent,
7 temporary, initial, and modification order. The term does not
8 include an order relating to child support or other monetary
9 obligation of an individual.

10 (4) "Child custody proceeding" means a proceeding in
11 which legal custody, physical custody, residential care or
12 visitation with respect to a child is an issue. The term
13 includes a proceeding for divorce, separation, neglect, abuse,
14 dependency, guardianship, paternity, termination of parental
15 rights, and protection from domestic violence, in which the
16 issue may appear. The term does not include a proceeding
17 involving juvenile delinquency, contractual emancipation, or
18 enforcement under ss. 61.524-61.540.

19 (5) "Commencement" means the filing of the first
20 pleading in a proceeding.

21 (6) "Court" means an entity authorized under the laws
22 of a state to establish, enforce, or modify a child custody
23 determination.

24 (7) "Home state" means the state in which a child
25 lived with a parent or a person acting as a parent for at
26 least 6 consecutive months immediately before the commencement
27 of a child custody proceeding. In the case of a child younger
28 than 6 months of age, the term means the state in which the
29 child lived from birth with any of the persons mentioned. A
30 period of temporary absence of any of the mentioned persons is
31 part of the period.

1 (8) "Initial determination" means the first child
2 custody determination concerning a particular child.

3 (9) "Issuing court" means the court that makes a child
4 custody determination for which enforcement is sought under
5 this part.

6 (10) "Issuing state" means the state in which a child
7 custody determination is made.

8 (11) "Modification" means a child custody
9 determination that changes, replaces, supersedes, or is
10 otherwise made after a previous determination concerning the
11 same child, regardless of whether it is made by the court that
12 made the previous determination.

13 (12) "Person" means an individual, corporation,
14 business trust, estate, trust, partnership, limited liability
15 company, association, joint venture, or government;
16 governmental subdivision, agency, instrumentality, or public
17 corporation; or any other legal or commercial entity.

18 (13) "Person acting as a parent" means a person, other
19 than a parent, who:

20 (a) Has physical custody of the child or has had
21 physical custody for a period of 6 consecutive months,
22 including any temporary absence, within 1 year immediately
23 before the commencement of a child custody proceeding; and

24 (b) Has been awarded legal custody by a court or
25 claims a right to legal custody under the laws of this state.

26 (14) "Physical custody" means the physical care and
27 supervision of a child.

28 (15) "State" means a state of the United States, the
29 District of Columbia, Puerto Rico, the United States Virgin
30 Islands, or any territory or insular possession subject to the
31 jurisdiction of the United States.

1 (16) "Tribe" means an Indian tribe, or band, or
2 Alaskan Native village that is recognized by federal law or
3 formally acknowledged by a state.

4 (17) "Warrant" means an order issued by a court
5 authorizing law enforcement officers to take physical custody
6 of a child.

7 61.504 Proceedings governed by other law.--This part
8 does not govern an adoption proceeding or a proceeding
9 pertaining to the authorization of emergency medical care for
10 a child.

11 61.505 Application to Indian tribes.--

12 (1) A child custody proceeding that pertains to an
13 Indian child, as defined in the Indian Child Welfare Act, 25
14 U.S.C. s. 1901 et seq., is not subject to this part to the
15 extent that it is governed by the Indian Child Welfare Act.

16 (2) A court of this state shall treat a tribe as if it
17 were a state of the United States for purposes of applying ss.
18 61.501-61.523.

19 (3) A child custody determination made by a tribe
20 under factual circumstances in substantial conformity with the
21 jurisdictional standards of this part must be recognized and
22 enforced under ss. 61.524-61.540.

23 61.506 International application of part.--

24 (1) A court of this state shall treat a foreign
25 country as if it were a state of the United States for
26 purposes of applying ss. 61.501-61.523.

27 (2) Except as otherwise provided in subsection (3), a
28 child custody determination made in a foreign country under
29 factual circumstances in substantial conformity with the
30 jurisdictional standards of this part must be recognized and
31 enforced under ss. 61.524-61.540.

1 (3) A court of this state need not apply this part if
2 the child custody law of a foreign country violates
3 fundamental principles of human rights.

4 61.507 Effect of child custody determination.--A child
5 custody determination made by a court of this state which had
6 jurisdiction under this part binds all persons who have been
7 served in accordance with the laws of this state or notified
8 in accordance with s. 61.509 or who have submitted to the
9 jurisdiction of the court, and who have been given an
10 opportunity to be heard. As to those persons, the
11 determination is conclusive as to all decided issues of law
12 and fact except to the extent the determination is modified.

13 61.508 Priority.--If a question of existence or
14 exercise of jurisdiction under this part is raised in a child
15 custody proceeding, the question, upon request of a party,
16 must be given priority on the calendar and handled
17 expeditiously.

18 61.509 Notice to persons outside the state.--

19 (1) Notice required for the exercise of jurisdiction
20 when a person is outside this state may be given in a manner
21 prescribed by the laws of this state for the service of
22 process or by the laws of the state in which the service is
23 made. Notice must be given in a manner reasonably calculated
24 to give actual notice, but may be made by publication if other
25 means are not effective.

26 (2) Proof of service may be made in the manner
27 prescribed by the laws of this state or by the laws of the
28 state in which the service is made.

29 (3) Notice is not required for the exercise of
30 jurisdiction with respect to a person who submits to the
31 jurisdiction of the court.

1 61.510 Appearance and limited immunity.--

2 (1) A party to a child custody proceeding, including a
3 modification proceeding, or a petitioner or respondent in a
4 proceeding to enforce or register a child custody
5 determination, is not subject to personal jurisdiction in this
6 state for another proceeding or purpose solely by reason of
7 having participated, or of having been physically present for
8 the purpose of participating, in the proceeding.

9 (2) A person who is subject to personal jurisdiction
10 in this state on a basis other than physical presence is not
11 immune from service of process in this state. A party present
12 in this state who is subject to the jurisdiction of another
13 state is not immune from service of process allowable under
14 the laws of that state.

15 (3) The immunity granted by subsection (1) does not
16 extend to civil litigation based on an act unrelated to the
17 participation in a proceeding under this part which was
18 committed by an individual while present in this state.

19 61.511 Communication between courts.--

20 (1) A court of this state may communicate with a court
21 in another state concerning a proceeding arising under this
22 part.

23 (2) The court shall allow the parties to participate
24 in the communication. If the parties elect to participate in
25 the communication, they must be given the opportunity to
26 present facts and legal arguments before a decision on
27 jurisdiction is made.

28 (3) Communication between courts on schedules,
29 calendars, court records, and similar matters may occur
30 without informing the parties. A record need not be made of
31 the communication.

1 (4) Except as otherwise provided in subsection (3), a
2 record must be made of a communication under this section. The
3 parties must be informed promptly of the communication and
4 granted access to the record.

5 (5) For purposes of this section, the term "record"
6 means a form of information, including, but not limited to, an
7 electronic recording or transcription by a court reporter
8 which creates a verbatim memorialization of any communication
9 between two or more individuals or entities.

10 61.512 Taking testimony in another state.--

11 (1) In addition to other procedures available to a
12 party, a party to a child custody proceeding may offer
13 testimony of witnesses who are located in another state,
14 including testimony of the parties and the child, by
15 deposition or other means allowable in this state for
16 testimony taken in another state. The court on its own motion
17 may order that the testimony of a person be taken in another
18 state and may prescribe the manner in which and the terms upon
19 which the testimony is taken.

20 (2) A court of this state may, with the consent of all
21 parties, permit an individual residing in another state to be
22 deposed or to testify by telephone, audiovisual means, or
23 other electronic means before a designated court or at another
24 location in that state. A court of this state shall cooperate
25 with courts of other states in designating an appropriate
26 location for the deposition or testimony.

27 (3) Documentary evidence transmitted from another
28 state to a court of this state by technological means that
29 does not produce an original writing may not be excluded from
30 evidence on an objection based on the means of transmission.

31

1 61.513 Cooperation between courts; preservation of
2 records.--

3 (1) A court of this state may request the appropriate
4 court of another state to:

5 (a) Hold an evidentiary hearing;

6 (b) Order a person to produce or give evidence
7 pursuant to procedures of that state;

8 (c) Order that an evaluation be made with respect to
9 the custody of a child involved in a pending proceeding;

10 (d) Forward to the court of this state a certified
11 copy of the transcript of the record of the hearing, the
12 evidence otherwise presented, and any evaluation prepared in
13 compliance with the request; or

14 (e) Order a party to a child custody proceeding or any
15 person having physical custody of the child to appear in the
16 proceeding with or without the child.

17 (2) Upon request of a court of another state, a court
18 of this state may hold a hearing or enter an order described
19 in subsection (1).

20 (3) Travel and other necessary and reasonable expenses
21 incurred under subsections (1) and (2) may be assessed against
22 the parties according to the laws of this state if the court
23 has personal jurisdiction over the party against whom these
24 expenses are being assessed.

25 (4) A court of this state shall preserve the
26 pleadings, orders, decrees, records of hearings, evaluations,
27 and other pertinent records with respect to a child custody
28 proceeding until the child attains 18 years of age. Upon
29 appropriate request by a court or law enforcement official of
30 another state, the court shall forward a certified copy of
31 these records.

1 61.514 Initial child custody jurisdiction.--
2 (1) Except as otherwise provided in s. 61.517, a court
3 of this state has jurisdiction to make an initial child
4 custody determination only if:
5 (a) This state is the home state of the child on the
6 date of the commencement of the proceeding, or was the home
7 state of the child within 6 months before the commencement of
8 the proceeding and the child is absent from this state but a
9 parent or person acting as a parent continues to live in this
10 state;
11 (b) A court of another state does not have
12 jurisdiction under paragraph (a), or a court of the home state
13 of the child has declined to exercise jurisdiction on the
14 grounds that this state is the more appropriate forum under s.
15 61.520 or s. 61.521, and:
16 1. The child and the child's parents, or the child and
17 at least one parent or a person acting as a parent, have a
18 significant connection with this state other than mere
19 physical presence; and
20 2. Substantial evidence is available in this state
21 concerning the child's care, protection, training, and
22 personal relationships;
23 (c) All courts having jurisdiction under paragraph (a)
24 or paragraph (b) have declined to exercise jurisdiction on the
25 grounds that a court of this state is the more appropriate
26 forum to determine the custody of the child under s. 61.520 or
27 s. 61.521; or
28 (d) No court of any other state would have
29 jurisdiction under the criteria specified in paragraph (a),
30 paragraph (b), or paragraph (c).
31

1 (2) Subsection (1) is the exclusive jurisdictional
2 basis for making a child custody determination by a court of
3 this state.

4 (3) Physical presence of, or personal jurisdiction
5 over, a party or a child is not necessary or sufficient to
6 make a child custody determination.

7 61.515 Exclusive, continuing jurisdiction.--

8 (1) Except as otherwise provided in s. 61.517, a court
9 of this state which has made a child custody determination
10 consistent with s. 61.514 or s. 61.516 has exclusive,
11 continuing jurisdiction over the determination until:

12 (a) A court of this state determines that the child,
13 the child's parents, and any person acting as a parent does
14 not have a significant connection with this state and that
15 substantial evidence is no longer available in this state
16 concerning the child's care, protection, training, and
17 personal relationships; or

18 (b) A court of this state or a court of another state
19 determines that the child, the child's parent, and any person
20 acting as a parent does not presently reside in this state.

21 (2) A court of this state which has made a child
22 custody determination and does not have exclusive, continuing
23 jurisdiction under this section may modify that determination
24 only if it has jurisdiction to make an initial determination
25 under s. 61.514.

26 61.516 Jurisdiction to modify a determination.--Except
27 as otherwise provided in s. 61.517, a court of this state may
28 not modify a child custody determination made by a court of
29 another state unless a court of this state has jurisdiction to
30 make an initial determination under s. 61.514(1)(a) or s.
31 61.514(1)(b) and:

1 (1) The court of the other state determines it no
2 longer has exclusive, continuing jurisdiction under s. 61.515
3 or that a court of this state would be a more convenient forum
4 under s. 61.520; or

5 (2) A court of this state or a court of the other
6 state determines that the child, the child's parents, and any
7 person acting as a parent does not presently reside in the
8 other state.

9 61.517 Temporary emergency jurisdiction.--

10 (1) A court of this state has temporary emergency
11 jurisdiction if the child is present in this state and the
12 child has been abandoned or it is necessary in an emergency to
13 protect the child because the child, or a sibling or parent of
14 the child, is subjected to or threatened with mistreatment or
15 abuse.

16 (2) If there is no previous child custody
17 determination that is entitled to be enforced under this part,
18 and a child custody proceeding has not been commenced in a
19 court of a state having jurisdiction under ss. 61.514-61.616,
20 a child custody determination made under this section remains
21 in effect until an order is obtained from a court of a state
22 having jurisdiction under ss. 61.514-61.516. If a child
23 custody proceeding has not been or is not commenced in a court
24 of a state having jurisdiction under ss. 61.514-61.516, a
25 child custody determination made under this section becomes a
26 final determination if it so provides and this state becomes
27 the home state of the child.

28 (3) If there is a previous child custody determination
29 that is entitled to be enforced under this part, or a child
30 custody proceeding has been commenced in a court of a state
31 having jurisdiction under ss. 61.514-61.516, any order issued

1 by a court of this state under this section must specify in
2 the order a period that the court considers adequate to allow
3 the person seeking an order to obtain an order from the state
4 having jurisdiction under ss. 61.514-61.516. The order issued
5 in this state remains in effect until an order is obtained
6 from the other state within the period specified or the period
7 expires.

8 (4) A court of this state which has been asked to make
9 a child custody determination under this section, upon being
10 informed that a child custody proceeding has been commenced
11 in, or a child custody determination has been made by, a court
12 of a state having jurisdiction under ss. 61.514-61.516, shall
13 immediately communicate with the other court. A court of this
14 state which is exercising jurisdiction under ss.
15 61.514-61.516, upon being informed that a child custody
16 proceeding has been commenced in, or a child custody
17 determination has been made by, a court of another state under
18 a statute similar to this section shall immediately
19 communicate with the court of that state to resolve the
20 emergency, protect the safety of the parties and the child,
21 and determine a period for the duration of the temporary
22 order.

23 61.518 Notice; opportunity to be heard; joinder.--

24 (1) Before a child custody determination is made under
25 this part, notice and an opportunity to be heard in accordance
26 with the standards of s. 61.509 must be given to all persons
27 entitled to notice under the laws of this state as in child
28 custody proceedings between residents of this state, any
29 parent whose parental rights have not been previously
30 terminated, and any person having physical custody of the
31 child.

1 (2) This part does not govern the enforceability of a
2 child custody determination made without notice or an
3 opportunity to be heard.

4 (3) The obligation to join a party and the right to
5 intervene as a party in a child custody proceeding under this
6 part are governed by the laws of this state as in child
7 custody proceedings between residents of this state.

8 61.519 Simultaneous proceedings.--

9 (1) Except as otherwise provided in s. 61.517, a court
10 of this state may not exercise its jurisdiction under ss.
11 61.514-61.524 if, at the time of the commencement of the
12 proceeding, a proceeding concerning the custody of the child
13 had been commenced in a court of another state having
14 jurisdiction substantially in conformity with this part,
15 unless the proceeding has been terminated or is stayed by the
16 court of the other state because a court of this state is a
17 more convenient forum under s. 61.520.

18 (2) Except as otherwise provided in s. 61.517, a court
19 of this state, before hearing a child custody proceeding,
20 shall examine the court documents and other information
21 supplied by the parties pursuant to s. 61.522. If the court
22 determines that a child custody proceeding was previously
23 commenced in a court in another state having jurisdiction
24 substantially in accordance with this part, the court of this
25 state shall stay its proceeding and communicate with the court
26 of the other state. If the court of the state having
27 jurisdiction substantially in accordance with this part does
28 not determine that the court of this state is a more
29 appropriate forum, the court of this state shall dismiss the
30 proceeding.

31

1 (3) In a proceeding to modify a child custody
2 determination, a court of this state shall determine whether a
3 proceeding to enforce the determination has been commenced in
4 another state. If a proceeding to enforce a child custody
5 determination has been commenced in another state, the court
6 may:

7 (a) Stay the proceeding for modification pending the
8 entry of an order of a court of the other state enforcing,
9 staying, denying, or dismissing the proceeding for
10 enforcement;

11 (b) Enjoin the parties from continuing with the
12 proceeding for enforcement; or

13 (c) Proceed with the modification under conditions it
14 considers appropriate.

15 61.520 Inconvenient forum.--

16 (1) A court of this state which has jurisdiction under
17 this part to make a child custody determination may decline to
18 exercise its jurisdiction at any time if it determines that it
19 is an inconvenient forum under the circumstances and that a
20 court of another state is a more appropriate forum. The issue
21 of inconvenient forum may be raised upon motion of a party,
22 the court's own motion, or request of another court.

23 (2) Before determining whether it is an inconvenient
24 forum, a court of this state shall consider whether it is
25 appropriate for a court of another state to exercise
26 jurisdiction. For this purpose, the court shall allow the
27 parties to submit information and shall consider all relevant
28 factors, including:

29 (a) Whether domestic violence has occurred and is
30 likely to continue in the future and which state could best
31 protect the parties and the child;

1 (b) The length of time the child has resided outside
2 this state;

3 (c) The distance between the court in this state and
4 the court in the state that would assume jurisdiction;

5 (d) The relative financial circumstances of the
6 parties;

7 (e) Any agreement of the parties as to which state
8 should assume jurisdiction;

9 (f) The nature and location of the evidence required
10 to resolve the pending litigation, including testimony of the
11 child;

12 (g) The ability of the court of each state to decide
13 the issue expeditiously and the procedures necessary to
14 present the evidence; and

15 (h) The familiarity of the court of each state with
16 the facts and issues in the pending litigation.

17 (3) If a court of this state determines that it is an
18 inconvenient forum and that a court of another state is a more
19 appropriate forum, it shall stay the proceedings upon
20 condition that a child custody proceeding be promptly
21 commenced in another designated state and may impose any other
22 condition the court considers just and proper.

23 (4) A court of this state may decline to exercise its
24 jurisdiction under this part if a child custody determination
25 is incidental to an action for divorce or another proceeding
26 while still retaining jurisdiction over the divorce or other
27 proceeding.

28 61.521 Jurisdiction declined by reason of conduct.--

29 (1) Except as otherwise provided in s. 61.517 or by
30 other law of this state, if a court of this state has
31 jurisdiction under this part because a person seeking to

1 invoke its jurisdiction has engaged in unjustifiable conduct,
2 the court shall decline to exercise its jurisdiction unless:

3 (a) The parents and all persons acting as parents have
4 acquiesced in the exercise of jurisdiction;

5 (b) A court of the state otherwise having jurisdiction
6 under ss. 61.514-61.516 determines that this state is a more
7 appropriate forum under s. 61.520; or

8 (c) No court of any other state would have
9 jurisdiction under the criteria specified in ss.
10 61.514-61.516.

11 (2) If a court of this state declines to exercise its
12 jurisdiction under subsection (1), it may fashion an
13 appropriate remedy to ensure the safety of the child and
14 prevent a repetition of the unjustifiable conduct, including
15 staying the proceeding until a child custody proceeding is
16 commenced in a court having jurisdiction under ss.
17 61.514-61.516.

18 (3) If a court dismisses a petition or stays a
19 proceeding because it declines to exercise its jurisdiction
20 under subsection (1), it shall assess against the party
21 seeking to invoke its jurisdiction necessary and reasonable
22 expenses, including costs, communication expenses, attorney's
23 fees, investigative fees, expenses for witnesses, travel
24 expenses, and expenses for child care during the course of the
25 proceedings, unless the party from whom fees are sought
26 establishes that the assessment would be clearly
27 inappropriate. The court may not assess fees, costs, or
28 expenses against this state unless authorized by law other
29 than this part.

30 61.522 Information to be submitted to the court.--
31

1 (1) Subject to state law providing for the
2 confidentiality of procedures, addresses, and other
3 identifying information in a child custody proceeding, each
4 party, in its first pleading or in an attached affidavit,
5 shall give information, if reasonably ascertainable, under
6 oath as to the child's present address or whereabouts, the
7 places where the child has lived during the last 5 years, and
8 the names and present addresses of the persons with whom the
9 child has lived during that period. The pleading or affidavit
10 must state whether the party:

11 (a) Has participated, as a party or witness or in any
12 other capacity, in any other proceeding concerning the custody
13 of or visitation with the child and, if so, identify the
14 court, the case number, and the date of the child custody
15 determination, if any;

16 (b) Knows of any proceeding that could affect the
17 current proceeding, including proceedings for enforcement and
18 proceedings relating to domestic violence, protective orders,
19 termination of parental rights, and adoptions and, if so,
20 identify the court, the case number, and the nature of the
21 proceeding; and

22 (c) Knows the names and addresses of any person not a
23 party to the proceeding who has physical custody of the child
24 or claims rights of legal custody or physical custody of, or
25 visitation with, the child and, if so, the names and addresses
26 of those persons.

27 (2) If the information required by subsection (1) is
28 not furnished, the court, upon motion of a party or its own
29 motion, may stay the proceeding until the information is
30 furnished.

31

1 (3) If the declaration as to any of the items
2 described in paragraphs (1)(a)-(c) is in the affirmative, the
3 declarant shall give additional information under oath as
4 required by the court. The court may examine the parties under
5 oath as to details of the information furnished and other
6 matters pertinent to the court's jurisdiction and the
7 disposition of the case.

8 (4) Each party has a continuing duty to inform the
9 court of any proceeding in this or any other state which could
10 affect the current proceeding.

11 61.523 Appearance of parties and child.--

12 (1) In a child custody proceeding in this state, the
13 court may order a party to the proceeding who is in this state
14 to appear before the court in person with or without the
15 child. The court may order any person who is in this state and
16 who has physical custody or control of the child to appear in
17 person with the child.

18 (2) If a party to a child custody proceeding whose
19 presence is desired by the court is outside this state, the
20 court may order that a notice given pursuant to s. 61.509
21 include a statement directing the party to appear in person
22 with or without the child and informing the party that failure
23 to appear may result in a decision adverse to the party.

24 (3) The court may enter any orders necessary to ensure
25 the safety of the child and of any person ordered to appear
26 under this section.

27 (4) If a party to a child custody proceeding who is
28 outside this state is directed to appear under subsection (2)
29 or desires to appear in person before the court with or
30 without the child, the court may require another party to pay
31

1 reasonable and necessary travel and other expenses of the
2 party so appearing and of the child.

3 61.524 Definitions.--As used in ss. 61.524-61.540, the
4 term:

5 (1) "Petitioner" means a person who seeks enforcement
6 of an order for return of a child under the Hague Convention
7 on the Civil Aspects of International Child Abduction or
8 enforcement of a child custody determination.

9 (2) "Respondent" means a person against whom a
10 proceeding has been commenced for enforcement of an order for
11 return of a child under the Hague Convention on the Civil
12 Aspects of International Child Abduction or enforcement of a
13 child custody determination.

14 61.525 Enforcement under the Hague Convention.--Under
15 this part, a court of this state may enforce an order for the
16 return of a child made under the Hague Convention on the Civil
17 Aspects of International Child Abduction as if it were a child
18 custody determination.

19 61.526 Duty to enforce.--

20 (1) A court of this state shall recognize and enforce
21 a child custody determination of a court of another state if
22 the latter court exercised jurisdiction in substantial
23 conformity with this part or the determination was made under
24 factual circumstances meeting the jurisdictional standards of
25 this part and the determination has not been modified in
26 accordance with this part.

27 (2) A court of this state may use any remedy available
28 under other laws of this state to enforce a child custody
29 determination made by a court of another state. The remedies
30 provided by ss. 61.524-61.540 are cumulative and do not affect
31

1 the availability of other remedies to enforce a child custody
2 determination.

3 61.527 Temporary visitation.--

4 (1) A court of this state which does not have
5 jurisdiction to modify a child custody determination may issue
6 a temporary order enforcing:

7 (a) A visitation schedule made by a court of another
8 state; or

9 (b) The visitation provisions of a child custody
10 determination of another state which does not provide for a
11 specific visitation schedule.

12 (2) If a court of this state makes an order under
13 paragraph (1)(b), it shall specify in the order a period that
14 it considers adequate to allow the petitioner to obtain an
15 order from a court having jurisdiction under the criteria
16 specified in ss. 61.514-61.523. The order remains in effect
17 until an order is obtained from the other court or the period
18 expires.

19 61.528 Registration of child custody determination.--

20 (1) A child custody determination issued by a court of
21 another state may be registered in this state, with or without
22 a simultaneous request for enforcement, by sending to the
23 appropriate court in this state:

24 (a) A letter or other document requesting
25 registration;

26 (b) Two copies, including one certified copy, of the
27 determination sought to be registered and a statement under
28 penalty of perjury that, to the best of the knowledge and
29 belief of the person seeking registration, the order has not
30 been modified; and

31

1 (c) Except as otherwise provided in s. 61.522, the
2 name and address of the person seeking registration and any
3 parent or person acting as a parent who has been awarded
4 custody or visitation in the child custody determination
5 sought to be registered.

6 (2) On receipt of the documents required by subsection
7 (1), the registering court shall:

8 (a) Cause the determination to be filed as a foreign
9 judgment, together with one copy of any accompanying documents
10 and information, regardless of their form; and

11 (b) Serve notice upon the persons named pursuant to
12 paragraph (1)(c) and provide them with an opportunity to
13 contest the registration in accordance with this section.

14 (3) The notice required by paragraph (2)(b) must state
15 that:

16 (a) A registered determination is enforceable as of
17 the date of the registration in the same manner as a
18 determination issued by a court of this state;

19 (b) A hearing to contest the validity of the
20 registered determination must be requested within 20 days
21 after service of notice; and

22 (c) Failure to contest the registration will result in
23 confirmation of the child custody determination and preclude
24 further contest of that determination with respect to any
25 matter that could have been asserted.

26 (4) A person seeking to contest the validity of a
27 registered order must request a hearing within 20 days after
28 service of the notice. At that hearing, the court shall
29 confirm the registered order unless the person contesting
30 registration establishes that:

31

1 (a) The issuing court did not have jurisdiction under
2 ss. 61.514-61.523;

3 (b) The child custody determination sought to be
4 registered has been vacated, stayed, or modified by a court
5 having jurisdiction to do so under ss. 61.514-61.523; or

6 (c) The person contesting registration was entitled to
7 notice, but notice was not given in accordance with the
8 standards of s. 61.509 in the proceedings before the court
9 that issued the order for which registration is sought.

10 (5) If a timely request for a hearing to contest the
11 validity of the registration is not made, the registration is
12 confirmed as a matter of law and the person requesting
13 registration and all persons served must be notified of the
14 confirmation.

15 (6) Confirmation of a registered order, whether by
16 operation of law or after notice and hearing, precludes
17 further contest of the order with respect to any matter that
18 could have been asserted at the time of registration.

19 61.529 Enforcement of registered determination.--

20 (1) A court of this state may grant any relief
21 normally available under the laws of this state to enforce a
22 registered child custody determination made by a court of
23 another state.

24 (2) A court of this state shall recognize and enforce
25 but may not modify, except in accordance with ss.
26 61.514-61.523, a registered child custody determination of
27 another state.

28 61.530 Simultaneous proceedings.--If a proceeding for
29 enforcement under ss. 61.524-61.540 is commenced in a court of
30 this state and the court determines that a proceeding to
31 modify the determination is pending in a court of another

1 state having jurisdiction to modify the determination under
2 ss. 61.514-61.523, the enforcing court shall immediately
3 communicate with the modifying court. The proceeding for
4 enforcement continues unless the enforcing court, after
5 consultation with the modifying court, stays or dismisses the
6 proceeding.

7 61.531 Expedited enforcement of child custody
8 determination.--

9 (1) A petition under ss. 61.524-61.540 must be
10 verified. Certified copies of all orders sought to be enforced
11 and of any order confirming registration must be attached to
12 the petition. A copy of a certified copy of an order may be
13 attached instead of the original.

14 (2) A petition for enforcement of a child custody
15 determination must state:

16 (a) Whether the court that issued the determination
17 identified the jurisdictional basis it relied upon in
18 exercising jurisdiction and, if so, specify the basis;

19 (b) Whether the determination for which enforcement is
20 sought has been vacated, stayed, or modified by a court whose
21 decision must be enforced under this part and, if so, identify
22 the court, the case number, and the nature of the proceeding;

23 (c) Whether any proceeding has been commenced that
24 could affect the current proceeding, including proceedings
25 relating to domestic violence, protective orders, termination
26 of parental rights, and adoptions and, if so, identify the
27 court, the case number, and the nature of the proceeding;

28 (d) The present physical address of the child and the
29 respondent, if known;

30 (e) Whether relief in addition to the immediate
31 physical custody of the child and attorney's fees is sought,

1 including a request for assistance from law enforcement
2 officers and, if so, the relief sought; and

3 (f) If the child custody determination has been
4 registered and confirmed under s. 61.528, the date and place
5 of registration.

6 (3) Upon the filing of a petition, the court shall
7 issue an order directing the respondent to appear in person
8 with or without the child at a hearing and may enter any order
9 necessary to ensure the safety of the parties and the child.
10 The hearing must be held on the next judicial day after
11 service of the order unless that date is impossible. In that
12 event, the court shall hold the hearing on the first judicial
13 day possible. The court may extend the date of the hearing at
14 the request of the petitioner.

15 (4) An order issued under subsection (3) must state
16 the time and place of the hearing and advise the respondent
17 that at the hearing the court will order that the petitioner
18 may take immediate physical custody of the child and the
19 payment of fees, costs, and expenses under s. 61.535 and may
20 schedule a hearing to determine whether further relief is
21 appropriate, unless the respondent appears and establishes
22 that:

23 (a) The child custody determination has not been
24 registered and confirmed under s. 61.528 and that:

25 1. The issuing court did not have jurisdiction under
26 ss. 61.514-61.523;

27 2. The child custody determination for which
28 enforcement is sought has been vacated, stayed, or modified by
29 a court of a state having jurisdiction to do so under ss.
30 61.514-61.523; or
31

1 3. The respondent was entitled to notice, but notice
2 was not given in accordance with the standards of s. 61.509 in
3 the proceedings before the court that issued the order for
4 which enforcement is sought; or

5 (b) The child custody determination for which
6 enforcement is sought was registered and confirmed under s.
7 61.528, but has been vacated, stayed, or modified by a court
8 of a state having jurisdiction to do so under ss.
9 61.514-61.523.

10 61.532 Service of petition and order.--Except as
11 otherwise provided in s. 61.534, the petition and order must
12 be served by any method authorized by the laws of this state
13 upon the respondent and any person who has physical custody of
14 the child.

15 61.533 Hearing and order.--

16 (1) Unless the court enters a temporary emergency
17 order under s. 61.517, upon a finding that a petitioner is
18 entitled to immediate physical custody of the child, the court
19 shall order that the petitioner may take immediate physical
20 custody of the child unless the respondent establishes that:

21 (a) The child custody determination has not been
22 registered and confirmed under s. 61.528 and that:

23 1. The issuing court did not have jurisdiction under
24 ss. 61.514-61.523;

25 2. The child custody determination for which
26 enforcement is sought has been vacated, stayed, or modified by
27 a court of a state having jurisdiction to do so under ss.
28 61.514-61.523; or

29 3. The respondent was entitled to notice, but notice
30 was not given in accordance with the standards of s. 61.509 in
31

1 the proceedings before the court that issued the order for
2 which enforcement is sought; or

3 (b) The child custody determination for which
4 enforcement is sought was registered and confirmed under s.
5 61.528, but has been vacated, stayed, or modified by a court
6 of a state having jurisdiction to do so under ss.
7 61.514-61.523.

8 (2) The court shall award the fees, costs, and
9 expenses authorized under s. 61.535 and may grant additional
10 relief, including a request for the assistance of law
11 enforcement officers, and set a further hearing to determine
12 whether additional relief is appropriate.

13 (3) If a party called to testify refuses to answer on
14 the ground that the testimony may be self-incriminating, the
15 court may draw an adverse inference from the refusal.

16 (4) A privilege against disclosure of communications
17 between spouses and a defense of immunity based on the
18 relationship of husband and wife or parent and child may not
19 be invoked in a proceeding under ss. 61.524-61.540.

20 61.534 Warrant to take physical custody of child.--

21 (1) Upon the filing of a petition seeking enforcement
22 of a child custody determination, the petitioner may file a
23 verified application for the issuance of a warrant to take
24 physical custody of the child if the child is likely to
25 imminently suffer serious physical harm or removal from this
26 state.

27 (2) If the court, upon the testimony of the petitioner
28 or other witness, finds that the child is likely to imminently
29 suffer serious physical harm or removal from this state, it
30 may issue a warrant to take physical custody of the child. The
31 petition must be heard on the next judicial day after the

1 warrant is executed unless that date is impossible. In that
2 event, the court shall hold the hearing on the first judicial
3 day possible. The application for the warrant must include the
4 statements required by s. 61.531(2).

5 (3) A warrant to take physical custody of a child
6 must:

7 (a) Recite the facts upon which a conclusion of
8 imminent serious physical harm or removal from the
9 jurisdiction is based;

10 (b) Direct law enforcement officers to take physical
11 custody of the child immediately; and

12 (c) Provide for the placement of the child pending
13 final relief.

14 (4) The respondent must be served with the petition,
15 warrant, and order immediately after the child is taken into
16 physical custody.

17 (5) A warrant to take physical custody of a child is
18 enforceable throughout this state. If the court finds on the
19 basis of the testimony of the petitioner or other witness that
20 a less intrusive remedy is not effective, it may authorize law
21 enforcement officers to enter private property to take
22 physical custody of the child. If required by exigent
23 circumstances of the case, the court may authorize law
24 enforcement officers to make a forcible entry at any hour.

25 (6) The court may impose conditions upon placement of
26 a child to ensure the appearance of the child and the child's
27 custodian.

28 61.535 Costs, fees, and expenses.--

29 (1) So long as the court has personal jurisdiction
30 over the party against whom the expenses are being assessed,
31 the court shall award the prevailing party, including a state,

1 necessary and reasonable expenses incurred by or on behalf of
2 the party, including costs, communication expenses, attorney's
3 fees, investigative fees, expenses for witnesses, travel
4 expenses, and expenses for child care during the course of the
5 proceedings, unless the party from whom fees or expenses are
6 sought establishes that the award would be clearly
7 inappropriate.

8 (2) The court may not assess fees, costs, or expenses
9 against a state unless authorized by law other than this part.

10 61.536 Recognition and enforcement.--A court of this
11 state shall accord full faith and credit to an order issued by
12 another state and consistent with this part which enforces a
13 child custody determination by a court of another state unless
14 the order has been vacated, stayed, or modified by a court
15 having jurisdiction to do so under ss. 61.514-61.523.

16 61.537 Appeals.--An appeal may be taken from a final
17 order in a proceeding under ss. 61.524-61.640 in accordance
18 with expedited appellate procedures in other civil cases.
19 Unless the court enters a temporary emergency order under s.
20 61.517, the enforcing court may not stay an order enforcing a
21 child custody determination pending appeal.

22 61.538 Role of state attorney.--

23 (1) In a case arising under this part or involving the
24 Hague Convention on the Civil Aspects of International Child
25 Abduction, the state attorney may take any lawful action,
26 including resort to a proceeding under ss. 61.524-61.540 or
27 any other available civil proceeding, to locate a child,
28 obtain the return of a child, or enforce a child custody
29 determination, if there is:

30 (a) An existing child custody determination;
31

1 (b) A request to do so from a court in a pending child
2 custody proceeding;

3 (c) A reasonable belief that a criminal statute has
4 been violated; or

5 (d) A reasonable belief that the child has been
6 wrongfully removed or retained in violation of the Hague
7 Convention on the Civil Aspects of International Child
8 Abduction.

9 (2) A state attorney acting under this section acts on
10 behalf of the court and may not represent any party.

11 61.539 Role of law enforcement officers.--At the
12 request of a state attorney acting under s. 61.538, a law
13 enforcement officer may take any lawful action reasonably
14 necessary to locate a child or a party and assist a state
15 attorney with responsibilities under s. 61.538.

16 61.540 Costs and expenses.--If the respondent is not
17 the prevailing party, the court may assess against the
18 respondent all direct expenses and costs incurred by the state
19 attorney and law enforcement officers under s. 61.538 or s.
20 61.539.

21 61.541 Application and construction.--In applying and
22 construing this part, consideration must be given to the need
23 to promote uniformity of the law with respect to its subject
24 matter among states that enact it.

25 61.542 Transitional provision.--A motion or other
26 request for relief made in a child custody proceeding or to
27 enforce a child custody determination that was commenced
28 before the effective date of this part is governed by the law
29 in effect at the time the motion or other request was made.

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1 Section 16. Section 741.24, Florida Statutes, is
2 transferred and renumbered as section 772.115, Florida
3 Statutes.

4 Section 17. Paragraph (d) of subsection (3),
5 subsection (4), paragraph (a) of subsection (5), paragraph (a)
6 of subsection (6), and paragraph (a) of subsection (7) of
7 section 741.30, Florida Statutes, are amended to read:

8 741.30 Domestic violence; injunction; powers and
9 duties of court and clerk; petition; notice and hearing;
10 temporary injunction; issuance of injunction; statewide
11 verification system; enforcement.--

12 (3)

13 (d) If the sworn petition seeks to determine issues of
14 custody or visitation with regard to the minor child or
15 children of the parties, the sworn petition shall be
16 accompanied by or shall incorporate the allegations required
17 by s. 61.522 ~~s. 61.132~~ of the Uniform Child Custody
18 Jurisdiction and Enforcement Act.

19 (4) Upon the filing of the petition, the court shall
20 set a hearing to be held at the earliest possible time. The
21 respondent shall be personally served with a copy of the
22 petition, financial affidavit, uniform child custody
23 jurisdiction and enforcement act affidavit, if any, notice of
24 hearing, and temporary injunction, if any, prior to the
25 hearing.

26 (5)(a) When it appears to the court that an immediate
27 and present danger of domestic violence exists, the court may
28 grant a temporary injunction ex parte, pending a full hearing,
29 and may grant such relief as the court deems proper, including
30 an injunction:

31

1 1. Restraining the respondent from committing any acts
2 of domestic violence.

3 2. Awarding to the petitioner the temporary exclusive
4 use and possession of the dwelling that the parties share or
5 excluding the respondent from the residence of the petitioner.

6 3. On the same basis as provided in s. 61.13 ~~s.~~
7 ~~61.13(2), (3), (4), and (5)~~, granting to the petitioner
8 temporary custody of a minor child unless there is relief
9 afforded by some other pending civil action or proceeding
10 affecting the placement of, access to, parental time with, or
11 parental responsibility for the minor child or children. An
12 order of temporary custody remains in effect until a
13 determination of permanent custody is entered by a court of
14 competent jurisdiction in a pending or subsequent civil action
15 or proceeding affecting the placement of, access to, parental
16 time with, or parental responsibility for the minor child.

17 (6)(a) Upon notice and hearing, the court may grant
18 such relief as the court deems proper, including an
19 injunction:

20 1. Restraining the respondent from committing any acts
21 of domestic violence.

22 2. Awarding to the petitioner the exclusive use and
23 possession of the dwelling that the parties share or excluding
24 the respondent from the residence of the petitioner.

25 3. On the same basis as provided in chapter 61,
26 awarding temporary custody of, or temporary visitation rights
27 with regard to, a minor child or children of the parties
28 unless such relief is afforded by some other pending civil
29 action or proceeding. An order of temporary custody or
30 visitation remains in effect until an order of permanent
31 custody or visitation is entered by a court of competent

1 jurisdiction in a pending or subsequent civil action or
2 proceeding affecting the placement of, access to, parental
3 time with, or parental responsibility for the minor child.

4 4. On the same basis as provided in chapter 61,
5 establishing temporary support for a minor child or children
6 or the petitioner unless such relief is afforded by some other
7 pending civil action or proceeding. An order of temporary
8 support remains in effect until an order of permanent support
9 is entered by a court of competent jurisdiction in a pending
10 or subsequent civil action or proceeding affecting child
11 support.

12 5. Ordering the respondent to participate in
13 treatment, intervention, or counseling services to be paid for
14 by the respondent. When the court orders the respondent to
15 participate in a batterers' intervention program, the court,
16 or any entity designated by the court, must provide the
17 respondent with a list of all certified batterers'
18 intervention programs and all programs which have submitted an
19 application to the Department of Corrections to become
20 certified under s. 741.325, from which the respondent must
21 choose a program in which to participate. If there are no
22 certified batterers' intervention programs in the circuit, the
23 court shall provide a list of acceptable programs from which
24 the respondent must choose a program in which to participate.

25 6. Referring a petitioner to a certified domestic
26 violence center. The court must provide the petitioner with a
27 list of certified domestic violence centers in the circuit
28 which the petitioner may contact.

29 7. Ordering such other relief as the court deems
30 necessary for the protection of a victim of domestic violence,
31

1 including injunctions or directives to law enforcement
2 agencies, as provided in this section.

3 (7)(a)1. The clerk of the court shall furnish a copy
4 of the petition, financial affidavit, uniform child custody
5 jurisdiction and enforcement act affidavit, if any, notice of
6 hearing, and temporary injunction, if any, to the sheriff or a
7 law enforcement agency of the county where the respondent
8 resides or can be found, who shall serve it upon the
9 respondent as soon thereafter as possible on any day of the
10 week and at any time of the day or night. The clerk of the
11 court shall be responsible for furnishing to the sheriff such
12 information on the respondent's physical description and
13 location as is required by the department to comply with the
14 verification procedures set forth in this section.

15 Notwithstanding any other provision of law to the contrary,
16 the chief judge of each circuit, in consultation with the
17 appropriate sheriff, may authorize a law enforcement agency
18 within the jurisdiction to effect service. A law enforcement
19 agency serving injunctions pursuant to this section shall use
20 service and verification procedures consistent with those of
21 the sheriff.

22 2. When an injunction is issued, if the petitioner
23 requests the assistance of a law enforcement agency, the court
24 may order that an officer from the appropriate law enforcement
25 agency accompany the petitioner and assist in placing the
26 petitioner in possession of the dwelling or residence, or
27 otherwise assist in the execution or service of the
28 injunction. A law enforcement officer shall accept a copy of
29 an injunction for protection against domestic violence,
30 certified by the clerk of the court, from the petitioner and
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1 immediately serve it upon a respondent who has been located
2 but not yet served.

3 3. All orders issued, changed, continued, extended, or
4 vacated subsequent to the original service of documents
5 enumerated under subparagraph 1., shall be certified by the
6 clerk of the court and delivered to the parties at the time of
7 the entry of the order. The parties may acknowledge receipt
8 of such order in writing on the face of the original order.
9 In the event a party fails or refuses to acknowledge the
10 receipt of a certified copy of an order, the clerk shall note
11 on the original order that service was effected. If delivery
12 at the hearing is not possible, the clerk shall mail certified
13 copies of the order to the parties at the last known address
14 of each party. Service by mail is complete upon mailing.
15 When an order is served pursuant to this subsection, the clerk
16 shall prepare a written certification to be placed in the
17 court file specifying the time, date, and method of service
18 and shall notify the sheriff.

19
20 If the respondent has been served previously with the
21 temporary injunction and has failed to appear at the initial
22 hearing on the temporary injunction, any subsequent petition
23 for injunction seeking an extension of time may be served on
24 the respondent by the clerk of the court by certified mail in
25 lieu of personal service by a law enforcement officer.

26 Section 18. Paragraph (b) of subsection (6) of section
27 787.03, Florida Statutes, is amended to read:

28 787.03 Interference with custody.--

29 (6)

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31

1 (b) In order to gain the exemption conferred by
2 paragraph (a), a person who takes a child pursuant to this
3 subsection must:

4 1. Within 10 days after taking the child, make a
5 report to the sheriff's office or state attorney's office for
6 the county in which the child resided at the time he or she
7 was taken, which report must include the name of the person
8 taking the child, the current address and telephone number of
9 the person and child, and the reasons the child was taken.

10 2. Within a reasonable time after taking the child,
11 commence a custody proceeding that is consistent with the
12 federal Parental Kidnapping Prevention Act, 28 U.S.C. s.
13 1738A, or the Uniform Child Custody Jurisdiction and
14 Enforcement Act, ss. 61.501-61.542 ~~ss. 61.1302-61.1348~~.

15 3. Inform the sheriff's office or state attorney's
16 office for the county in which the child resided at the time
17 he or she was taken of any change of address or telephone
18 number of the person and child.

19 Section 19. (1) In order for a unified family court
20 model to function effectively, efficiently, consistently, and
21 fairly, each participant in the unified family court model
22 must determine its information needs and assess its technology
23 support and resources for meeting those needs. The
24 participants in the family court model must cooperate and
25 collaborate to develop the most efficient and cost-effective
26 information system and to determine how to fund such a system.
27 That system should provide for collecting, storing,
28 retrieving, accessing, and sharing needed information.

29 (2) The State Technology Office is encouraged to
30 assist the courts and clerks of courts in establishing a
31 workgroup by July 1, 2002, to develop an information system

1 based on the assessment of the information needs of the
2 participants in the unified family court model. The workgroup
3 should initially focus on processing information for
4 identifying, tracking, processing, and linking related cases
5 involving the same family members. The workgroup may also work
6 on other issues identified by the participants as facilitating
7 the operations of programs of the unified family court model
8 and facilitating the provision of services to families before
9 the court.

10 (3) The final report of the workgroup should be
11 provided to the Legislature by February 1, 2003. The report
12 should identify, at a minimum, the information needs of the
13 courts, the clerks of court, the agencies, and other
14 stakeholders in programs of the unified family court model;
15 the information technology needed to facilitate the provision
16 and exchange of necessary information to, within, and from the
17 court under a unified family court model; the information
18 system that will meet those needs; the funding needs and
19 funding sources; and any other recommendations for legislative
20 action.

21 Section 20. If any provision of this act or its
22 application to any person or circumstance is held invalid, the
23 invalidity does not affect other provisions or applications of
24 the act which can be given effect without the invalid
25 provision or application, and to this end the provisions of
26 this act are severable.

27 Section 21. This act shall take effect upon becoming a
28 law.

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SENATE SUMMARY

Provides legislative intent to continue the initiative to reform the family courts and create a unified family court model. Authorizes the Supreme Court to create a system for identifying individuals and families within the court system. Provides for procedures governing mediation to apply to voluntary mediation and presuit mediation. Authorizes a parent to petition the court for child support regardless of the parent's marital status and independent of an action for dissolution of marriage. Repeals the "Uniform Child Custody Jurisdiction Act." Creates the "Uniform Child Custody Jurisdiction and Enforcement Act." (See bill for details.)