

By Senator Lynn

7-769A-03

1 A bill to be entitled
2 An act relating to family court reform;
3 creating the Commission on Family Law and
4 Children to develop a family code; providing
5 for membership and staffing commission;
6 providing for repeal of the commission;
7 creating s. 25.375, F.S.; authorizing the
8 Supreme Court to create a system to identify
9 cases relating to individuals and families
10 within the court system; amending s. 39.013,
11 F.S.; providing for modifying a court order in
12 a subsequent civil proceeding; amending s.
13 39.0132, F.S.; providing for limited
14 admissibility of evidence in subsequent civil
15 proceedings; amending s. 39.521, F.S.;
16 providing for modifying a court order in a
17 subsequent civil action or proceeding; amending
18 s. 39.814, F.S.; providing for limited
19 admissibility of evidence in subsequent civil
20 proceedings; amending s. 44.1011, F.S.;
21 redefining the term "family mediation";
22 providing definitions for voluntary mediation
23 and presuit mediation; creating s. 44.1012,
24 F.S.; providing legislative intent regarding a
25 continuum of alternatives to litigation;
26 creating s. 44.1025, F.S.; providing for
27 confidentiality concerning certain disclosures
28 in presuit and voluntary mediations; amending
29 s. 44.108, F.S.; increasing the service charge
30 for modification of dissolution-of-marriage
31 petitions to deposit moneys into state

1 mediation and arbitration trust fund;
2 requesting the Supreme Court to establish a
3 process for filing and court approval of
4 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 s. 61.183, F.S., relating to mediation of
14 certain contested issues; amending s. 61.21,
15 F.S.; revising the timeframe for completing a
16 parenting course; amending s. 741.30, F.S.;
17 providing for an order of temporary custody,
18 visitation, or support to remain in effect
19 until the court enters a permanent order;
20 repealing ss. 753.001, 753.002, 753.004, F.S.,
21 relating to the Florida Family Visitation
22 Network; creating ss. 753.01, 753.02, 753.03,
23 753.04, 753.05, 753.06, 753.07, 753.08, 753.09,
24 F.S.; providing legislative intent with respect
25 to administering supervised visitation
26 programs; defining terms; providing for the
27 development of standards for the certification
28 of supervised visitation programs; requiring
29 compliance with interim minimum standards;
30 providing for security of the supervised
31 visitation programs; requiring the

1 Clearinghouse on Supervised Visitation to
2 develop training materials; providing for the
3 clearinghouse to develop and implement a
4 mechanism for data collection; providing for
5 the clearinghouse to develop standards for
6 supervised visitation programs; requiring a
7 report to the Legislature; amending s. 943.135,
8 F.S.; requiring the Criminal Justice Standards
9 and Training Commission to allow agencies
10 employing law enforcement officers to authorize
11 volunteer service as a means of fulfilling
12 requirements for continuing education; creating
13 s. 943.254, F.S.; authorizing law enforcement
14 agencies to administer a volunteer program for
15 officers to provide security services during
16 off-duty hours for certain community programs;
17 providing legislative intent with respect to
18 the development of a collaborative initiative
19 with social service agencies by circuit judges;
20 providing for goals and elements of the
21 collaborative initiative; requesting that the
22 Supreme Court provide guidance to the circuit
23 courts in developing the collaborative
24 initiatives; requiring a report to the
25 Legislature; requiring the Department of
26 Juvenile Justice to organize an interagency
27 workgroup; specifying the goals of the
28 interagency workgroup; requiring a report to
29 the Legislature on the accomplishments of the
30 interagency workgroup; providing for a
31 workgroup to develop an information system for

1 the unified family court model; providing for a
2 report to the Legislature; providing for
3 severability; providing an effective date.
4

5 Be It Enacted by the Legislature of the State of Florida:
6

7 Section 1. Legislative Commission on Family Law and
8 Children; membership; advisory committee; staff; duties.--

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

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

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

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

8 (5) The commission shall stand repealed on June 30,
9 2008, unless reviewed and saved from repeal through
10 reenactment by the Legislature.

11 Section 2. Section 25.375, Florida Statutes, is
12 created to read:

13 25.375 Identification of related cases.--The Supreme
14 Court may create a unique identifier for each individual by
15 which to identify all court cases related to that individual
16 or his or her family previously or currently in the court
17 system. The unique identifier must be the same for that
18 individual in any court case. To create the unique identifier,
19 the court may collect a portion of the individual's social
20 security number or other personal identification information,
21 such as the individual's date of birth. Until October 2, 2008,
22 the state courts system and the clerk of the court may collect
23 and use an individual's social security number solely for the
24 purpose of case management and identification of related
25 cases. Failure to provide a social security number for this
26 purpose may not be grounds to deny any services, rights, or
27 remedies otherwise provided by law.

28 Section 3. Subsection (4) of section 39.013, Florida
29 Statutes, is amended to read:

30 39.013 Procedures and jurisdiction; right to
31 counsel.--

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

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

18 39.0132 Oaths, records, and confidential
19 information.--

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

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

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

31

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

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

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

12 (d) A final order entered pursuant to an adjudicatory
13 hearing is admissible in evidence in any subsequent civil
14 proceeding relating to placement of, access to, parental time
15 with, or parental responsibility for the same child or a
16 sibling of that child.

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

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

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

28 (7) Final orders, records, and evidence in any
29 proceeding under this chapter which are subsequently admitted
30 in evidence pursuant to subsection (6) remain subject to
31 subsections (3) and (4).

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

3 39.521 Disposition hearings; powers of disposition.--

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

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

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

28 1. Order that the parent assume sole custodial
29 responsibilities for the child. The court may also provide for
30 reasonable visitation by the noncustodial parent. The court
31 may then terminate its jurisdiction over the child. The

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

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

29 (c) If no fit parent is willing or available to assume
30 care and custody of the child, place the child in the
31 temporary legal custody of an adult relative or other adult

1 approved by the court who is willing to care for the child,
2 under the protective supervision of the department. The
3 department must supervise this placement until the child
4 reaches permanency status in this home, and in no case for a
5 period of less than 6 months. Permanency in a relative
6 placement shall be by adoption, long-term custody, or
7 guardianship.

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

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

1 the custodian of the child and shall include the powers
2 ordinarily granted to a guardian of the person of a minor
3 unless otherwise specified. Upon the court's termination of
4 supervision by the department, no further judicial reviews are
5 required, so long as permanency has been established for the
6 child.

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

10 39.814 Oaths, records, and confidential information.--

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

14 ~~(a) Orders terminating the rights of a parent are~~
15 ~~admissible in evidence in subsequent adoption proceedings~~
16 ~~relating to the child and in subsequent termination of~~
17 ~~parental rights proceedings concerning a sibling of the child.~~

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

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

24 (c) A final order entered pursuant to an adjudicatory
25 hearing is admissible in evidence in any subsequent civil
26 proceeding relating to placement of, access to, parental time
27 with, or parental responsibility for the same child or a
28 sibling of that child.

29 (d) Evidence admitted in any proceeding under this
30 part may be admissible in evidence when offered by any party
31 in a subsequent civil proceeding relating to placement of,

1 access to, parental time with, or parental responsibility for
2 the same child or a sibling of that child if:

3 1. Notice is given to the opposing party or opposing
4 party's counsel of the intent to offer the evidence and a copy
5 of such evidence is delivered to the opposing party or
6 opposing party's counsel.

7 2. The evidence is otherwise admissible in the
8 subsequent civil proceeding.

9 (7) Final orders, records, and evidence in any
10 proceeding under this part which are subsequently admitted in
11 evidence pursuant to subsection (6) remain subject to
12 subsections (3) and (4).

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

15 44.1011 Definitions.--As used in this chapter:

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

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

29 (b) "Circuit court mediation," which means mediation
30 of civil cases, other than family matters, in circuit court.

31 If a party is represented by counsel, the counsel of record

1 must appear unless stipulated to by the parties or otherwise
2 ordered by the court.

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

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

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

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

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

10 Section 8. Section 44.1012, Florida Statutes, is
11 created to read:

12 44.1012 Continuum of alternatives to litigation;
13 legislative intent.--It is the intent of the Legislature that
14 a range of alternatives to judicial action be available to
15 families in order to reduce the level of costly court
16 intervention required to resolve disputes. Communities, with
17 the involvement of the courts, are encouraged to provide
18 families with a continuum of options that educate and assist
19 parents and children with conflict-dispute resolution prior to
20 and after judicial intervention.

21 Section 9. Section 44.1025, Florida Statutes, is
22 created to read:

23 44.1025 Presuit and voluntary mediation.--

24 (1) All oral or written communications or documents,
25 including the written documents of a mediator, other than an
26 executed settlement agreement, in a presuit or voluntary
27 mediation proceeding are confidential and shall be
28 inadmissible as evidence in any subsequent legal proceeding
29 unless all participants to the presuit mediation or all
30 parties to the voluntary mediation otherwise agree.

31

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

10 (3)(a) There is no privilege and no restriction on any
11 disclosure of oral or written communications made confidential
12 in subsection (2) for:

13 1. Communications concerning abuse, neglect, or
14 exploitation of any person for which the law requires a
15 mandatory report.

16 2. Evidence of acts or threats of physical violence.

17 3. Professional misconduct committed during the
18 mediation.

19 (b) In cases arising under subparagraph (a)3., the
20 disclosure of an otherwise privileged communication may be
21 used only for the internal purposes of the body conducting the
22 investigation. Prior to the release of any disciplinary files
23 to the public, all references to otherwise privileged
24 communications must be deleted from the record. When an
25 otherwise confidential communication is used in a disciplinary
26 proceeding, the communication shall be inadmissible as
27 evidence in any subsequent legal proceeding. As used in this
28 paragraph, the term "subsequent legal proceeding" means any
29 legal proceeding between the parties to the mediation which
30 follows the presuit or voluntary mediation.

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 Section 11. The Legislature requests that the Supreme
30 Court establish a formal process that encourages and
31 facilitates the filing of stipulated agreements in

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

9 Section 12. Section 44.202, Florida Statutes, is
10 created to read:

11 44.202 Presuit mediation pilot programs.--

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

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

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

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

31

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

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

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

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

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

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

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

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

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

3 (7) The Office of the State Courts Administrator shall
4 evaluate the presuit-mediation pilot programs. The evaluation
5 shall include, but not be limited to, the use of the pilot
6 programs; the issues mediated; the number of mediated
7 agreements reached; the number of mediated agreements adopted
8 by the court, with and without a court appearance; the number
9 of court hearings avoided; and an estimated amount of court
10 time saved. A report on the evaluation of the
11 presuit-mediation pilot programs shall be submitted to the
12 President of the Senate and the Speaker of the House of
13 Representatives by December 31, 2005.

14 Section 13. Paragraph (a) of subsection (1) and
15 paragraph (b) of subsection (2) of section 61.13, Florida
16 Statutes, are amended to read:

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

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

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

5 (2)

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

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

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

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

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

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

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

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

16 Section 14. Section 61.183, Florida Statutes, is
17 repealed.

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

20 61.21 Parenting course authorized; fees; required
21 attendance authorized; contempt.--

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

30 (4) All parties required to complete a parenting
31 course under this section shall begin the course as

1 expeditiously as possible after filing for dissolution of
2 marriage or paternity. Unless excused by the court pursuant to
3 subsection (3), the petitioner in the action must complete the
4 course within 45 days after filing the petition and all other
5 parties to the action must complete the course within 45 days
6 after service of the petition. Each party and shall file proof
7 of compliance with the court prior to the entry of the final
8 judgment.

9 Section 16. Paragraph (a) of subsection (5) and
10 paragraph (a) of subsection (6) of section 741.30, Florida
11 Statutes, are amended to read:

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

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

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

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

26 3. On the same basis as provided in s. 61.13 ~~s.~~
27 ~~61.13(2), (3), (4), and (5)~~, granting to the petitioner
28 temporary custody of a minor child ~~or children~~. An order of
29 temporary custody remains in effect until the order expires or
30 a permanent order is entered by a court of competent
31 jurisdiction in a pending or subsequent civil action or

1 proceeding affecting the placement of, access to, parental
2 time with, or parental responsibility for the minor child.

3 (6)(a) Upon notice and hearing, when it appears to the
4 court that the petitioner is either the victim of domestic
5 violence as defined by s. 741.28 or has reasonable cause to
6 believe he or she is in imminent danger of becoming a victim
7 of domestic violence, the court may grant such relief as the
8 court deems proper, including an injunction:

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

11 2. Awarding to the petitioner the exclusive use and
12 possession of the dwelling that the parties share or excluding
13 the respondent from the residence of the petitioner.

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

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

29 5. Ordering the respondent to participate in
30 treatment, intervention, or counseling services to be paid for
31 by the respondent. When the court orders the respondent to

1 participate in a batterers' intervention program, the court,
2 or any entity designated by the court, must provide the
3 respondent with a list of all certified batterers'
4 intervention programs and all programs which have submitted an
5 application to the Department of Corrections to become
6 certified under s. 741.325, from which the respondent must
7 choose a program in which to participate. If there are no
8 certified batterers' intervention programs in the circuit, the
9 court shall provide a list of acceptable programs from which
10 the respondent must choose a program in which to participate.

11 6. Referring a petitioner to a certified domestic
12 violence center. The court must provide the petitioner with a
13 list of certified domestic violence centers in the circuit
14 which the petitioner may contact.

15 7. Ordering such other relief as the court deems
16 necessary for the protection of a victim of domestic violence,
17 including injunctions or directives to law enforcement
18 agencies, as provided in this section.

19 Section 17. Sections 753.001, 753.002, and 753.004,
20 Florida Statutes, are repealed.

21 Section 18. 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

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

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 which will be used by all supervised visitation programs and
16 be required by the courts, the Department of Children and
17 Family 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

1 753.04 Certification and monitoring of supervised
2 visitation programs.--

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

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

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

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

28 (2) Until the comprehensive standards for supervised
29 visitation programs are developed and a certification and
30 monitoring process implemented, a supervised visitation
31 program may not receive grant funds for access and visitation

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

9 753.06 Security in supervised visitation programs.--

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

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

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

1 the supervised visitation programs and track staff who meet
2 training requirements, to the extent permitted by available
3 funding.

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

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

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

31

1 (a) Two members of the executive board of the state
2 chapter of the Supervised Visitation Network, appointed by the
3 president of the state chapter of the Supervised Visitation
4 Network.

5 (b) A representative from the Office of the State
6 Courts Administrator, appointed by the State Courts
7 Administrator.

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

10 (d) A representative from the Florida Coalition
11 Against Domestic Violence, appointed by the executive director
12 of the Florida Coalition Against Domestic Violence.

13 (e) A representative from a state law enforcement
14 agency, appointed by the executive director of the Florida
15 Sheriffs Association.

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

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

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

22 (i) A representative from the Commission on
23 Responsible Fatherhood.

24 (2) The Clearinghouse on Supervised Visitation, with
25 consultation from the advisory board, shall also develop
26 criteria for approving or rejecting certification of a
27 supervised visitation program, a process for phasing in the
28 standards and certification process, and a recommendation
29 concerning the state entity that should be charged with
30 certifying and monitoring supervised visitation programs.

31

1 (3) The Clearinghouse on Supervised Visitation shall
2 submit a report to the President of the Senate, the Speaker of
3 the House of Representatives, and the Chief Justice of the
4 Supreme Court by December 31, 2004. The standards for
5 supervised visitation programs and criteria for the
6 certification process shall be adopted by rule by the state
7 entity identified by the Legislature to be responsible for the
8 certification and monitoring process.

9 Section 19. Present subsections (2), (3), and (4) of
10 section 943.135, Florida Statutes, are redesignated as
11 subsections (3), (4), and (5), respectively, and a new
12 subsection (2) is added to that section, to read:

13 943.135 Requirements for continued employment.--

14 (2) The commission shall permit an employing agency to
15 allow an officer to meet up to 3 hours of the 40 hours of
16 required continuing education and training by volunteering at
17 a community-based, not-for-profit organization that serves
18 children or families who have experienced or are at risk for
19 child abuse or domestic violence, including, but not limited
20 to, a supervised visitation program as provided for in chapter
21 753. This special population poses complex challenges to law
22 enforcement officers. Continuing education and training
23 through community service provides a unique learning
24 opportunity for officers to understand the special needs of
25 this group of constituents, build community relations, and
26 provide a visible presence of law enforcement officers in the
27 community. Volunteer time applied as continuing education and
28 training under this subsection may include time spent in
29 providing security services but does not substitute for the
30 continuing education in domestic violence required under s.
31 943.1701.

1 Section 20. Section 943.254, Florida Statutes, is
2 created to read:

3 943.254 Volunteer work by law enforcement officers.--

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

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

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

26 Section 21. (1) The Legislature finds that underlying
27 problems experienced by many families often form the basis for
28 their interaction with the judicial system. Assisting families
29 with these underlying problems will enhance their functioning
30 and their ability to constructively resolve their disputes and
31 should also result in more effective court resolution of

1 family cases and minimize future court intervention.
2 Therefore, it is the intent of the Legislature that the
3 circuit courts and social service agencies collaborate to
4 assist families with the circumstances and problems that
5 contribute to their legal issues and need for judicial
6 intervention.

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

26 (3) The Legislature requests that social service
27 agencies cooperate with and participate in the collaboration
28 initiative.

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

31

1 (a) Improving the availability of social services for
2 children and families who are found in the court system to be
3 in need of services that will address their legal and nonlegal
4 problems.

5 (b) Avoiding duplication of services by multiple
6 agencies that are responsible for assisting families.

7 (c) Eliminating unnecessary delay in providing
8 appropriate services to children and families.

9 (d) Improving communication between the social
10 services agencies and the courts.

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

21 (6) The following elements are steps that may be used
22 to guide the building of the partnership between the court
23 system and the social services system and to achieve the
24 purpose and goals of the collaboration initiative:

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

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

29 (c) Reach consensus on the changed behaviors or
30 outcomes expected from services and reasonable timeframes for
31 delivering services.

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

3 (e) Reach consensus on the roles of the court system
4 and social services systems in the identification, referral,
5 service provision, and follow-up phases of service delivery to
6 children and families.

7 (f) Reach consensus on respective roles of the court
8 and individual social service agencies in implementing
9 individual service plans for families and children.

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

13 (h) Determine the gaps in services and establish
14 partnerships to develop and implement needed services that
15 address the identified gaps.

16 (i) Encourage greater flexibility in the court and
17 social services systems and flexibility in funding in order to
18 address the needs of children and families.

19 (j) Determine the changes in coordination or changes
20 in the system which are necessary to improve the availability
21 of services to children and families.

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

25 (l) Determine how the courts can use existing
26 evaluations performed by different social services agencies to
27 reduce the duplication of child and family evaluations needed
28 for decisionmaking by the court.

29 (m) Encourage the exchange of information among social
30 service agencies and the courts in providing services to
31 children and families.

1 (7) The Legislature requests that the Supreme Court
2 incorporate within the responsibilities of the Steering
3 Committee on Families and Children in the Courts the duties of
4 providing ongoing guidance to the circuit courts'
5 collaboration initiatives, identifying and addressing
6 statewide barriers to effective collaboration, and identifying
7 and implementing practices and policies that would facilitate
8 effective collaboration. For the purposes of this state-level
9 collaboration initiative, ongoing dialogue should be
10 established among the representatives of the circuit courts,
11 state agencies, and state organizations that represent the
12 public and private social services and that are or should be
13 participating in the community collaboration initiatives.

14 (8) The Office of State Courts Administrator shall
15 submit to the President of the Senate and the Speaker of the
16 House of Representatives a copy of the report required by the
17 Supreme Court on the progress of the family law advisory group
18 in each circuit. The Legislature requests that this report
19 include the progress of the family law advisory groups as it
20 pertains to developing communication and collaboration with
21 the social services in the circuits. The report must also
22 identify any barriers to effective collaboration and must
23 include recommendations for legislation to facilitate the
24 building of the partnership between the circuit courts and
25 social services identified by the Steering Committee on
26 Families and Children in the Courts. The first report must be
27 submitted by June 30, 2004.

28 Section 22. (1)(a) The Legislature finds that a
29 significant number of children served by the Department of
30 Juvenile Justice also come under the jurisdiction of the
31 Department of Children and Family Services, either

1 simultaneously or following placement with the Department of
2 Juvenile Justice. The children who cross the jurisdiction of
3 the Department of Juvenile Justice's delinquency system and
4 the Department of Children and Family Services' dependency
5 system often have difficulty accessing or cannot access needed
6 services of one or both systems. These "cross-over" children
7 include, but are not limited to, children who have reached the
8 maximum time for detention or commitment and are locked out of
9 their homes, children who have committed domestic violence on
10 another family member and cannot return home, and children who
11 do not meet the criteria for detention.

12 (b) The Legislature also finds that these children
13 attend local schools that play a vital role in their lives and
14 the success of social service interventions.

15 (c) The Legislature further finds that strong,
16 productive coordination and cooperation among the Department
17 of Juvenile Justice, the Department of Children and Family
18 Services, and the Department of Education is essential to the
19 goal of successfully serving these children.

20 (2) To that end, the Secretary of Juvenile Justice
21 shall organize and act as the chairperson of an interagency
22 workgroup involving, at a minimum, the Secretary of Children
23 and Family Services and the Commissioner of Education. The
24 workgroup shall accomplish at least the following goals:

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

28 (b) Identify issues involving local school districts
29 and these children and the role schools can play in assisting
30 the Department of Juvenile Justice and the Department of
31 Children and Family Services in serving these children;

1 (c) Develop short-term and long-term strategies to
2 address these goals using the resources and authority
3 currently vested with these agencies, including, but not
4 limited to, sharing resources, coordinating timeframes for
5 developing aftercare plans, and joint planning for children
6 who will move from the jurisdiction of one agency to the
7 jurisdiction of another agency;

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

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

19 1. Establish a working relationship to provide
20 appropriate services to the "cross-over" children and to
21 ensure that the agencies' respective funds are spent in the
22 most efficient manner possible;

23 2. Coordinate responses to court orders relative to
24 "cross-over" children, regardless of whether the circumstances
25 of the children and families fall or do not fall clearly
26 within the jurisdiction of one department;

27 3. Handle the identified issues that can be managed
28 within existing authority and resources and articulate a
29 mutual plan for addressing the issues that require additional
30 resources or authority; and

31

1 4. Conduct regular meetings, share information
2 concerning specific children and families, and resolve
3 disagreements between the departments regarding the
4 "cross-over" children and the administration of protocols.

5 (3) The workgroup is encouraged to draw on the
6 expertise of appropriate groups such as the Florida Supreme
7 Court committees, the Florida Network of Youth and Family
8 Services, the Florida Association of Counties, local school
9 boards, the Florida Council for Behavioral Health, the Florida
10 Alcohol and Drug Abuse Association, and other groups in
11 addressing the issues identified by the workgroup. The
12 workgroup may form subcommittees to develop strategies for
13 addressing identified issues.

14 (4) The Department of Juvenile Justice shall report on
15 the accomplishments of the workgroup in addressing each of the
16 five identified goals and any others added by the workgroup.
17 The report must include a copy of the interagency agreement
18 and the plan for ensuring local adoption of the interagency
19 agreement. The department shall submit a written report to the
20 President of the Senate and the Speaker of the House of
21 Representatives by January 31, 2004.

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

1 (2) The State Technology Office is encouraged to
2 assist the courts and clerks of courts in establishing a
3 workgroup by July 1, 2003, to develop an information system
4 based on the assessment of the information needs of the
5 participants in the unified family court model. The workgroup
6 should initially focus on processing information to facilitate
7 identifying, tracking, processing, and linking related cases
8 involving the same family members. The workgroup may also work
9 on other issues that may facilitate the operations of programs
10 of the unified family court model and the provision of
11 services to families before the court.

12 (3) The final report of the workgroup should be
13 provided to the Legislature by February 1, 2004. The report
14 should identify, at a minimum, the information needs of the
15 courts, the clerks of court, the agencies, and other
16 stakeholders in programs of the unified family court model;
17 the information technology needed to facilitate the provision
18 and exchange of necessary information to, within, and from the
19 court under a unified family court model; the information
20 system that will meet those needs; the funding needs and
21 funding sources; and any other recommendations for legislative
22 action.

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

29 Section 25. This act shall take effect July 1, 2003.
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SENATE SUMMARY

Revises various laws governing the family court system. Creates the Commission on Family Law and Children. Provides for a continuum of alternative dispute options to the judicial process. Provides for the confidentiality of certain disclosures in presuit and voluntary mediations. Increases the service charge for filing a petition to modify a dissolution of marriage. Provides that the proceeds of the service charge be used for specified mediation services. Authorizes the establishment of presuit mediation pilot programs for modifying or enforcing judgments relating to family matters. Imposes an earlier deadline for parents to complete parent education courses in dissolution-of-marriage proceedings. Repeals provisions relating to the Florida Family Visitation Network. Provides for the establishment of a statewide certification and monitoring system to improve the quality and safety of supervised visitation and exchange programs. Provides incentives for law enforcement officers to secure educational credits and to volunteer in these types of programs. Provides legislative intent for coordination between the court and social service agencies. Provides for collaboration in developing a system that ensures access to services for children and families in the court system. Requests the Supreme Court to provide guidance. Provides for an interagency workgroup. (See bill for details.)