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A bill to be entitled  
 An act relating to the family court efficiency; creating  
 s. 25.375, F.S.; authorizing the Supreme Court to create a  
 system to identify cases relating to individuals and  
 families within the court system; amending s. 39.013,  
 F.S.; providing for modifying a court order in a  
 subsequent civil proceeding; amending s. 39.0132, F.S.;  
 providing for limited admissibility of evidence in  
 subsequent civil proceedings; amending s. 39.521, F.S.;  
 providing for modifying a court order in a subsequent  
 civil action or proceeding; amending s. 39.814, F.S.;  
 providing for limited admissibility of evidence in  
 subsequent civil proceedings; amending s. 61.13, F.S.;  
 providing for the court to determine matters relating to  
 child support in any proceeding under ch. 61, F.S.;  
 eliminating provisions authorizing the court to award  
 grandparents visitation rights; amending s. 61.21, F.S.;  
 revising the timeframe for completing a parenting course;  
 amending s. 741.30, F.S.; providing for an order of  
 temporary custody, visitation, or support to remain in  
 effect until the court enters an order in a subsequent  
 action; providing for severability; providing an effective  
 date.

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

Section 1. Section 25.375, Florida Statutes, is created to  
 read:

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29        25.375 Identification of related cases.--The Supreme Court  
 30        may create a unique identifier for each person by which to  
 31        identify all court cases related to that person or his or her  
 32        family previously or currently in the court system. The unique  
 33        identifier must be the same for that person in any court case.  
 34        To create the unique identifier, the court may collect a portion  
 35        of the person's social security number or other personal  
 36        identification information, such as the person's date of birth.  
 37        Until October 2, 2009, the state courts system and the clerk of  
 38        the court may collect and use a person's social security number  
 39        solely for the purpose of case management and identification of  
 40        related cases. Failure to provide a social security number for  
 41        this purpose may not be grounds to deny any services, rights, or  
 42        remedies otherwise provided by law.

43                Section 2. Subsection (4) of section 39.013, Florida  
 44        Statutes, is amended to read:

45                39.013 Procedures and jurisdiction; right to counsel.--  
 46                (4) Orders entered pursuant to this chapter which affect  
 47        the placement of, access to, parental time with, or parental  
 48        responsibility for a minor child ~~The order of the circuit court~~  
 49        ~~hearing dependency matters shall be filed by the clerk of the~~  
 50        ~~court in any dissolution or other custody action or proceeding~~  
 51        ~~and shall take precedence over other custody and visitation~~  
 52        ~~orders entered in civil these actions or proceedings. However,~~  
 53        if the court has terminated jurisdiction, such order may be  
 54        subsequently modified by a court of competent jurisdiction in  
 55        any other civil action or proceeding affecting placement of,  
 56        access to, parental time with, or parental responsibility for  
 57        the same minor child.

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58 Section 3. Subsection (6) of section 39.0132, Florida  
 59 Statutes, is amended, and subsection (7) is added to that  
 60 section, to read:

61 39.0132 Oaths, records, and confidential information.--

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

65 ~~(a) Orders permanently terminating the rights of a parent~~  
 66 ~~and committing the child to a licensed child-placing agency or~~  
 67 ~~the department for adoption shall be admissible in evidence in~~  
 68 ~~subsequent adoption proceedings relating to the child.~~

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

72 (b)~~(e)~~ Records necessary therefor shall be admissible in  
 73 evidence in any case in which a person is being tried upon a  
 74 charge of having committed perjury.

75 (c)~~(d)~~ Records of proceedings under this chapter may be  
 76 used to prove disqualification pursuant to s. 435.06 and for  
 77 proof regarding such disqualification in a chapter 120  
 78 proceeding.

79 (d) A final order entered pursuant to an adjudicatory  
 80 hearing is admissible in evidence in any subsequent civil  
 81 proceeding relating to placement of, access to, parental time  
 82 with, or parental responsibility for the same child or a sibling  
 83 of that child.

84 (e) Evidence admitted in any proceeding under this chapter  
 85 may be admissible in evidence when offered by any party in a  
 86 subsequent civil proceeding relating to placement of, access to,

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87 parental time with, or parental responsibility for the same  
 88 child or a sibling of that child if:

89 1. Notice is given to the opposing party or opposing  
 90 party's counsel of the intent to offer the evidence and a copy  
 91 of such evidence is delivered to the opposing party or the  
 92 opposing party's counsel.

93 2. The evidence is otherwise admissible in the subsequent  
 94 civil proceeding.

95 ~~(e) Orders permanently and involuntarily terminating the~~  
 96 ~~rights of a parent shall be admissible as evidence in subsequent~~  
 97 ~~termination of parental rights proceedings for a sibling of the~~  
 98 ~~child for whom parental rights were terminated.~~

99 (7) Final orders, records, and evidence in any proceeding  
 100 under this chapter which are subsequently admitted in evidence  
 101 pursuant to subsection (6) remain subject to subsections (3) and  
 102 (4).

103 Section 4. Subsection (3) of section 39.521, Florida  
 104 Statutes, is amended to read:

105 39.521 Disposition hearings; powers of disposition.--

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

109 (a) If the court determines that the child can safely  
 110 remain in the home with the parent with whom the child was  
 111 residing at the time the events or conditions arose that brought  
 112 the child within the jurisdiction of the court and that  
 113 remaining in this home is in the best interest of the child,  
 114 then the court shall order conditions under which the child may  
 115 remain or return to the home and that this placement be under

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116 the protective supervision of the department for not less than 6  
 117 months.

118 (b) If there is a parent with whom the child was not  
 119 residing at the time the events or conditions arose that brought  
 120 the child within the jurisdiction of the court who desires to  
 121 assume custody of the child, the court shall place the child  
 122 with that parent upon completion of a home study, unless the  
 123 court finds that such placement would endanger the safety, well-  
 124 being, or physical, mental, or emotional health of the child.  
 125 Any party with knowledge of the facts may present to the court  
 126 evidence regarding whether the placement will endanger the  
 127 safety, well-being, or physical, mental, or emotional health of  
 128 the child. If the court places the child with such parent, it  
 129 may do either of the following:

130 1. Order that the parent assume sole custodial  
 131 responsibilities for the child. The court may also provide for  
 132 reasonable visitation by the noncustodial parent. The court may  
 133 then terminate its jurisdiction over the child. The ~~custody~~  
 134 order shall take precedence over other orders that affect  
 135 placement of, access to, parental time with, or parental  
 136 responsibility for a minor child ~~continue unless modified by a~~  
 137 ~~subsequent order of the circuit court hearing dependency~~  
 138 ~~matters. The order of the circuit court hearing dependency~~  
 139 ~~matters shall be filed in any dissolution or other custody~~  
 140 ~~action or proceeding between the parents and shall take~~  
 141 ~~precedence over other custody and visitation orders entered in~~  
 142 civil these actions or proceedings. However, if the court  
 143 terminates jurisdiction, such orders may be subsequently  
 144 modified by a court of competent jurisdiction in any other civil

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145 action or proceeding affecting placement of, access to, parental  
 146 time with, or parental responsibility for the same minor child.

147 2. Order that the parent assume custody subject to the  
 148 jurisdiction of the circuit court hearing dependency matters.  
 149 The court may order that reunification services be provided to  
 150 the parent from whom the child has been removed, that services  
 151 be provided solely to the parent who is assuming physical  
 152 custody in order to allow that parent to retain later custody  
 153 without court jurisdiction, or that services be provided to both  
 154 parents, in which case the court shall determine at every review  
 155 hearing which parent, if either, shall have custody of the  
 156 child. The standard for changing custody of the child from one  
 157 parent to another or to a relative or another adult approved by  
 158 the court shall be the best interest of the child.

159 (c) If no fit parent is willing or available to assume  
 160 care and custody of the child, place the child in the temporary  
 161 legal custody of an adult relative or other adult approved by  
 162 the court who is willing to care for the child, under the  
 163 protective supervision of the department. The department must  
 164 supervise this placement until the child reaches permanency  
 165 status in this home, and in no case for a period of less than 6  
 166 months. Permanency in a relative placement shall be by adoption,  
 167 long-term custody, or guardianship.

168 (d) If the child cannot be safely placed in a nonlicensed  
 169 placement, the court shall commit the child to the temporary  
 170 legal custody of the department. Such commitment invests in the  
 171 department all rights and responsibilities of a legal custodian.  
 172 The department shall not return any child to the physical care  
 173 and custody of the person from whom the child was removed,

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174 except for court-approved visitation periods, without the  
 175 approval of the court. The term of such commitment continues  
 176 until terminated by the court or until the child reaches the age  
 177 of 18. After the child is committed to the temporary legal  
 178 custody of the department, all further proceedings under this  
 179 section are governed by this chapter.

180  
 181 Protective supervision continues until the court terminates it  
 182 or until the child reaches the age of 18, whichever date is  
 183 first. Protective supervision shall be terminated by the court  
 184 whenever the court determines that permanency has been achieved  
 185 for the child, whether with a parent, another relative, or a  
 186 legal custodian, and that protective supervision is no longer  
 187 needed. The termination of supervision may be with or without  
 188 retaining jurisdiction, at the court's discretion, and shall in  
 189 either case be considered a permanency option for the child. The  
 190 order terminating supervision by the department shall set forth  
 191 the powers of the custodian of the child and shall include the  
 192 powers ordinarily granted to a guardian of the person of a minor  
 193 unless otherwise specified. Upon the court's termination of  
 194 supervision by the department, no further judicial reviews are  
 195 required, so long as permanency has been established for the  
 196 child.

197 Section 5. Subsection (6) of section 39.814, Florida  
 198 Statutes, is amended, and subsection (7) is added to that  
 199 section, to read:

200 39.814 Oaths, records, and confidential information.--

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

204 ~~(a) Orders terminating the rights of a parent are~~  
 205 ~~admissible in evidence in subsequent adoption proceedings~~  
 206 ~~relating to the child and in subsequent termination of parental~~  
 207 ~~rights proceedings concerning a sibling of the child.~~

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

211 (b)(e) Records necessary therefor shall be admissible in  
 212 evidence in any case in which a person is being tried upon a  
 213 charge of having committed perjury.

214 (c) A final order entered pursuant to an adjudicatory  
 215 hearing is admissible in evidence in any subsequent civil  
 216 proceeding relating to placement of, access to, parental time  
 217 with, or parental responsibility for the same child or a sibling  
 218 of that child.

219 (d) Evidence admitted in any proceeding under this part  
 220 may be admissible in evidence when offered by any party in a  
 221 subsequent civil proceeding relating to placement of, access to,  
 222 parental time with, or parental responsibility for the same  
 223 child or a sibling of that child if:

224 1. Notice is given to the opposing party or opposing  
 225 party's counsel of the intent to offer the evidence and a copy  
 226 of such evidence is delivered to the opposing party or opposing  
 227 party's counsel.

228 2. The evidence is otherwise admissible in the subsequent  
 229 civil proceeding.



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230 (7) Final orders, records, and evidence in any proceeding  
 231 under this part which are subsequently admitted in evidence  
 232 pursuant to subsection (6) remain subject to subsections (3) and  
 233 (4).

234 Section 6. Paragraph (a) of subsection (1) and paragraph  
 235 (b) of subsection (2) of section 61.13, Florida Statutes, are  
 236 amended to read:

237 61.13 Custody and support of children; visitation rights;  
 238 power of court in making orders.--

239 (1)(a) In a proceeding under this chapter ~~for dissolution~~  
 240 ~~of marriage~~, the court has jurisdiction to determine all matters  
 241 relating to child ~~may at any time order either or both parents~~  
 242 ~~who owe a duty of support to a child to pay support in~~  
 243 accordance with the guidelines in s. 61.30. The court initially  
 244 entering an order requiring one or both parents to make child  
 245 support payments shall have continuing jurisdiction after the  
 246 entry of the initial order to modify the amount and terms and  
 247 conditions of the child support payments when the modification  
 248 is found necessary by the court in the best interests of the  
 249 child, when the child reaches majority, or when there is a  
 250 substantial change in the circumstances of the parties. The  
 251 court initially entering a child support order shall also have  
 252 continuing jurisdiction to require the obligee to report to the  
 253 court on terms prescribed by the court regarding the disposition  
 254 of the child support payments.

255 (2)

256 (b)1. The court shall determine all matters relating to  
 257 custody of each minor child of the parties in accordance with  
 258 the best interests of the child and in accordance with the

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259 Uniform Child Custody Jurisdiction and Enforcement Act. It is  
260 the public policy of this state to assure that each minor child  
261 has frequent and continuing contact with both parents after the  
262 parents separate or the marriage of the parties is dissolved and  
263 to encourage parents to share the rights and responsibilities,  
264 and joys, of childrearing. After considering all relevant facts,  
265 the father of the child shall be given the same consideration as  
266 the mother in determining the primary residence of a child  
267 irrespective of the age or sex of the child.

268       2. The court shall order that the parental responsibility  
269 for a minor child be shared by both parents unless the court  
270 finds that shared parental responsibility would be detrimental  
271 to the child. Evidence that a parent has been convicted of a  
272 felony of the third degree or higher involving domestic  
273 violence, as defined in s. 741.28 and chapter 775, or meets the  
274 criteria of s. 39.806(1)(d), creates a rebuttable presumption of  
275 detriment to the child. If the presumption is not rebutted,  
276 shared parental responsibility, including visitation, residence  
277 of the child, and decisions made regarding the child, may not be  
278 granted to the convicted parent. However, the convicted parent  
279 is not relieved of any obligation to provide financial support.  
280 If the court determines that shared parental responsibility  
281 would be detrimental to the child, it may order sole parental  
282 responsibility and make such arrangements for visitation as will  
283 best protect the child or abused spouse from further harm.  
284 Whether or not there is a conviction of any offense of domestic  
285 violence or child abuse or the existence of an injunction for  
286 protection against domestic violence, the court shall consider

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287 evidence of domestic violence or child abuse as evidence of  
 288 detriment to the child.

289 a. In ordering shared parental responsibility, the court  
 290 may consider the expressed desires of the parents and may grant  
 291 to one party the ultimate responsibility over specific aspects  
 292 of the child's welfare or may divide those responsibilities  
 293 between the parties based on the best interests of the child.  
 294 Areas of responsibility may include primary residence,  
 295 education, medical and dental care, and any other  
 296 responsibilities that the court finds unique to a particular  
 297 family.

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

301 ~~c. The court may award the grandparents visitation rights~~  
 302 ~~with a minor child if it is in the child's best interest.~~  
 303 ~~Grandparents have legal standing to seek judicial enforcement of~~  
 304 ~~such an award.~~ This section does not require that grandparents  
 305 be made parties to or given notice of dissolution pleadings or  
 306 proceedings. A court may not order that a child be kept within  
 307 the state or jurisdiction of the court solely for the purpose of  
 308 permitting visitation by the grandparents.

309 3. Access to records and information pertaining to a minor  
 310 child, including, but not limited to, medical, dental, and  
 311 school records, may not be denied to a parent because the parent  
 312 is not the child's primary residential parent. Full rights under  
 313 this subparagraph apply to either parent unless a court order  
 314 specifically revokes these rights, including any restrictions on  
 315 these rights as provided in a domestic violence injunction. A

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316 parent having rights under this subparagraph has the same rights  
 317 upon request as to form, substance, and manner of access as are  
 318 available to the other parent of a child, including, without  
 319 limitation, the right to in-person communication with medical,  
 320 dental, and education providers.

321 Section 7. Subsections (3) and (4) of section 61.21,  
 322 Florida Statutes, are amended to read:

323 61.21 Parenting course authorized; fees; required  
 324 attendance authorized; contempt.--

325 (3) All parties to a dissolution of marriage proceeding  
 326 with minor children or a paternity action that ~~which~~ involves  
 327 issues of parental responsibility shall be required to complete  
 328 the Parent Education and Family Stabilization Course ~~prior to~~  
 329 ~~the entry by the court of a final judgment~~. The court may excuse  
 330 a party from attending the parenting course or meeting the  
 331 required timeframe for completing the course for good cause.

332 (4) All parties required to complete a parenting course  
 333 under this section shall begin the course as expeditiously as  
 334 possible after filing for dissolution of marriage or paternity.  
 335 Unless excused by the court pursuant to subsection (3), the  
 336 petitioner in the action must complete the course within 45 days  
 337 after filing the petition and all other parties to the action  
 338 must complete the course within 45 days after service of the  
 339 petition. Each party ~~and~~ shall file proof of compliance with the  
 340 court prior to the entry of the final judgment.

341 Section 8. Paragraph (a) of subsection (5) and paragraph  
 342 (a) of subsection (6) of section 741.30, Florida Statutes, are  
 343 amended to read:

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344 741.30 Domestic violence; injunction; powers and duties of  
 345 court and clerk; petition; notice and hearing; temporary  
 346 injunction; issuance of injunction; statewide verification  
 347 system; enforcement.--

348 (5)(a) When it appears to the court that an immediate and  
 349 present danger of domestic violence exists, the court may grant  
 350 a temporary injunction ex parte, pending a full hearing, and may  
 351 grant such relief as the court deems proper, including an  
 352 injunction:

353 1. Restraining the respondent from committing any acts of  
 354 domestic violence.

355 2. Awarding to the petitioner the temporary exclusive use  
 356 and possession of the dwelling that the parties share or  
 357 excluding the respondent from the residence of the petitioner.

358 3. On the same basis as provided in s. 61.13 ~~s.~~  
 359 ~~61.13(2), (3), (4), and (5)~~, granting to the petitioner temporary  
 360 custody of a minor child ~~or children~~. An order of temporary  
 361 custody remains in effect until the order expires or an order is  
 362 entered by a court of competent jurisdiction in a pending or  
 363 subsequent civil action or proceeding affecting the placement  
 364 of, access to, parental time with, or parental responsibility  
 365 for the minor child.

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

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372 1. Restraining the respondent from committing any acts of  
373 domestic violence.

374 2. Awarding to the petitioner the exclusive use and  
375 possession of the dwelling that the parties share or excluding  
376 the respondent from the residence of the petitioner.

377 3. On the same basis as provided in chapter 61, awarding  
378 temporary custody of, or temporary visitation rights with regard  
379 to, a minor child or children of the parties. An order of  
380 temporary custody or visitation remains in effect until the  
381 order expires or an order is entered by a court of competent  
382 jurisdiction in a pending or subsequent civil action or  
383 proceeding affecting the placement of, access to, parental time  
384 with, or parental responsibility for the minor child.

385 4. On the same basis as provided in chapter 61,  
386 establishing temporary support for a minor child or children or  
387 the petitioner. An order of temporary support remains in effect  
388 until the order expires or an order is entered by a court of  
389 competent jurisdiction in a pending or subsequent civil action  
390 or proceeding affecting child support.

391 5. Ordering the respondent to participate in treatment,  
392 intervention, or counseling services to be paid for by the  
393 respondent. When the court orders the respondent to participate  
394 in a batterers' intervention program, the court, or any entity  
395 designated by the court, must provide the respondent with a list  
396 of all certified batterers' intervention programs and all  
397 programs which have submitted an application to the Department  
398 of Children and Family Services ~~Corrections~~ to become certified  
399 under s. 741.32 ~~s. 741.325~~, from which the respondent must  
400 choose a program in which to participate. If there are no

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401 certified batterers' intervention programs in the circuit, the  
402 court shall provide a list of acceptable programs from which the  
403 respondent must choose a program in which to participate.

404 6. Referring a petitioner to a certified domestic violence  
405 center. The court must provide the petitioner with a list of  
406 certified domestic violence centers in the circuit which the  
407 petitioner may contact.

408 7. Ordering such other relief as the court deems necessary  
409 for the protection of a victim of domestic violence, including  
410 injunctions or directives to law enforcement agencies, as  
411 provided in this section.

412 Section 9. If any provision of this act or its application  
413 to any person or circumstance is held invalid, the invalidity  
414 does not affect other provisions or applications of the act  
415 which can be given effect without the invalid provision or  
416 application, and to this end the provisions of this act are  
417 severable.

418 Section 10. This act shall take effect July 1, 2004.