

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Judicial Oversight offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

Section 1. (1) The Legislature finds that cases within the judicial system relating to children and their families, include, but are not limited to, child abuse and neglect, termination of parental rights, dissolution of marriage, custody and visitation, child support, adoption, determination of paternity, domestic violence, and juvenile delinquency.

(2) The Legislature finds that under the current system, it is not uncommon to have a family involved with one judge because of an adult abuse proceeding, a second judge because of an ensuing divorce, with still another judge because of child abuse and neglect allegations, and a fourth judge if the abuse allegation led to criminal charges. This fragmented judicial system can result in the issuance of diverse or even conflicting orders affecting the family.

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1 (3) The Legislature finds that the role of courts in
2 case coordination is expanding, not because courts are, or
3 should be, assuming the administrative and service delivery
4 functions of child welfare or social service agencies, but
5 because the need for communication and coordination across
6 courts and between courts and social service agencies is
7 becoming widely recognized. Such case coordination, which
8 permits intervention earlier in the process, prevents courts
9 and other agencies from working at cross-purposes and provides
10 a consistent plan of service that should avoid fragmentation
11 of services and misallocation of judicial resources, and
12 should increase the likelihood of success. The Legislature
13 recognizes that such coordination may necessitate
14 organizational, staff and data system changes.

15 (4) The Legislature further finds the role of the
16 court in cases involving children and families becoming
17 smaller, with only the most contentious or complicated cases
18 reaching the traditional court system. Fewer cases would
19 result in a need for fewer family court judges, and those
20 judges would have more time to devote to each case. Resources
21 allocated for judicial time could be, and should be,
22 redistributed from the back end to the front end of the
23 system.

24 (5) Finally, the Legislature finds that procedures of
25 courts that handle cases involving children and families need
26 to be as simple as possible and readily accessible to the
27 public, particularly those individuals not represented by
28 counsel.

29 (6) The Legislature intends to support the efforts of
30 the court to implement a unified family court model by
31 enacting the substantive legislation necessary to facilitate

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1 this specific work of the court.

2 Section 2. Legislative Commission on Family Law and
3 Children; membership; advisory committee; staff; duties.--

4 (1) There is created a joint committee of the Florida
5 Legislature to be known as the Legislative Commission on
6 Family Law and Children, to be composed of six members as
7 follows: three members of the Senate appointed by the
8 President of the Senate, to include the chair of the Senate
9 Judiciary Committee or its successor, and three members of the
10 House of Representatives appointed by the Speaker of the
11 House, to include the chair of the Judicial Oversight
12 Committee or its successor. The terms of members shall be for
13 2 years and shall run from the organization of the one
14 Legislature to the organization of the next Legislature.
15 Vacancies occurring during the interim period shall be filled
16 in the same manner as the original appointment. The President
17 of the Senate shall appoint the chair in odd-numbered years
18 and the Speaker of the House of Representatives shall appoint
19 the chair in even-numbered years. The Commission will be
20 jointly staffed by the substantive committees of the House of
21 Representatives and the Senate.

22 (2) The Legislative Commission on Family Law and
23 Children is authorized and directed to establish an advisory
24 committee to assist in carrying out the work of the
25 commission. Membership of the advisory committee shall be
26 determined by the commission.

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

31 (4) It is intended that the commission shall develop a

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1 true family code, including, but not limited to, chapters 39,
2 61, 63, 88, 409, 741, 742, 743, 751, 752, 753, 984, and 985,
3 Florida Statutes. Such a code shall be an internally
4 consistent body of law that would enable any individual to
5 locate the statutory requirements for any proceeding within
6 the unified family court's jurisdiction.

7 (5) The commission shall stand repealed on June 30,
8 2007, unless reviewed and saved from repeal through
9 reenactment by the Legislature.

10 Section 3. Section 25.375, Florida Statutes, is
11 created to read:

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

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

29 25.385 Standards for instruction of circuit and county
30 court judges in handling domestic violence cases.--

31 (2) As used in this section:

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

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

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

19 39.013 Procedures and jurisdiction; right to
20 counsel.--

21 (4) Orders entered pursuant to this chapter which
22 affect the placement of, access to, parental time with, or
23 parental responsibility for a minor child ~~The order of the~~
24 ~~circuit court hearing dependency matters shall be filed by the~~
25 ~~clerk of the court in any dissolution or other custody action~~
26 ~~or proceeding and shall take precedence over other custody and~~
27 ~~visitation orders entered in civil those actions or~~
28 ~~proceedings. However, if the court has terminated~~
29 ~~jurisdiction, such order may be subsequently modified by a~~
30 ~~court of competent jurisdiction in any other civil action or~~
31 ~~proceeding affecting placement of, access to, parental time~~

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1 with, or parental responsibility for the same minor child, if
2 notice of the action or proceeding and opportunity to be heard
3 are given to the Department of Children and Family Services.

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

7 39.0132 Oaths, records, and confidential
8 information.--

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

12 ~~(a) Orders permanently terminating the rights of a~~
13 ~~parent and committing the child to a licensed child-placing~~
14 ~~agency or the department for adoption shall be admissible in~~
15 ~~evidence in subsequent adoption proceedings relating to the~~
16 ~~child.~~

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

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

23 (c)~~(d)~~ Records of proceedings under this chapter may
24 be used to prove disqualification pursuant to s. 435.06 and
25 for proof regarding such disqualification in a chapter 120
26 proceeding.

27 ~~(e) Orders permanently and involuntarily terminating~~
28 ~~the rights of a parent shall be admissible as evidence in~~
29 ~~subsequent termination of parental rights proceedings for a~~
30 ~~sibling of the child for whom parental rights were terminated.~~

31 (d) Final orders entered pursuant to an adjudicatory

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1 hearing shall be admissible in evidence in any subsequent
2 civil proceeding relating to placement of, access to, parental
3 time with, or parental responsibility for the same child or
4 sibling of that child.

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

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

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

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

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

22 39.502 Notice, process, and service.--

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

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

29 39.521 Disposition hearings; powers of disposition.--

30 (3) When any child is adjudicated by a court to be
31 dependent, the court shall determine the appropriate placement

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1 for the child as follows:

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

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

23 1. Order that the parent assume sole custodial
24 responsibilities for the child. The court may also provide for
25 reasonable visitation by the noncustodial parent. The court
26 may then terminate its jurisdiction over the child. The
27 ~~custody~~ order shall take precedence over other orders that
28 effect placement of, access to, parental time with, or
29 parental responsibility for a minor child ~~continue unless~~
30 ~~modified by a subsequent order of the circuit court hearing~~
31 ~~dependency matters. The order of the circuit court hearing~~

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

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

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

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1 placement shall be by adoption, long-term custody, or
2 guardianship.

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

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

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1 child.

2 Section 9. Subsection (6) of section 39.814, Florida
3 Statutes, is amended and subsection (7) is added to that
4 section to read:

5 39.814 Oaths, records, and confidential information.--

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

9 ~~(a) Orders terminating the rights of a parent are~~
10 ~~admissible in evidence in subsequent adoption proceedings~~
11 ~~relating to the child and in subsequent termination of~~
12 ~~parental rights proceedings concerning a sibling of the child.~~

13 (a)(b) Records of proceedings under this part forming
14 a part of the record on appeal shall be used in the appellate
15 court in the manner hereinafter provided.

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

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

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

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1 of such evidence is delivered to the opposing party or
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 part which are subsequently admitted in
7 evidence pursuant to subsection (6) are still subject to the
8 provisions of subsection (3) and (4).

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

11 39.902 Definitions.--As used in this part, the term:

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

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

24 Section 11. Subsection (2) of section 44.1011, Florida
25 Statutes, is amended to read:

26 44.1011 Definitions.--As used in this chapter:

27 (2) "Mediation" means a process whereby a neutral
28 third person called a mediator acts to encourage and
29 facilitate the resolution of a dispute between two or more
30 parties. It is an informal and nonadversarial process with
31 the objective of helping the disputing parties reach a

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1 mutually acceptable and voluntary agreement. In mediation,
2 decisionmaking authority rests with the parties. The role of
3 the mediator includes, but is not limited to, assisting the
4 parties in identifying issues, fostering joint problem
5 solving, and exploring settlement alternatives. "Mediation"
6 includes:
7 (a) "Appellate court mediation," which means mediation
8 that occurs during the pendency of an appeal of a civil case.
9 (b) "Circuit court mediation," which means mediation
10 of civil cases, other than family matters, in circuit court.
11 If a party is represented by counsel, the counsel of record
12 must appear unless stipulated to by the parties or otherwise
13 ordered by the court.
14 (c) "County court mediation," which means mediation of
15 civil cases within the jurisdiction of county courts,
16 including small claims. Negotiations in county court mediation
17 are primarily conducted by the parties. Counsel for each party
18 may participate. However, presence of counsel is not required.
19 (d) "Family mediation" which means mediation of family
20 matters, including married and unmarried persons, before and
21 after judgments involving dissolution of marriage; property
22 division; paternity; adoption; emancipation of a minor; shared
23 or sole parental responsibility; or child support, custody,
24 and visitation involving emotional or financial considerations
25 not usually present in other circuit civil cases. Negotiations
26 in family mediation are primarily conducted by the parties.
27 Counsel for each party may attend the mediation conference and
28 privately communicate with their clients. However, presence
29 of counsel is not required, and, in the discretion of the
30 mediator, and with the agreement of the parties, mediation may
31 proceed in the absence of counsel unless otherwise ordered by

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1 the court.

2 (e) "Dependency or in need of services mediation,"
3 which means mediation of dependency, child in need of
4 services, or family in need of services matters. Negotiations
5 in dependency or in need of services mediation are primarily
6 conducted by the parties. Counsel for each party may attend
7 the mediation conference and privately communicate with their
8 clients. However, presence of counsel is not required and, in
9 the discretion of the mediator and with the agreement of the
10 parties, mediation may proceed in the absence of counsel
11 unless otherwise ordered by the court.

12 (f) "Voluntary mediation," which means mediation of
13 any matters as provided in paragraphs (d) and (e) if a court
14 has not referred the matter to mediation but the parties agree
15 to submit to mediation after the initiation of any legal
16 proceeding.

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

21 Section 12. Section 44.1012, Florida Statutes, is
22 created to read:

23 44.1012 Continuum of alternatives to litigation;
24 legislative intent.--It is the intent of the Legislature that
25 a range of alternatives to judicial action be available to
26 families in order to reduce the level of costly court
27 intervention required to resolve disputes. Communities, with
28 the involvement of the courts, are encouraged to provide
29 families with a continuum of options that educate and assist
30 parents and children with conflict dispute resolution prior to
31 and after judicial intervention.

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

3 44.1025 Presuit and voluntary mediation.--

4 (1) All oral or written communications or documents,
5 including the written documents of a mediator, other than an
6 executed settlement agreement, in a presuit or voluntary
7 mediation proceeding shall be confidential and inadmissible as
8 evidence in any subsequent legal proceeding, unless all
9 participants to the presuit mediation or all parties to the
10 voluntary mediation otherwise agree.

11 (2) Each participant to a presuit mediation or any
12 party to a voluntary mediation has a privilege to refuse to
13 disclose and to prevent another person from disclosing
14 communications made during or for the purpose of mediation,
15 except as provided in subsection (3). A participant to a
16 presuit mediation or party to a voluntary mediation does not
17 include a mediator, counsel for a participant or party, or
18 anyone hired by the participant or party to assist in the
19 mediation process.

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

23 (a) Communications concerning abuse, neglect, or
24 exploitation of any person for which the law requires a
25 mandatory report.

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

27 (c) Professional misconduct committed during the
28 mediation. In such cases, the disclosure of an otherwise
29 privileged communication shall be used only for the internal
30 use of the body conducting the investigation. Prior to the
31 release of any disciplinary files to the public, all

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1 references to otherwise privileged communications shall be
2 deleted from the record. When an otherwise confidential
3 communication is used in a disciplinary proceeding, the
4 communication shall be inadmissible as evidence in any
5 subsequent legal proceeding. As used in this paragraph, the
6 term "subsequent legal proceeding" means any legal proceeding
7 between the parties to the mediation which follows the presuit
8 or voluntary mediation.

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

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

16 Section 14. Section 44.108, Florida Statutes, as
17 amended by section 8 of chapter 2001-122, Laws of Florida, is
18 amended to read:

19 44.108 Funding of mediation and
20 arbitration.--Mediation should be accessible to all parties
21 regardless of financial status.

22 (1) Each board of county commissioners may support
23 mediation and arbitration services by appropriating moneys
24 from county revenues and by:

25 (a)(1) Levying, in addition to other service charges
26 levied by law, a service charge of no more than \$5 on any
27 circuit court proceeding, which shall be deposited in the
28 court's mediation-arbitration account fund under the
29 supervision of the chief judge of the circuit in which the
30 county is located; and

31 (b)(2) Levying, in addition to other service charges

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1 levied by law, a service charge of no more than \$5 on any
2 county court proceeding, which shall be deposited in the
3 county's mediation-arbitration account fund to be used to fund
4 county civil mediation services under the supervision of the
5 chief judge of the circuit in which the county is located.

6 (c) If a board of county commissioners levies the
7 service charge authorized in paragraph (a) or paragraph (b),
8 the clerk of the court shall forward \$1 of each charge to the
9 Department of Revenue for deposit in the state mediation and
10 arbitration trust fund. Such fund shall be used by the Supreme
11 Court to carry out its responsibilities set forth in s.
12 44.106.

13 (2)(3) A fee of \$65 is levied levying, in addition to
14 other service charges levied by law, a service charge of no
15 more than \$45 on any petition for a modification of a final
16 judgment of dissolution and shall be deposited as follows:

17 (a) Forty-four dollars, which shall be deposited in
18 the court's family mediation account fund to be used to fund
19 family mediation services under the supervision of the chief
20 judge of the circuit in which the county is located.

21 (b) Twenty dollars shall be forwarded to the
22 Department of Revenue for deposit in the state mediation and
23 arbitration trust fund, which shall be used by the Supreme
24 Court to carry out its responsibilities set forth in s.
25 44.202.

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

30 ~~(4) If a board of county commissioners levies the~~
31 ~~service charge authorized in subsection (1), subsection (2),~~

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1 ~~or subsection (3), the clerk of the court shall forward \$1 of~~
2 ~~each charge to the Department of Revenue for deposit in the~~
3 ~~state mediation and arbitration trust fund which is hereby~~
4 ~~established. Such fund shall be used by the Supreme Court to~~
5 ~~carry out its responsibilities set forth in s. 44.106.~~

6 Section 15. The Legislature requests that the Supreme
7 Court establish a formal process that encourages and
8 facilitates the filing of stipulated agreements in
9 post-judgment family-law matters; such process should
10 facilitate consideration of the stipulated agreement by the
11 court without necessitating an appearance before the court.
12 This process should provide notice to the parties regarding
13 their right to a hearing, include safeguards to prevent the
14 filing or acceptance of agreements reached under duress or
15 coercion, and provide for a hearing if the court determines
16 that such a hearing is necessary.

17 Section 16. Section 44.202, Florida Statutes, is
18 created to read:

19 44.202 Presuit mediation pilot programs.--

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

30 (2) The purposes of these presuit-mediation pilot
31 programs are to:

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1 (a) Encourage mediation prior to the court filing of a
2 supplemental petition to modify or a motion to enforce a final
3 judgment involving dissolution of marriage, paternity, spousal
4 support, parental responsibility, child support, custody, and
5 visitation.

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

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

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

12 (a) Incorporate and use the same formal process that
13 the Supreme Court establishes for the court filing and
14 approval of stipulated agreements without the need for court
15 appearances by the parties.

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

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

24 (d) Exclude cases involving judgments entered pursuant
25 to chapter 741.

26 (4) Each person participating in a mediation pursuant
27 to this section shall be given an executed copy of the
28 mediated agreement. Each person has the right to request a
29 hearing on the supplemental petition to modify a final
30 judgment or motion to enforce a final judgment. Each person
31 shall also be provided with the opportunity to waive his or

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1 her right to a hearing and to consent in writing to the entry
2 of mediated agreement without a hearing.

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

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

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

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

24 61.13 Custody and support of children; visitation
25 rights; power of court in making orders.--

26 (1)(a) In a proceeding under this chapter for
27 dissolution of marriage, the court has jurisdiction to
28 determine all matters relating to child support ~~may at any~~
29 ~~time order either or both parents who owe a duty of support to~~
30 ~~a child to pay support~~ in accordance with the guidelines in s.
31 61.30. The court initially entering an order requiring one or

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1 both parents to make child support payments shall have
2 continuing jurisdiction after the entry of the initial order
3 to modify the amount and terms and conditions of the child
4 support payments when the modification is found necessary by
5 the court in the best interests of the child, when the child
6 reaches majority, or when there is a substantial change in the
7 circumstances of the parties. The court initially entering a
8 child support order shall also have continuing jurisdiction to
9 require the obligee to report to the court on terms prescribed
10 by the court regarding the disposition of the child support
11 payments.

12 (2)

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

26 2. The court shall order that the parental
27 responsibility for a minor child be shared by both parents
28 unless the court finds that shared parental responsibility
29 would be detrimental to the child. Evidence that a parent has
30 been convicted of a felony of the third degree or higher
31 involving domestic violence, as defined in s. 741.28 and

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1 chapter 775, or meets the criteria of s. 39.806(1)(d), creates
2 a rebuttable presumption of detriment to the child. If the
3 presumption is not rebutted, shared parental responsibility,
4 including visitation, residence of the child, and decisions
5 made regarding the child, may not be granted to the convicted
6 parent. However, the convicted parent is not relieved of any
7 obligation to provide financial support. If the court
8 determines that shared parental responsibility would be
9 detrimental to the child, it may order sole parental
10 responsibility and make such arrangements for visitation as
11 will best protect the child or abused spouse from further
12 harm. Whether or not there is a conviction of any offense of
13 domestic violence or child abuse or the existence of an
14 injunction for protection against domestic violence, the court
15 shall consider evidence of domestic violence or child abuse as
16 evidence of detriment to the child.

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

26 b. The court shall order "sole parental
27 responsibility, with or without visitation rights, to the
28 other parent when it is in the best interests of" the minor
29 child.

30 ~~c. The court may award the grandparents visitation~~
31 ~~rights with a minor child if it is in the child's best~~

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1 ~~interest. Grandparents have legal standing to seek judicial~~
2 ~~enforcement of such an award.~~This section does not require
3 that grandparents be made parties or given notice of
4 dissolution pleadings or proceedings, ~~nor do grandparents have~~
5 ~~legal standing as "contestants" as defined in s. 61.1306.~~ A
6 court may not order that a child be kept within the state or
7 jurisdiction of the court solely for the purpose of permitting
8 visitation by the grandparents.

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

22 Section 18. The "Uniform Child Custody Jurisdiction
23 Act," consisting of sections 61.1302, 61.1304, 61.1306,
24 61.1308, 61.131, 61.1312, 61.1314, 61.1316, 61.1318, 61.132,
25 61.1322, 61.1324, 61.1326, 61.1328, 61.133, 61.1332, 61.1334,
26 61.1336, 61.1338, 61.134, 61.1342, 61.1344, 61.1346, and
27 61.1348, Florida Statutes, is repealed.

28 Section 19. Section 61.183, Florida Statutes, is
29 repealed.

30 Section 20. Sections 61.19 and 61.191, Florida
31 Statutes, are transferred and renumbered as sections 61.053

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1 and 61.054, respectively.

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

4 61.21 Parenting course authorized; fees; required
5 attendance authorized; contempt.--

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

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

24 Section 22. Part IV of chapter 61, Florida Statutes,
25 consisting of sections 61.501, 61.502, 61.503, 61.504, 61.505,
26 61.506, 61.507, 61.508, 61.509, 61.510, 61.511, 61.512,
27 61.513, 61.514, 61.515, 61.516, 61.517, 61.518, 61.519,
28 61.520, 61.521, 61.522, 61.523, 61.524, 61.525, 61.526,
29 61.527, 61.528, 61.529, 61.530, 61.531, 61.532, 61.533,
30 61.534, 61.535, 61.536, 61.537, 61.538, 61.539, 61.540,
31 61.541, and 61.542, Florida Statutes, is created to read:

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- 1 61.501 Short title.--This part may be cited as the
2 "Uniform Child Custody Jurisdiction and Enforcement Act."
- 3 61.502 Purposes of part; construction of
4 provisions.--The general purposes of this part are to:
- 5 (1) Avoid jurisdictional competition and conflict with
6 courts of other states in matters of child custody which have
7 in the past resulted in the shifting of children from state to
8 state with harmful effects on their well-being.
- 9 (2) Promote cooperation with the courts of other
10 states to the end that a custody decree is rendered in the
11 state that can best decide the case in the interest of the
12 child.
- 13 (3) Discourage the use of the interstate system for
14 continuing controversies over child custody.
- 15 (4) Deter abductions.
- 16 (5) Avoid relitigating the custody decisions of other
17 states in this state.
- 18 (6) Facilitate the enforcement of custody decrees of
19 other states.
- 20 (7) Promote and expand the exchange of information and
21 other forms of mutual assistance between the courts of this
22 state and those of other states concerned with the same child.
- 23 (8) Make uniform the law with respect to the subject
24 of this part among the states enacting it.
- 25 61.503 Definitions.--As used in this part, the term:
- 26 (1) "Abandoned" means left without provision for
27 reasonable and necessary care or supervision.
- 28 (2) "Child" means an individual who has not attained
29 18 years of age.
- 30 (3) "Child custody determination" means a judgment,
31 decree, or other order of a court providing for the legal

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1 custody, physical custody, residential care, or visitation
2 with respect to a child. The term includes a permanent,
3 temporary, initial, and modification order. The term does not
4 include an order relating to child support or other monetary
5 obligation of an individual.

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

15 (5) "Commencement" means the filing of the first
16 pleading in a proceeding.

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

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

28 (8) "Initial determination" means the first child
29 custody determination concerning a particular child.

30 (9) "Issuing court" means the court that makes a child
31 custody determination for which enforcement is sought under

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1 this part.

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

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

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

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

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

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

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

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

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

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

4 61.504 Proceedings governed by other law.--This part
5 does not govern a proceeding pertaining to the authorization
6 of emergency medical care for a child.

7 61.505 Application to Indian tribes.--

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

12 (2) A court of this state shall treat a tribe as if it
13 were a state of the United States for purposes of applying ss.
14 61.501-61.523.

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

19 61.506 International application of part.--

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

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

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

31 61.507 Effect of child custody determination.--A child

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1 custody determination made by a court of this state which had
2 jurisdiction under this part binds all persons who have been
3 served in accordance with the laws of this state or notified
4 in accordance with s. 61.509 or who have submitted to the
5 jurisdiction of the court, and who have been given an
6 opportunity to be heard. As to those persons, the
7 determination is conclusive as to all decided issues of law
8 and fact except to the extent the determination is modified.
9 61.508 Priority.--If a question of existence or
10 exercise of jurisdiction under this part is raised in a child
11 custody proceeding, the question, upon request of a party,
12 must be given priority on the calendar and handled
13 expeditiously.
14 61.509 Notice to persons outside the state.--
15 (1) Notice required for the exercise of jurisdiction
16 when a person is outside this state may be given in a manner
17 prescribed by the laws of the state in which the service is
18 made. Notice must be given in a manner reasonably calculated
19 to give actual notice, but may be made by publication if other
20 means are not effective.
21 (2) Proof of service may be made in the manner
22 prescribed by the laws of the state in which the service is
23 made.
24 (3) Notice is not required for the exercise of
25 jurisdiction with respect to a person who submits to the
26 jurisdiction of the court.
27 61.510 Appearance and limited immunity.--
28 (1) A party to a child custody proceeding, including a
29 modification proceeding, or a petitioner or respondent in a
30 proceeding to enforce or register a child custody
31 determination, is not subject to personal jurisdiction in this

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1 state for another proceeding or purpose solely by reason of
2 having participated, or of having been physically present for
3 the purpose of participating, in the proceeding.

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

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

14 61.511 Communication between courts.--

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

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

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

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

31 (5) For purposes of this section, the term "record"

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1 means a form of information, including, but not limited to, an
2 electronic recording or transcription by a court reporter
3 which creates a verbatim memorialization of any communication
4 between two or more individuals or entities.

5 61.512 Taking testimony in another state.--

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

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

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

26 61.513 Cooperation between courts; preservation of
27 records.--

28 (1) A court of this state may request the appropriate
29 court of another state to:

30 (a) Hold an evidentiary hearing;

31 (b) Order a person to produce or give evidence

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1 pursuant to the laws of that state;

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

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

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

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

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

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

28 61.514 Initial child custody jurisdiction.--

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

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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 (3) Physical presence of, or personal jurisdiction
31 over, a party or a child is not necessary or sufficient to

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1 make a child custody determination.

2 61.515 Exclusive, continuing jurisdiction.--

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

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

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

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

21 61.516 Jurisdiction to modify a determination.--Except
22 as otherwise provided in s. 61.517, a court of this state may
23 not modify a child custody determination made by a court of
24 another state unless a court of this state has jurisdiction to
25 make an initial determination under s. 61.514(1)(a) or s.
26 61.514(1)(b) and:

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

31 (2) A court of this state or a court of the other

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1 state determines that the child, the child's parents, and any
2 person acting as a parent does not presently reside in the
3 other state.

4 61.517 Temporary emergency jurisdiction.--

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

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

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

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1 from the other state within the period specified or the period
2 expires.

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

18 61.518 Notice; opportunity to be heard; joinder.--

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

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

29 (3) The obligation to join a party and the right to
30 intervene as a party in a child custody proceeding under this
31 part are governed by the laws of this state as in child

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1 custody proceedings between residents of this state.

2 61.519 Simultaneous proceedings.--

3 (1) Except as otherwise provided in s. 61.517, a court
4 of this state may not exercise its jurisdiction under ss.
5 61.514-61.524 if, at the time of the commencement of the
6 proceeding, a proceeding concerning the custody of the child
7 had been commenced in a court of another state having
8 jurisdiction substantially in conformity with this part,
9 unless the proceeding has been terminated or is stayed by the
10 court of the other state because a court of this state is a
11 more convenient forum under s. 61.520.

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

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

31 (a) Stay the proceeding for modification pending the

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1 entry of an order of a court of the other state enforcing,
2 staying, denying, or dismissing the proceeding for
3 enforcement;
4 (b) Enjoin the parties from continuing with the
5 proceeding for enforcement; or
6 (c) Proceed with the modification under conditions it
7 considers appropriate.
8 61.520 Inconvenient forum.--
9 (1) A court of this state which has jurisdiction under
10 this part to make a child custody determination may decline to
11 exercise its jurisdiction at any time if it determines that it
12 is an inconvenient forum under the circumstances and that a
13 court of another state is a more appropriate forum. The issue
14 of inconvenient forum may be raised upon motion of a party,
15 the court's own motion, or request of another court.
16 (2) Before determining whether it is an inconvenient
17 forum, a court of this state shall consider whether it is
18 appropriate for a court of another state to exercise
19 jurisdiction. For this purpose, the court shall allow the
20 parties to submit information and shall consider all relevant
21 factors, including:
22 (a) Whether domestic violence has occurred and is
23 likely to continue in the future and which state could best
24 protect the parties and the child;
25 (b) The length of time the child has resided outside
26 this state;
27 (c) The distance between the court in this state and
28 the court in the state that would assume jurisdiction;
29 (d) The relative financial circumstances of the
30 parties;
31 (e) Any agreement of the parties as to which state

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1 should assume jurisdiction;

2 (f) The nature and location of the evidence required
3 to resolve the pending litigation, including testimony of the
4 child;

5 (g) The ability of the court of each state to decide
6 the issue expeditiously and the procedures necessary to
7 present the evidence; and

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

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

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

21 61.521 Jurisdiction declined by reason of conduct.--

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

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

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

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1 (c) No court of any other state would have
2 jurisdiction under the criteria specified in ss.
3 61.514-61.516.

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

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

23 61.522 Information to be submitted to the court.--

24 (1) Subject to Florida law providing for the
25 confidentiality of procedures, addresses, and other
26 identifying information in a child custody proceeding, each
27 party, in its first pleading or in an attached affidavit,
28 shall give information, if reasonably ascertainable, under
29 oath as to the child's present address or whereabouts, the
30 places where the child has lived during the last 5 years, and
31 the names and present addresses of the persons with whom the

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1 child has lived during that period. The pleading or affidavit
2 must state whether the party:

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

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

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

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

23 (3) If the declaration as to any of the items
24 described in paragraphs (1)(a)-(c) is in the affirmative, the
25 declarant shall give additional information under oath as
26 required by the court. The court may examine the parties under
27 oath as to details of the information furnished and other
28 matters pertinent to the court's jurisdiction and the
29 disposition of the case.

30 (4) Each party has a continuing duty to inform the
31 court of any proceeding in this or any other state which could

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1 affect the current proceeding.

2 61.523 Appearance of parties and child.--

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

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

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

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

24 61.524 Definitions.--As used in ss. 61.524-61.540, the
25 term:

26 (1) "Petitioner" means a person who seeks enforcement
27 of an order for return of a child under the Hague Convention
28 on the Civil Aspects of International Child Abduction or
29 enforcement of a child custody determination.

30 (2) "Respondent" means a person against whom a
31 proceeding has been commenced for enforcement of an order for

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1 return of a child under the Hague Convention on the Civil
2 Aspects of International Child Abduction or enforcement of a
3 child custody determination.

4 61.525 Enforcement under the Hague Convention.--Under
5 this part, a court of this state may enforce an order for the
6 return of a child made under the Hague Convention on the Civil
7 Aspects of International Child Abduction as if it were a child
8 custody determination.

9 61.526 Duty to enforce.--

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

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

23 61.527 Temporary visitation.--

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

27 (a) A visitation schedule made by a court of another
28 state; or

29 (b) The visitation provisions of a child custody
30 determination of another state which does not provide for a
31 specific visitation schedule.

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

8 61.528 Registration of child custody determination.--

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

15 (a) A letter or other document requesting
16 registration;

17 (b) Two copies, including one certified copy, of the
18 determination sought to be registered and a statement under
19 penalty of perjury that, to the best of the knowledge and
20 belief of the person seeking registration, the order has not
21 been modified; and

22 (c) Except as otherwise provided in s. 61.522, the
23 name and address of the person seeking registration and any
24 parent or person acting as a parent who has been awarded
25 custody or visitation in the child custody determination
26 sought to be registered.

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

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

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

4 (3) The notice required by paragraph (2)(b) must state
5 that:

6 (a) A registered determination is enforceable as of
7 the date of the registration in the same manner as a
8 determination issued by a court of this state;

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

12 (c) Failure to contest the registration will result in
13 confirmation of the child custody determination and preclude
14 further contest of that determination with respect to any
15 matter that could have been asserted.

16 (4) A person seeking to contest the validity of a
17 registered order must request a hearing within 20 days after
18 service of the notice. At that hearing, the court shall
19 confirm the registered order unless the person contesting
20 registration establishes that:

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

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

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

30 (5) If a timely request for a hearing to contest the
31 validity of the registration is not made, the registration is

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1 confirmed as a matter of law and the person requesting
2 registration and all persons served must be notified of the
3 confirmation.

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

8 61.529 Enforcement of registered determination.--

9 (1) A court of this state may grant any relief
10 normally available under the laws of this state to enforce a
11 registered child custody determination made by a court of
12 another state.

13 (2) A court of this state shall recognize and enforce
14 but may not modify, except in accordance with ss.
15 61.514-61.523, a registered child custody determination of
16 another state.

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

27 61.531 Expedited enforcement of child custody
28 determination.--

29 (1) A petition under ss. 61.524-61.540 must be
30 verified. Certified copies of all orders sought to be enforced
31 and of any order confirming registration must be attached to

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1 the petition. A copy of a certified copy of an order may be
2 attached instead of the original.

3 (2) A petition for enforcement of a child custody
4 determination must state:

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

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

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

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

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

23 (f) If the child custody determination has been
24 registered and confirmed under s. 61.528, the date and place
25 of registration.

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

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1 event, the court shall hold the hearing on the first judicial
2 day possible. The court may extend the date of the hearing at
3 the request of the petitioner.

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

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

14 1. The issuing court did not have jurisdiction under
15 ss. 61.514-61.523;

16 2. The child custody determination for which
17 enforcement is sought has been vacated, stayed, or modified by
18 a court of a state having jurisdiction to do so under ss.
19 61.514-61.523; or

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

24 (b) The child custody determination for which
25 enforcement is sought was registered and confirmed under s.
26 61.528, but has been vacated, stayed, or modified by a court
27 of a state having jurisdiction to do so under ss.
28 61.514-61.523.

29 61.532 Service of petition and order.--Except as
30 otherwise provided in s. 61.534, the petition and order must
31 be served by any method authorized by the laws of this state

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1 upon the respondent and any person who has physical custody of
2 the child.

3 61.533 Hearing and order.--

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

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

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

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

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

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

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

31 (3) If a party called to testify refuses to answer on

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1 the ground that the testimony may be self-incriminating, the
2 court may draw an adverse inference from the refusal.

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

7 61.534 Warrant to take physical custody of child.--

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

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

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

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

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

30 (c) Provide for the placement of the child pending
31 final relief.

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

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

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

15 61.535 Costs, fees, and expenses.--

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

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

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

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

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

9 61.538 Role of state attorney.--

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

17 (a) An existing child custody determination;

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

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

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

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

28 61.539 Role of law enforcement officers.--At the
29 request of a state attorney acting under s. 61.538, a law
30 enforcement officer may take any lawful action reasonably
31 necessary to locate a child or a party and assist a state

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1 attorney with responsibilities under s. 61.538.

2 61.540 Costs and expenses.--The court may assess
3 against the nonprevailing party all direct expenses and costs
4 incurred by the state attorney and law enforcement officers
5 under s. 61.538 or s. 61.539 so long as the court has personal
6 jurisdiction over the nonprevailing party.

7 61.541 Application and construction.--In applying and
8 construing this part, consideration must be given to the need
9 to promote uniformity of the law with respect to its subject
10 matter among states that enact it.

11 61.542 Transitional provision.--A motion or other
12 request for relief made in a child custody proceeding or to
13 enforce a child custody determination that was commenced
14 before the effective date of this part is governed by the law
15 in effect at the time the motion or other request was made.

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

18 63.052 Guardians designated; proof of commitment.--

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

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1 placement of the minor.

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

4 63.087 Proceeding to terminate parental rights pending
5 adoption; general provisions.--

6 (6) PETITION.--

7 (f) The petition must include:

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

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

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

30 a. The minor's mother;

31 b. Any man who the mother reasonably believes may be

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1 the minor's father; and

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

4
5 If a required name or address is not known, the petition must
6 so state.

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

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

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

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

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

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

22 63.102 Filing of petition for adoption or declaratory
23 statement; venue; proceeding for approval of fees and costs.--

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

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1 until a final judgment is entered on the adoption. The Uniform
2 Child Custody Jurisdiction and Enforcement Act does not apply
3 until a final judgment is entered on the adoption.

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

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

9 741.28 Domestic violence; definitions.--As used in ss.
10 741.28-741.31, the term:

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

13 (2)~~(1)~~ "Domestic violence" means any assault,
14 aggravated assault, battery, aggravated battery, sexual
15 assault, sexual battery, stalking, aggravated stalking,
16 kidnapping, false imprisonment, or any criminal offense
17 resulting in physical injury or death of one family or
18 household member by another ~~who is or was residing in the same~~
19 ~~single dwelling unit.~~

20 (3)~~(2)~~ "Family or household member" means spouses,
21 former spouses, persons related by blood or marriage, persons
22 who are presently residing together as if a family or who have
23 resided together in the past as if a family, and persons who
24 are parents of ~~have~~ a child in common regardless of whether
25 they have been married ~~or have resided together at any time.~~
26 With the exception of persons who are parents of a child in
27 common, the family or household members must be currently
28 residing or have in the past resided together in the same
29 single dwelling unit.

30 ~~(3) "Department" means the Florida Department of Law~~
31 ~~Enforcement.~~

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

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

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

14 (3)

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

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

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

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1 an injunction:

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

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

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

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

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

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

23 3. On the same basis as provided in chapter 61,
24 awarding temporary custody of, or temporary visitation rights
25 with regard to, a minor child or children of the parties. An
26 order of temporary custody or visitation remains in effect
27 until the order expires or a permanent order is entered by a
28 court of competent jurisdiction in a pending or subsequent
29 civil action or proceeding affecting the placement of, access
30 to, parental time with, or parental responsibility for the
31 minor child.

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

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

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

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

28 (7)(a)1. The clerk of the court shall furnish a copy
29 of the petition, financial affidavit, uniform child custody
30 jurisdiction and enforcement act affidavit, if any, notice of
31 hearing, and temporary injunction, if any, to the sheriff or a

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1 law enforcement agency of the county where the respondent
2 resides or can be found, who shall serve it upon the
3 respondent as soon thereafter as possible on any day of the
4 week and at any time of the day or night. The clerk of the
5 court shall be responsible for furnishing to the sheriff such
6 information on the respondent's physical description and
7 location as is required by the department to comply with the
8 verification procedures set forth in this section.
9 Notwithstanding any other provision of law to the contrary,
10 the chief judge of each circuit, in consultation with the
11 appropriate sheriff, may authorize a law enforcement agency
12 within the jurisdiction to effect service. A law enforcement
13 agency serving injunctions pursuant to this section shall use
14 service and verification procedures consistent with those of
15 the sheriff.

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

27 3. All orders issued, changed, continued, extended, or
28 vacated subsequent to the original service of documents
29 enumerated under subparagraph 1., shall be certified by the
30 clerk of the court and delivered to the parties at the time of
31 the entry of the order. The parties may acknowledge receipt

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

12

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

19 Section 29. Sections 753.001, 753.002, and 753.004,
20 Florida Statutes, are repealed.

21 Section 30. Sections 753.01, 753.02, 753.03, 753.04,
22 753.05, 753.06, 753.07, 753.08, and 753.09, Florida Statutes,
23 are created to read:

24 753.01 Supervised visitation programs; legislative
25 findings and intent.--The Legislature finds that there are
26 children in this state who have been adjudicated dependent by
27 the court and, as a result, are ordered into out-of-home
28 placements. The Legislature further finds that a large number
29 of children experience the separation or divorce of their
30 parents and that some of these children have been determined
31 by the court to be at risk or are potentially at risk for

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

24 753.02 Definitions.--As used in this chapter, the
25 term:

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

29 (2) "Supervised exchange" means the supervision of the
30 movement of the child from the residential parent to the
31 nonresidential parent at the start of the visitation, and from

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1 the nonresidential parent back to the residential parent at
2 the end of the visitation.

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

6 (4) "Supervised visitation program" means a program
7 created to offer safe and structured supervised visitation and
8 supervised exchange.

9 753.03 Comprehensive standards for supervised
10 visitation programs.--

11 (1) Standards shall be developed, pursuant to s.
12 753.09, for certifying supervised visitation programs in this
13 state to ensure the safety and quality of the program. These
14 standards are intended to provide a uniform set of guidelines
15 that will be used by all supervised visitation programs and be
16 required by the courts, the Department of Children and Family
17 Services, and other entities that refer families for
18 supervised visitation and supervised exchange services. The
19 standards developed must be comprehensive and address the
20 purpose, policies, standards of practice, program content,
21 security measures, qualifications of providers, training,
22 credentials of staff, information to be provided to the court
23 and by the court, data collection, and procedures for
24 supervised visitation programs.

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

27 (3) Before implementing a certification process, each
28 supervised visitation program is encouraged to voluntarily
29 comply with the comprehensive standards developed under s.
30 753.09.

31 753.04 Certification and monitoring of supervised

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1 visitation programs.--

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

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

15 753.05 Interim minimum standards for supervised
16 visitation programs.--

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

27 (2) Until the comprehensive standards for supervised
28 visitation programs are developed and a certification and
29 monitoring process implemented, a supervised visitation
30 program may not receive grant funds for access and visitation
31 under 42 U.S.C. s. 669b unless the program provides to the

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1 state agency responsible for administering the grant
2 documentation verifying that the program has entered into an
3 agreement with the circuit court as required under subsection
4 (1). This subsection does not obligate the state agency
5 responsible for administering the grant to certify compliance
6 with the "Minimum Standards for Supervised Visitation Programs
7 Agreements."

8 753.06 Security in supervised visitation programs.--
9 (1) Due to the volatile nature of the client
10 relationships that created the need for supervised visitation
11 and supervised exchange services, the security of each
12 supervised visitation program is a paramount element of the
13 program. Therefore, the safety of the clients and program
14 staff shall be intrinsic in all aspects of the standards,
15 emphasized in all training, and a precondition of the
16 certification of a program.

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

24 753.07 Training for supervised visitation
25 programs.--Contingent upon the allocation or availability of
26 funding, the Clearinghouse on Supervised Visitation shall
27 develop, maintain, and update competency-based training
28 materials for supervised visitation which are appropriate to
29 meet the training needs of program staff. The Clearinghouse on
30 Supervised Visitation shall also provide training to staff of
31 the supervised visitation programs and track staff who meet

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1 training requirements, to the extent permitted by available
2 funding.

3 753.08 Supervised visitation programs; data
4 collection.--Contingent upon the allocation or availability of
5 funding, the Clearinghouse on Supervised Visitation shall
6 develop and implement a mechanism for collecting data on
7 supervised visitation and supervised exchange services
8 provided in this state. The Clearinghouse on Supervised
9 Visitation shall collaborate with the state chapter of the
10 Supervised Visitation Network in determining the necessary
11 data to be collected and developing the data-collection
12 mechanism to ensure the viability and reasonableness of the
13 data requirements. Each supervised visitation program shall
14 maintain and submit the identified data to the Clearinghouse
15 on Supervised Visitation. The Clearinghouse on Supervised
16 Visitation shall maintain these data and annually compile the
17 information and make it available to the President of the
18 Senate, the Speaker of the House of Representatives, the
19 courts, the Chief Justice of the Supreme Court, the Department
20 of Children and Family Services, and any other organization
21 represented on the advisory board provided for in s. 753.09.

22 753.09 Development of standards and a certification
23 process.--

24 (1) The Clearinghouse on Supervised Visitation within
25 the Institute for Family Violence Studies of the Florida State
26 University School of Social Work shall develop the standards
27 for the supervised visitation program. The Clearinghouse on
28 Supervised Visitation shall use an advisory board to assist in
29 developing the standards. The advisory board must include:

30 (a) Two members of the executive board of the state
31 chapter of the Supervised Visitation Network, appointed by the

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

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1 Supreme Court by December 31, 2003. The standards for
2 supervised visitation programs and criteria for the
3 certification process shall be adopted by rule by the state
4 entity identified by the Legislature to be responsible for the
5 certification and monitoring process.

6 Section 31. Paragraph (b) of subsection (6) of section
7 787.03, Florida Statutes, is amended to read:

8 787.03 Interference with custody.--

9 (6)

10 (b) In order to gain the exemption conferred by
11 paragraph (a), a person who takes a child pursuant to this
12 subsection must:

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

19 2. Within a reasonable time after taking the child,
20 commence a custody proceeding that is consistent with the
21 federal Parental Kidnapping Prevention Act, 28 U.S.C. s.
22 1738A, or the Uniform Child Custody Jurisdiction and
23 Enforcement Act, ss. 61.501-61.542 ~~ss. 61.1302-61.1348~~.

24 3. Inform the sheriff's office or state attorney's
25 office for the county in which the child resided at the time
26 he or she was taken of any change of address or telephone
27 number of the person and child.

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

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1 943.135 Requirements for continued employment.--
2 (2) The commission shall permit an employing agency to
3 allow an officer to meet up to 3 hours of the 40 hours of
4 required continuing education and training by volunteering at
5 a community-based, not-for-profit organization that serves
6 children or families who have experienced or are at risk for
7 child abuse or domestic violence, including, but not limited
8 to, a supervised visitation program as provided for in chapter
9 753. This special population poses complex challenges to law
10 enforcement officers. Continuing education and training
11 through community service provides a unique learning
12 opportunity for officers to understand the special needs of
13 this group of constituents, build community relations, and
14 provide a visible presence of law enforcement officers in the
15 community. Volunteer time applied as continuing education and
16 training under this subsection may include time spent in
17 providing security services but does not substitute for the
18 continuing education in domestic violence required under s.
19 943.1701.

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

22 943.171 Basic skills training in handling domestic
23 violence cases.--

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

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

31 (b) "Household member" has the same meaning ascribed

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1 ~~in s. 741.28 means spouse, former spouse, persons related by~~
2 ~~blood or marriage, persons who are presently residing~~
3 ~~together, as if a family, or who have resided together in the~~
4 ~~past, as if a family, and persons who have a child in common~~
5 ~~regardless of whether they have been married or have resided~~
6 ~~together at any time.~~

7 Section 34. Section 943.254, Florida Statutes, is
8 created to read:

9 943.254 Volunteer work by law enforcement officers.--

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

19 (2) Any community-based, not-for-profit program at
20 which a law enforcement officer volunteers is responsible for
21 the acts or omissions of the law enforcement officer while
22 performing services for that program off duty. However, for
23 purposes of coverage under the Workers' Compensation Law, a
24 law enforcement officer who volunteers, as provided in this
25 section, and who meets the provisions of s. 440.091 shall be
26 considered to have been acting within the course of
27 employment, pursuant to s. 440.091.

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

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

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

14 Section 36. (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

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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

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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 (h) Determine the gaps in services and establish

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1 partnerships to develop and implement needed services that
2 address the identified gaps.

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

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

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

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

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

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

31 (8) The Office of State Courts Administrator shall

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

14 Section 37. (1)(a) The Legislature finds that a
15 significant number of children served by the Department of
16 Juvenile Justice also come under the jurisdiction of the
17 Department of Children and Family Services, either
18 simultaneously or following placement with the Department of
19 Juvenile Justice. The children who cross the jurisdiction of
20 the Department of Juvenile Justice's delinquency system and
21 the Department of Children and Family Services' dependency
22 system often have difficulty or cannot access needed services
23 of one or both systems. These "cross-over" children include,
24 but are not limited to, children who have reached the maximum
25 time for detention or commitment and are locked out of their
26 homes, children who have committed domestic violence on
27 another family member and cannot return home, and children who
28 do not meet the criteria for detention.

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

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

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

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

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

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

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

28 (e) Develop and execute an interagency agreement
29 specifying protocols for handling the identified issues that
30 can be managed within existing authority and resources and
31 articulate a mutual plan for addressing the issues that

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1 require additional resources or authority, including the
2 manner in which the Department of Juvenile Justice, the
3 Department of Children and Family Services, and the Department
4 of Education shall:

5 1. Establish a working relationship to provide
6 appropriate services to the "cross-over" children and to
7 ensure that the agencies' respective funds are spent in the
8 most efficient manner possible;

9 2. Coordinate responses to court orders relative to
10 "cross-over" children, regardless of whether the circumstances
11 of the children and families fall or do not fall clearly
12 within the jurisdiction of one department;

13 3. Handle the identified issues that can be managed
14 within existing authority and resources and articulate a
15 mutual plan for addressing the issues that require additional
16 resources or authority; and

17 4. Conduct regular meetings, share information
18 concerning specific children and families, and resolve
19 disagreements between the departments regarding the
20 "cross-over" children and the administration of protocols.

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

30 (4) The Department of Juvenile Justice shall report on
31 the accomplishments of the workgroup in addressing each of the

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1 five identified goals and any others added by the workgroup.
2 The report must include a copy of the interagency agreement
3 and the plan for ensuring local adoption of the interagency
4 agreement. The department shall submit a written report to the
5 President of the Senate and the Speaker of the House of
6 Representatives by January 31, 2003.

7 Section 38. (1) In order for a unified family court
8 model to function effectively, efficiently, consistently, and
9 fairly, each participant in the unified family court model
10 must determine its information needs and assess its technology
11 support and resources for meeting those needs. The
12 participants in the family court model must cooperate and
13 collaborate to develop the most efficient and cost-effective
14 information system and to determine how to fund such a system.
15 That system should provide for collecting, storing,
16 retrieving, accessing, and sharing needed information.

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

29 (3) The final report of the workgroup should be
30 provided to the Legislature by February 1, 2003. The report
31 should identify, at a minimum, the information needs of the

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1 courts, the clerks of court, the agencies, and other
2 stakeholders in programs of the unified family court model;
3 the information technology needed to facilitate the provision
4 and exchange of necessary information to, within, and from the
5 court under a unified family court model; the information
6 system that will meet those needs; the funding needs and
7 funding sources; and any other recommendations for legislative
8 action.

9 Section 39. If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 invalidity does not affect other provisions or applications of
12 the act which can be given effect without the invalid
13 provision or application, and to this end the provisions of
14 this act are severable.

15 Section 40. This act shall take effect July 1, 2002.

18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 On page ,
21 remove: entire title

22
23 and insert:

24 A bill to be entitled
25 An act relating to family court reform;
26 providing legislative intent with respect to
27 developing a unified family court model to
28 facilitate the comprehensive resolution of the
29 legal and nonlegal needs of children and
30 families; creating the Commission on Family Law
31 and Children to develop a family code;

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1 providing for membership and staffing
2 commission; providing for repeal of the
3 commission; authorizing the Supreme Court to
4 create a system to identify cases relating to
5 individuals and families within the court
6 system; amending s. 25.385, F.S.; redefining
7 the terms "domestic violence" and "family or
8 household member"; amending s. 39.013, F.S.;
9 providing for modifying a court order in a
10 subsequent civil proceeding; amending s.
11 39.0132, F.S.; providing for limited
12 admissibility of evidence in subsequent civil
13 proceedings; amending s. 39.502, F.S., relating
14 to notice, process, and service; conforming a
15 cross-reference to changes made by the act;
16 amending s. 39.521, F.S.; providing for
17 modifying a court order in a subsequent civil
18 action or proceeding; amending s. 39.814, F.S.;
19 providing for limited admissibility of evidence
20 in subsequent civil proceedings; amending s.
21 44.1011, F.S.; redefining the term "family
22 mediation"; providing definitions for voluntary
23 mediation and presuit mediation; amending s.
24 44.1012, F.S., providing legislative intent
25 regarding continuum of alternatives to
26 litigation; creating s. 44.1025, F.S.;
27 providing for confidentiality concerning
28 certain disclosures in presuit and voluntary
29 mediations; amending s. 44.108, F.S.;
30 increasing the service charge for modification
31 of dissolution-of-marriage petitions to deposit

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

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

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

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

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1 courts in developing the collaborative
2 initiatives; requiring a report to the
3 Legislature; requiring the Department of
4 Juvenile Justice to organize an interagency
5 workgroup; specifying the goals of the
6 interagency workgroup; requiring a report to
7 the Legislature on the accomplishments of the
8 interagency workgroup; providing for a
9 workgroup to develop an information system for
10 the unified family court model; providing for a
11 report to the Legislature; providing for
12 severability; providing an effective date.

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