

Bill No. CS for CS for SB 2050, 1st Enq.

Amendment No. ____ Barcode 743386

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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2	WD/3R	.	
	04/24/2003 05:22 PM	.	
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11 Senator Peaden moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 Delete everything after the enacting clause

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16 and insert:

17 Section 1. Subsection (14) is added to section

18 456.073, Florida Statutes, to read:

19 456.073 Disciplinary proceedings.--Disciplinary
20 proceedings for each board shall be within the jurisdiction of
21 the department.

22 (14)(a) Any licensed professional participating in a
23 judicial proceeding who has been court appointed to conduct a
24 child custody evaluation shall be presumed to be acting in
25 good faith if the evaluation has been conducted pursuant to
26 standards that a reasonable professional would have used
27 following practice guidelines, parameters, or standards
28 adopted or recognized by his or her professional organization.

29 (b) In a child custody hearing, in order for a parent
30 or legal guardian to be able to file suit against a
31 court-appointed evaluator who has acted in good faith, the

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1 parent or legal guardian must first petition the judge who
2 presided over the child custody hearing to appoint another
3 evaluator, upon showing good cause, and shall be responsible
4 for all court costs and attorney's fees.

5 (c) Any administrative complaint filed against a
6 licensed professional following a child custody evaluation
7 shall not be filed anonymously. The name, address, and phone
8 number of the party filing the complaint must be included as
9 part of the complaint.

10 (d) Once a suit is filed against a court-appointed
11 evaluator in a child custody hearing in civil, criminal, or
12 administrative court, the claimant shall be responsible for
13 all attorney's fees associated with the suit for both parties
14 to the extent that the evaluator is not held liable in civil,
15 criminal, or administrative court. The claimant must pay
16 administrative fees at the prevailing state hourly rate and
17 must reimburse the evaluator for all reasonable fees
18 associated with loss of work which was necessary in defending
19 the claim if the evaluator is found not guilty.

20 (e) If the evaluator is held liable in civil court,
21 the evaluator must pay all attorney's fees and court costs for
22 the claimant.

23 Section 2. This act shall take effect upon becoming a
24 law.

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

28 And the title is amended as follows:

29 Delete everything before the enacting clause

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31 and insert:

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A bill to be entitled
An act relating to child custody evaluations;
amending s. 456.073, F.S.; providing for a
licensed professional participating in a child
custody evaluation pursuant to a judicial
proceeding to be presumed to be acting in good
faith if the evaluation is conducted according
to certain standards; specifying requirements
under which a parent or legal guardian may file
suit against a court-appointed evaluator;
prohibiting the filing of an anonymous
administrative complaint; providing for payment
of attorney's fees and costs associated with a
suit against an evaluator; providing an
effective date.