

1 A bill to be entitled
2 An act relating to family court reform;
3 creating the Commission on Family Law and
4 Children to develop a family code; providing
5 for membership and staffing commission;
6 providing for repeal of the commission;
7 creating s. 25.375, F.S.; authorizing the
8 Supreme Court to create a system to identify
9 cases relating to individuals and families
10 within the court system; amending s. 25.385,
11 F.S.; redefining the terms "domestic violence"
12 and "family or household member"; amending s.
13 39.013, F.S.; providing for modifying a court
14 order in a subsequent civil proceeding;
15 amending s. 39.0132, F.S.; providing for
16 limited admissibility of evidence in subsequent
17 civil proceedings; amending s. 39.502, F.S.,
18 relating to notice, process, and service;
19 conforming a cross-reference to changes made by
20 the act; amending s. 39.521, F.S.; providing
21 for modifying a court order in a subsequent
22 civil action or proceeding; amending s. 39.814,
23 F.S.; providing for limited admissibility of
24 evidence in subsequent civil proceedings;
25 amending s. 44.1011, F.S.; redefining the term
26 "family mediation"; providing definitions for
27 voluntary mediation and presuit mediation;
28 amending s. 44.1012, F.S., providing
29 legislative intent regarding continuum of
30 alternatives to litigation; creating s.
31 44.1025, F.S.; providing for confidentiality

1 concerning certain disclosures in presuit and
2 voluntary mediations; amending s. 44.108, F.S.;
3 increasing the service charge for modification
4 of dissolution-of-marriage petitions to deposit
5 moneys into state mediation and arbitration
6 trust fund; requesting the supreme court to
7 establish a process for filing and court
8 approval of stipulated agreements without court
9 appearances; creating s. 44.202, F.S.;
10 providing for the establishment of
11 presuit-mediation pilot programs and funding;
12 amending s. 61.13, F.S.; providing for the
13 court to determine matters relating to child
14 support in any proceeding under ch. 61, F.S.;
15 eliminating provisions authorizing the court to
16 award grandparents visitation rights; repealing
17 ss. 61.1302, 61.1304, 61.1306, 61.1308, 61.131,
18 61.1312, 61.1314, 61.1316, 61.1318, 61.132,
19 61.1322, 61.1324, 61.1326, 61.1328, 61.133,
20 61.1332, 61.1334, 61.1336, 61.1338, 61.134,
21 61.1342, 61.1344, 61.1346, 61.1348, F.S., the
22 "Uniform Child Custody Jurisdiction Act";
23 repealing s. 61.183, F.S., relating to
24 mediation of certain contested issues;
25 transferring and renumbering ss. 61.19, 61.191,
26 F.S., relating to entry of judgment of
27 dissolution of marriage and actions for
28 divorce; amending s. 61.21, F.S.; revising the
29 timeframe for completing a parenting course;
30 creating part IV of ch. 61, F.S., the "Uniform
31 Child Custody Jurisdiction and Enforcement

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

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

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

1 social service agencies by circuit judges;
2 providing for goals and elements of the
3 collaborative initiative; requesting that the
4 Supreme Court provide guidance to the circuit
5 courts in developing the collaborative
6 initiatives; requiring a report to the
7 Legislature; requiring the Department of
8 Juvenile Justice to organize an interagency
9 workgroup; specifying the goals of the
10 interagency workgroup; requiring a report to
11 the Legislature on the accomplishments of the
12 interagency workgroup; providing for a
13 workgroup to develop an information system for
14 the unified family court model; providing for a
15 report to the Legislature; providing for
16 severability; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Legislative Commission on Family Law and
21 Children; membership; advisory committee; staff; duties.--

22 (1) There is created a Commission on Family Law and
23 Children, to be composed of six members as follows: three
24 members of the Senate appointed by the President of the
25 Senate, to include the chair of the Senate Judiciary Committee
26 or its successor and the chair of the Senate Children and
27 Families Committee or its successor, and three members of the
28 House of Representatives appointed by the Speaker of the
29 House, to include the chair of the Judicial Oversight
30 Committee or its successor and the chair of the Child and
31 Family Security Committee or its successor. The terms of

1 members shall be for 2 years and shall run from the
2 organization of the one Legislature to the organization of the
3 next Legislature. Vacancies occurring during the interim
4 period shall be filled in the same manner as the original
5 appointment. The President of the Senate shall appoint the
6 chair in odd-numbered years and the Speaker of the House of
7 Representatives shall appoint the chair in even-numbered
8 years. The Commission will be jointly staffed by the
9 substantive committees of the House of Representatives and the
10 Senate.

11 (2) The Commission on Family Law and Children is
12 authorized and directed to establish an advisory committee to
13 assist in carrying out the work of the commission. Membership
14 of the advisory committee shall be determined by the
15 commission.

16 (3) The commission shall meet at least quarterly and
17 more frequently at the direction of the presiding officers or
18 upon call of the chair. The commission may conduct its
19 meetings through teleconferences or other similar means.

20 (4) It is intended that the commission shall develop a
21 true family code, including, but not limited to, chapters 39,
22 61, 63, 88, 409, 741, 742, 743, 751, 752, 753, 984, and 985,
23 Florida Statutes. Such a code shall be an internally
24 consistent body of law that would enable any individual to
25 locate the statutory requirements for any proceeding within
26 the unified family court's jurisdiction.

27 (5) The commission shall stand repealed on June 30,
28 2007, unless reviewed and saved from repeal through
29 reenactment by the Legislature.

30 Section 2. Section 25.375, Florida Statutes, is
31 created to read:

1 25.375 Identification of related cases.--The Supreme
2 Court may create a unique identifier for each individual to
3 identify all court cases related to that individual or his or
4 her family previously or currently in the court system. The
5 unique identifier must be the same for that individual in any
6 court case. To create the unique identifier, the court may
7 collect a portion of the individual's social security number
8 or other personal identification information, such as the
9 individual's date of birth. Until October 2, 2007, the state
10 courts system and the clerk of the court are authorized to
11 collect and use an individual's social security number solely
12 for the purpose of case management and identification of
13 related cases. Failure to provide a social security number for
14 this purpose shall not be grounds to deny any services,
15 rights, or remedies otherwise provided by law.

16 Section 3. Subsection (2) of section 25.385, Florida
17 Statutes, is amended to read:

18 25.385 Standards for instruction of circuit and county
19 court judges in handling domestic violence cases.--

20 (2) As used in this section:

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

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

1 ~~child in common regardless of whether they have been married~~
2 ~~or have presently residing together, as if a family, or who~~
3 ~~have resided together in the past, as if a family, and persons~~
4 ~~who have a child in common regardless of whether they have~~
5 ~~been married or have resided together at any time.~~

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

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

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

24 Section 5. Subsection (6) of section 39.0132, Florida
25 Statutes, is amended and subsection (7) is added to that
26 section to read:

27 39.0132 Oaths, records, and confidential
28 information.--

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

1 ~~(a) Orders permanently terminating the rights of a~~
2 ~~parent and committing the child to a licensed child-placing~~
3 ~~agency or the department for adoption shall be admissible in~~
4 ~~evidence in subsequent adoption proceedings relating to the~~
5 ~~child.~~

6 (a)~~(b)~~ Records of proceedings under this chapter
7 forming a part of the record on appeal shall be used in the
8 appellate court in the manner hereinafter provided.

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

12 (c)~~(d)~~ Records of proceedings under this chapter may
13 be used to prove disqualification pursuant to s. 435.06 and
14 for proof regarding such disqualification in a chapter 120
15 proceeding.

16 ~~(e) Orders permanently and involuntarily terminating~~
17 ~~the rights of a parent shall be admissible as evidence in~~
18 ~~subsequent termination of parental rights proceedings for a~~
19 ~~sibling of the child for whom parental rights were terminated.~~

20 (d) Final orders entered pursuant to an adjudicatory
21 hearing shall be admissible in evidence in any subsequent
22 civil proceeding relating to placement of, access to, parental
23 time with, or parental responsibility for the same child or
24 sibling of that child.

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

30 1. Notice is given to the opposing party or opposing
31 party's counsel of the intent to offer the evidence and a copy

1 of such evidence is delivered to the opposing party or the
2 opposing party's counsel.

3 2. The evidence is otherwise admissible in the
4 subsequent civil proceeding.

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

9 Section 6. Subsection (7) of section 39.502, Florida
10 Statutes, is amended to read:

11 39.502 Notice, process, and service.--

12 (7) Service of the summons and service of pleadings,
13 papers, and notices subsequent to the summons on persons
14 outside this state must be made pursuant to s. 61.509 ~~s.~~
15 ~~61.1312~~.

16 Section 7. Subsection (3) of section 39.521, Florida
17 Statutes, is amended to read:

18 39.521 Disposition hearings; powers of disposition.--

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

22 (a) If the court determines that the child can safely
23 remain in the home with the parent with whom the child was
24 residing at the time the events or conditions arose that
25 brought the child within the jurisdiction of the court and
26 that remaining in this home is in the best interest of the
27 child, then the court shall order conditions under which the
28 child may remain or return to the home and that this placement
29 be under the protective supervision of the department for not
30 less than 6 months.

31

1 (b) If there is a parent with whom the child was not
2 residing at the time the events or conditions arose that
3 brought the child within the jurisdiction of the court who
4 desires to assume custody of the child, the court shall place
5 the child with that parent upon completion of a home study,
6 unless the court finds that such placement would endanger the
7 safety, well-being, or physical, mental, or emotional health
8 of the child. Any party with knowledge of the facts may
9 present to the court evidence regarding whether the placement
10 will endanger the safety, well-being, or physical, mental, or
11 emotional health of the child. If the court places the child
12 with such parent, it may do either of the following:

13 1. Order that the parent assume sole custodial
14 responsibilities for the child. The court may also provide for
15 reasonable visitation by the noncustodial parent. The court
16 may then terminate its jurisdiction over the child. The
17 ~~custody~~ order shall take precedence over other orders that
18 effect placement of, access to, parental time with, or
19 parental responsibility for a minor child ~~continue unless~~
20 ~~modified by a subsequent order of the circuit court hearing~~
21 ~~dependency matters. The order of the circuit court hearing~~
22 ~~dependency matters shall be filed in any dissolution or other~~
23 ~~custody action or proceeding between the parents and shall~~
24 ~~take precedence over other custody and visitation orders~~
25 entered in civil those actions or proceedings. However, if the
26 court terminates jurisdiction, such order may be subsequently
27 modified by a court of competent jurisdiction in any other
28 civil action or proceeding affecting placement of, access to,
29 parental time with, or parental responsibility for the same
30 minor child, if notice of the action or proceeding and
31

1 opportunity to be heard are given to the Department of
2 Children and Family Services.

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

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

25 (d) If the child cannot be safely placed in a
26 nonlicensed placement, the court shall commit the child to the
27 temporary legal custody of the department. Such commitment
28 invests in the department all rights and responsibilities of a
29 legal custodian. The department shall not return any child to
30 the physical care and custody of the person from whom the
31 child was removed, except for court-approved visitation

1 periods, without the approval of the court. The term of such
2 commitment continues until terminated by the court or until
3 the child reaches the age of 18. After the child is committed
4 to the temporary legal custody of the department, all further
5 proceedings under this section are governed by this chapter.

6
7 Protective supervision continues until the court terminates it
8 or until the child reaches the age of 18, whichever date is
9 first. Protective supervision shall be terminated by the court
10 whenever the court determines that permanency has been
11 achieved for the child, whether with a parent, another
12 relative, or a legal custodian, and that protective
13 supervision is no longer needed. The termination of
14 supervision may be with or without retaining jurisdiction, at
15 the court's discretion, and shall in either case be considered
16 a permanency option for the child. The order terminating
17 supervision by the department shall set forth the powers of
18 the custodian of the child and shall include the powers
19 ordinarily granted to a guardian of the person of a minor
20 unless otherwise specified. Upon the court's termination of
21 supervision by the department, no further judicial reviews are
22 required, so long as permanency has been established for the
23 child.

24 Section 8. Subsection (6) of section 39.814, Florida
25 Statutes, is amended and subsection (7) is added to that
26 section to read:

27 39.814 Oaths, records, and confidential information.--

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

31

1 ~~(a) Orders terminating the rights of a parent are~~
2 ~~admissible in evidence in subsequent adoption proceedings~~
3 ~~relating to the child and in subsequent termination of~~
4 ~~parental rights proceedings concerning a sibling of the child.~~

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

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

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

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

22 1. Notice is given to the opposing party or opposing
23 party's counsel of the intent to offer the evidence and a copy
24 of such evidence is delivered to the opposing party or
25 opposing party's counsel.

26 2. The evidence is otherwise admissible in the
27 subsequent civil proceeding.

28 (7) Final orders, records, and evidence in any
29 proceeding under this part which are subsequently admitted in
30 evidence pursuant to subsection (6) are still subject to the
31 provisions of subsection (3) and (4).

1 Section 9. Subsections (1) and (3) of section 39.902,
2 Florida Statutes, are amended to read:

3 39.902 Definitions.--As used in this part, the term:

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

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

16 Section 10. Subsection (2) of section 44.1011, Florida
17 Statutes, is amended to read:

18 44.1011 Definitions.--As used in this chapter:

19 (2) "Mediation" means a process whereby a neutral
20 third person called a mediator acts to encourage and
21 facilitate the resolution of a dispute between two or more
22 parties. It is an informal and nonadversarial process with
23 the objective of helping the disputing parties reach a
24 mutually acceptable and voluntary agreement. In mediation,
25 decisionmaking authority rests with the parties. The role of
26 the mediator includes, but is not limited to, assisting the
27 parties in identifying issues, fostering joint problem
28 solving, and exploring settlement alternatives. "Mediation"
29 includes:

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

1 (b) "Circuit court mediation," which means mediation
2 of civil cases, other than family matters, in circuit court.
3 If a party is represented by counsel, the counsel of record
4 must appear unless stipulated to by the parties or otherwise
5 ordered by the court.

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

11 (d) "Family mediation" which means mediation of family
12 matters, including married and unmarried persons, before and
13 after judgments involving dissolution of marriage; property
14 division; paternity; adoption; emancipation of a minor; shared
15 or sole parental responsibility; or child support, custody,
16 and visitation involving emotional or financial considerations
17 not usually present in other circuit civil cases. Negotiations
18 in family mediation are primarily conducted by the parties.
19 Counsel for each party may attend the mediation conference and
20 privately communicate with their clients. However, presence
21 of counsel is not required, and, in the discretion of the
22 mediator, and with the agreement of the parties, mediation may
23 proceed in the absence of counsel unless otherwise ordered by
24 the court.

25 (e) "Dependency or in need of services mediation,"
26 which means mediation of dependency, child in need of
27 services, or family in need of services matters. Negotiations
28 in dependency or in need of services mediation are primarily
29 conducted by the parties. Counsel for each party may attend
30 the mediation conference and privately communicate with their
31 clients. However, presence of counsel is not required and, in

1 the discretion of the mediator and with the agreement of the
2 parties, mediation may proceed in the absence of counsel
3 unless otherwise ordered by the court.

4 (f) "Voluntary mediation," which means mediation of
5 any matters as provided in paragraphs (d) and (e) if a court
6 has not referred the matter to mediation but the parties agree
7 to submit to mediation after the initiation of any legal
8 proceeding.

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

13 Section 11. Section 44.1012, Florida Statutes, is
14 created to read:

15 44.1012 Continuum of alternatives to litigation;
16 legislative intent.--It is the intent of the Legislature that
17 a range of alternatives to judicial action be available to
18 families in order to reduce the level of costly court
19 intervention required to resolve disputes. Communities, with
20 the involvement of the courts, are encouraged to provide
21 families with a continuum of options that educate and assist
22 parents and children with conflict dispute resolution prior to
23 and after judicial intervention.

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

26 44.1025 Presuit and voluntary mediation.--

27 (1) All oral or written communications or documents,
28 including the written documents of a mediator, other than an
29 executed settlement agreement, in a presuit or voluntary
30 mediation proceeding shall be confidential and inadmissible as
31 evidence in any subsequent legal proceeding, unless all

1 participants to the presuit mediation or all parties to the
2 voluntary mediation otherwise agree.

3 (2) Each participant to a presuit mediation or any
4 party to a voluntary mediation has a privilege to refuse to
5 disclose and to prevent another person from disclosing
6 communications made during or for the purpose of mediation,
7 except as provided in subsection (3). A participant to a
8 presuit mediation or party to a voluntary mediation does not
9 include a mediator, counsel for a participant or party, or
10 anyone hired by the participant or party to assist in the
11 mediation process.

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

15 (a) Communications concerning abuse, neglect, or
16 exploitation of any person for which the law requires a
17 mandatory report.

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

19 (c) Professional misconduct committed during the
20 mediation. In such cases, the disclosure of an otherwise
21 privileged communication shall be used only for the internal
22 use of the body conducting the investigation. Prior to the
23 release of any disciplinary files to the public, all
24 references to otherwise privileged communications shall be
25 deleted from the record. When an otherwise confidential
26 communication is used in a disciplinary proceeding, the
27 communication shall be inadmissible as evidence in any
28 subsequent legal proceeding. As used in this paragraph, the
29 term "subsequent legal proceeding" means any legal proceeding
30 between the parties to the mediation which follows the presuit
31 or voluntary mediation.

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

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

8 Section 13. Section 44.108, Florida Statutes, as
9 amended by section 8 of chapter 2001-122, Laws of Florida, is
10 amended to read:

11 44.108 Funding of mediation and
12 arbitration.--Mediation should be accessible to all parties
13 regardless of financial status.

14 (1) Each board of county commissioners may support
15 mediation and arbitration services by appropriating moneys
16 from county revenues and by:

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

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

29 (c) If a board of county commissioners levies the
30 service charge authorized in paragraph (a) or paragraph (b),
31 the clerk of the court shall forward \$1 of each charge to the

1 Department of Revenue for deposit in the state mediation and
2 arbitration trust fund. Such fund shall be used by the Supreme
3 Court to carry out its responsibilities set forth in s.
4 44.106.

5 (2)(3) A fee of \$65 is levied ~~levying~~, in addition to
6 other service charges levied by law, ~~a service charge of no~~
7 ~~more than \$45~~ on any petition for a modification of a final
8 judgment of dissolution and shall be deposited as follows:

9 (a) Forty-four dollars, ~~which~~ shall be deposited in
10 the court's family mediation account fund to be used to fund
11 family mediation services under the supervision of the chief
12 judge of the circuit in which the county is located.

13 (b) Twenty dollars shall be forwarded to the
14 Department of Revenue for deposit in the state mediation and
15 arbitration trust fund, which shall be used by the Supreme
16 Court to carry out its responsibilities set forth in s.
17 44.202.

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

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

29 Section 14. The Legislature requests that the Supreme
30 Court establish a formal process that encourages and
31 facilitates the filing of stipulated agreements in

1 post-judgment family-law matters; such process should
2 facilitate consideration of the stipulated agreement by the
3 court without necessitating an appearance before the court.
4 This process should provide notice to the parties regarding
5 their right to a hearing, include safeguards to prevent the
6 filing or acceptance of agreements reached under duress or
7 coercion, and provide for a hearing if the court determines
8 that such a hearing is necessary.

9 Section 15. Section 44.202, Florida Statutes, is
10 created to read:

11 44.202 Presuit mediation pilot programs.--

12 (1) The Supreme Court shall use funds as designated
13 under s. 44.108(2) to provide court-ordered family mediation
14 and to establish presuit-mediation pilot programs. At the
15 discretion of the Supreme Court, up to 50 percent of these
16 designated funds may be used to ensure that court-ordered
17 family mediation is available in each of the circuits. The
18 Supreme Court's use of these designated funds is contingent
19 upon the court's establishment of a formal process that allows
20 for the court filing and approval of stipulated agreements
21 without the need for court appearances by the parties.

22 (2) The purposes of these presuit-mediation pilot
23 programs are to:

24 (a) Encourage mediation prior to the court filing of a
25 supplemental petition to modify or a motion to enforce a final
26 judgment involving dissolution of marriage, paternity, spousal
27 support, parental responsibility, child support, custody, and
28 visitation.

29 (b) Facilitate the court filing and approval of
30 mediated agreements of such family-law matters.

31

1 (c) Minimize the need for court appearances arising
2 from modification or enforcement of final judgments involving
3 such family-law matters.

4 (3) The presuit-mediation pilot programs shall:

5 (a) Incorporate and use the same formal process that
6 the Supreme Court establishes for the court filing and
7 approval of stipulated agreements without the need for court
8 appearances by the parties.

9 (b) Provide families with the opportunity to mediate a
10 disputed family-law matter before filing a supplemental
11 petition to modify or a motion to enforce a final judgment and
12 to obtain court approval of a mediated agreement on such
13 matters without the need for a court appearance.

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

17 (d) Exclude cases involving judgments entered pursuant
18 to chapter 741.

19 (4) Each person participating in a mediation pursuant
20 to this section shall be given an executed copy of the
21 mediated agreement. Each person has the right to request a
22 hearing on the supplemental petition to modify a final
23 judgment or motion to enforce a final judgment. Each person
24 shall also be provided with the opportunity to waive his or
25 her right to a hearing and to consent in writing to the entry
26 of mediated agreement without a hearing.

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

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

3 (7) The Office of the State Courts Administrator shall
4 evaluate the presuit-mediation pilot programs. The evaluation
5 shall include, but not be limited to: the use of the pilot
6 programs; the issues mediated; the number of mediated
7 agreements reached; the number of mediated agreements adopted
8 by the court, with and without a court appearance; the number
9 of court hearings avoided; and an estimated amount of court
10 time saved. A report on the evaluation of the
11 presuit-mediation pilot programs shall be submitted to the
12 President of the Senate and the Speaker of the House of
13 Representatives by December 31, 2004.

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

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

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

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

5 (2)

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

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

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

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

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

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

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

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

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

22 Section 18. Section 61.183, Florida Statutes, is
23 repealed.

24 Section 19. Sections 61.19 and 61.191, Florida
25 Statutes, are transferred and renumbered as sections 61.053
26 and 61.054, respectively.

27 Section 20. Subsections (3) and (4) of section 61.21,
28 Florida Statutes, are amended to read:

29 61.21 Parenting course authorized; fees; required
30 attendance authorized; contempt.--

31

1 (3) All parties to a dissolution of marriage
2 proceeding with minor children or a paternity action which
3 involves issues of parental responsibility shall be required
4 to complete the Parent Education and Family Stabilization
5 Course ~~prior to the entry by the court of a final judgment.~~
6 The court may excuse a party from attending the parenting
7 course or meeting the required timeframe for completing the
8 course for good cause.

9 (4) All parties required to complete a parenting
10 course under this section shall begin the course as
11 expeditiously as possible after filing for dissolution of
12 marriage or paternity. Unless excused by the court pursuant to
13 subsection (3), the petitioner in the action must complete the
14 course within 45 days after filing the petition and all other
15 parties to the action must complete the course within 45 days
16 after service of the petition. Each party and shall file proof
17 of compliance with the court prior to the entry of the final
18 judgment.

19 Section 21. Part IV of chapter 61, Florida Statutes,
20 consisting of sections 61.501, 61.502, 61.503, 61.504, 61.505,
21 61.506, 61.507, 61.508, 61.509, 61.510, 61.511, 61.512,
22 61.513, 61.514, 61.515, 61.516, 61.517, 61.518, 61.519,
23 61.520, 61.521, 61.522, 61.523, 61.524, 61.525, 61.526,
24 61.527, 61.528, 61.529, 61.530, 61.531, 61.532, 61.533,
25 61.534, 61.535, 61.536, 61.537, 61.538, 61.539, 61.540,
26 61.541, and 61.542, Florida Statutes, is created to read:

27 61.501 Short title.--This part may be cited as the
28 "Uniform Child Custody Jurisdiction and Enforcement Act."

29 61.502 Purposes of part; construction of
30 provisions.--The general purposes of this part are to:
31

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

5 (2) Promote cooperation with the courts of other
6 states to the end that a custody decree is rendered in the
7 state that can best decide the case in the interest of the
8 child.

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

11 (4) Deter abductions.

12 (5) Avoid relitigating the custody decisions of other
13 states in this state.

14 (6) Facilitate the enforcement of custody decrees of
15 other states.

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

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

21 61.503 Definitions.--As used in this part, the term:

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

24 (2) "Child" means an individual who has not attained
25 18 years of age.

26 (3) "Child custody determination" means a judgment,
27 decree, or other order of a court providing for the legal
28 custody, physical custody, residential care, or visitation
29 with respect to a child. The term includes a permanent,
30 temporary, initial, and modification order. The term does not
31

1 include an order relating to child support or other monetary
2 obligation of an individual.

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

12 (5) "Commencement" means the filing of the first
13 pleading in a proceeding.

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

17 (7) "Home state" means the state in which a child
18 lived with a parent or a person acting as a parent for at
19 least 6 consecutive months immediately before the commencement
20 of a child custody proceeding. In the case of a child younger
21 than 6 months of age, the term means the state in which the
22 child lived from birth with any of the persons mentioned. A
23 period of temporary absence of any of the mentioned persons is
24 part of the period.

25 (8) "Initial determination" means the first child
26 custody determination concerning a particular child.

27 (9) "Issuing court" means the court that makes a child
28 custody determination for which enforcement is sought under
29 this part.

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

1 (11) "Modification" means a child custody
2 determination that changes, replaces, supersedes, or is
3 otherwise made after a previous determination concerning the
4 same child, regardless of whether it is made by the court that
5 made the previous determination.

6 (12) "Person" means an individual, corporation,
7 business trust, estate, trust, partnership, limited liability
8 company, association, joint venture, or government;
9 governmental subdivision, agency, instrumentality, or public
10 corporation; or any other legal or commercial entity.

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

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

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

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

22 (15) "State" means a state of the United States, the
23 District of Columbia, Puerto Rico, the United States Virgin
24 Islands, or any territory or insular possession subject to the
25 jurisdiction of the United States.

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

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

1 61.504 Proceedings governed by other law.--This part
2 does not govern a proceeding pertaining to the authorization
3 of emergency medical care for a child.

4 61.505 Application to Indian tribes.--

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

9 (2) A court of this state shall treat a tribe as if it
10 were a state of the United States for purposes of applying ss.
11 61.501-61.523.

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

16 61.506 International application of part.--

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

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

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

28 61.507 Effect of child custody determination.--A child
29 custody determination made by a court of this state which had
30 jurisdiction under this part binds all persons who have been
31 served in accordance with the laws of this state or notified

1 in accordance with s. 61.509 or who have submitted to the
2 jurisdiction of the court, and who have been given an
3 opportunity to be heard. As to those persons, the
4 determination is conclusive as to all decided issues of law
5 and fact except to the extent the determination is modified.

6 61.508 Priority.--If a question of existence or
7 exercise of jurisdiction under this part is raised in a child
8 custody proceeding, the question, upon request of a party,
9 must be given priority on the calendar and handled
10 expeditiously.

11 61.509 Notice to persons outside the state.--

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

18 (2) Proof of service may be made in the manner
19 prescribed by the laws of the state in which the service is
20 made.

21 (3) Notice is not required for the exercise of
22 jurisdiction with respect to a person who submits to the
23 jurisdiction of the court.

24 61.510 Appearance and limited immunity.--

25 (1) A party to a child custody proceeding, including a
26 modification proceeding, or a petitioner or respondent in a
27 proceeding to enforce or register a child custody
28 determination, is not subject to personal jurisdiction in this
29 state for another proceeding or purpose solely by reason of
30 having participated, or of having been physically present for
31 the purpose of participating, in the proceeding.

1 (2) A person who is subject to personal jurisdiction
2 in this state on a basis other than physical presence is not
3 immune from service of process in this state. A party present
4 in this state who is subject to the jurisdiction of another
5 state is not immune from service of process allowable under
6 the laws of that state.

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

11 61.511 Communication between courts.--

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

15 (2) The court shall allow the parties to participate
16 in the communication. If the parties elect to participate in
17 the communication, they must be given the opportunity to
18 present facts and legal arguments before a decision on
19 jurisdiction is made.

20 (3) Communication between courts on schedules,
21 calendars, court records, and similar matters may occur
22 without informing the parties. A record need not be made of
23 the communication.

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

28 (5) For purposes of this section, the term "record"
29 means a form of information, including, but not limited to, an
30 electronic recording or transcription by a court reporter
31

1 which creates a verbatim memorialization of any communication
2 between two or more individuals or entities.

3 61.512 Taking testimony in another state.--

4 (1) In addition to other procedures available to a
5 party, a party to a child custody proceeding may offer
6 testimony of witnesses who are located in another state,
7 including testimony of the parties and the child, by
8 deposition or other means available in this state for
9 testimony taken in another state. The court on its own motion
10 may order that the testimony of a person be taken in another
11 state and may prescribe the manner in which and the terms upon
12 which the testimony is taken.

13 (2) Upon agreement of the parties, a court of this
14 state may permit an individual residing in another state to be
15 deposed or to testify by telephone, audiovisual means, or
16 other electronic means before a designated court or at another
17 location in that state. A court of this state shall cooperate
18 with courts of other states in designating an appropriate
19 location for the deposition or testimony.

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

24 61.513 Cooperation between courts; preservation of
25 records.--

26 (1) A court of this state may request the appropriate
27 court of another state to:

28 (a) Hold an evidentiary hearing;

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

31

1 (c) Order that an evaluation be made with respect to
2 the custody of a child involved in a pending proceeding
3 pursuant to the laws of the state where the proceeding is
4 pending;

5 (d) Forward to the court of this state a certified
6 copy of the transcript of the record of the hearing, the
7 evidence otherwise presented, and any evaluation prepared in
8 compliance with the request; or

9 (e) Order a party to a child custody proceeding or any
10 person having physical custody of the child to appear in the
11 proceeding with or without the child.

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

15 (3) Travel and other necessary and reasonable expenses
16 incurred under subsections (1) and (2) may be assessed against
17 the parties according to the laws of this state if the court
18 has personal jurisdiction over the party against whom these
19 expenses are being assessed.

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

27 61.514 Initial child custody jurisdiction.--

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

31

1 (a) This state is the home state of the child on the
2 date of the commencement of the proceeding, or was the home
3 state of the child within 6 months before the commencement of
4 the proceeding and the child is absent from this state but a
5 parent or person acting as a parent continues to live in this
6 state;

7 (b) A court of another state does not have
8 jurisdiction under paragraph (a), or a court of the home state
9 of the child has declined to exercise jurisdiction on the
10 grounds that this state is the more appropriate forum under s.
11 61.520 or s. 61.521, and:

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

16 2. Substantial evidence is available in this state
17 concerning the child's care, protection, training, and
18 personal relationships;

19 (c) All courts having jurisdiction under paragraph (a)
20 or paragraph (b) have declined to exercise jurisdiction on the
21 grounds that a court of this state is the more appropriate
22 forum to determine the custody of the child under s. 61.520 or
23 s. 61.521; or

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

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

30
31

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

4 61.515 Exclusive, continuing jurisdiction.--

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

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

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

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

23 61.516 Jurisdiction to modify a determination.--Except
24 as otherwise provided in s. 61.517, a court of this state may
25 not modify a child custody determination made by a court of
26 another state unless a court of this state has jurisdiction to
27 make an initial determination under s. 61.514(1)(a) or s.
28 61.514(1)(b) and:

29 (1) The court of the other state determines it no
30 longer has exclusive, continuing jurisdiction under s. 61.515
31

1 or that a court of this state would be a more convenient forum
2 under s. 61.520; or

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

7 61.517 Temporary emergency jurisdiction.--

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

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

26 (3) If there is a previous child custody determination
27 that is entitled to be enforced under this part, or a child
28 custody proceeding has been commenced in a court of a state
29 having jurisdiction under ss. 61.514-61.516, any order issued
30 by a court of this state under this section must specify in
31 the order a period that the court considers adequate to allow

1 the person seeking an order to obtain an order from the state
2 having jurisdiction under ss. 61.514-61.516. The order issued
3 in this state remains in effect until an order is obtained
4 from the other state within the period specified or the period
5 expires.

6 (4) A court of this state which has been asked to make
7 a child custody determination under this section, upon being
8 informed that a child custody proceeding has been commenced
9 in, or a child custody determination has been made by, a court
10 of a state having jurisdiction under ss. 61.514-61.516, shall
11 immediately communicate with the other court. A court of this
12 state which is exercising jurisdiction under ss.

13 61.514-61.516, upon being informed that a child custody
14 proceeding has been commenced in, or a child custody
15 determination has been made by, a court of another state under
16 a statute similar to this section shall immediately
17 communicate with the court of that state to resolve the
18 emergency, protect the safety of the parties and the child,
19 and determine a period for the duration of the temporary
20 order.

21 61.518 Notice; opportunity to be heard; joinder.--

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

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

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

5 61.519 Simultaneous proceedings.--

6 (1) Except as otherwise provided in s. 61.517, a court
7 of this state may not exercise its jurisdiction under ss.
8 61.514-61.524 if, at the time of the commencement of the
9 proceeding, a proceeding concerning the custody of the child
10 had been commenced in a court of another state having
11 jurisdiction substantially in conformity with this part,
12 unless the proceeding has been terminated or is stayed by the
13 court of the other state because a court of this state is a
14 more convenient forum under s. 61.520.

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

28 (3) In a proceeding to modify a child custody
29 determination, a court of this state shall determine whether a
30 proceeding to enforce the determination has been commenced in
31 another state. If a proceeding to enforce a child custody

1 determination has been commenced in another state, the court
2 may:

3 (a) Stay the proceeding for modification pending the
4 entry of an order of a court of the other state enforcing,
5 staying, denying, or dismissing the proceeding for
6 enforcement;

7 (b) Enjoin the parties from continuing with the
8 proceeding for enforcement; or

9 (c) Proceed with the modification under conditions it
10 considers appropriate.

11 61.520 Inconvenient forum.--

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

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

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

28 (b) The length of time the child has resided outside
29 this state;

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

1 (d) The relative financial circumstances of the
2 parties;

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

5 (f) The nature and location of the evidence required
6 to resolve the pending litigation, including testimony of the
7 child;

8 (g) The ability of the court of each state to decide
9 the issue expeditiously and the procedures necessary to
10 present the evidence; and

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

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

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

24 61.521 Jurisdiction declined by reason of conduct.--

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

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

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

4 (c) No court of any other state would have
5 jurisdiction under the criteria specified in ss.
6 61.514-61.516.

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

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

26 61.522 Information to be submitted to the court.--

27 (1) Subject to Florida law providing for the
28 confidentiality of procedures, addresses, and other
29 identifying information in a child custody proceeding, each
30 party, in its first pleading or in an attached affidavit,
31 shall give information, if reasonably ascertainable, under

1 oath as to the child's present address or whereabouts, the
2 places where the child has lived during the last 5 years, and
3 the names and present addresses of the persons with whom the
4 child has lived during that period. The pleading or affidavit
5 must state whether the party:

6 (a) Has participated, as a party or witness or in any
7 other capacity, in any other proceeding concerning the custody
8 of or visitation with the child and, if so, identify the
9 court, the case number, and the date of the child custody
10 determination, if any;

11 (b) Knows of any proceeding that could affect the
12 current proceeding, including proceedings for enforcement and
13 proceedings relating to domestic violence, protective orders,
14 termination of parental rights, and adoptions and, if so,
15 identify the court, the case number, and the nature of the
16 proceeding; and

17 (c) Knows the names and addresses of any person not a
18 party to the proceeding who has physical custody of the child
19 or claims rights of legal custody or physical custody of, or
20 visitation with, the child and, if so, the names and addresses
21 of those persons.

22 (2) If the information required by subsection (1) is
23 not furnished, the court, upon motion of a party or its own
24 motion, may stay the proceeding until the information is
25 furnished.

26 (3) If the declaration as to any of the items
27 described in paragraphs (1)(a)-(c) is in the affirmative, the
28 declarant shall give additional information under oath as
29 required by the court. The court may examine the parties under
30 oath as to details of the information furnished and other
31

1 matters pertinent to the court's jurisdiction and the
2 disposition of the case.

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

6 61.523 Appearance of parties and child.--

7 (1) In a child custody proceeding in this state, the
8 court may order a party to the proceeding who is in this state
9 to appear before the court in person with or without the
10 child. The court may order any person who is in this state and
11 who has physical custody or control of the child to appear in
12 person with the child.

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

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

22 (4) If a party to a child custody proceeding who is
23 outside this state is directed to appear under subsection (2)
24 or desires to appear in person before the court with or
25 without the child, the court may require another party to pay
26 reasonable and necessary travel and other expenses of the
27 party so appearing and of the child.

28 61.524 Definitions.--As used in ss. 61.524-61.540, the
29 term:

30 (1) "Petitioner" means a person who seeks enforcement
31 of an order for return of a child under the Hague Convention

1 on the Civil Aspects of International Child Abduction or
2 enforcement of a child custody determination.

3 (2) "Respondent" means a person against whom a
4 proceeding has been commenced for enforcement of an order for
5 return of a child under the Hague Convention on the Civil
6 Aspects of International Child Abduction or enforcement of a
7 child custody determination.

8 61.525 Enforcement under the Hague Convention.--Under
9 this part, a court of this state may enforce an order for the
10 return of a child made under the Hague Convention on the Civil
11 Aspects of International Child Abduction as if it were a child
12 custody determination.

13 61.526 Duty to enforce.--

14 (1) A court of this state shall recognize and enforce
15 a child custody determination of a court of another state if
16 the latter court exercised jurisdiction in substantial
17 conformity with this part or the determination was made under
18 factual circumstances meeting the jurisdictional standards of
19 this part and the determination has not been modified in
20 accordance with this part.

21 (2) A court of this state may use any remedy available
22 under other laws of this state to enforce a child custody
23 determination made by a court of another state. The remedies
24 provided by ss. 61.524-61.540 are cumulative and do not affect
25 the availability of other remedies to enforce a child custody
26 determination.

27 61.527 Temporary visitation.--

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

31

1 (a) A visitation schedule made by a court of another
2 state; or

3 (b) The visitation provisions of a child custody
4 determination of another state which does not provide for a
5 specific visitation schedule.

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

13 61.528 Registration of child custody determination.--

14 (1) A child custody determination issued by a court of
15 another state may be registered in this state, with or without
16 a simultaneous request for enforcement, by sending to the
17 circuit court of the county where the petitioner or respondent
18 resides or where a simultaneous request for enforcement is
19 sought:

20 (a) A letter or other document requesting
21 registration;

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

27 (c) Except as otherwise provided in s. 61.522, the
28 name and address of the person seeking registration and any
29 parent or person acting as a parent who has been awarded
30 custody or visitation in the child custody determination
31 sought to be registered.

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

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

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

9 (3) The notice required by paragraph (2)(b) must state
10 that:

11 (a) A registered determination is enforceable as of
12 the date of the registration in the same manner as a
13 determination issued by a court of this state;

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

17 (c) Failure to contest the registration will result in
18 confirmation of the child custody determination and preclude
19 further contest of that determination with respect to any
20 matter that could have been asserted.

21 (4) A person seeking to contest the validity of a
22 registered order must request a hearing within 20 days after
23 service of the notice. At that hearing, the court shall
24 confirm the registered order unless the person contesting
25 registration establishes that:

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

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

31

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

5 (5) If a timely request for a hearing to contest the
6 validity of the registration is not made, the registration is
7 confirmed as a matter of law and the person requesting
8 registration and all persons served must be notified of the
9 confirmation.

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

14 61.529 Enforcement of registered determination.--

15 (1) A court of this state may grant any relief
16 normally available under the laws of this state to enforce a
17 registered child custody determination made by a court of
18 another state.

19 (2) A court of this state shall recognize and enforce
20 but may not modify, except in accordance with ss.
21 61.514-61.523, a registered child custody determination of
22 another state.

23 61.530 Simultaneous proceedings.--If a proceeding for
24 enforcement under ss. 61.524-61.540 is commenced in a court of
25 this state and the court determines that a proceeding to
26 modify the determination is pending in a court of another
27 state having jurisdiction to modify the determination under
28 ss. 61.514-61.523, the enforcing court shall immediately
29 communicate with the modifying court. The proceeding for
30 enforcement continues unless the enforcing court, after
31

1 consultation with the modifying court, stays or dismisses the
2 proceeding.

3 61.531 Expedited enforcement of child custody
4 determination.--

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

10 (2) A petition for enforcement of a child custody
11 determination must state:

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

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

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

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

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

30
31

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

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

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

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

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

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

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

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

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

8 61.532 Service of petition and order.--Except as
9 otherwise provided in s. 61.534, the petition and order must
10 be served by any method authorized by the laws of this state
11 upon the respondent and any person who has physical custody of
12 the child.

13 61.533 Hearing and order.--

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

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

21 1. The issuing court did not have jurisdiction under
22 ss. 61.514-61.523;

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

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

31

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

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

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

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

18 61.534 Warrant to take physical custody of child.--

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

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

1 day possible. The application for the warrant must include the
2 statements required by s. 61.531(2).

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

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

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

10 (c) Provide for the placement of the child pending
11 final relief.

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

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

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

26 61.535 Costs, fees, and expenses.--

27 (1) So long as the court has personal jurisdiction
28 over the party against whom the expenses are being assessed,
29 the court shall award the prevailing party, including a state,
30 necessary and reasonable expenses incurred by or on behalf of
31 the party, including costs, communication expenses, attorney's

1 fees, investigative fees, expenses for witnesses, travel
2 expenses, and expenses for child care during the course of the
3 proceedings, unless the party from whom fees or expenses are
4 sought establishes that the award would be clearly
5 inappropriate.

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

8 61.536 Recognition and enforcement.--A court of this
9 state shall accord full faith and credit to an order issued by
10 another state and consistent with this part which enforces a
11 child custody determination by a court of another state unless
12 the order has been vacated, stayed, or modified by a court
13 having jurisdiction to do so under ss. 61.514-61.523.

14 61.537 Appeals.--An appeal may be taken from a final
15 order in a proceeding under ss. 61.524-61.640 in accordance
16 with expedited appellate procedures in other civil cases.
17 Unless the court enters a temporary emergency order under s.
18 61.517, the enforcing court may not stay an order enforcing a
19 child custody determination pending appeal.

20 61.538 Role of state attorney.--

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

28 (a) An existing child custody determination;

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

31

1 (c) A reasonable belief that a criminal statute has
2 been violated; or

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

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

9 61.539 Role of law enforcement officers.--At the
10 request of a state attorney acting under s. 61.538, a law
11 enforcement officer may take any lawful action reasonably
12 necessary to locate a child or a party and assist a state
13 attorney with responsibilities under s. 61.538.

14 61.540 Costs and expenses.--The court may assess
15 against the nonprevailing party all direct expenses and costs
16 incurred by the state attorney and law enforcement officers
17 under s. 61.538 or s. 61.539 so long as the court has personal
18 jurisdiction over the nonprevailing party.

19 61.541 Application and construction.--In applying and
20 construing this part, consideration must be given to the need
21 to promote uniformity of the law with respect to its subject
22 matter among states that enact it.

23 61.542 Transitional provision.--A motion or other
24 request for relief made in a child custody proceeding or to
25 enforce a child custody determination that was commenced
26 before the effective date of this part is governed by the law
27 in effect at the time the motion or other request was made.

28 Section 22. Subsection (7) of section 63.052, Florida
29 Statutes, is amended to read:

30 63.052 Guardians designated; proof of commitment.--
31

1 (7) The court retains jurisdiction of a minor who has
2 been placed for adoption until the adoption is final. After a
3 minor is placed with an adoption entity or prospective
4 adoptive parent, the court may review the status of the minor
5 and the progress toward permanent adoptive placement. As part
6 of this continuing jurisdiction, for good cause shown by a
7 person whose consent to an adoption is required under s.
8 63.062, the adoption entity, the parents, persons having legal
9 custody of the minor, persons with custodial or visitation
10 rights to the minor, persons entitled to notice pursuant to
11 the Uniform Child Custody Jurisdiction and Enforcement Act or
12 the Indian Child Welfare Act, or upon the court's own motion,
13 the court may review the appropriateness of the adoptive
14 placement of the minor.

15 Section 23. Paragraph (f) of subsection (6) of section
16 63.087, Florida Statutes, is amended to read:

17 63.087 Proceeding to terminate parental rights pending
18 adoption; general provisions.--

19 (6) PETITION.--

20 (f) The petition must include:

21 1. The minor's name, gender, date of birth, and place
22 of birth. The petition must contain all names by which the
23 minor is or has been known, excluding the minor's prospective
24 adoptive name but including the minor's legal name at the time
25 of the filing of the petition, to allow interested parties to
26 the action, including parents, persons having legal custody of
27 the minor, persons with custodial or visitation rights to the
28 minor, and persons entitled to notice pursuant to the Uniform
29 Child Custody Jurisdiction and Enforcement Act or the Indian
30 Child Welfare Act, to identify their own interest in the
31 action.

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

7 3. Unless a consent to adoption or affidavit of
8 nonpaternity executed by each person whose consent is required
9 under s. 63.062 is attached to the petition, the name and the
10 city of residence, including the county and state in which
11 that city is located, of:

12 a. The minor's mother;

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

15 c. Any person who has legal custody, as defined in s.
16 39.01, of the minor.

17
18 If a required name or address is not known, the petition must
19 so state.

20 4. All information required by the Uniform Child
21 Custody Jurisdiction and Enforcement Act and the Indian Child
22 Welfare Act.

23 5. A statement of the grounds under s. 63.089 upon
24 which the petition is based.

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

27 7. The name, address, and telephone number of the
28 division of the circuit court in which the petition is to be
29 filed.

30
31

1 8. A certification of compliance with the requirements
2 of s. 63.0425 regarding notice to grandparents of an impending
3 adoption.

4 Section 24. Subsection (2) of section 63.102, Florida
5 Statutes, is amended to read:

6 63.102 Filing of petition for adoption or declaratory
7 statement; venue; proceeding for approval of fees and costs.--

8 (2) A petition for adoption or for a declaratory
9 statement as to the adoption contract shall be filed in the
10 county where the petition for termination of parental rights
11 was granted, unless the court, in accordance with s. 47.122,
12 changes the venue to the county where the petitioner or
13 petitioners or the minor resides or where the adoption entity
14 with which the minor has been placed is located. The circuit
15 court in this state must retain jurisdiction over the matter
16 until a final judgment is entered on the adoption. The Uniform
17 Child Custody Jurisdiction and Enforcement Act does not apply
18 until a final judgment is entered on the adoption.

19 Section 25. Section 741.24, Florida Statutes, is
20 transferred and renumbered as section 772.115, Florida
21 Statutes.

22 Section 26. Section 741.28, Florida Statutes, is
23 amended to read:

24 741.28 Domestic violence; definitions.--As used in ss.
25 741.28-741.31, the term:

26 (1) "Department" means the Florida Department of Law
27 Enforcement.

28 (2)~~(1)~~ "Domestic violence" means any assault,
29 aggravated assault, battery, aggravated battery, sexual
30 assault, sexual battery, stalking, aggravated stalking,
31 kidnapping, false imprisonment, or any criminal offense

1 resulting in physical injury or death of one family or
2 household member by another ~~who is or was residing in the same~~
3 ~~single dwelling unit.~~

4 (3)(2) "Family or household member" means spouses,
5 former spouses, persons related by blood or marriage, persons
6 who are presently residing together as if a family or who have
7 resided together in the past as if a family, and persons who
8 are parents of ~~have~~ a child in common regardless of whether
9 they have been married ~~or have resided together at any time.~~
10 With the exception of persons who are parents of a child in
11 common, the family or household members must be currently
12 residing or have in the past resided together in the same
13 single dwelling unit.

14 ~~(3) "Department" means the Florida Department of Law~~
15 ~~Enforcement.~~

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

21 Section 27. Paragraph (d) of subsection (3),
22 subsection (4), paragraph (a) of subsection (5), paragraph (a)
23 of subsection (6), and paragraph (a) of subsection (7) of
24 section 741.30, Florida Statutes, are amended to read:

25 741.30 Domestic violence; injunction; powers and
26 duties of court and clerk; petition; notice and hearing;
27 temporary injunction; issuance of injunction; statewide
28 verification system; enforcement.--

29 (3)

30 (d) If the sworn petition seeks to determine issues of
31 custody or visitation with regard to the minor child or

1 children of the parties, the sworn petition shall be
2 accompanied by or shall incorporate the allegations required
3 by s. 61.522 ~~s. 61.132~~ of the Uniform Child Custody
4 Jurisdiction and Enforcement Act.

5 (4) Upon the filing of the petition, the court shall
6 set a hearing to be held at the earliest possible time. The
7 respondent shall be personally served with a copy of the
8 petition, financial affidavit, affidavit required under the
9 Uniform Child Custody Jurisdiction and Enforcement Act
10 affidavit, if any, notice of hearing, and temporary
11 injunction, if any, prior to the hearing.

12 (5)(a) When it appears to the court that an immediate
13 and present danger of domestic violence exists, the court may
14 grant a temporary injunction ex parte, pending a full hearing,
15 and may grant such relief as the court deems proper, including
16 an injunction:

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

19 2. Awarding to the petitioner the temporary exclusive
20 use and possession of the dwelling that the parties share or
21 excluding the respondent from the residence of the petitioner.

22 3. On the same basis as provided in s. 61.13 ~~s.~~
23 ~~61.13(2), (3), (4), and (5)~~, granting to the petitioner
24 temporary custody of a minor child ~~or children~~. An order of
25 temporary custody remains in effect until the order expires or
26 a permanent order is entered by a court of competent
27 jurisdiction in a pending or subsequent civil action or
28 proceeding affecting the placement of, access to, parental
29 time with, or parental responsibility for the minor child.

30
31

1 (6)(a) Upon notice and hearing, the court may grant
2 such relief as the court deems proper, including an
3 injunction:

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

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

9 3. On the same basis as provided in chapter 61,
10 awarding temporary custody of, or temporary visitation rights
11 with regard to, a minor child or children of the parties. An
12 order of temporary custody or visitation remains in effect
13 until the order expires or a permanent order is entered by a
14 court of competent jurisdiction in a pending or subsequent
15 civil action or proceeding affecting the placement of, access
16 to, parental time with, or parental responsibility for the
17 minor child.

18 4. On the same basis as provided in chapter 61,
19 establishing temporary support for a minor child or children
20 or the petitioner. An order of temporary support remains in
21 effect until the order expires or a permanent order is entered
22 by a court of competent jurisdiction in a pending or
23 subsequent civil action or proceeding affecting child support.

24 5. Ordering the respondent to participate in
25 treatment, intervention, or counseling services to be paid for
26 by the respondent. When the court orders the respondent to
27 participate in a batterers' intervention program, the court,
28 or any entity designated by the court, must provide the
29 respondent with a list of all certified batterers'
30 intervention programs and all programs which have submitted an
31 application to the Department of Corrections to become

1 certified under s. 741.325, from which the respondent must
2 choose a program in which to participate. If there are no
3 certified batterers' intervention programs in the circuit, the
4 court shall provide a list of acceptable programs from which
5 the respondent must choose a program in which to participate.

6 6. Referring a petitioner to a certified domestic
7 violence center. The court must provide the petitioner with a
8 list of certified domestic violence centers in the circuit
9 which the petitioner may contact.

10 7. Ordering such other relief as the court deems
11 necessary for the protection of a victim of domestic violence,
12 including injunctions or directives to law enforcement
13 agencies, as provided in this section.

14 (7)(a)1. The clerk of the court shall furnish a copy
15 of the petition, financial affidavit, uniform child custody
16 jurisdiction and enforcement act affidavit, if any, notice of
17 hearing, and temporary injunction, if any, to the sheriff or a
18 law enforcement agency of the county where the respondent
19 resides or can be found, who shall serve it upon the
20 respondent as soon thereafter as possible on any day of the
21 week and at any time of the day or night. The clerk of the
22 court shall be responsible for furnishing to the sheriff such
23 information on the respondent's physical description and
24 location as is required by the department to comply with the
25 verification procedures set forth in this section.

26 Notwithstanding any other provision of law to the contrary,
27 the chief judge of each circuit, in consultation with the
28 appropriate sheriff, may authorize a law enforcement agency
29 within the jurisdiction to effect service. A law enforcement
30 agency serving injunctions pursuant to this section shall use

31

1 service and verification procedures consistent with those of
2 the sheriff.

3 2. When an injunction is issued, if the petitioner
4 requests the assistance of a law enforcement agency, the court
5 may order that an officer from the appropriate law enforcement
6 agency accompany the petitioner and assist in placing the
7 petitioner in possession of the dwelling or residence, or
8 otherwise assist in the execution or service of the
9 injunction. A law enforcement officer shall accept a copy of
10 an injunction for protection against domestic violence,
11 certified by the clerk of the court, from the petitioner and
12 immediately serve it upon a respondent who has been located
13 but not yet served.

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

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1 If the respondent has been served previously with the
2 temporary injunction and has failed to appear at the initial
3 hearing on the temporary injunction, any subsequent petition
4 for injunction seeking an extension of time may be served on
5 the respondent by the clerk of the court by certified mail in
6 lieu of personal service by a law enforcement officer.

7 Section 28. Sections 753.001, 753.002, and 753.004,
8 Florida Statutes, are repealed.

9 Section 29. Sections 753.01, 753.02, 753.03, 753.04,
10 753.05, 753.06, 753.07, 753.08, and 753.09, Florida Statutes,
11 are created to read:

12 753.01 Supervised visitation programs; legislative
13 findings and intent.--The Legislature finds that there are
14 children in this state who have been adjudicated dependent by
15 the court and, as a result, are ordered into out-of-home
16 placements. The Legislature further finds that a large number
17 of children experience the separation or divorce of their
18 parents and that some of these children have been determined
19 by the court to be at risk or are potentially at risk for
20 physical, emotional, or sexual abuse; parental abduction;
21 domestic violence; or other harm as a result of parental
22 impairment due to substance abuse or other conditions. The
23 Legislature also finds that exposing children to the parents'
24 continuing conflicts is detrimental to the children. The
25 Legislature recognizes the importance of maintaining contact
26 between children and their nonresidential parents while
27 ensuring the safety of those children from further or
28 potential abuse, danger, or flight. The Legislature further
29 recognizes the importance of minimizing the circumstances in
30 which children are exposed to the parents' anger and disputes.
31 Supervised visitation programs provide a critically needed

1 service in offering children and nonresidential parents the
2 opportunity to maintain a relationship in a safe environment
3 and facilitating safe contact between perpetrators of domestic
4 violence and their children. By recognizing the necessity of
5 ensuring the safety of children, parents, and staff in child
6 visitations and exchanges and offering a quality service that
7 meets the multiple visitation and exchange needs of families,
8 parents, and courts, the Legislature intends, subject to
9 available funding, to provide for uniform standards,
10 strengthened security, training, and certification of the
11 supervised visitation programs in this state.

12 753.02 Definitions.--As used in this chapter, the
13 term:

14 (1) "Client" means the residential parent,
15 nonresidential parent, caregiver, or child receiving services
16 under a supervised visitation program.

17 (2) "Supervised exchange" means the supervision of the
18 movement of the child from the residential parent to the
19 nonresidential parent at the start of the visitation, and from
20 the nonresidential parent back to the residential parent at
21 the end of the visitation.

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

25 (4) "Supervised visitation program" means a program
26 created to offer safe and structured supervised visitation and
27 supervised exchange.

28 753.03 Comprehensive standards for supervised
29 visitation programs.--

30 (1) Standards shall be developed, pursuant to s.
31 753.09, for certifying supervised visitation programs in this

1 state to ensure the safety and quality of the program. These
2 standards are intended to provide a uniform set of guidelines
3 that will be used by all supervised visitation programs and be
4 required by the courts, the Department of Children and Family
5 Services, and other entities that refer families for
6 supervised visitation and supervised exchange services. The
7 standards developed must be comprehensive and address the
8 purpose, policies, standards of practice, program content,
9 security measures, qualifications of providers, training,
10 credentials of staff, information to be provided to the court
11 and by the court, data collection, and procedures for
12 supervised visitation programs.

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

15 (3) Before implementing a certification process, each
16 supervised visitation program is encouraged to voluntarily
17 comply with the comprehensive standards developed under s.
18 753.09.

19 753.04 Certification and monitoring of supervised
20 visitation programs.--

21 (1) A process for certifying and monitoring the
22 initial and ongoing compliance of a supervised visitation
23 program with comprehensive standards developed under s. 753.09
24 shall be phased in, contingent upon the allocation and
25 availability of funds. The first phase of the certification
26 process must emphasize compliance with the standards relating
27 to security.

28 (2) Once the certification process is fully
29 implemented, a supervised visitation program must be certified
30 in order to receive state or federal funds. A program must be
31 certified in order to be a program to which the court may

1 order parties for supervised visitation or supervised exchange
2 services.

3 753.05 Interim minimum standards for supervised
4 visitation programs.--

5 (1) Until the comprehensive standards for supervised
6 visitation programs are developed under s. 753.03 and a
7 certification and monitoring process implemented, each
8 supervised visitation program must comply with the "Minimum
9 Standards for Supervised Visitation Programs Agreements"
10 adopted by the Supreme Court as an administrative order on
11 November 18, 1999. Pursuant to this order, each supervised
12 visitation program shall enter into an agreement with the
13 circuit court within that geographic jurisdiction attesting to
14 the program's willingness to comply with the standards.

15 (2) Until the comprehensive standards for supervised
16 visitation programs are developed and a certification and
17 monitoring process implemented, a supervised visitation
18 program may not receive grant funds for access and visitation
19 under 42 U.S.C. s. 669b unless the program provides to the
20 state agency responsible for administering the grant
21 documentation verifying that the program has entered into an
22 agreement with the circuit court as required under subsection
23 (1). This subsection does not obligate the state agency
24 responsible for administering the grant to certify compliance
25 with the "Minimum Standards for Supervised Visitation Programs
26 Agreements."

27 753.06 Security in supervised visitation programs.--

28 (1) Due to the volatile nature of the client
29 relationships that created the need for supervised visitation
30 and supervised exchange services, the security of each
31 supervised visitation program is a paramount element of the

1 program. Therefore, the safety of the clients and program
2 staff shall be intrinsic in all aspects of the standards,
3 emphasized in all training, and a precondition of the
4 certification of a program.

5 (2) Each supervised visitation program is encouraged
6 to collaborate with local law enforcement agencies to
7 facilitate volunteerism by law enforcement officers at
8 supervised visitation programs using such mechanisms as those
9 provided under ss. 943.254 and 943.135(2) and using
10 administrative leave permitted for state employees who
11 participate in community service programs.

12 753.07 Training for supervised visitation
13 programs.--Contingent upon the allocation or availability of
14 funding, the Clearinghouse on Supervised Visitation shall
15 develop, maintain, and update competency-based training
16 materials for supervised visitation which are appropriate to
17 meet the training needs of program staff. The Clearinghouse on
18 Supervised Visitation shall also provide training to staff of
19 the supervised visitation programs and track staff who meet
20 training requirements, to the extent permitted by available
21 funding.

22 753.08 Supervised visitation programs; data
23 collection.--Contingent upon the allocation or availability of
24 funding, the Clearinghouse on Supervised Visitation shall
25 develop and implement a mechanism for collecting data on
26 supervised visitation and supervised exchange services
27 provided in this state. The Clearinghouse on Supervised
28 Visitation shall collaborate with the state chapter of the
29 Supervised Visitation Network in determining the necessary
30 data to be collected and developing the data-collection
31 mechanism to ensure the viability and reasonableness of the

1 data requirements. Each supervised visitation program shall
2 maintain and submit the identified data to the Clearinghouse
3 on Supervised Visitation. The Clearinghouse on Supervised
4 Visitation shall maintain these data and annually compile the
5 information and make it available to the President of the
6 Senate, the Speaker of the House of Representatives, the
7 courts, the Chief Justice of the Supreme Court, the Department
8 of Children and Family Services, and any other organization
9 represented on the advisory board provided for in s. 753.09.

10 753.09 Development of standards and a certification
11 process.--

12 (1) The Clearinghouse on Supervised Visitation within
13 the Institute for Family Violence Studies of the Florida State
14 University School of Social Work shall develop the standards
15 for the supervised visitation program. The Clearinghouse on
16 Supervised Visitation shall use an advisory board to assist in
17 developing the standards. The advisory board must include:

18 (a) Two members of the executive board of the state
19 chapter of the Supervised Visitation Network, appointed by the
20 president of the state chapter of the Supervised Visitation
21 Network.

22 (b) A representative from the Office of the State
23 Courts Administrator, appointed by the State Courts
24 Administrator.

25 (c) A representative from the Department of Children
26 and Family Services, appointed by the Secretary.

27 (d) A representative from the Florida Coalition
28 Against Domestic Violence, appointed by the executive director
29 of the Florida Coalition Against Domestic Violence.

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1 (e) A representative from a state law enforcement
2 agency, appointed by the executive director of the Florida
3 Sheriffs Association.

4 (f) A family law judge, appointed by the Chief Justice
5 of the Supreme Court.

6 (g) Two representatives of supervised visitation
7 programs, appointed by the director of the clearinghouse.

8 (h) A representative from the Junior League, selected
9 by the State Board of the Junior League.

10 (i) A representative from the Commission on
11 Responsible Fatherhood.

12 (2) The Clearinghouse on Supervised Visitation, with
13 consultation from the advisory board, shall also develop
14 criteria for approving or rejecting certification of a
15 supervised visitation program, a process for phasing in the
16 standards and certification process, and a recommendation for
17 the state entity that should be charged with certifying and
18 monitoring supervised visitation programs.

19 (3) The Clearinghouse on Supervised Visitation shall
20 submit a report to the President of the Senate, the Speaker of
21 the House of Representatives, and the Chief Justice of the
22 Supreme Court by December 31, 2003. The standards for
23 supervised visitation programs and criteria for the
24 certification process shall be adopted by rule by the state
25 entity identified by the Legislature to be responsible for the
26 certification and monitoring process.

27 Section 30. Paragraph (b) of subsection (6) of section
28 787.03, Florida Statutes, is amended to read:

29 787.03 Interference with custody.--

30 (6)

31

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

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

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

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

19 Section 31. Present subsections (2), (3), and (4) of
20 section 943.135, Florida Statutes, are redesignated as
21 subsections (3), (4), and (5), respectively, and a new
22 subsection (2) is added to that section, to read:

23 943.135 Requirements for continued employment.--

24 (2) The commission shall permit an employing agency to
25 allow an officer to meet up to 3 hours of the 40 hours of
26 required continuing education and training by volunteering at
27 a community-based, not-for-profit organization that serves
28 children or families who have experienced or are at risk for
29 child abuse or domestic violence, including, but not limited
30 to, a supervised visitation program as provided for in chapter
31 753. This special population poses complex challenges to law

1 enforcement officers. Continuing education and training
2 through community service provides a unique learning
3 opportunity for officers to understand the special needs of
4 this group of constituents, build community relations, and
5 provide a visible presence of law enforcement officers in the
6 community. Volunteer time applied as continuing education and
7 training under this subsection may include time spent in
8 providing security services but does not substitute for the
9 continuing education in domestic violence required under s.
10 943.1701.

11 Section 32. Subsection (2) of section 943.171, Florida
12 Statutes, is amended to read:

13 943.171 Basic skills training in handling domestic
14 violence cases.--

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

16 (a) "Domestic violence" has the same meaning ascribed
17 in s. 741.28 means any assault, battery, sexual assault,
18 sexual battery, or any criminal offense resulting in the
19 physical injury or death of one family or household member by
20 another who is or was residing in the same single dwelling
21 unit.

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

29 Section 33. Section 943.254, Florida Statutes, is
30 created to read:

31 943.254 Volunteer work by law enforcement officers.--

1 (1) An employing agency may operate or administer a
2 program for law enforcement officers to provide volunteer
3 security services during off-duty hours at a community-based,
4 not-for-profit program that serves children or families who
5 have experienced or are at risk for child abuse or domestic
6 violence and that presents a potential danger to staff or
7 clients. A community-based, not-for-profit program may
8 include, but need not be limited to, a supervised visitation
9 program administered under chapter 753.

10 (2) Any community-based, not-for-profit program at
11 which a law enforcement officer volunteers is responsible for
12 the acts or omissions of the law enforcement officer while
13 performing services for that program off duty. However, for
14 purposes of coverage under the Workers' Compensation Law, a
15 law enforcement officer who volunteers, as provided in this
16 section, and who meets the provisions of s. 440.091 shall be
17 considered to have been acting within the course of
18 employment, pursuant to s. 440.091.

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

23 Section 34. (1) The Department of Revenue and the
24 Office of State Courts Administrator may pursue authorization
25 to use funds available under Title IV-D of the Social Security
26 Act, 42 U.S.C. ss. 651 et seq., for the purpose of providing
27 mediation services in Title IV-D cases.

28 (2) Contingent upon a specific appropriation, the
29 Office of State Courts Administrator shall conduct a Title
30 IV-D mediation pilot study for the purpose of determining the
31 cost allocation plan for Title IV-D allowable and

1 non-allowable activities included in mediation of Title IV-D
2 cases and evaluating the potential impact of mediation on
3 Title IV-D child support cases and Title IV-D performance
4 measures, including both incentive measures and time
5 standards. The mediation services provided by this pilot study
6 will not be limited to child support, but include other
7 parenting issues as needed. The mediation pilot study
8 conducted by the Office of State Courts Administrator will be
9 implemented in consultation with and with the assistance of
10 the Department of Revenue. The Office of State Courts
11 Administrator will submit a final report on the evaluation of
12 the pilot study to the appropriate substantive committees in
13 the Senate and House of Representatives by June 30, 2004.

14 Section 35. (1) The Legislature finds that underlying
15 problems experienced by many families often form the basis for
16 their interaction with the judicial system. Assisting families
17 with these underlying problems will enhance their functioning
18 and their ability to constructively resolve their disputes and
19 should also result in more effective court resolution of
20 family cases and minimize future court intervention.
21 Therefore, it is the intent of the Legislature that the
22 circuit courts and social service agencies collaborate to
23 assist families with the circumstances and problems that are
24 contributing to their legal issues and need for judicial
25 intervention.

26 (2) The Legislature requests that the chief judge of
27 each circuit court initiate, develop, and maintain a
28 collaboration initiative between the circuit court and the
29 social service agencies in the community to address the
30 interrelated legal and nonlegal problems of children and
31 families involved in the court system in order to improve the

1 families' functioning and reduce their need for judicial
2 intervention. This collaboration initiative should include, at
3 the discretion of the chief judge, a broad cross-section of
4 the social service agencies in the community that assist
5 children or members of their families with any basic need or
6 functional problem that, if not addressed, could contribute to
7 their use of the judicial system. For purposes of this
8 section, the term "social services" means the continuum of
9 private and public services including, but is not limited to,
10 services related to the safety of the child or family,
11 education, health care, economic support, parenting,
12 employment, domestic violence, substance abuse, mental health,
13 law enforcement, and special needs of the children or adults.

14 (3) The Legislature requests that social service
15 agencies cooperate with and participate in the collaboration
16 initiative.

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

19 (a) Improving the availability of social services for
20 children and families who are found in the court system to be
21 in need of services which will address their legal and
22 nonlegal problems.

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

25 (c) Eliminating unnecessary delay in providing
26 appropriate services to children and families.

27 (d) Improving communication between the social
28 services agencies and the courts.

29 (5) The Legislature recognizes that the Supreme Court
30 has required each circuit to create a family law advisory
31 group to provide communication among all stakeholders in the

1 family court system and that many communities have existing
2 initiatives for coordinating social services which have common
3 or similar goals. Initiatives for collaboration should not
4 duplicate these efforts, but instead, should use the family
5 law advisory group and, to the fullest extent possible, use
6 existing initiatives in the community for coordinating social
7 services to accomplish the collaboration.

8 (6) The following elements are steps that may be used
9 to guide the building of the partnership between the court
10 system and the social services system and to achieve the
11 purpose and goals of the collaboration initiative:

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

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

16 (c) Reach consensus on the changed behaviors or
17 outcomes expected from services and reasonable timeframes for
18 delivering services.

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

21 (e) Reach consensus on the roles of the court system
22 and social services systems in the identification, referral,
23 service provision, and follow-up phases of service delivery to
24 children and families.

25 (f) Reach consensus on respective roles of the court
26 and individual social service agencies in implementing
27 individual service plans for families and children.

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

31

1 (h) Determine the gaps in services and establish
2 partnerships to develop and implement needed services that
3 address the identified gaps.

4 (i) Encourage greater flexibility in the court and
5 social services systems and flexibility in funding in order to
6 address the needs of children and families.

7 (j) Determine the changes in coordination or changes
8 in the system which are necessary to improve the availability
9 of services to children and families.

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

13 (l) Determine how the courts can use existing
14 evaluations performed by different social services agencies to
15 reduce the duplication of child and family evaluations needed
16 for decisionmaking by the court.

17 (m) Encourage the exchange of information among social
18 service agencies and the courts in providing services to
19 children and families.

20 (7) The Legislature requests that the Supreme Court
21 incorporate within the responsibilities of the Family Court
22 Steering Committee the duties of providing ongoing guidance to
23 the circuit courts' collaboration initiatives, identifying and
24 addressing statewide barriers to effective collaboration, and
25 identifying and implementing practices and policies that would
26 facilitate effective collaboration. For the purposes of this
27 state-level collaboration initiative, ongoing dialogue should
28 be established among the representatives of the circuit
29 courts, state agencies, and state organizations that represent
30 the public and private social services and that are or should
31 be participating in the community collaboration initiatives.

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

15 Section 36. (1)(a) The Legislature finds that a
16 significant number of children served by the Department of
17 Juvenile Justice also come under the jurisdiction of the
18 Department of Children and Family Services, either
19 simultaneously or following placement with the Department of
20 Juvenile Justice. The children who cross the jurisdiction of
21 the Department of Juvenile Justice's delinquency system and
22 the Department of Children and Family Services' dependency
23 system often have difficulty or cannot access needed services
24 of one or both systems. These "cross-over" children include,
25 but are not limited to, children who have reached the maximum
26 time for detention or commitment and are locked out of their
27 homes, children who have committed domestic violence on
28 another family member and cannot return home, and children who
29 do not meet the criteria for detention.

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

4 (c) The Legislature further finds that strong,
5 productive coordination and cooperation among the Department
6 of Juvenile Justice, the Department of Children and Family
7 Services, and the Department of Education is essential to the
8 goal of successfully serving these children.

9 (2) To that end, the Secretary of Juvenile Justice
10 shall organize and act as the chairperson of an interagency
11 workgroup involving, at a minimum, the Secretary of Children
12 and Family Services and the Commissioner of Education. The
13 workgroup shall accomplish at least the following goals:

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

17 (b) Identify issues involving local school districts
18 and these children and the role schools can play in assisting
19 the Department of Juvenile Justice and the Department of
20 Children and Family Services in serving these children;

21 (c) Develop short-term and long-term strategies to
22 address these goals using the resources and authority
23 currently vested with these agencies, including, but not
24 limited to, sharing resources, timeframes for developing
25 aftercare plans, and joint planning for children who will move
26 from the jurisdiction of one agency to the jurisdiction of
27 another agency;

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

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

9 1. Establish a working relationship to provide
10 appropriate services to the "cross-over" children and to
11 ensure that the agencies' respective funds are spent in the
12 most efficient manner possible;

13 2. Coordinate responses to court orders relative to
14 "cross-over" children, regardless of whether the circumstances
15 of the children and families fall or do not fall clearly
16 within the jurisdiction of one department;

17 3. Handle the identified issues that can be managed
18 within existing authority and resources and articulate a
19 mutual plan for addressing the issues that require additional
20 resources or authority; and

21 4. Conduct regular meetings, share information
22 concerning specific children and families, and resolve
23 disagreements between the departments regarding the
24 "cross-over" children and the administration of protocols.

25 (3) The workgroup is encouraged to draw on the
26 expertise of appropriate groups such as the Florida Supreme
27 Court committees, the Florida Network of Youth and Family
28 Services, the Florida Association of Counties, local school
29 boards, the Florida Council for Behavioral Health, the Florida
30 Alcohol and Drug Abuse Association, and other groups in
31 addressing the issues identified by the workgroup. The

1 workgroup may form subcommittees to develop strategies for
2 addressing identified issues.

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

11 Section 37. (1) In order for a unified family court
12 model to function effectively, efficiently, consistently, and
13 fairly, each participant in the unified family court model
14 must determine its information needs and assess its technology
15 support and resources for meeting those needs. The
16 participants in the family court model must cooperate and
17 collaborate to develop the most efficient and cost-effective
18 information system and to determine how to fund such a system.
19 That system should provide for collecting, storing,
20 retrieving, accessing, and sharing needed information.

21 (2) The State Technology Office is encouraged to
22 assist the courts and clerks of courts in establishing a
23 workgroup by July 1, 2002, to develop an information system
24 based on the assessment of the information needs of the
25 participants in the unified family court model. The workgroup
26 should initially focus on processing information for
27 identifying, tracking, processing, and linking related cases
28 involving the same family members. The workgroup may also work
29 on other issues identified by the participants as facilitating
30 the operations of programs of the unified family court model

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1 and facilitating the provision of services to families before
2 the court.

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

14 Section 38. If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 invalidity does not affect other provisions or applications of
17 the act which can be given effect without the invalid
18 provision or application, and to this end the provisions of
19 this act are severable.

20 Section 39. This act shall take effect July 1, 2002.
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