

By the Committees on Judiciary; Children and Families; and
Senator Burt

308-1841A-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; designating various chapters of the
8 Florida Statutes relating to family law to
9 create the Family Code; directing the Division
10 of Statutory Revision to reorganize chapters 61
11 and 741, F.S., into designated parts; creating
12 s. 25.375, F.S.; authorizing the Supreme Court
13 to create a system to identify cases relating
14 to individuals and families within the court
15 system; amending s. 25.385, F.S.; redefining
16 the terms "domestic violence" and "family or
17 household member"; amending s. 39.013, F.S.;
18 providing for modifying a court order in a
19 subsequent civil proceeding; amending s.
20 39.0132, F.S.; providing for limited
21 admissibility of evidence in subsequent civil
22 proceedings; amending s. 39.502, F.S., relating
23 to notice, process, and service; conforming a
24 cross-reference to changes made by the act;
25 amending s. 39.521, F.S.; providing for
26 modifying a court order in a subsequent civil
27 action or proceeding; amending s. 39.814, F.S.;
28 providing for limited admissibility of evidence
29 in subsequent civil proceedings; amending s.
30 44.1011, F.S.; redefining the term "family
31 mediation"; providing definitions for voluntary

1 mediation and presuit mediation; amending s.
2 44.1012, F.S., providing legislative intent
3 regarding continuum of alternatives to
4 litigation; creating s. 44.1025, F.S.;
5 providing for confidentiality concerning
6 certain disclosures in presuit and voluntary
7 mediations; amending s. 44.108, F.S.;
8 increasing the service charge for modification
9 of dissolution-of-marriage petitions to deposit
10 moneys into state mediation and arbitration
11 trust fund; requesting the supreme court to
12 establish a process for filing and court
13 approval of stipulated agreements without court
14 appearances; creating s. 44.202, F.S.;
15 providing for the establishment of
16 presuit-mediation pilot programs and funding;
17 amending s. 61.13, F.S.; providing for the
18 court to determine matters relating to child
19 support in any proceeding under ch. 61, F.S.;
20 eliminating provisions authorizing the court to
21 award grandparents visitation rights; repealing
22 ss. 61.1302, 61.1304, 61.1306, 61.1308, 61.131,
23 61.1312, 61.1314, 61.1316, 61.1318, 61.132,
24 61.1322, 61.1324, 61.1326, 61.1328, 61.133,
25 61.1332, 61.1334, 61.1336, 61.1338, 61.134,
26 61.1342, 61.1344, 61.1346, 61.1348, F.S., the
27 "Uniform Child Custody Jurisdiction Act";
28 repealing s. 61.183, F.S., relating to
29 mediation of certain contested issues;
30 transferring and renumbering ss. 61.19, 61.191,
31 F.S., relating to entry of judgment of

1 dissolution of marriage and actions for
2 divorce; amending s. 61.21, F.S.; revising the
3 timeframe for completing a parenting course;
4 creating part IV of ch. 61, F.S., the "Uniform
5 Child Custody Jurisdiction and Enforcement
6 Act"; providing purposes of part IV of ch. 61,
7 F.S.; providing definitions; providing for
8 proceedings governed under other laws;
9 providing for application to Indian tribes;
10 providing for international application;
11 providing for the effect of a determination of
12 child custody; providing for expedited
13 hearings; requiring notice to persons outside
14 the state; providing for limited immunity;
15 providing for communications between courts;
16 authorizing the taking of testimony in another
17 state; requiring preservation of records;
18 providing for initial jurisdiction for
19 determining child custody; providing for
20 exclusive, continuing jurisdiction; providing
21 for jurisdiction to modify a determination;
22 providing for emergency temporary jurisdiction;
23 requiring notice; providing for an opportunity
24 to be heard; providing for joinder of parties;
25 providing for simultaneous proceedings;
26 authorizing the court to decline jurisdiction;
27 specifying the information to be submitted to
28 the court; providing for appearance of parties
29 and the child; providing for enforcement under
30 the Hague Convention; providing for temporary
31 visitation; requiring registration of a

1 determination of child custody; providing for
2 enforcement of a registered determination;
3 requiring expedited enforcement of a
4 determination of child custody; providing for a
5 hearing and court order; providing procedures
6 for obtaining a warrant to take physical
7 custody of a child; providing for costs, fees,
8 and expenses; providing for appeals; specifying
9 duties of the state attorney and law
10 enforcement officers; providing for application
11 and construction of the act; providing for
12 application of laws with respect to a motion
13 filed before the effective date of the act;
14 amending ss. 63.052, 63.087, 63.102, F.S.,
15 relating to adoption; conforming
16 cross-references to the Uniform Child Custody
17 Jurisdiction and Enforcement; transferring and
18 renumbering s. 741.24, F.S., relating to civil
19 actions against parents; amending s. 741.28,
20 F.S.; redefining the terms "domestic violence"
21 and "family household member"; amending s.
22 741.30, F.S.; providing for an order of
23 temporary custody, visitation, or support to
24 remain in effect until the court enters a
25 permanent order; repealing ss. 753.001,
26 753.002, 753.004, F.S., relating to the Florida
27 Family Visitation Network; creating ss. 753.01,
28 753.02, 753.03, 753.04, 753.05, 753.06, 753.07,
29 753.08, 753.09, F.S.; providing legislative
30 intent with respect to administering supervised
31 visitation programs; defining terms; providing

1 for the development of standards for the
2 certification of supervised visitation
3 programs; requiring compliance with interim
4 minimum standards; providing for security of
5 the supervised visitation programs; requiring
6 the Clearinghouse on Supervised Visitation to
7 develop training materials; providing for the
8 clearinghouse to develop and implement a
9 mechanism for data collection; providing for
10 the clearinghouse to develop standards for
11 supervised visitation programs; requiring a
12 report to the Legislature; amending s. 787.03,
13 F.S., relating to interference with custody;
14 conforming cross-references to changes in the
15 act; amending s. 943.135, F.S.; requiring the
16 Criminal Justice Standards and Training
17 Commission to allow agencies employing law
18 enforcement officers to authorize volunteer
19 service as a means of fulfilling requirements
20 for continuing education; amending s. 943.171,
21 F.S., relating to basic skills training for
22 handling domestic-violence cases to incorporate
23 cross-reference to revised definitions for
24 "domestic violence" and "family household
25 member"; creating s. 943.254, F.S.; authorizing
26 law enforcement agencies to administer a
27 volunteer program for officers to provide
28 security services during off-duty hours for
29 certain community programs; authorizing the
30 Department of Revenue and the Office of State
31 Courts Administrator to obtain authorization

1 for the courts to use specified funds for
2 mediation services; providing an appropriation
3 to conduct certain studies; providing
4 legislative intent with respect to the
5 development of a collaborative initiative with
6 social service agencies by circuit judges;
7 providing for goals and elements of the
8 collaborative initiative; requesting that the
9 Supreme Court provide guidance to the circuit
10 courts in developing the collaborative
11 initiatives; requiring a report to the
12 Legislature; requiring the Department of
13 Juvenile Justice to organize an interagency
14 workgroup; specifying the goals of the
15 interagency workgroup; requiring a report to
16 the Legislature on the accomplishments of the
17 interagency workgroup; providing for a
18 workgroup to develop an information system for
19 the unified family court model; providing for a
20 report to the Legislature; providing for
21 severability; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. It is the intent of the Legislature to
26 continue its initiative to reform the family courts which
27 began in 1990 when the Legislature created the Commission on
28 Family Courts and directed the commission to develop
29 guidelines for reform; recommend statutory, regulatory, and
30 organizational changes; and identify support services
31 necessary to implement a family division within each circuit.

1 The Legislature recognizes the Supreme Court's continuing
2 efforts to develop an integrated and comprehensive approach to
3 coordinating family law and related matters that affect a
4 child and his or her family. These efforts culminated with the
5 Supreme Court endorsing the guiding principles and
6 characteristics for a unified family court model, adopted by
7 the Family Court Steering Committee in May, 2001. The
8 Legislature also finds that the unified family court model
9 outlines a fully integrated and comprehensive approach to
10 resolving the legal and underlying nonlegal issues faced by
11 children and families, regardless of whether the court's
12 interaction involves dissolution of marriage, child support,
13 spousal support, visitation, parental responsibility,
14 interstate matters under the Uniform Child Custody
15 Jurisdiction Act or the Uniform Reciprocal Enforcement of
16 Support Act, adoption, paternity, domestic or repeat violence,
17 juvenile delinquency or dependency, termination of parental
18 rights, or children or families in need of services. The
19 Legislature also finds that developing and implementing an
20 effective system of case management in order to identify,
21 coordinate, and monitor all cases that affect a child or
22 family and move the case along more expeditiously within the
23 judicial process to final resolution is very important to the
24 operations and concept of a unified family court model. The
25 Legislature recognizes that there are services within and
26 outside the judicial system which assist the courts in making
27 decisions and achieve positive and lasting outcomes desired
28 for families. The Legislature recognizes the need for
29 systematic coordination between the courts and social service
30 agencies that assures the safety of the children, informs the
31 courts of community services available, links children and

1 families to needed services, encourages the sharing of
2 information, and prevents the duplication of services. The
3 Legislature finds that information sharing is essential in
4 order to assist the courts and support systems in developing
5 knowledge of the legal and nonlegal issues of multiple or
6 related cases that impact a child and family. The Legislature
7 recognizes, however, that sharing of more information between
8 the courts and various agencies, service providers, and other
9 stakeholders who interact with the court, and greater ease of
10 public accessibility to public records due to technological
11 advances, raises concerns as to whether existing policies and
12 laws governing public records are adequate to protect the
13 privacy, due process, and safety of individuals. In light of
14 these findings and considerations, it is the intent of the
15 Legislature to develop policies, procedures, and laws that
16 facilitate the comprehensive resolution of the legal and
17 nonlegal needs of children and families and that protect the
18 rights, privileges, and safety of children and families who
19 come before the court.

20 Section 2. (1) Chapters 39, 61, 63, 88, 741, 742,
21 743, 751, 752, 753, 984, and 985, Florida Statutes, constitute
22 the "Family Code."

23 (2) In the next edition of the Florida Statutes, the
24 Division of Statutory Revision of the Office of Legislative
25 Services shall designate:

26 (a) Sections 61.001-61.08, Florida Statutes, as part I
27 of chapter 61, Florida Statutes, to be entitled "Dissolution
28 of Marriage."

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

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

4 (d) Sections 61.501-61.542, Florida Statutes, as
5 created by this act, as part IV of chapter 61, Florida
6 Statutes, to be entitled "Interstate Custody Jurisdiction and
7 Enforcement."

8 (3) In the next edition of the Florida Statutes, the
9 Division of Statutory Revision of the Office of Legislative
10 Services shall:

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

13 (b) Designate sections 741.01-741.24, Florida
14 Statutes, as part I of chapter 741, Florida Statutes, to be
15 entitled "Marriage."

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

19 Section 3. Section 25.375, Florida Statutes, is
20 created to read:

21 25.375 Identification of related cases.--The Supreme
22 Court may create a unique identifier for each individual to
23 identify all court cases related to that individual or his or
24 her family previously or currently in the court system. The
25 unique identifier must be the same for that individual in any
26 court case. To create the unique identifier, the court may
27 collect a portion of the individual's social security number
28 or other personal identification information, such as the
29 individual's date of birth. Until October 2, 2007, the state
30 courts system and the clerk of the court are authorized to
31 collect and use an individual's social security number solely

1 for the purpose of case management and identification of
2 related cases. Failure to provide a social security number for
3 this purpose shall not be grounds to deny any services,
4 rights, or remedies otherwise provided by law.

5 Section 4. Subsection (2) of section 25.385, Florida
6 Statutes, is amended to read:

7 25.385 Standards for instruction of circuit and county
8 court judges in handling domestic violence cases.--

9 (2) As used in this section:

10 (a) The term "domestic violence" has the same meaning
11 ascribed in s. 741.28 ~~means any assault, battery, sexual~~
12 ~~assault, sexual battery, or any criminal offense resulting in~~
13 ~~physical injury or death of one family or household member by~~
14 ~~another, who is or was residing in the same single dwelling~~
15 ~~unit.~~

16 (b) "Family or household member" has the same meaning
17 ascribed in s. 741.28 ~~means spouse, former spouse, persons~~
18 ~~related by blood or marriage, persons who are presently~~
19 ~~residing together, as if a family, or who have resided~~
20 ~~together in the past, as if a family, and persons who have a~~
21 ~~child in common regardless of whether they have been married~~
22 ~~or have presently residing together, as if a family, or who~~
23 ~~have resided together in the past, as if a family, and persons~~
24 ~~who have a child in common regardless of whether they have~~
25 ~~been married or have resided together at any time.~~

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

28 39.013 Procedures and jurisdiction; right to
29 counsel.--

30 (4) Orders entered pursuant to this chapter which
31 affect the placement of, access to, parental time with, or

1 parental responsibility for a minor child ~~The order of the~~
2 ~~circuit court hearing dependency matters shall be filed by the~~
3 ~~clerk of the court in any dissolution or other custody action~~
4 ~~or proceeding and shall take precedence over other custody and~~
5 ~~visitation orders entered in civil those actions or~~
6 ~~proceedings. However, if the court has terminated~~
7 ~~jurisdiction, such order may be subsequently modified by a~~
8 ~~court of competent jurisdiction in any other civil action or~~
9 ~~proceeding affecting placement of, access to, parental time~~
10 ~~with, or parental responsibility for the same minor child, if~~
11 ~~notice of the action or proceeding and opportunity to be heard~~
12 ~~are given to the Department of Children and Family Services.~~

13 Section 6. Subsection (6) of section 39.0132, Florida
14 Statutes, is amended and subsection (7) is added to that
15 section to read:

16 39.0132 Oaths, records, and confidential
17 information.--

18 (6) No court record of proceedings under this chapter
19 shall be admissible in evidence in any other civil or criminal
20 proceeding, except that:

21 ~~(a) Orders permanently terminating the rights of a~~
22 ~~parent and committing the child to a licensed child-placing~~
23 ~~agency or the department for adoption shall be admissible in~~
24 ~~evidence in subsequent adoption proceedings relating to the~~
25 ~~child.~~

26 (a)(b) Records of proceedings under this chapter
27 forming a part of the record on appeal shall be used in the
28 appellate court in the manner hereinafter provided.

29 (b)(c) Records necessary therefor shall be admissible
30 in evidence in any case in which a person is being tried upon
31 a charge of having committed perjury.

1 ~~(c)(d)~~ Records of proceedings under this chapter may
2 be used to prove disqualification pursuant to s. 435.06 and
3 for proof regarding such disqualification in a chapter 120
4 proceeding.

5 ~~(e) Orders permanently and involuntarily terminating~~
6 ~~the rights of a parent shall be admissible as evidence in~~
7 ~~subsequent termination of parental rights proceedings for a~~
8 ~~sibling of the child for whom parental rights were terminated.~~

9 (d) Final orders entered pursuant to an adjudicatory
10 hearing shall be admissible in evidence in any subsequent
11 civil proceeding relating to placement of, access to, parental
12 time with, or parental responsibility for the same child or
13 sibling of that child.

14 (e) Evidence admitted in any proceeding under this
15 chapter may be admissible in evidence when offered by any
16 party in any subsequent civil proceeding relating to placement
17 of, access to, parental time with, or parental responsibility
18 for the same child or sibling of that child, provided that:

19 1. Notice is given to the opposing party or opposing
20 party's counsel of the intent to offer the evidence and a copy
21 of such evidence is delivered to the opposing party or the
22 opposing party's counsel.

23 2. The evidence is otherwise admissible in the
24 subsequent civil proceeding.

25 (7) Final orders, records, and evidence in any
26 proceeding under this chapter which are subsequently admitted
27 in evidence pursuant to subsection (6) are still subject to
28 the provisions of subsections (3) and (4).

29 Section 7. Subsection (7) of section 39.502, Florida
30 Statutes, is amended to read:

31 39.502 Notice, process, and service.--

1 (7) Service of the summons and service of pleadings,
2 papers, and notices subsequent to the summons on persons
3 outside this state must be made pursuant to s. 61.509 ~~s.~~
4 ~~61.1312~~.

5 Section 8. Subsection (3) of section 39.521, Florida
6 Statutes, is amended to read:

7 39.521 Disposition hearings; powers of disposition.--

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

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

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

1 1. Order that the parent assume sole custodial
2 responsibilities for the child. The court may also provide for
3 reasonable visitation by the noncustodial parent. The court
4 may then terminate its jurisdiction over the child. The
5 ~~custody order shall take precedence over other orders that~~
6 ~~effect placement of, access to, parental time with, or~~
7 ~~parental responsibility for a minor child continue unless~~
8 ~~modified by a subsequent order of the circuit court hearing~~
9 ~~dependency matters. The order of the circuit court hearing~~
10 ~~dependency matters shall be filed in any dissolution or other~~
11 ~~custody action or proceeding between the parents and shall~~
12 ~~take precedence over other custody and visitation orders~~
13 ~~entered in civil those actions or proceedings. However, if the~~
14 ~~court terminates jurisdiction, such order may be subsequently~~
15 ~~modified by a court of competent jurisdiction in any other~~
16 ~~civil action or proceeding affecting placement of, access to,~~
17 ~~parental time with, or parental responsibility for the same~~
18 ~~minor child, if notice of the action or proceeding and~~
19 ~~opportunity to be heard are given to the Department of~~
20 ~~Children and Family Services.~~

21 2. Order that the parent assume custody subject to the
22 jurisdiction of the circuit court hearing dependency matters.
23 The court may order that reunification services be provided to
24 the parent from whom the child has been removed, that services
25 be provided solely to the parent who is assuming physical
26 custody in order to allow that parent to retain later custody
27 without court jurisdiction, or that services be provided to
28 both parents, in which case the court shall determine at every
29 review hearing which parent, if either, shall have custody of
30 the child. The standard for changing custody of the child from
31

1 one parent to another or to a relative or another adult
2 approved by the court shall be the best interest of the child.

3 (c) If no fit parent is willing or available to assume
4 care and custody of the child, place the child in the
5 temporary legal custody of an adult relative or other adult
6 approved by the court who is willing to care for the child,
7 under the protective supervision of the department. The
8 department must supervise this placement until the child
9 reaches permanency status in this home, and in no case for a
10 period of less than 6 months. Permanency in a relative
11 placement shall be by adoption, long-term custody, or
12 guardianship.

13 (d) If the child cannot be safely placed in a
14 nonlicensed placement, the court shall commit the child to the
15 temporary legal custody of the department. Such commitment
16 invests in the department all rights and responsibilities of a
17 legal custodian. The department shall not return any child to
18 the physical care and custody of the person from whom the
19 child was removed, except for court-approved visitation
20 periods, without the approval of the court. The term of such
21 commitment continues until terminated by the court or until
22 the child reaches the age of 18. After the child is committed
23 to the temporary legal custody of the department, all further
24 proceedings under this section are governed by this chapter.

25
26 Protective supervision continues until the court terminates it
27 or until the child reaches the age of 18, whichever date is
28 first. Protective supervision shall be terminated by the court
29 whenever the court determines that permanency has been
30 achieved for the child, whether with a parent, another
31 relative, or a legal custodian, and that protective

1 supervision is no longer needed. The termination of
2 supervision may be with or without retaining jurisdiction, at
3 the court's discretion, and shall in either case be considered
4 a permanency option for the child. The order terminating
5 supervision by the department shall set forth the powers of
6 the custodian of the child and shall include the powers
7 ordinarily granted to a guardian of the person of a minor
8 unless otherwise specified. Upon the court's termination of
9 supervision by the department, no further judicial reviews are
10 required, so long as permanency has been established for the
11 child.

12 Section 9. Subsection (6) of section 39.814, Florida
13 Statutes, is amended and subsection (7) is added to that
14 section to read:

15 39.814 Oaths, records, and confidential information.--

16 (6) No court record of proceedings under this part
17 shall be admissible in evidence in any other civil or criminal
18 proceeding, except that:

19 ~~(a) Orders terminating the rights of a parent are~~
20 ~~admissible in evidence in subsequent adoption proceedings~~
21 ~~relating to the child and in subsequent termination of~~
22 ~~parental rights proceedings concerning a sibling of the child.~~

23 (a)~~(b)~~ Records of proceedings under this part forming
24 a part of the record on appeal shall be used in the appellate
25 court in the manner hereinafter provided.

26 (b)~~(c)~~ Records necessary therefor shall be admissible
27 in evidence in any case in which a person is being tried upon
28 a charge of having committed perjury.

29 (c) Final orders entered pursuant to an adjudicatory
30 hearing shall be admissible in evidence in any subsequent
31 civil proceeding relating to placement of, access to, parental

1 time with, or parental responsibility for the same child or
2 sibling of that child.

3 (d) Evidence admitted in evidence in any proceeding
4 under this part may be admissible in evidence when offered by
5 any party in any subsequent civil proceeding relating to
6 placement of, access to, parental time with or parental
7 responsibility for the same child or sibling of that child,
8 provided that:

9 1. Notice is given to the opposing party or opposing
10 party's counsel of the intent to offer the evidence and a copy
11 of such evidence is delivered to the opposing party or
12 opposing party's counsel.

13 2. The evidence is otherwise admissible in the
14 subsequent civil proceeding.

15 (7) Final orders, records, and evidence in any
16 proceeding under this part which are subsequently admitted in
17 evidence pursuant to subsection (6) are still subject to the
18 provisions of subsection (3) and (4).

19 Section 10. Subsections (1) and (3) of section 39.902,
20 Florida Statutes, are amended to read:

21 39.902 Definitions.--As used in this part, the term:

22 (1) "Domestic violence" has the same meaning ascribed
23 ~~in s. 741.28 means any assault, battery, sexual assault,~~
24 ~~sexual battery, or any criminal offense resulting in physical~~
25 ~~injury or death of one family or household member by another~~
26 ~~who is or was residing in the same single dwelling unit.~~

27 (3) "Family or household member" has the same meaning
28 ascribed in s. 741.28 ~~means spouses, former spouses, adults~~
29 ~~related by blood or marriage, persons who are presently~~
30 ~~residing together as if a family or who have resided together~~
31 ~~in the past as if a family, and persons who have a child in~~

1 ~~common regardless of whether they have been married or have~~
2 ~~resided together at any time.~~

3 Section 11. 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 (d) and (e) if a court
24 has not referred the matter to mediation but the parties agree
25 to submit to mediation after the initiation of any legal
26 proceeding.

27 (g) "Presuit mediation," which means mediation of any
28 matters as provided in paragraph (d) which are in dispute and
29 for which the persons disputing the matters agree to submit to
30 mediation before the initiation of any legal proceeding.

31

1 Section 12. Section 44.1012, Florida Statutes, is
2 created to read:

3 44.1012 Continuum of alternatives to litigation;
4 legislative intent.--It is the intent of the Legislature that
5 a range of alternatives to judicial action be available to
6 families in order to reduce the level of costly court
7 intervention required to resolve disputes. Communities, with
8 the involvement of the courts, are encouraged to provide
9 families with a continuum of options that educate and assist
10 parents and children with conflict dispute resolution prior to
11 and after judicial intervention.

12 Section 13. Section 44.1025, Florida Statutes, is
13 created to read:

14 44.1025 Presuit and voluntary mediation.--
15 (1) All oral or written communications or documents,
16 including the written documents of a mediator, other than an
17 executed settlement agreement, in a presuit or voluntary
18 mediation proceeding shall be confidential and inadmissible as
19 evidence in any subsequent legal proceeding, unless all
20 participants to the presuit mediation or all parties to the
21 voluntary mediation otherwise agree.

22 (2) Each participant to a presuit mediation or any
23 party to a voluntary mediation has a privilege to refuse to
24 disclose and to prevent another person from disclosing
25 communications made during or for the purpose of mediation,
26 except as provided in subsection (3). A participant to a
27 presuit mediation or party to a voluntary mediation does not
28 include a mediator, counsel for a participant or party, or
29 anyone hired by the participant or party to assist in the
30 mediation process.

31

1 (3) There shall be no privilege and no restriction on
2 any disclosure of oral or written communications made
3 confidential in subsection (2) for:

4 (a) Communications concerning abuse, neglect, or
5 exploitation of any person for which the law requires a
6 mandatory report.

7 (b) Evidence of acts or threats of physical violence.

8 (c) Professional misconduct committed during the
9 mediation. In such cases, the disclosure of an otherwise
10 privileged communication shall be used only for the internal
11 use of the body conducting the investigation. Prior to the
12 release of any disciplinary files to the public, all
13 references to otherwise privileged communications shall be
14 deleted from the record. When an otherwise confidential
15 communication is used in a disciplinary proceeding, the
16 communication shall be inadmissible as evidence in any
17 subsequent legal proceeding. As used in this paragraph, the
18 term "subsequent legal proceeding" means any legal proceeding
19 between the parties to the mediation which follows the presuit
20 or voluntary mediation.

21 (4) Admission of evidence under subsection (3) does
22 not render the evidence or any other mediation communication
23 discoverable or admissible for any other purpose.

24 (5) Evidence or information which is otherwise
25 admissible or subject to discovery does not become
26 inadmissible or protected from discovery solely by reason of
27 its disclosure or use in mediation.

28 Section 14. Section 44.108, Florida Statutes, as
29 amended by section 8 of chapter 2001-122, Laws of Florida, is
30 amended to read:

31

1 44.108 Funding of mediation and
2 arbitration.--Mediation should be accessible to all parties
3 regardless of financial status.

4 (1) Each board of county commissioners may support
5 mediation and arbitration services by appropriating moneys
6 from county revenues and by:

7 (a)~~(1)~~ Levying, in addition to other service charges
8 levied by law, a service charge of no more than \$5 on any
9 circuit court proceeding, which shall be deposited in the
10 court's mediation-arbitration account fund under the
11 supervision of the chief judge of the circuit in which the
12 county is located; and

13 (b)~~(2)~~ Levying, in addition to other service charges
14 levied by law, a service charge of no more than \$5 on any
15 county court proceeding, which shall be deposited in the
16 county's mediation-arbitration account fund to be used to fund
17 county civil mediation services under the supervision of the
18 chief judge of the circuit in which the county is located.

19 (c) If a board of county commissioners levies the
20 service charge authorized in paragraph (a) or paragraph (b),
21 the clerk of the court shall forward \$1 of each charge to the
22 Department of Revenue for deposit in the state mediation and
23 arbitration trust fund. Such fund shall be used by the Supreme
24 Court to carry out its responsibilities set forth in s.
25 44.106.

26 (2)~~(3)~~ A fee of \$65 is levied ~~Levying~~, in addition to
27 other service charges levied by law, ~~a service charge of no~~
28 ~~more than \$45~~ on any petition for a modification of a final
29 judgment of dissolution and shall be deposited as follows:

30 (a) Forty-four dollars, ~~which~~ shall be deposited in
31 the court's family mediation account fund to be used to fund

1 family mediation services under the supervision of the chief
2 judge of the circuit in which the county is located.

3 (b) Twenty dollars shall be forwarded to the
4 Department of Revenue for deposit in the state mediation and
5 arbitration trust fund, which shall be used by the Supreme
6 Court to carry out its responsibilities set forth in s.
7 44.202.

8 (c) One dollar shall be forwarded to the Department of
9 Revenue for deposit in the state mediation and arbitration
10 trust fund, which shall be used by the Supreme Court to carry
11 out its responsibilities set forth in s. 44.106.

12 ~~(4) If a board of county commissioners levies the~~
13 ~~service charge authorized in subsection (1), subsection (2),~~
14 ~~or subsection (3), the clerk of the court shall forward \$1 of~~
15 ~~each charge to the Department of Revenue for deposit in the~~
16 ~~state mediation and arbitration trust fund which is hereby~~
17 ~~established. Such fund shall be used by the Supreme Court to~~
18 ~~carry out its responsibilities set forth in s. 44.106.~~

19 Section 15. The Legislature requests that the Supreme
20 Court establish a formal process that encourages and
21 facilitates the filing of stipulated agreements in
22 post-judgment family-law matters; such process should
23 facilitate consideration of the stipulated agreement by the
24 court without necessitating an appearance before the court.
25 This process should provide notice to the parties regarding
26 their right to a hearing, include safeguards to prevent the
27 filing or acceptance of agreements reached under duress or
28 coercion, and provide for a hearing if the court determines
29 that such a hearing is necessary.

30 Section 16. Section 44.202, Florida Statutes, is
31 created to read:

1 44.202 Presuit mediation pilot programs.--
2 (1) The Supreme Court shall use funds as designated
3 under s. 44.108(2) to provide court-ordered family mediation
4 and to establish presuit-mediation pilot programs. At the
5 discretion of the Supreme Court, up to 50 percent of these
6 designated funds may be used to ensure that court-ordered
7 family mediation is available in each of the circuits. The
8 Supreme Court's use of these designated funds is contingent
9 upon the court's establishment of a formal process that allows
10 for the court filing and approval of stipulated agreements
11 without the need for court appearances by the parties.
12 (2) The purposes of these presuit-mediation pilot
13 programs are to:
14 (a) Encourage mediation prior to the court filing of a
15 supplemental petition to modify or a motion to enforce a final
16 judgment involving dissolution of marriage, paternity, spousal
17 support, parental responsibility, child support, custody, and
18 visitation.
19 (b) Facilitate the court filing and approval of
20 mediated agreements of such family-law matters.
21 (c) Minimize the need for court appearances arising
22 from modification or enforcement of final judgments involving
23 such family-law matters.
24 (3) The presuit-mediation pilot programs shall:
25 (a) Incorporate and use the same formal process that
26 the Supreme Court establishes for the court filing and
27 approval of stipulated agreements without the need for court
28 appearances by the parties.
29 (b) Provide families with the opportunity to mediate a
30 disputed family-law matter before filing a supplemental
31 petition to modify or a motion to enforce a final judgment and

1 to obtain court approval of a mediated agreement on such
2 matters without the need for a court appearance.

3 (c) Offer voluntary participation in the program to
4 persons, particularly those who would not otherwise be able to
5 afford mediation, in these family-law matters.

6 (d) Exclude cases involving judgments entered pursuant
7 to chapter 741.

8 (4) Each person participating in a mediation pursuant
9 to this section shall be given an executed copy of the
10 mediated agreement. Each person has the right to request a
11 hearing on the supplemental petition to modify a final
12 judgment or motion to enforce a final judgment. Each person
13 shall also be provided with the opportunity to waive his or
14 her right to a hearing and to consent in writing to the entry
15 of mediated agreement without a hearing.

16 (5) The court, in its discretion, may enter an order
17 approving a mediated agreement pursuant to a presuit-mediation
18 pilot program without requiring a court appearance by the
19 parties, subject to subsection (4). If the mediated agreement
20 is approved, the agreement shall be made a part of the order.

21 (6) The provisions of s. 44.1025 apply to mediations
22 conducted pursuant to this section.

23 (7) The Office of the State Courts Administrator shall
24 evaluate the presuit-mediation pilot programs. The evaluation
25 shall include, but not be limited to: the use of the pilot
26 programs; the issues mediated; the number of mediated
27 agreements reached; the number of mediated agreements adopted
28 by the court, with and without a court appearance; the number
29 of court hearings avoided; and an estimated amount of court
30 time saved. A report on the evaluation of the
31 presuit-mediation pilot programs shall be submitted to the

1 President of the Senate and the Speaker of the House of
2 Representatives by December 31, 2004.

3 Section 17. Paragraph (a) of subsection (1) and
4 paragraph (b) of subsection (2) of section 61.13, Florida
5 Statutes, are amended to read:

6 61.13 Custody and support of children; visitation
7 rights; power of court in making orders.--

8 (1)(a) In a proceeding under this chapter for
9 ~~dissolution of marriage~~, the court has jurisdiction to
10 determine all matters relating to child support ~~may at any~~
11 ~~time order either or both parents who owe a duty of support to~~
12 ~~a child to pay support~~ in accordance with the guidelines in s.
13 61.30. The court initially entering an order requiring one or
14 both parents to make child support payments shall have
15 continuing jurisdiction after the entry of the initial order
16 to modify the amount and terms and conditions of the child
17 support payments when the modification is found necessary by
18 the court in the best interests of the child, when the child
19 reaches majority, or when there is a substantial change in the
20 circumstances of the parties. The court initially entering a
21 child support order shall also have continuing jurisdiction to
22 require the obligee to report to the court on terms prescribed
23 by the court regarding the disposition of the child support
24 payments.

25 (2)

26 (b)1. The court shall determine all matters relating
27 to custody of each minor child of the parties in accordance
28 with the best interests of the child and in accordance with
29 the Uniform Child Custody Jurisdiction and Enforcement Act. It
30 is the public policy of this state to assure that each minor
31 child has frequent and continuing contact with both parents

1 after the parents separate or the marriage of the parties is
2 dissolved and to encourage parents to share the rights and
3 responsibilities, and joys, of childrearing. After considering
4 all relevant facts, the father of the child shall be given the
5 same consideration as the mother in determining the primary
6 residence of a child irrespective of the age or sex of the
7 child.

8 2. The court shall order that the parental
9 responsibility for a minor child be shared by both parents
10 unless the court finds that shared parental responsibility
11 would be detrimental to the child. Evidence that a parent has
12 been convicted of a felony of the third degree or higher
13 involving domestic violence, as defined in s. 741.28 and
14 chapter 775, or meets the criteria of s. 39.806(1)(d), creates
15 a rebuttable presumption of detriment to the child. If the
16 presumption is not rebutted, shared parental responsibility,
17 including visitation, residence of the child, and decisions
18 made regarding the child, may not be granted to the convicted
19 parent. However, the convicted parent is not relieved of any
20 obligation to provide financial support. If the court
21 determines that shared parental responsibility would be
22 detrimental to the child, it may order sole parental
23 responsibility and make such arrangements for visitation as
24 will best protect the child or abused spouse from further
25 harm. Whether or not there is a conviction of any offense of
26 domestic violence or child abuse or the existence of an
27 injunction for protection against domestic violence, the court
28 shall consider evidence of domestic violence or child abuse as
29 evidence of detriment to the child.

30 a. In ordering shared parental responsibility, the
31 court may consider the expressed desires of the parents and

1 may grant to one party the ultimate responsibility over
2 specific aspects of the child's welfare or may divide those
3 responsibilities between the parties based on the best
4 interests of the child. Areas of responsibility may include
5 primary residence, education, medical and dental care, and any
6 other responsibilities that the court finds unique to a
7 particular family.

8 b. The court shall order "sole parental
9 responsibility, with or without visitation rights, to the
10 other parent when it is in the best interests of" the minor
11 child.

12 c. ~~The court may award the grandparents visitation~~
13 ~~rights with a minor child if it is in the child's best~~
14 ~~interest. Grandparents have legal standing to seek judicial~~
15 ~~enforcement of such an award.~~This section does not require
16 that grandparents be made parties or given notice of
17 dissolution pleadings or proceedings, ~~nor do grandparents have~~
18 ~~legal standing as "contestants" as defined in s. 61.1306.~~ A
19 court may not order that a child be kept within the state or
20 jurisdiction of the court solely for the purpose of permitting
21 visitation by the grandparents.

22 3. Access to records and information pertaining to a
23 minor child, including, but not limited to, medical, dental,
24 and school records, may not be denied to a parent because the
25 parent is not the child's primary residential parent. Full
26 rights under this subparagraph apply to either parent unless a
27 court order specifically revokes these rights, including any
28 restrictions on these rights as provided in a domestic
29 violence injunction. A parent having rights under this
30 subparagraph has the same rights upon request as to form,
31 substance, and manner of access as are available to the other

1 parent of a child, including, without limitation, the right to
2 in-person communication with medical, dental, and education
3 providers.

4 Section 18. The "Uniform Child Custody Jurisdiction
5 Act," consisting of sections 61.1302, 61.1304, 61.1306,
6 61.1308, 61.131, 61.1312, 61.1314, 61.1316, 61.1318, 61.132,
7 61.1322, 61.1324, 61.1326, 61.1328, 61.133, 61.1332, 61.1334,
8 61.1336, 61.1338, 61.134, 61.1342, 61.1344, 61.1346, and
9 61.1348, Florida Statutes, is repealed.

10 Section 19. Section 61.183, Florida Statutes, is
11 repealed.

12 Section 20. Sections 61.19 and 61.191, Florida
13 Statutes, are transferred and renumbered as sections 61.053
14 and 61.054, respectively.

15 Section 21. Subsections (3) and (4) of section 61.21,
16 Florida Statutes, are amended to read:

17 61.21 Parenting course authorized; fees; required
18 attendance authorized; contempt.--

19 (3) All parties to a dissolution of marriage
20 proceeding with minor children or a paternity action which
21 involves issues of parental responsibility shall be required
22 to complete the Parent Education and Family Stabilization
23 Course ~~prior to the entry by the court of a final judgment.~~
24 The court may excuse a party from attending the parenting
25 course or meeting the required timeframe for completing the
26 course for good cause.

27 (4) All parties required to complete a parenting
28 course under this section shall begin the course as
29 expeditiously as possible after filing for dissolution of
30 marriage or paternity. Unless excused by the court pursuant to
31 subsection (3), the petitioner in the action must complete the

1 course within 45 days after filing the petition and all other
2 parties to the action must complete the course within 45 days
3 after service of the petition. Each party ~~and~~ shall file proof
4 of compliance with the court prior to the entry of the final
5 judgment.

6 Section 22. Part IV of chapter 61, Florida Statutes,
7 consisting of sections 61.501, 61.502, 61.503, 61.504, 61.505,
8 61.506, 61.507, 61.508, 61.509, 61.510, 61.511, 61.512,
9 61.513, 61.514, 61.515, 61.516, 61.517, 61.518, 61.519,
10 61.520, 61.521, 61.522, 61.523, 61.524, 61.525, 61.526,
11 61.527, 61.528, 61.529, 61.530, 61.531, 61.532, 61.533,
12 61.534, 61.535, 61.536, 61.537, 61.538, 61.539, 61.540,
13 61.541, and 61.542, Florida Statutes, is created to read:

14 61.501 Short title.--This part may be cited as the
15 "Uniform Child Custody Jurisdiction and Enforcement Act."

16 61.502 Purposes of part; construction of
17 provisions.--The general purposes of this part are to:

18 (1) Avoid jurisdictional competition and conflict with
19 courts of other states in matters of child custody which have
20 in the past resulted in the shifting of children from state to
21 state with harmful effects on their well-being.

22 (2) Promote cooperation with the courts of other
23 states to the end that a custody decree is rendered in the
24 state that can best decide the case in the interest of the
25 child.

26 (3) Discourage the use of the interstate system for
27 continuing controversies over child custody.

28 (4) Deter abductions.

29 (5) Avoid relitigating the custody decisions of other
30 states in this state.

31

1 (6) Facilitate the enforcement of custody decrees of
2 other states.

3 (7) Promote and expand the exchange of information and
4 other forms of mutual assistance between the courts of this
5 state and those of other states concerned with the same child.

6 (8) Make uniform the law with respect to the subject
7 of this part among the states enacting it.

8 61.503 Definitions.--As used in this part, the term:

9 (1) "Abandoned" means left without provision for
10 reasonable and necessary care or supervision.

11 (2) "Child" means an individual who has not attained
12 18 years of age.

13 (3) "Child custody determination" means a judgment,
14 decree, or other order of a court providing for the legal
15 custody, physical custody, residential care, or visitation
16 with respect to a child. The term includes a permanent,
17 temporary, initial, and modification order. The term does not
18 include an order relating to child support or other monetary
19 obligation of an individual.

20 (4) "Child custody proceeding" means a proceeding in
21 which legal custody, physical custody, residential care or
22 visitation with respect to a child is an issue. The term
23 includes a proceeding for divorce, separation, neglect, abuse,
24 dependency, guardianship, paternity, termination of parental
25 rights, and protection from domestic violence, in which the
26 issue may appear. The term does not include a proceeding
27 involving juvenile delinquency, contractual emancipation, or
28 enforcement under ss. 61.524-61.540.

29 (5) "Commencement" means the filing of the first
30 pleading in a proceeding.

31

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

4 (7) "Home state" means the state in which a child
5 lived with a parent or a person acting as a parent for at
6 least 6 consecutive months immediately before the commencement
7 of a child custody proceeding. In the case of a child younger
8 than 6 months of age, the term means the state in which the
9 child lived from birth with any of the persons mentioned. A
10 period of temporary absence of any of the mentioned persons is
11 part of the period.

12 (8) "Initial determination" means the first child
13 custody determination concerning a particular child.

14 (9) "Issuing court" means the court that makes a child
15 custody determination for which enforcement is sought under
16 this part.

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

19 (11) "Modification" means a child custody
20 determination that changes, replaces, supersedes, or is
21 otherwise made after a previous determination concerning the
22 same child, regardless of whether it is made by the court that
23 made the previous determination.

24 (12) "Person" means an individual, corporation,
25 business trust, estate, trust, partnership, limited liability
26 company, association, joint venture, or government;
27 governmental subdivision, agency, instrumentality, or public
28 corporation; or any other legal or commercial entity.

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

31

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

5 (b) Has been awarded a child-custody determination by
6 a court or claims a right to a child-custody determination
7 under the laws of this state.

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

10 (15) "State" means a state of the United States, the
11 District of Columbia, Puerto Rico, the United States Virgin
12 Islands, or any territory or insular possession subject to the
13 jurisdiction of the United States.

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

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

20 61.504 Proceedings governed by other law.--This part
21 does not govern a proceeding pertaining to the authorization
22 of emergency medical care for a child.

23 61.505 Application to Indian tribes.--

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

28 (2) A court of this state shall treat a tribe as if it
29 were a state of the United States for purposes of applying ss.
30 61.501-61.523.

31

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

5 61.506 International application of part.--

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

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

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

17 61.507 Effect of child custody determination.--A child
18 custody determination made by a court of this state which had
19 jurisdiction under this part binds all persons who have been
20 served in accordance with the laws of this state or notified
21 in accordance with s. 61.509 or who have submitted to the
22 jurisdiction of the court, and who have been given an
23 opportunity to be heard. As to those persons, the
24 determination is conclusive as to all decided issues of law
25 and fact except to the extent the determination is modified.

26 61.508 Priority.--If a question of existence or
27 exercise of jurisdiction under this part is raised in a child
28 custody proceeding, the question, upon request of a party,
29 must be given priority on the calendar and handled
30 expeditiously.

31 61.509 Notice to persons outside the state.--

1 (1) Notice required for the exercise of jurisdiction
2 when a person is outside this state may be given in a manner
3 prescribed by the laws of the state in which the service is
4 made. Notice must be given in a manner reasonably calculated
5 to give actual notice, but may be made by publication if other
6 means are not effective.

7 (2) Proof of service may be made in the manner
8 prescribed by the laws of the state in which the service is
9 made.

10 (3) Notice is not required for the exercise of
11 jurisdiction with respect to a person who submits to the
12 jurisdiction of the court.

13 61.510 Appearance and limited immunity.--

14 (1) A party to a child custody proceeding, including a
15 modification proceeding, or a petitioner or respondent in a
16 proceeding to enforce or register a child custody
17 determination, is not subject to personal jurisdiction in this
18 state for another proceeding or purpose solely by reason of
19 having participated, or of having been physically present for
20 the purpose of participating, in the proceeding.

21 (2) A person who is subject to personal jurisdiction
22 in this state on a basis other than physical presence is not
23 immune from service of process in this state. A party present
24 in this state who is subject to the jurisdiction of another
25 state is not immune from service of process allowable under
26 the laws of that state.

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

31 61.511 Communication between courts.--

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

4 (2) The court shall allow the parties to participate
5 in the communication. If the parties elect to participate in
6 the communication, they must be given the opportunity to
7 present facts and legal arguments before a decision on
8 jurisdiction is made.

9 (3) Communication between courts on schedules,
10 calendars, court records, and similar matters may occur
11 without informing the parties. A record need not be made of
12 the communication.

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

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

22 61.512 Taking testimony in another state.--

23 (1) In addition to other procedures available to a
24 party, a party to a child custody proceeding may offer
25 testimony of witnesses who are located in another state,
26 including testimony of the parties and the child, by
27 deposition or other means available in this state for
28 testimony taken in another state. The court on its own motion
29 may order that the testimony of a person be taken in another
30 state and may prescribe the manner in which and the terms upon
31 which the testimony is taken.

1 (2) Upon agreement of the parties, a court of this
2 state may permit an individual residing in another state to be
3 deposed or to testify by telephone, audiovisual means, or
4 other electronic means before a designated court or at another
5 location in that state. A court of this state shall cooperate
6 with courts of other states in designating an appropriate
7 location for the deposition or testimony.

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

12 61.513 Cooperation between courts; preservation of
13 records.--

14 (1) A court of this state may request the appropriate
15 court of another state to:

16 (a) Hold an evidentiary hearing;

17 (b) Order a person to produce or give evidence
18 pursuant to the laws of that state;

19 (c) Order that an evaluation be made with respect to
20 the custody of a child involved in a pending proceeding
21 pursuant to the laws of the state where the proceeding is
22 pending;

23 (d) Forward to the court of this state a certified
24 copy of the transcript of the record of the hearing, the
25 evidence otherwise presented, and any evaluation prepared in
26 compliance with the request; or

27 (e) Order a party to a child custody proceeding or any
28 person having physical custody of the child to appear in the
29 proceeding with or without the child.

30
31

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

4 (3) Travel and other necessary and reasonable expenses
5 incurred under subsections (1) and (2) may be assessed against
6 the parties according to the laws of this state if the court
7 has personal jurisdiction over the party against whom these
8 expenses are being assessed.

9 (4) A court of this state shall preserve the
10 pleadings, orders, decrees, records of hearings, evaluations,
11 and other pertinent records with respect to a child custody
12 proceeding until the child attains 18 years of age. Upon
13 appropriate request by a court or law enforcement official of
14 another state, the court shall forward a certified copy of
15 these records.

16 61.514 Initial child custody jurisdiction.--

17 (1) Except as otherwise provided in s. 61.517, a court
18 of this state has jurisdiction to make an initial child
19 custody determination only if:

20 (a) This state is the home state of the child on the
21 date of the commencement of the proceeding, or was the home
22 state of the child within 6 months before the commencement of
23 the proceeding and the child is absent from this state but a
24 parent or person acting as a parent continues to live in this
25 state;

26 (b) A court of another state does not have
27 jurisdiction under paragraph (a), or a court of the home state
28 of the child has declined to exercise jurisdiction on the
29 grounds that this state is the more appropriate forum under s.
30 61.520 or s. 61.521, and:

31

1 1. The child and the child's parents, or the child and
2 at least one parent or a person acting as a parent, have a
3 significant connection with this state other than mere
4 physical presence; and

5 2. Substantial evidence is available in this state
6 concerning the child's care, protection, training, and
7 personal relationships;

8 (c) All courts having jurisdiction under paragraph (a)
9 or paragraph (b) have declined to exercise jurisdiction on the
10 grounds that a court of this state is the more appropriate
11 forum to determine the custody of the child under s. 61.520 or
12 s. 61.521; or

13 (d) No court of any other state would have
14 jurisdiction under the criteria specified in paragraph (a),
15 paragraph (b), or paragraph (c).

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

19 (3) Physical presence of, or personal jurisdiction
20 over, a party or a child is not necessary or sufficient to
21 make a child custody determination.

22 61.515 Exclusive, continuing jurisdiction.--

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

27 (a) A court of this state determines that the child,
28 the child's parents, and any person acting as a parent does
29 not have a significant connection with this state and that
30 substantial evidence is no longer available in this state

31

1 concerning the child's care, protection, training, and
2 personal relationships; or

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

6 (2) A court of this state which has made a child
7 custody determination and does not have exclusive, continuing
8 jurisdiction under this section may modify that determination
9 only if it has jurisdiction to make an initial determination
10 under s. 61.514.

11 61.516 Jurisdiction to modify a determination.--Except
12 as otherwise provided in s. 61.517, a court of this state may
13 not modify a child custody determination made by a court of
14 another state unless a court of this state has jurisdiction to
15 make an initial determination under s. 61.514(1)(a) or s.
16 61.514(1)(b) and:

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

21 (2) A court of this state or a court of the other
22 state determines that the child, the child's parents, and any
23 person acting as a parent does not presently reside in the
24 other state.

25 61.517 Temporary emergency jurisdiction.--

26 (1) A court of this state has temporary emergency
27 jurisdiction if the child is present in this state and the
28 child has been abandoned or it is necessary in an emergency to
29 protect the child because the child, or a sibling or parent of
30 the child, is subjected to or threatened with mistreatment or
31 abuse.

1 (2) If there is no previous child custody
2 determination that is entitled to be enforced under this part,
3 and a child custody proceeding has not been commenced in a
4 court of a state having jurisdiction under ss. 61.514-61.616,
5 a child custody determination made under this section remains
6 in effect until an order is obtained from a court of a state
7 having jurisdiction under ss. 61.514-61.516. If a child
8 custody proceeding has not been or is not commenced in a court
9 of a state having jurisdiction under ss. 61.514-61.516, a
10 child custody determination made under this section becomes a
11 final determination if it so provides and this state becomes
12 the home state of the child.

13 (3) If there is a previous child custody determination
14 that is entitled to be enforced under this part, or a child
15 custody proceeding has been commenced in a court of a state
16 having jurisdiction under ss. 61.514-61.516, any order issued
17 by a court of this state under this section must specify in
18 the order a period that the court considers adequate to allow
19 the person seeking an order to obtain an order from the state
20 having jurisdiction under ss. 61.514-61.516. The order issued
21 in this state remains in effect until an order is obtained
22 from the other state within the period specified or the period
23 expires.

24 (4) A court of this state which has been asked to make
25 a child custody determination under this section, upon being
26 informed that a child custody proceeding has been commenced
27 in, or a child custody determination has been made by, a court
28 of a state having jurisdiction under ss. 61.514-61.516, shall
29 immediately communicate with the other court. A court of this
30 state which is exercising jurisdiction under ss.
31 61.514-61.516, upon being informed that a child custody

1 proceeding has been commenced in, or a child custody
2 determination has been made by, a court of another state under
3 a statute similar to this section shall immediately
4 communicate with the court of that state to resolve the
5 emergency, protect the safety of the parties and the child,
6 and determine a period for the duration of the temporary
7 order.

8 61.518 Notice; opportunity to be heard; joinder.--

9 (1) Before a child custody determination is made under
10 this part, notice and an opportunity to be heard in accordance
11 with the standards of s. 61.509 must be given to all persons
12 entitled to notice under the laws of this state as in child
13 custody proceedings between residents of this state, any
14 parent whose parental rights have not been previously
15 terminated, and any person acting as a parent.

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

19 (3) The obligation to join a party and the right to
20 intervene as a party in a child custody proceeding under this
21 part are governed by the laws of this state as in child
22 custody proceedings between residents of this state.

23 61.519 Simultaneous proceedings.--

24 (1) Except as otherwise provided in s. 61.517, a court
25 of this state may not exercise its jurisdiction under ss.
26 61.514-61.524 if, at the time of the commencement of the
27 proceeding, a proceeding concerning the custody of the child
28 had been commenced in a court of another state having
29 jurisdiction substantially in conformity with this part,
30 unless the proceeding has been terminated or is stayed by the

31

1 court of the other state because a court of this state is a
2 more convenient forum under s. 61.520.

3 (2) Except as otherwise provided in s. 61.517, a court
4 of this state, before hearing a child custody proceeding,
5 shall examine the court documents and other information
6 supplied by the parties pursuant to s. 61.522. If the court
7 determines that a child custody proceeding was previously
8 commenced in a court in another state having jurisdiction
9 substantially in accordance with this part, the court of this
10 state shall stay its proceeding and communicate with the court
11 of the other state. If the court of the state having
12 jurisdiction substantially in accordance with this part does
13 not determine that the court of this state is a more
14 appropriate forum, the court of this state shall dismiss the
15 proceeding.

16 (3) In a proceeding to modify a child custody
17 determination, a court of this state shall determine whether a
18 proceeding to enforce the determination has been commenced in
19 another state. If a proceeding to enforce a child custody
20 determination has been commenced in another state, the court
21 may:

22 (a) Stay the proceeding for modification pending the
23 entry of an order of a court of the other state enforcing,
24 staying, denying, or dismissing the proceeding for
25 enforcement;

26 (b) Enjoin the parties from continuing with the
27 proceeding for enforcement; or

28 (c) Proceed with the modification under conditions it
29 considers appropriate.

30 61.520 Inconvenient forum.--
31

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

8 (2) Before determining whether it is an inconvenient
9 forum, a court of this state shall consider whether it is
10 appropriate for a court of another state to exercise
11 jurisdiction. For this purpose, the court shall allow the
12 parties to submit information and shall consider all relevant
13 factors, including:

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

17 (b) The length of time the child has resided outside
18 this state;

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

21 (d) The relative financial circumstances of the
22 parties;

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

25 (f) The nature and location of the evidence required
26 to resolve the pending litigation, including testimony of the
27 child;

28 (g) The ability of the court of each state to decide
29 the issue expeditiously and the procedures necessary to
30 present the evidence; and

31

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

3 (3) If a court of this state determines that it is an
4 inconvenient forum and that a court of another state is a more
5 appropriate forum, it shall stay the proceedings upon
6 condition that a child custody proceeding be promptly
7 commenced in another designated state and may impose any other
8 condition the court considers just and proper.

9 (4) A court of this state may decline to exercise its
10 jurisdiction under this part if a child custody determination
11 is incidental to an action for divorce or another proceeding
12 while still retaining jurisdiction over the divorce or other
13 proceeding.

14 61.521 Jurisdiction declined by reason of conduct.--

15 (1) Except as otherwise provided in s. 61.517 or by
16 other law of this state, if a court of this state has
17 jurisdiction under this part because a person seeking to
18 invoke its jurisdiction has engaged in unjustifiable conduct,
19 the court shall decline to exercise its jurisdiction unless:

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

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

25 (c) No court of any other state would have
26 jurisdiction under the criteria specified in ss.
27 61.514-61.516.

28 (2) If a court of this state declines to exercise its
29 jurisdiction under subsection (1), it may fashion an
30 appropriate remedy to ensure the safety of the child and
31 prevent a repetition of the unjustifiable conduct, including

1 staying the proceeding until a child custody proceeding is
2 commenced in a court having jurisdiction under ss.
3 61.514-61.516.

4 (3) If a court dismisses a petition or stays a
5 proceeding because it declines to exercise its jurisdiction
6 under subsection (1), it shall assess against the party
7 seeking to invoke its jurisdiction necessary and reasonable
8 expenses, including costs, communication expenses, attorney's
9 fees, investigative fees, expenses for witnesses, travel
10 expenses, and expenses for child care during the course of the
11 proceedings, unless the party from whom fees are sought
12 establishes that the assessment would be clearly
13 inappropriate. The court may not assess fees, costs, or
14 expenses against this state unless authorized by law other
15 than this part.

16 61.522 Information to be submitted to the court.--

17 (1) Subject to Florida law providing for the
18 confidentiality of procedures, addresses, and other
19 identifying information in a child custody proceeding, each
20 party, in its first pleading or in an attached affidavit,
21 shall give information, if reasonably ascertainable, under
22 oath as to the child's present address or whereabouts, the
23 places where the child has lived during the last 5 years, and
24 the names and present addresses of the persons with whom the
25 child has lived during that period. The pleading or affidavit
26 must state whether the party:

27 (a) Has participated, as a party or witness or in any
28 other capacity, in any other proceeding concerning the custody
29 of or visitation with the child and, if so, identify the
30 court, the case number, and the date of the child custody
31 determination, if any;

1 (b) Knows of any proceeding that could affect the
2 current proceeding, including proceedings for enforcement and
3 proceedings relating to domestic violence, protective orders,
4 termination of parental rights, and adoptions and, if so,
5 identify the court, the case number, and the nature of the
6 proceeding; and

7 (c) Knows the names and addresses of any person not a
8 party to the proceeding who has physical custody of the child
9 or claims rights of legal custody or physical custody of, or
10 visitation with, the child and, if so, the names and addresses
11 of those persons.

12 (2) If the information required by subsection (1) is
13 not furnished, the court, upon motion of a party or its own
14 motion, may stay the proceeding until the information is
15 furnished.

16 (3) If the declaration as to any of the items
17 described in paragraphs (1)(a)-(c) is in the affirmative, the
18 declarant shall give additional information under oath as
19 required by the court. The court may examine the parties under
20 oath as to details of the information furnished and other
21 matters pertinent to the court's jurisdiction and the
22 disposition of the case.

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

26 61.523 Appearance of parties and child.--

27 (1) In a child custody proceeding in this state, the
28 court may order a party to the proceeding who is in this state
29 to appear before the court in person with or without the
30 child. The court may order any person who is in this state and
31

1 who has physical custody or control of the child to appear in
2 person with the child.

3 (2) If a party to a child custody proceeding whose
4 presence is desired by the court is outside this state, the
5 court may order that a notice given pursuant to s. 61.509
6 include a statement directing the party to appear in person
7 with or without the child and informing the party that failure
8 to appear may result in a decision adverse to the party.

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

12 (4) If a party to a child custody proceeding who is
13 outside this state is directed to appear under subsection (2)
14 or desires to appear in person before the court with or
15 without the child, the court may require another party to pay
16 reasonable and necessary travel and other expenses of the
17 party so appearing and of the child.

18 61.524 Definitions.--As used in ss. 61.524-61.540, the
19 term:

20 (1) "Petitioner" means a person who seeks enforcement
21 of an order for return of a child under the Hague Convention
22 on the Civil Aspects of International Child Abduction or
23 enforcement of a child custody determination.

24 (2) "Respondent" means a person against whom a
25 proceeding has been commenced for enforcement of an order for
26 return of a child under the Hague Convention on the Civil
27 Aspects of International Child Abduction or enforcement of a
28 child custody determination.

29 61.525 Enforcement under the Hague Convention.--Under
30 this part, a court of this state may enforce an order for the
31 return of a child made under the Hague Convention on the Civil

1 Aspects of International Child Abduction as if it were a child
2 custody determination.

3 61.526 Duty to enforce.--

4 (1) A court of this state shall recognize and enforce
5 a child custody determination of a court of another state if
6 the latter court exercised jurisdiction in substantial
7 conformity with this part or the determination was made under
8 factual circumstances meeting the jurisdictional standards of
9 this part and the determination has not been modified in
10 accordance with this part.

11 (2) A court of this state may use any remedy available
12 under other laws of this state to enforce a child custody
13 determination made by a court of another state. The remedies
14 provided by ss. 61.524-61.540 are cumulative and do not affect
15 the availability of other remedies to enforce a child custody
16 determination.

17 61.527 Temporary visitation.--

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

21 (a) A visitation schedule made by a court of another
22 state; or

23 (b) The visitation provisions of a child custody
24 determination of another state which does not provide for a
25 specific visitation schedule.

26 (2) If a court of this state makes an order under
27 paragraph (1)(b), it shall specify in the order a period that
28 it considers adequate to allow the petitioner to obtain an
29 order from a court having jurisdiction under the criteria
30 specified in ss. 61.514-61.523. The order remains in effect

31

1 until an order is obtained from the other court or the period
2 expires.

3 61.528 Registration of child custody determination.--

4 (1) A child custody determination issued by a court of
5 another state may be registered in this state, with or without
6 a simultaneous request for enforcement, by sending to the
7 circuit court of the county where the petitioner or respondent
8 resides or where a simultaneous request for enforcement is
9 sought:

10 (a) A letter or other document requesting
11 registration;

12 (b) Two copies, including one certified copy, of the
13 determination sought to be registered and a statement under
14 penalty of perjury that, to the best of the knowledge and
15 belief of the person seeking registration, the order has not
16 been modified; and

17 (c) Except as otherwise provided in s. 61.522, the
18 name and address of the person seeking registration and any
19 parent or person acting as a parent who has been awarded
20 custody or visitation in the child custody determination
21 sought to be registered.

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

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

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

30 (3) The notice required by paragraph (2)(b) must state
31 that:

1 (a) A registered determination is enforceable as of
2 the date of the registration in the same manner as a
3 determination issued by a court of this state;

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

7 (c) Failure to contest the registration will result in
8 confirmation of the child custody determination and preclude
9 further contest of that determination with respect to any
10 matter that could have been asserted.

11 (4) A person seeking to contest the validity of a
12 registered order must request a hearing within 20 days after
13 service of the notice. At that hearing, the court shall
14 confirm the registered order unless the person contesting
15 registration establishes that:

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

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

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

25 (5) If a timely request for a hearing to contest the
26 validity of the registration is not made, the registration is
27 confirmed as a matter of law and the person requesting
28 registration and all persons served must be notified of the
29 confirmation.

30 (6) Confirmation of a registered order, whether by
31 operation of law or after notice and hearing, precludes

1 further contest of the order with respect to any matter that
2 could have been asserted at the time of registration.

3 61.529 Enforcement of registered determination.--

4 (1) A court of this state may grant any relief
5 normally available under the laws of this state to enforce a
6 registered child custody determination made by a court of
7 another state.

8 (2) A court of this state shall recognize and enforce
9 but may not modify, except in accordance with ss.

10 61.514-61.523, a registered child custody determination of
11 another state.

12 61.530 Simultaneous proceedings.--If a proceeding for
13 enforcement under ss. 61.524-61.540 is commenced in a court of
14 this state and the court determines that a proceeding to
15 modify the determination is pending in a court of another
16 state having jurisdiction to modify the determination under
17 ss. 61.514-61.523, the enforcing court shall immediately
18 communicate with the modifying court. The proceeding for
19 enforcement continues unless the enforcing court, after
20 consultation with the modifying court, stays or dismisses the
21 proceeding.

22 61.531 Expedited enforcement of child custody
23 determination.--

24 (1) A petition under ss. 61.524-61.540 must be
25 verified. Certified copies of all orders sought to be enforced
26 and of any order confirming registration must be attached to
27 the petition. A copy of a certified copy of an order may be
28 attached instead of the original.

29 (2) A petition for enforcement of a child custody
30 determination must state:

31

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

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

8 (c) Whether any proceeding has been commenced that
9 could affect the current proceeding, including proceedings
10 relating to domestic violence, protective orders, termination
11 of parental rights, and adoptions and, if so, identify the
12 court, the case number, and the nature of the proceeding;

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

15 (e) Whether relief in addition to the immediate
16 physical custody of the child and attorney's fees is sought,
17 including a request for assistance from law enforcement
18 officers and, if so, the relief sought; and

19 (f) If the child custody determination has been
20 registered and confirmed under s. 61.528, the date and place
21 of registration.

22 (3) Upon the filing of a petition, the court shall
23 issue an order directing the respondent to appear in person
24 with or without the child at a hearing and may enter any order
25 necessary to ensure the safety of the parties and the child.
26 The hearing must be held on the next judicial day after
27 service of the order unless that date is impossible. In that
28 event, the court shall hold the hearing on the first judicial
29 day possible. The court may extend the date of the hearing at
30 the request of the petitioner.

31

1 (4) An order issued under subsection (3) must state
2 the time and place of the hearing and advise the respondent
3 that at the hearing the court will order that the petitioner
4 may take immediate physical custody of the child and the
5 payment of fees, costs, and expenses under s. 61.535 and may
6 schedule a hearing to determine whether further relief is
7 appropriate, unless the respondent appears and establishes
8 that:

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

11 1. The issuing court did not have jurisdiction under
12 ss. 61.514-61.523;

13 2. The child custody determination for which
14 enforcement is sought has been vacated, stayed, or modified by
15 a court of a state having jurisdiction to do so under ss.
16 61.514-61.523; or

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

21 (b) The child custody determination for which
22 enforcement is sought was registered and confirmed under s.
23 61.528, but has been vacated, stayed, or modified by a court
24 of a state having jurisdiction to do so under ss.
25 61.514-61.523.

26 61.532 Service of petition and order.--Except as
27 otherwise provided in s. 61.534, the petition and order must
28 be served by any method authorized by the laws of this state
29 upon the respondent and any person who has physical custody of
30 the child.

31 61.533 Hearing and order.--

1 (1) Unless the court enters a temporary emergency
2 order under s. 61.517, upon a finding that a petitioner is
3 entitled to immediate physical custody of the child, the court
4 shall order that the petitioner may take immediate physical
5 custody of the child unless the respondent establishes that:

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

8 1. The issuing court did not have jurisdiction under
9 ss. 61.514-61.523;

10 2. The child custody determination for which
11 enforcement is sought has been vacated, stayed, or modified by
12 a court of a state having jurisdiction to do so under ss.
13 61.514-61.523; or

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

18 (b) The child custody determination for which
19 enforcement is sought was registered and confirmed under s.
20 61.528, but has been vacated, stayed, or modified by a court
21 of a state having jurisdiction to do so under ss.
22 61.514-61.523.

23 (2) The court shall award the fees, costs, and
24 expenses authorized under s. 61.535 and may grant additional
25 relief, including a request for the assistance of law
26 enforcement officers, and set a further hearing to determine
27 whether additional relief is appropriate.

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

31

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

5 61.534 Warrant to take physical custody of child.--

6 (1) Upon the filing of a petition seeking enforcement
7 of a child custody determination, the petitioner may file a
8 verified application for the issuance of a warrant to take
9 physical custody of the child if the child is likely to
10 imminently suffer serious physical harm or removal from this
11 state.

12 (2) If the court, upon the testimony of the petitioner
13 or other witness, finds that the child is likely to imminently
14 suffer serious physical harm or removal from this state, it
15 may issue a warrant to take physical custody of the child. The
16 petition must be heard on the next judicial day after the
17 warrant is executed unless that date is impossible. In that
18 event, the court shall hold the hearing on the first judicial
19 day possible. The application for the warrant must include the
20 statements required by s. 61.531(2).

21 (3) A warrant to take physical custody of a child
22 must:

23 (a) Recite the facts upon which a conclusion of
24 imminent serious physical harm or removal from the
25 jurisdiction is based;

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

28 (c) Provide for the placement of the child pending
29 final relief.

30
31

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

4 (5) A warrant to take physical custody of a child is
5 enforceable throughout this state. If the court finds on the
6 basis of the testimony of the petitioner or other witness that
7 a less intrusive remedy is not effective, it may authorize law
8 enforcement officers to enter private property to take
9 physical custody of the child. If required by exigent
10 circumstances of the case, the court may authorize law
11 enforcement officers to make a forcible entry at any hour.

12 (6) The court may impose conditions upon placement of
13 a child to ensure the appearance of the child and the child's
14 custodian.

15 61.535 Costs, fees, and expenses.--

16 (1) So long as the court has personal jurisdiction
17 over the party against whom the expenses are being assessed,
18 the court shall award the prevailing party, including a state,
19 necessary and reasonable expenses incurred by or on behalf of
20 the party, including costs, communication expenses, attorney's
21 fees, investigative fees, expenses for witnesses, travel
22 expenses, and expenses for child care during the course of the
23 proceedings, unless the party from whom fees or expenses are
24 sought establishes that the award would be clearly
25 inappropriate.

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

28 61.536 Recognition and enforcement.--A court of this
29 state shall accord full faith and credit to an order issued by
30 another state and consistent with this part which enforces a
31 child custody determination by a court of another state unless

1 the order has been vacated, stayed, or modified by a court
2 having jurisdiction to do so under ss. 61.514-61.523.

3 61.537 Appeals.--An appeal may be taken from a final
4 order in a proceeding under ss. 61.524-61.640 in accordance
5 with expedited appellate procedures in other civil cases.
6 Unless the court enters a temporary emergency order under s.
7 61.517, the enforcing court may not stay an order enforcing a
8 child custody determination pending appeal.

9 61.538 Role of state attorney.--

10 (1) In a case arising under this part or involving the
11 Hague Convention on the Civil Aspects of International Child
12 Abduction, the state attorney may take any lawful action,
13 including resort to a proceeding under ss. 61.524-61.540 or
14 any other available civil proceeding, to locate a child,
15 obtain the return of a child, or enforce a child custody
16 determination, if there is:

17 (a) An existing child custody determination;

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

20 (c) A reasonable belief that a criminal statute has
21 been violated; or

22 (d) A reasonable belief that the child has been
23 wrongfully removed or retained in violation of the Hague
24 Convention on the Civil Aspects of International Child
25 Abduction.

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

28 61.539 Role of law enforcement officers.--At the
29 request of a state attorney acting under s. 61.538, a law
30 enforcement officer may take any lawful action reasonably
31

1 necessary to locate a child or a party and assist a state
2 attorney with responsibilities under s. 61.538.

3 61.540 Costs and expenses.--The court may assess
4 against the nonprevailing party all direct expenses and costs
5 incurred by the state attorney and law enforcement officers
6 under s. 61.538 or s. 61.539 so long as the court has personal
7 jurisdiction over the nonprevailing party.

8 61.541 Application and construction.--In applying and
9 construing this part, consideration must be given to the need
10 to promote uniformity of the law with respect to its subject
11 matter among states that enact it.

12 61.542 Transitional provision.--A motion or other
13 request for relief made in a child custody proceeding or to
14 enforce a child custody determination that was commenced
15 before the effective date of this part is governed by the law
16 in effect at the time the motion or other request was made.

17 Section 23. Subsection (7) of section 63.052, Florida
18 Statutes, is amended to read:

19 63.052 Guardians designated; proof of commitment.--

20 (7) The court retains jurisdiction of a minor who has
21 been placed for adoption until the adoption is final. After a
22 minor is placed with an adoption entity or prospective
23 adoptive parent, the court may review the status of the minor
24 and the progress toward permanent adoptive placement. As part
25 of this continuing jurisdiction, for good cause shown by a
26 person whose consent to an adoption is required under s.
27 63.062, the adoption entity, the parents, persons having legal
28 custody of the minor, persons with custodial or visitation
29 rights to the minor, persons entitled to notice pursuant to
30 the Uniform Child Custody Jurisdiction and Enforcement Act or
31 the Indian Child Welfare Act, or upon the court's own motion,

1 the court may review the appropriateness of the adoptive
2 placement of the minor.

3 Section 24. Paragraph (f) of subsection (6) of section
4 63.087, Florida Statutes, is amended to read:

5 63.087 Proceeding to terminate parental rights pending
6 adoption; general provisions.--

7 (6) PETITION.--

8 (f) The petition must include:

9 1. The minor's name, gender, date of birth, and place
10 of birth. The petition must contain all names by which the
11 minor is or has been known, excluding the minor's prospective
12 adoptive name but including the minor's legal name at the time
13 of the filing of the petition, to allow interested parties to
14 the action, including parents, persons having legal custody of
15 the minor, persons with custodial or visitation rights to the
16 minor, and persons entitled to notice pursuant to the Uniform
17 Child Custody Jurisdiction and Enforcement Act or the Indian
18 Child Welfare Act, to identify their own interest in the
19 action.

20 2. If the petition is filed before the day the minor
21 is 6 months old and if the identity or location of the father
22 is unknown, each city in which the mother resided or traveled,
23 in which conception may have occurred, during the 12 months
24 before the minor's birth, including the county and state in
25 which that city is located.

26 3. Unless a consent to adoption or affidavit of
27 nonpaternity executed by each person whose consent is required
28 under s. 63.062 is attached to the petition, the name and the
29 city of residence, including the county and state in which
30 that city is located, of:

31 a. The minor's mother;

1 b. Any man who the mother reasonably believes may be
2 the minor's father; and

3 c. Any person who has legal custody, as defined in s.
4 39.01, of the minor.

5
6 If a required name or address is not known, the petition must
7 so state.

8 4. All information required by the Uniform Child
9 Custody Jurisdiction and Enforcement Act and the Indian Child
10 Welfare Act.

11 5. A statement of the grounds under s. 63.089 upon
12 which the petition is based.

13 6. The name, address, and telephone number of any
14 adoption entity seeking to place the minor for adoption.

15 7. The name, address, and telephone number of the
16 division of the circuit court in which the petition is to be
17 filed.

18 8. A certification of compliance with the requirements
19 of s. 63.0425 regarding notice to grandparents of an impending
20 adoption.

21 Section 25. Subsection (2) of section 63.102, Florida
22 Statutes, is amended to read:

23 63.102 Filing of petition for adoption or declaratory
24 statement; venue; proceeding for approval of fees and costs.--

25 (2) A petition for adoption or for a declaratory
26 statement as to the adoption contract shall be filed in the
27 county where the petition for termination of parental rights
28 was granted, unless the court, in accordance with s. 47.122,
29 changes the venue to the county where the petitioner or
30 petitioners or the minor resides or where the adoption entity
31 with which the minor has been placed is located. The circuit

1 court in this state must retain jurisdiction over the matter
2 until a final judgment is entered on the adoption. The Uniform
3 Child Custody Jurisdiction and Enforcement Act does not apply
4 until a final judgment is entered on the adoption.

5 Section 26. Section 741.24, Florida Statutes, is
6 transferred and renumbered as section 772.115, Florida
7 Statutes.

8 Section 27. Section 741.28, Florida Statutes, is
9 amended to read:

10 741.28 Domestic violence; definitions.--As used in ss.
11 741.28-741.31, the term:

12 (1) "Department" means the Florida Department of Law
13 Enforcement.

14 (2)~~(1)~~ "Domestic violence" means any assault,
15 aggravated assault, battery, aggravated battery, sexual
16 assault, sexual battery, stalking, aggravated stalking,
17 kidnapping, false imprisonment, or any criminal offense
18 resulting in physical injury or death of one family or
19 household member by another ~~who is or was residing in the same~~
20 ~~single dwelling unit.~~

21 (3)~~(2)~~ "Family or household member" means spouses,
22 former spouses, persons related by blood or marriage, persons
23 who are presently residing together as if a family or who have
24 resided together in the past as if a family, and persons who
25 are parents of ~~have~~ a child in common regardless of whether
26 they have been married ~~or have resided together at any time.~~
27 With the exception of persons who are parents of a child in
28 common, the family or household members must be currently
29 residing or have in the past resided together in the same
30 single dwelling unit.

31

1 ~~(3) "Department" means the Florida Department of Law~~
2 ~~Enforcement.~~

3 (4) "Law enforcement officer" means any person who is
4 elected, appointed, or employed by any municipality or the
5 state or any political subdivision thereof who meets the
6 minimum qualifications established in s. 943.13 and is
7 certified as a law enforcement officer under s. 943.1395.

8 Section 28. Paragraph (d) of subsection (3),
9 subsection (4), paragraph (a) of subsection (5), paragraph (a)
10 of subsection (6), and paragraph (a) of subsection (7) of
11 section 741.30, Florida Statutes, are amended to read:

12 741.30 Domestic violence; injunction; powers and
13 duties of court and clerk; petition; notice and hearing;
14 temporary injunction; issuance of injunction; statewide
15 verification system; enforcement.--

16 (3)

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

23 (4) Upon the filing of the petition, the court shall
24 set a hearing to be held at the earliest possible time. The
25 respondent shall be personally served with a copy of the
26 petition, financial affidavit, affidavit required under the
27 Uniform Child Custody Jurisdiction and Enforcement Act
28 ~~affidavit~~, if any, notice of hearing, and temporary
29 injunction, if any, prior to the hearing.

30 (5)(a) When it appears to the court that an immediate
31 and present danger of domestic violence exists, the court may

1 grant a temporary injunction ex parte, pending a full hearing,
2 and may grant such relief as the court deems proper, including
3 an injunction:

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

6 2. Awarding to the petitioner the temporary exclusive
7 use and possession of the dwelling that the parties share or
8 excluding the respondent from the residence of the petitioner.

9 3. On the same basis as provided in s. 61.13 ~~s.~~
10 ~~61.13(2), (3), (4), and (5)~~, granting to the petitioner
11 temporary custody of a minor child ~~or children~~. An order of
12 temporary custody remains in effect until the order expires or
13 a permanent order is entered by a court of competent
14 jurisdiction in a pending or subsequent civil action or
15 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. An
28 order of temporary custody or visitation remains in effect
29 until the order expires or a permanent order is entered by a
30 court of competent jurisdiction in a pending or subsequent
31 civil action or proceeding affecting the placement of, access

1 to, parental time with, or parental responsibility for the
2 minor child.

3 4. On the same basis as provided in chapter 61,
4 establishing temporary support for a minor child or children
5 or the petitioner. An order of temporary support remains in
6 effect until the order expires or a permanent order is entered
7 by a court of competent jurisdiction in a pending or
8 subsequent civil action or proceeding affecting child support.

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

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

26 7. Ordering such other relief as the court deems
27 necessary for the protection of a victim of domestic violence,
28 including injunctions or directives to law enforcement
29 agencies, as provided in this section.

30 (7)(a)1. The clerk of the court shall furnish a copy
31 of the petition, financial affidavit, uniform child custody

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

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

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

29 3. All orders issued, changed, continued, extended, or
30 vacated subsequent to the original service of documents
31 enumerated under subparagraph 1., shall be certified by the

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

14
15 If the respondent has been served previously with the
16 temporary injunction and has failed to appear at the initial
17 hearing on the temporary injunction, any subsequent petition
18 for injunction seeking an extension of time may be served on
19 the respondent by the clerk of the court by certified mail in
20 lieu of personal service by a law enforcement officer.

21 Section 29. Sections 753.001, 753.002, and 753.004,
22 Florida Statutes, are repealed.

23 Section 30. Sections 753.01, 753.02, 753.03, 753.04,
24 753.05, 753.06, 753.07, 753.08, and 753.09, Florida Statutes,
25 are created to read:

26 753.01 Supervised visitation programs; legislative
27 findings and intent.--The Legislature finds that there are
28 children in this state who have been adjudicated dependent by
29 the court and, as a result, are ordered into out-of-home
30 placements. The Legislature further finds that a large number
31 of children experience the separation or divorce of their

1 parents and that some of these children have been determined
2 by the court to be at risk or are potentially at risk for
3 physical, emotional, or sexual abuse; parental abduction;
4 domestic violence; or other harm as a result of parental
5 impairment due to substance abuse or other conditions. The
6 Legislature also finds that exposing children to the parents'
7 continuing conflicts is detrimental to the children. The
8 Legislature recognizes the importance of maintaining contact
9 between children and their nonresidential parents while
10 ensuring the safety of those children from further or
11 potential abuse, danger, or flight. The Legislature further
12 recognizes the importance of minimizing the circumstances in
13 which children are exposed to the parents' anger and disputes.
14 Supervised visitation programs provide a critically needed
15 service in offering children and nonresidential parents the
16 opportunity to maintain a relationship in a safe environment
17 and facilitating safe contact between perpetrators of domestic
18 violence and their children. By recognizing the necessity of
19 ensuring the safety of children, parents, and staff in child
20 visitations and exchanges and offering a quality service that
21 meets the multiple visitation and exchange needs of families,
22 parents, and courts, the Legislature intends, subject to
23 available funding, to provide for uniform standards,
24 strengthened security, training, and certification of the
25 supervised visitation programs in this state.

26 753.02 Definitions.--As used in this chapter, the
27 term:

28 (1) "Client" means the residential parent,
29 nonresidential parent, caregiver, or child receiving services
30 under a supervised visitation program.

31

1 (2) "Supervised exchange" means the supervision of the
2 movement of the child from the residential parent to the
3 nonresidential parent at the start of the visitation, and from
4 the nonresidential parent back to the residential parent at
5 the end of the visitation.

6 (3) "Supervised visitation" means the contact between
7 a nonresidential parent and child which occurs in the presence
8 of an independent third party.

9 (4) "Supervised visitation program" means a program
10 created to offer safe and structured supervised visitation and
11 supervised exchange.

12 753.03 Comprehensive standards for supervised
13 visitation programs.--

14 (1) Standards shall be developed, pursuant to s.
15 753.09, for certifying supervised visitation programs in this
16 state to ensure the safety and quality of the program. These
17 standards are intended to provide a uniform set of guidelines
18 that will be used by all supervised visitation programs and be
19 required by the courts, the Department of Children and Family
20 Services, and other entities that refer families for
21 supervised visitation and supervised exchange services. The
22 standards developed must be comprehensive and address the
23 purpose, policies, standards of practice, program content,
24 security measures, qualifications of providers, training,
25 credentials of staff, information to be provided to the court
26 and by the court, data collection, and procedures for
27 supervised visitation programs.

28 (2) These standards will form the basis for
29 certification of supervised visitation programs.

30 (3) Before implementing a certification process, each
31 supervised visitation program is encouraged to voluntarily

1 comply with the comprehensive standards developed under s.
2 753.09.

3 753.04 Certification and monitoring of supervised
4 visitation programs.--

5 (1) A process for certifying and monitoring the
6 initial and ongoing compliance of a supervised visitation
7 program with comprehensive standards developed under s. 753.09
8 shall be phased in, contingent upon the allocation and
9 availability of funds. The first phase of the certification
10 process must emphasize compliance with the standards relating
11 to security.

12 (2) Once the certification process is fully
13 implemented, a supervised visitation program must be certified
14 in order to receive state or federal funds. A program must be
15 certified in order to be a program to which the court may
16 order parties for supervised visitation or supervised exchange
17 services.

18 753.05 Interim minimum standards for supervised
19 visitation programs.--

20 (1) Until the comprehensive standards for supervised
21 visitation programs are developed under s. 753.03 and a
22 certification and monitoring process implemented, each
23 supervised visitation program must comply with the "Minimum
24 Standards for Supervised Visitation Programs Agreements"
25 adopted by the Supreme Court as an administrative order on
26 November 18, 1999. Pursuant to this order, each supervised
27 visitation program shall enter into an agreement with the
28 circuit court within that geographic jurisdiction attesting to
29 the program's willingness to comply with the standards.

30 (2) Until the comprehensive standards for supervised
31 visitation programs are developed and a certification and

1 monitoring process implemented, a supervised visitation
2 program may not receive grant funds for access and visitation
3 under 42 U.S.C. s. 669b unless the program provides to the
4 state agency responsible for administering the grant
5 documentation verifying that the program has entered into an
6 agreement with the circuit court as required under subsection
7 (1). This subsection does not obligate the state agency
8 responsible for administering the grant to certify compliance
9 with the "Minimum Standards for Supervised Visitation Programs
10 Agreements."

11 753.06 Security in supervised visitation programs.--

12 (1) Due to the volatile nature of the client
13 relationships that created the need for supervised visitation
14 and supervised exchange services, the security of each
15 supervised visitation program is a paramount element of the
16 program. Therefore, the safety of the clients and program
17 staff shall be intrinsic in all aspects of the standards,
18 emphasized in all training, and a precondition of the
19 certification of a program.

20 (2) Each supervised visitation program is encouraged
21 to collaborate with local law enforcement agencies to
22 facilitate volunteerism by law enforcement officers at
23 supervised visitation programs using such mechanisms as those
24 provided under ss. 943.254 and 943.135(2) and using
25 administrative leave permitted for state employees who
26 participate in community service programs.

27 753.07 Training for supervised visitation
28 programs.--Contingent upon the allocation or availability of
29 funding, the Clearinghouse on Supervised Visitation shall
30 develop, maintain, and update competency-based training
31 materials for supervised visitation which are appropriate to

1 meet the training needs of program staff. The Clearinghouse on
2 Supervised Visitation shall also provide training to staff of
3 the supervised visitation programs and track staff who meet
4 training requirements, to the extent permitted by available
5 funding.

6 753.08 Supervised visitation programs; data
7 collection.--Contingent upon the allocation or availability of
8 funding, the Clearinghouse on Supervised Visitation shall
9 develop and implement a mechanism for collecting data on
10 supervised visitation and supervised exchange services
11 provided in this state. The Clearinghouse on Supervised
12 Visitation shall collaborate with the state chapter of the
13 Supervised Visitation Network in determining the necessary
14 data to be collected and developing the data-collection
15 mechanism to ensure the viability and reasonableness of the
16 data requirements. Each supervised visitation program shall
17 maintain and submit the identified data to the Clearinghouse
18 on Supervised Visitation. The Clearinghouse on Supervised
19 Visitation shall maintain these data and annually compile the
20 information and make it available to the President of the
21 Senate, the Speaker of the House of Representatives, the
22 courts, the Chief Justice of the Supreme Court, the Department
23 of Children and Family Services, and any other organization
24 represented on the advisory board provided for in s. 753.09.

25 753.09 Development of standards and a certification
26 process.--

27 (1) The Clearinghouse on Supervised Visitation within
28 the Institute for Family Violence Studies of the Florida State
29 University School of Social Work shall develop the standards
30 for the supervised visitation program. The Clearinghouse on
31

1 Supervised Visitation shall use an advisory board to assist in
2 developing the standards. The advisory board must include:
3 (a) Two members of the executive board of the state
4 chapter of the Supervised Visitation Network, appointed by the
5 president of the state chapter of the Supervised Visitation
6 Network.
7 (b) A representative from the Office of the State
8 Courts Administrator, appointed by the State Courts
9 Administrator.
10 (c) A representative from the Department of Children
11 and Family Services, appointed by the Secretary.
12 (d) A representative from the Florida Coalition
13 Against Domestic Violence, appointed by the executive director
14 of the Florida Coalition Against Domestic Violence.
15 (e) A representative from a state law enforcement
16 agency, appointed by the executive director of the Florida
17 Sheriffs Association.
18 (f) A family law judge, appointed by the Chief Justice
19 of the Supreme Court.
20 (g) Two representatives of supervised visitation
21 programs, appointed by the director of the clearinghouse.
22 (h) A representative from the Junior League, selected
23 by the State Board of the Junior League.
24 (i) A representative from the Commission on
25 Responsible Fatherhood.
26 (2) The Clearinghouse on Supervised Visitation, with
27 consultation from the advisory board, shall also develop
28 criteria for approving or rejecting certification of a
29 supervised visitation program, a process for phasing in the
30 standards and certification process, and a recommendation for
31

1 the state entity that should be charged with certifying and
2 monitoring supervised visitation programs.

3 (3) The Clearinghouse on Supervised Visitation shall
4 submit a report to the President of the Senate, the Speaker of
5 the House of Representatives, and the Chief Justice of the
6 Supreme Court by December 31, 2003. The standards for
7 supervised visitation programs and criteria for the
8 certification process shall be adopted by rule by the state
9 entity identified by the Legislature to be responsible for the
10 certification and monitoring process.

11 Section 31. Paragraph (b) of subsection (6) of section
12 787.03, Florida Statutes, is amended to read:

13 787.03 Interference with custody.--

14 (6)

15 (b) In order to gain the exemption conferred by
16 paragraph (a), a person who takes a child pursuant to this
17 subsection must:

18 1. Within 10 days after taking the child, make a
19 report to the sheriff's office or state attorney's office for
20 the county in which the child resided at the time he or she
21 was taken, which report must include the name of the person
22 taking the child, the current address and telephone number of
23 the person and child, and the reasons the child was taken.

24 2. Within a reasonable time after taking the child,
25 commence a custody proceeding that is consistent with the
26 federal Parental Kidnapping Prevention Act, 28 U.S.C. s.
27 1738A, or the Uniform Child Custody Jurisdiction and
28 Enforcement Act, ss. 61.501-61.542 ~~ss. 61.1302-61.1348~~.

29 3. Inform the sheriff's office or state attorney's
30 office for the county in which the child resided at the time
31

1 he or she was taken of any change of address or telephone
2 number of the person and child.

3 Section 32. Present subsections (2), (3), and (4) of
4 section 943.135, Florida Statutes, are redesignated as
5 subsections (3), (4), and (5), respectively, and a new
6 subsection (2) is added to that section, to read:

7 943.135 Requirements for continued employment.--
8 (2) The commission shall permit an employing agency to
9 allow an officer to meet up to 3 hours of the 40 hours of
10 required continuing education and training by volunteering at
11 a community-based, not-for-profit organization that serves
12 children or families who have experienced or are at risk for
13 child abuse or domestic violence, including, but not limited
14 to, a supervised visitation program as provided for in chapter
15 753. This special population poses complex challenges to law
16 enforcement officers. Continuing education and training
17 through community service provides a unique learning
18 opportunity for officers to understand the special needs of
19 this group of constituents, build community relations, and
20 provide a visible presence of law enforcement officers in the
21 community. Volunteer time applied as continuing education and
22 training under this subsection may include time spent in
23 providing security services but does not substitute for the
24 continuing education in domestic violence required under s.
25 943.1701.

26 Section 33. Subsection (2) of section 943.171, Florida
27 Statutes, is amended to read:

28 943.171 Basic skills training in handling domestic
29 violence cases.--

30 (2) As used in this section, the term:
31

1 (a) "Domestic violence" has the same meaning ascribed
2 in s. 741.28 ~~means any assault, battery, sexual assault,~~
3 ~~sexual battery, or any criminal offense resulting in the~~
4 ~~physical injury or death of one family or household member by~~
5 ~~another who is or was residing in the same single dwelling~~
6 ~~unit.~~

7 (b) "Household member" has the same meaning ascribed
8 in s. 741.28 ~~means spouse, former spouse, persons related by~~
9 ~~blood or marriage, persons who are presently residing~~
10 ~~together, as if a family, or who have resided together in the~~
11 ~~past, as if a family, and persons who have a child in common~~
12 ~~regardless of whether they have been married or have resided~~
13 ~~together at any time.~~

14 Section 34. Section 943.254, Florida Statutes, is
15 created to read:

16 943.254 Volunteer work by law enforcement officers.--

17 (1) An employing agency may operate or administer a
18 program for law enforcement officers to provide volunteer
19 security services during off-duty hours at a community-based,
20 not-for-profit program that serves children or families who
21 have experienced or are at risk for child abuse or domestic
22 violence and that presents a potential danger to staff or
23 clients. A community-based, not-for-profit program may
24 include, but need not be limited to, a supervised visitation
25 program administered under chapter 753.

26 (2) Any community-based, not-for-profit program at
27 which a law enforcement officer volunteers is responsible for
28 the acts or omissions of the law enforcement officer while
29 performing services for that program off duty. However, for
30 purposes of coverage under the Workers' Compensation Law, a
31 law enforcement officer who volunteers, as provided in this

1 section, and who meets the provisions of s. 440.091 shall be
2 considered to have been acting within the course of
3 employment, pursuant to s. 440.091.

4 (3) A law enforcement officer who volunteers during
5 off-duty hours as provided in this section is exempt from the
6 licensure requirements of chapter 493 for persons who provide
7 security or investigative services.

8 Section 35. (1) The Department of Revenue and the
9 Office of State Courts Administrator may pursue authorization
10 to use funds provided under Title IV-D of the Social Security
11 Act, 42 U.S.C. ss. 651 et seq., for mediation services.

12 (2) The sum of \$_____ is appropriated from the
13 General Revenue Fund to the Office of State Courts
14 Administrator to conduct the necessary time and staffing
15 studies to develop the cost-allocation plan required for funds
16 provided under Title IV-D. This appropriation may not be
17 released until the Office of Child Support Enforcement of the
18 United States Department of Health and Human Services provides
19 tentative approval of the proposed cost-allocation plan
20 requiring a time and staffing study.

21 Section 36. (1) The Legislature finds that underlying
22 problems experienced by many families often form the basis for
23 their interaction with the judicial system. Assisting families
24 with these underlying problems will enhance their functioning
25 and their ability to constructively resolve their disputes and
26 should also result in more effective court resolution of
27 family cases and minimize future court intervention.

28 Therefore, it is the intent of the Legislature that the
29 circuit courts and social service agencies collaborate to
30 assist families with the circumstances and problems that are
31

1 contributing to their legal issues and need for judicial
2 intervention.

3 (2) The Legislature requests that the chief judge of
4 each circuit court initiate, develop, and maintain a
5 collaboration initiative between the circuit court and the
6 social service agencies in the community to address the
7 interrelated legal and nonlegal problems of children and
8 families involved in the court system in order to improve the
9 families' functioning and reduce their need for judicial
10 intervention. This collaboration initiative should include, at
11 the discretion of the chief judge, a broad cross-section of
12 the social service agencies in the community that assist
13 children or members of their families with any basic need or
14 functional problem that, if not addressed, could contribute to
15 their use of the judicial system. For purposes of this
16 section, the term "social services" means the continuum of
17 private and public services including, but is not limited to,
18 services related to the safety of the child or family,
19 education, health care, economic support, parenting,
20 employment, domestic violence, substance abuse, mental health,
21 law enforcement, and special needs of the children or adults.

22 (3) The Legislature requests that social service
23 agencies cooperate with and participate in the collaboration
24 initiative.

25 (4) Goals of the collaboration initiatives include,
26 but need not be limited to:

27 (a) Improving the availability of social services for
28 children and families who are found in the court system to be
29 in need of services which will address their legal and
30 nonlegal problems.

31

1 (b) Avoiding duplication of services from multiple
2 agencies that are responsible for assisting families.

3 (c) Eliminating unnecessary delay in providing
4 appropriate services to children and families.

5 (d) Improving communication between the social
6 services agencies and the courts.

7 (5) The Legislature recognizes that the Supreme Court
8 has required each circuit to create a family law advisory
9 group to provide communication among all stakeholders in the
10 family court system and that many communities have existing
11 initiatives for coordinating social services which have common
12 or similar goals. Initiatives for collaboration should not
13 duplicate these efforts, but instead, should use the family
14 law advisory group and, to the fullest extent possible, use
15 existing initiatives in the community for coordinating social
16 services to accomplish the collaboration.

17 (6) The following elements are steps that may be used
18 to guide the building of the partnership between the court
19 system and the social services system and to achieve the
20 purpose and goals of the collaboration initiative:

21 (a) Gain knowledge of the services available in the
22 community for children and families.

23 (b) Reach an understanding of each system's needs,
24 processes, operational parameters, goals, and expectations.

25 (c) Reach consensus on the changed behaviors or
26 outcomes expected from services and reasonable timeframes for
27 delivering services.

28 (d) Identify where limited funding and existing
29 priority populations result in lack of services.

30 (e) Reach consensus on the roles of the court system
31 and social services systems in the identification, referral,

1 service provision, and follow-up phases of service delivery to
2 children and families.

3 (f) Reach consensus on respective roles of the court
4 and individual social service agencies in implementing
5 individual service plans for families and children.

6 (g) Determine the most appropriate form or model for
7 establishing partnerships within the community at a system
8 level and at the level of an individual child and family.

9 (h) Determine the gaps in services and establish
10 partnerships to develop and implement needed services that
11 address the identified gaps.

12 (i) Encourage greater flexibility in the court and
13 social services systems and flexibility in funding in order to
14 address the needs of children and families.

15 (j) Determine the changes in coordination or changes
16 in the system which are necessary to improve the availability
17 of services to children and families.

18 (k) Determine how the systems can be more accountable
19 for enforcing existing laws that positively impact children
20 and families in court.

21 (l) Determine how the courts can use existing
22 evaluations performed by different social services agencies to
23 reduce the duplication of child and family evaluations needed
24 for decisionmaking by the court.

25 (m) Encourage the exchange of information among social
26 service agencies and the courts in providing services to
27 children and families.

28 (7) The Legislature requests that the Supreme Court
29 incorporate within the responsibilities of the Family Court
30 Steering Committee the duties of providing ongoing guidance to
31 the circuit courts' collaboration initiatives, identifying and

1 addressing statewide barriers to effective collaboration, and
2 identifying and implementing practices and policies that would
3 facilitate effective collaboration. For the purposes of this
4 state-level collaboration initiative, ongoing dialogue should
5 be established among the representatives of the circuit
6 courts, state agencies, and state organizations that represent
7 the public and private social services and that are or should
8 be participating in the community collaboration initiatives.

9 (8) The Office of State Courts Administrator shall
10 submit to the President of the Senate and the Speaker of the
11 House of Representatives a copy of the report required by the
12 Supreme Court on the progress of the family law advisory group
13 in each circuit. The Legislature requests that this report
14 include the progress of the family law advisory groups as it
15 pertains to developing communication and collaboration with
16 the social services in the circuits. The report must also
17 identify any barriers to effective collaboration and must
18 include recommendations for legislation to facilitate the
19 building of the partnership between the circuit courts and
20 social services identified by the Family Court Steering
21 Committee's Committee. The first report must be submitted by
22 June 30, 2003.

23 Section 37. (1)(a) The Legislature finds that a
24 significant number of children served by the Department of
25 Juvenile Justice also come under the jurisdiction of the
26 Department of Children and Family Services, either
27 simultaneously or following placement with the Department of
28 Juvenile Justice. The children who cross the jurisdiction of
29 the Department of Juvenile Justice's delinquency system and
30 the Department of Children and Family Services' dependency
31 system often have difficulty or cannot access needed services

1 of one or both systems. These "cross-over" children include,
2 but are not limited to, children who have reached the maximum
3 time for detention or commitment and are locked out of their
4 homes, children who have committed domestic violence on
5 another family member and cannot return home, and children who
6 do not meet the criteria for detention.

7 (b) The Legislature also finds that these children
8 also attend local schools that play a vital role in their
9 lives and the success of their interventions.

10 (c) The Legislature further finds that strong,
11 productive coordination and cooperation among the Department
12 of Juvenile Justice, the Department of Children and Family
13 Services, and the Department of Education is essential to the
14 goal of successfully serving these children.

15 (2) To that end, the Secretary of Juvenile Justice
16 shall organize and act as the chairperson of an interagency
17 workgroup involving, at a minimum, the Secretary of Children
18 and Family Services and the Commissioner of Education. The
19 workgroup shall accomplish at least the following goals:

20 (a) Identify issues that make it difficult to serve
21 "cross-over" children of the Department of Juvenile Justice
22 and the Department of Children and Family Services;

23 (b) Identify issues involving local school districts
24 and these children and the role schools can play in assisting
25 the Department of Juvenile Justice and the Department of
26 Children and Family Services in serving these children;

27 (c) Develop short-term and long-term strategies to
28 address these goals using the resources and authority
29 currently vested with these agencies, including, but not
30 limited to, sharing resources, timeframes for developing
31 aftercare plans, and joint planning for children who will move

1 from the jurisdiction of one agency to the jurisdiction of
2 another agency;

3 (d) Identify any statutory, fiscal, and other
4 inhibitor to the short-term and long-term strategies and
5 develop proposals for removing those inhibitors; and

6 (e) Develop and execute an interagency agreement
7 specifying protocols for handling the identified issues that
8 can be managed within existing authority and resources and
9 articulate a mutual plan for addressing the issues that
10 require additional resources or authority, including the
11 manner in which the Department of Juvenile Justice, the
12 Department of Children and Family Services, and the Department
13 of Education shall:

14 1. Establish a working relationship to provide
15 appropriate services to the "cross-over" children and to
16 ensure that the agencies' respective funds are spent in the
17 most efficient manner possible;

18 2. Coordinate responses to court orders relative to
19 "cross-over" children, regardless of whether the circumstances
20 of the children and families fall or do not fall clearly
21 within the jurisdiction of one department;

22 3. Handle the identified issues that can be managed
23 within existing authority and resources and articulate a
24 mutual plan for addressing the issues that require additional
25 resources or authority; and

26 4. Conduct regular meetings, share information
27 concerning specific children and families, and resolve
28 disagreements between the departments regarding the
29 "cross-over" children and the administration of protocols.

30 (3) The workgroup is encouraged to draw on the
31 expertise of appropriate groups such as the Florida Supreme

1 Court committees, the Florida Network of Youth and Family
2 Services, the Florida Association of Counties, local school
3 boards, the Florida Council for Behavioral Health, the Florida
4 Alcohol and Drug Abuse Association, and other groups in
5 addressing the issues identified by the workgroup. The
6 workgroup may form subcommittees to develop strategies for
7 addressing identified issues.

8 (4) The Department of Juvenile Justice shall report on
9 the accomplishments of the workgroup in addressing each of the
10 five identified goals and any others added by the workgroup.
11 The report must include a copy of the interagency agreement
12 and the plan for ensuring local adoption of the interagency
13 agreement. The department shall submit a written report to the
14 President of the Senate and the Speaker of the House of
15 Representatives by January 31, 2003.

16 Section 38. (1) In order for a unified family court
17 model to function effectively, efficiently, consistently, and
18 fairly, each participant in the unified family court model
19 must determine its information needs and assess its technology
20 support and resources for meeting those needs. The
21 participants in the family court model must cooperate and
22 collaborate to develop the most efficient and cost-effective
23 information system and to determine how to fund such a system.
24 That system should provide for collecting, storing,
25 retrieving, accessing, and sharing needed information.

26 (2) The State Technology Office is encouraged to
27 assist the courts and clerks of courts in establishing a
28 workgroup by July 1, 2002, to develop an information system
29 based on the assessment of the information needs of the
30 participants in the unified family court model. The workgroup
31 should initially focus on processing information for

1 identifying, tracking, processing, and linking related cases
2 involving the same family members. The workgroup may also work
3 on other issues identified by the participants as facilitating
4 the operations of programs of the unified family court model
5 and facilitating the provision of services to families before
6 the court.

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

18 Section 39. If any provision of this act or its
19 application to any person or circumstance is held invalid, the
20 invalidity does not affect other provisions or applications of
21 the act which can be given effect without the invalid
22 provision or application, and to this end the provisions of
23 this act are severable.

24 Section 40. This act shall take effect July 1, 2002.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bills 1226 & 734

- 4 -- Directs the Division of Statutory Revision to
5 designate specified chapters to constitute the
6 Family Code in lieu of renumbering and
7 re-organizing family law chapters;
- 8 -- Changes the date from January 1, 2004, to October
9 2, 2007, as the period of time in which the courts
10 and the clerks of the court are authorized to
11 collect and use social security numbers or other
12 personal identifying information for the sole
13 purpose of developing unique identifier systems to
14 identify, coordinate, link and track related
15 cases;
- 16 -- Promotes participation in presuit and voluntary
17 mediation by providing legislative intent
18 regarding the provision of a continuum of
19 alternative dispute options to the judicial
20 process, by requesting the establishment of a
21 formal court process to file and obtain approval
22 of stipulated agreements without the necessity of
23 court appearances, by providing confidentiality
24 provisions in presuit and voluntary mediations, by
25 authorizing the establishment of presuit mediation
26 pilot programs for the modification or enforcement
27 of judgments relating to family matters, by
28 converting the \$45 locally-imposed service charge
29 into a \$65 mandatorily-imposed statewide service
30 charge on modification of dissolutions of
31 marriages to fund specified mediation services,
and by authorizing the Department of Revenue and
Office of State Courts Administrator to pursue
federal Title IV-D funds for mediation services,
and appropriating for a study thereof;
- Imposes an earlier deadline for parents to
complete parent education courses in dissolution
of marriage proceedings in order to maximize the
benefits of the course;
- Clarifies the mandatory co-residency requirement
in the definitions of "domestic violence" and
"family or household member" except under
specified circumstances;
- Sets forth a statutory framework to begin the
establishment of a statewide certification and
monitoring system to improve the quality and
safety of supervised visitation and exchange
programs and provides incentives for law
enforcement officers to secure educational credits
and to volunteer in these types of programs.
- Promotes systems of coordination between the court
and social service agencies by providing a
framework for them to collaborate in the

1 development of a system that ensures access to
2 services for children and families in the court
3 system.
4 -- Promotes systems of coordination between the
5 Department of Juvenile Justice, the Department of
6 Children and Families and the Department of
7 Education by requiring them to organize
8 interagency workgroups, to enter into interagency
9 agreements for handling issues relating to
10 services for children who cross agency
11 jurisdictional lines, and to report on the
12 workgroup efforts;
13 -- Conforms statutory cross-references to ss. 63.052,
14 63.087, and 63.102, F.S., to the new provisions in
15 the bill.
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