

CHAMBER ACTION

1 The Committee on Judiciary recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the family court efficiency; creating
7 s. 25.375, F.S.; authorizing the Supreme Court to create a
8 system to identify cases relating to individuals and
9 families within the court system; amending s. 39.013,
10 F.S.; providing for precedence of certain court orders;
11 for providing for modifying a court order in certain civil
12 proceeding subsequent to a court terminating jurisdiction;
13 amending ss. 39.0132 and 39.814, F.S.; providing for
14 limited admissibility of evidence in certain civil
15 proceedings subsequent to an order entered after an
16 adjudicatory hearing; amending s. 61.13, F.S.; authorizing
17 the court to order payment of child support in any
18 proceeding under ch. 61, F.S.; eliminating provisions
19 authorizing the court to award grandparents visitation
20 rights; eliminating provisions giving grandparents equal
21 standing as parents for evaluating custody arrangements;
22 amending s. 61.21, F.S.; revising the timeframe for
23 completing a parenting course; amending s. 741.30, F.S.;

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24 providing for an order of temporary custody, visitation,
 25 or support to remain in effect until the court enters an
 26 order in a subsequent action; correcting a reference;
 27 amending ss. 61.1827 and 409.2579, F.S.; correcting cross
 28 references; providing for severability; providing an
 29 effective date.

30
 31 Be It Enacted by the Legislature of the State of Florida:

32
 33 Section 1. Section 25.375, Florida Statutes, is created to
 34 read:

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

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

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52 39.013 Procedures and jurisdiction; right to counsel.--
 53 (4) Orders entered pursuant to this chapter that affect
 54 the placement of, access to, parental time with, adoption of, or
 55 parental rights and responsibilities for a minor child ~~The order~~
 56 ~~of the circuit court hearing dependency matters shall be filed~~
 57 ~~by the clerk of the court in any dissolution or other custody~~
 58 ~~action or proceeding and shall take precedence over other~~
 59 ~~eustody and visitation orders entered in civil~~ these actions or
 60 proceedings. However, if the court has terminated jurisdiction,
 61 such order may be subsequently modified by a court of competent
 62 jurisdiction in any other civil action or proceeding affecting
 63 placement of, access to, parental time with, adoption of, or
 64 parental rights and responsibilities for the same minor child
 65 using the legal standard applicable in the subsequent
 66 proceeding.

67 Section 3. Subsection (6) of section 39.0132, Florida
 68 Statutes, is amended, and subsection (7) is added to said
 69 section, to read:

70 39.0132 Oaths, records, and confidential information.--

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

74 ~~(a) Orders permanently terminating the rights of a parent~~
 75 ~~and committing the child to a licensed child placing agency or~~
 76 ~~the department for adoption shall be admissible in evidence in~~
 77 ~~subsequent adoption proceedings relating to the child.~~

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

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

84 ~~(c)(d)~~ Records of proceedings under this chapter may be
 85 used to prove disqualification pursuant to s. 435.06 and for
 86 proof regarding such disqualification in a chapter 120
 87 proceeding.

88 (d) A final order entered pursuant to an adjudicatory
 89 hearing is admissible in evidence in any subsequent civil
 90 proceeding relating to placement of, access to, parental time
 91 with, adoption of, or parental rights and responsibilities for
 92 the same child or a sibling of that child.

93 (e) Evidence admitted in any proceeding under this chapter
 94 may be admissible in evidence when offered by any party in a
 95 subsequent civil proceeding relating to placement of, access to,
 96 parental time with, adoption of, or parental rights and
 97 responsibilities for the same child or a sibling of that child
 98 if:

99 1. Notice is given to the opposing party or the opposing
 100 party's counsel of the intent to offer the evidence and a copy
 101 of such evidence is delivered to the opposing party or the
 102 opposing party's counsel; and

103 2. The evidence is otherwise admissible in the subsequent
 104 civil proceeding.

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105 ~~(e) Orders permanently and involuntarily terminating the~~
 106 ~~rights of a parent shall be admissible as evidence in subsequent~~
 107 ~~termination of parental rights proceedings for a sibling of the~~
 108 ~~child for whom parental rights were terminated.~~

109 (7) Final orders, records, and evidence in any proceeding
 110 under this chapter that are subsequently admitted in evidence
 111 pursuant to subsection (6) remain subject to subsections (3) and
 112 (4).

113 Section 4. Subsection (6) of section 39.814, Florida
 114 Statutes, is amended, and subsection (7) is added to said
 115 section, to read:

116 39.814 Oaths, records, and confidential information.--

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

120 ~~(a) Orders terminating the rights of a parent are~~
 121 ~~admissible in evidence in subsequent adoption proceedings~~
 122 ~~relating to the child and in subsequent termination of parental~~
 123 ~~rights proceedings concerning a sibling of the child.~~

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

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

130 (c) A final order entered pursuant to an adjudicatory
 131 hearing is admissible in evidence in any subsequent civil
 132 proceeding relating to placement of, access to, parental time

133 with, adoption of, or parental rights and responsibilities for
 134 the same child or a sibling of that child.

135 (d) Evidence admitted in any proceeding under this part
 136 may be admissible in evidence when offered by any party in a
 137 subsequent civil proceeding relating to placement of, access to,
 138 parental time with, adoption of, or parental rights and
 139 responsibilities for the same child or a sibling of that child
 140 if:

141 1. Notice is given to the opposing party or the opposing
 142 party's counsel of the intent to offer the evidence and a copy
 143 of such evidence is delivered to the opposing party or the
 144 opposing party's counsel; and

145 2. The evidence is otherwise admissible in the subsequent
 146 civil proceeding.

147 (7) Final orders, records, and evidence in any proceeding
 148 under this part that are subsequently admitted in evidence
 149 pursuant to subsection (6) remain subject to subsections (3) and
 150 (4).

151 Section 5. Paragraph (a) of subsection (1), paragraph (b)
 152 of subsection (2), and subsections (7) through (10) of section
 153 61.13, Florida Statutes, are amended to read:

154 61.13 Custody and support of children; visitation rights;
 155 power of court in making orders.--

156 (1)(a) In a proceeding under this chapter ~~for dissolution~~
 157 ~~of marriage~~, the court may at any time order either or both
 158 parents who owe a duty of support to a child to pay support in
 159 accordance with the guidelines in s. 61.30. The court initially
 160 entering an order requiring one or both parents to make child

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161 support payments shall have continuing jurisdiction after the
162 entry of the initial order to modify the amount and terms and
163 conditions of the child support payments when the modification
164 is found necessary by the court in the best interests of the
165 child, when the child reaches majority, or when there is a
166 substantial change in the circumstances of the parties. The
167 court initially entering a child support order shall also have
168 continuing jurisdiction to require the obligee to report to the
169 court on terms prescribed by the court regarding the disposition
170 of the child support payments.

171 (2)

172 (b)1. The court shall determine all matters relating to
173 custody of each minor child of the parties in accordance with
174 the best interests of the child and in accordance with the
175 Uniform Child Custody Jurisdiction and Enforcement Act. It is
176 the public policy of this state to assure that each minor child
177 has frequent and continuing contact with both parents after the
178 parents separate or the marriage of the parties is dissolved and
179 to encourage parents to share the rights and responsibilities,
180 and joys, of childrearing. After considering all relevant facts,
181 the father of the child shall be given the same consideration as
182 the mother in determining the primary residence of a child
183 irrespective of the age or sex of the child.

184 2. The court shall order that the parental responsibility
185 for a minor child be shared by both parents unless the court
186 finds that shared parental responsibility would be detrimental
187 to the child. Evidence that a parent has been convicted of a
188 felony of the third degree or higher involving domestic

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189 violence, as defined in s. 741.28 and chapter 775, or meets the
190 criteria of s. 39.806(1)(d), creates a rebuttable presumption of
191 detriment to the child. If the presumption is not rebutted,
192 shared parental responsibility, including visitation, residence
193 of the child, and decisions made regarding the child, may not be
194 granted to the convicted parent. However, the convicted parent
195 is not relieved of any obligation to provide financial support.
196 If the court determines that shared parental responsibility
197 would be detrimental to the child, it may order sole parental
198 responsibility and make such arrangements for visitation as will
199 best protect the child or abused spouse from further harm.
200 Whether or not there is a conviction of any offense of domestic
201 violence or child abuse or the existence of an injunction for
202 protection against domestic violence, the court shall consider
203 evidence of domestic violence or child abuse as evidence of
204 detriment to the child.

205 a. In ordering shared parental responsibility, the court
206 may consider the expressed desires of the parents and may grant
207 to one party the ultimate responsibility over specific aspects
208 of the child's welfare or may divide those responsibilities
209 between the parties based on the best interests of the child.
210 Areas of responsibility may include primary residence,
211 education, medical and dental care, and any other
212 responsibilities that the court finds unique to a particular
213 family.

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

217 ~~e. The court may award the grandparents visitation rights~~
 218 ~~with a minor child if it is in the child's best interest.~~
 219 ~~Grandparents have legal standing to seek judicial enforcement of~~
 220 ~~such an award. This section does not require that grandparents~~
 221 ~~be made parties or given notice of dissolution pleadings or~~
 222 ~~proceedings. A court may not order that a child be kept within~~
 223 ~~the state or jurisdiction of the court solely for the purpose of~~
 224 ~~permitting visitation by the grandparents.~~

225 3. Access to records and information pertaining to a minor
 226 child, including, but not limited to, medical, dental, and
 227 school records, may not be denied to a parent because the parent
 228 is not the child's primary residential parent. Full rights under
 229 this subparagraph apply to either parent unless a court order
 230 specifically revokes these rights, including any restrictions on
 231 these rights as provided in a domestic violence injunction. A
 232 parent having rights under this subparagraph has the same rights
 233 upon request as to form, substance, and manner of access as are
 234 available to the other parent of a child, including, without
 235 limitation, the right to in-person communication with medical,
 236 dental, and education providers.

237 ~~(7) In any case where the child is actually residing with~~
 238 ~~a grandparent in a stable relationship, whether the court has~~
 239 ~~awarded custody to the grandparent or not, the court may~~
 240 ~~recognize the grandparents as having the same standing as~~
 241 ~~parents for evaluating what custody arrangements are in the best~~
 242 ~~interest of the child.~~

243 (7)(8) If the court orders that parental responsibility,
 244 including visitation, be shared by both parents, the court may

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245 | not deny the noncustodial parent overnight contact and access to
 246 | or visitation with the child solely because of the age or sex of
 247 | the child.

248 | ~~(8)(9)~~(a) Beginning July 1, 1997, each party to any
 249 | paternity or support proceeding is required to file with the
 250 | tribunal as defined in s. 88.1011(22) and State Case Registry
 251 | upon entry of an order, and to update as appropriate,
 252 | information on location and identity of the party, including
 253 | social security number, residential and mailing addresses,
 254 | telephone number, driver's license number, and name, address,
 255 | and telephone number of employer. Beginning October 1, 1998,
 256 | each party to any paternity or child support proceeding in a
 257 | non-Title IV-D case shall meet the above requirements for
 258 | updating the tribunal and State Case Registry.

259 | (b) Pursuant to the federal Personal Responsibility and
 260 | Work Opportunity Reconciliation Act of 1996, each party is
 261 | required to provide his or her social security number in
 262 | accordance with this section. Disclosure of social security
 263 | numbers obtained through this requirement shall be limited to
 264 | the purpose of administration of the Title IV-D program for
 265 | child support enforcement.

266 | (c) Beginning July 1, 1997, in any subsequent Title IV-D
 267 | child support enforcement action between the parties, upon
 268 | sufficient showing that diligent effort has been made to
 269 | ascertain the location of such a party, the court of competent
 270 | jurisdiction shall deem state due process requirements for
 271 | notice and service of process to be met with respect to the
 272 | party, upon delivery of written notice to the most recent

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273 residential or employer address filed with the tribunal and
 274 State Case Registry pursuant to paragraph (a). Beginning October
 275 1, 1998, in any subsequent non-Title IV-D child support
 276 enforcement action between the parties, the same requirements
 277 for service shall apply.

278 (9)~~(10)~~ At the time an order for child support is entered,
 279 each party is required to provide his or her social security
 280 number and date of birth to the court, as well as the name, date
 281 of birth, and social security number of each minor child that is
 282 the subject of such child support order. Pursuant to the federal
 283 Personal Responsibility and Work Opportunity Reconciliation Act
 284 of 1996, each party is required to provide his or her social
 285 security number in accordance with this section. All social
 286 security numbers required by this section shall be provided by
 287 the parties and maintained by the depository as a separate
 288 attachment in the file. Disclosure of social security numbers
 289 obtained through this requirement shall be limited to the
 290 purpose of administration of the Title IV-D program for child
 291 support enforcement.

292 Section 6. Subsections (3) and (4) of section 61.21,
 293 Florida Statutes, are amended to read:

294 61.21 Parenting course authorized; fees; required
 295 attendance authorized; contempt.--

296 (3) All parties to a dissolution of marriage proceeding
 297 with minor children or a paternity action that ~~which~~ involves
 298 issues of parental responsibility shall be required to complete
 299 the Parent Education and Family Stabilization Course ~~prior to~~
 300 ~~the entry by the court of a final judgment.~~ The court may excuse

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301 a party from attending the parenting course or meeting the
302 required timeframe for completing the course for good cause.

303 (4) All parties required to complete a parenting course
304 under this section shall begin the course as expeditiously as
305 possible after filing for dissolution of marriage or paternity.
306 Unless excused by the court pursuant to subsection (3), the
307 petitioner in the action must complete the course within 45 days
308 after filing the petition, and all other parties to the action
309 must complete the course within 45 days after service of the
310 petition. Each party ~~and~~ shall file proof of compliance with the
311 court prior to the entry of the final judgment.

312 Section 7. Paragraph (a) of subsection (5) and paragraph
313 (a) of subsection (6) of section 741.30, Florida Statutes, are
314 amended to read:

315 741.30 Domestic violence; injunction; powers and duties of
316 court and clerk; petition; notice and hearing; temporary
317 injunction; issuance of injunction; statewide verification
318 system; enforcement.--

319 (5)(a) When it appears to the court that an immediate and
320 present danger of domestic violence exists, the court may grant
321 a temporary injunction ex parte, pending a full hearing, and may
322 grant such relief as the court deems proper, including an
323 injunction:

324 1. Restraining the respondent from committing any acts of
325 domestic violence.

326 2. Awarding to the petitioner the temporary exclusive use
327 and possession of the dwelling that the parties share or
328 excluding the respondent from the residence of the petitioner.

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329 3. On the same basis as provided in s. 61.13~~(2), (3), (4),~~
 330 ~~and (5)~~, granting to the petitioner temporary custody of a minor
 331 child ~~or children~~. An order of temporary custody remains in
 332 effect until the order expires or an order is entered by a court
 333 of competent jurisdiction in a pending or subsequent civil
 334 action or proceeding affecting the placement of, access to,
 335 parental time with, adoption of, or parental rights and
 336 responsibilities for the minor child.

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

343 1. Restraining the respondent from committing any acts of
 344 domestic violence.

345 2. Awarding to the petitioner the exclusive use and
 346 possession of the dwelling that the parties share or excluding
 347 the respondent from the residence of the petitioner.

348 3. On the same basis as provided in chapter 61, awarding
 349 temporary custody of, or temporary visitation rights with regard
 350 to, a minor child or children of the parties. An order of
 351 temporary custody or visitation remains in effect until the
 352 order expires or an order is entered by a court of competent
 353 jurisdiction in a pending or subsequent civil action or
 354 proceeding affecting the placement of, access to, parental time
 355 with, adoption of, or parental rights and responsibilities for
 356 the minor child.

357 4. On the same basis as provided in chapter 61,
 358 establishing temporary support for a minor child or children or
 359 the petitioner. An order of temporary support remains in effect
 360 until the order expires or an order is entered by a court of
 361 competent jurisdiction in a pending or subsequent civil action
 362 or proceeding affecting child support.

363 5. Ordering the respondent to participate in treatment,
 364 intervention, or counseling services to be paid for by the
 365 respondent. When the court orders the respondent to participate
 366 in a batterers' intervention program, the court, or any entity
 367 designated by the court, must provide the respondent with a list
 368 of all certified batterers' intervention programs and all
 369 programs which have submitted an application to the Department
 370 of Children and Family Services ~~Corrections~~ to become certified
 371 under s. 741.32 ~~741.325~~, from which the respondent must choose a
 372 program in which to participate. If there are no certified
 373 batterers' intervention programs in the circuit, the court shall
 374 provide a list of acceptable programs from which the respondent
 375 must choose a program in which to participate.

376 6. Referring a petitioner to a certified domestic violence
 377 center. The court must provide the petitioner with a list of
 378 certified domestic violence centers in the circuit which the
 379 petitioner may contact.

380 7. Ordering such other relief as the court deems necessary
 381 for the protection of a victim of domestic violence, including
 382 injunctions or directives to law enforcement agencies, as
 383 provided in this section.

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384 Section 8. Paragraph (b) of subsection (1) of section
385 61.1827, Florida Statutes, is amended to read:

386 61.1827 Identifying information concerning applicants for
387 and recipients of child support services.--

388 (1) Any information that reveals the identity of
389 applicants for or recipients of child support services,
390 including the name, address, and telephone number of such
391 persons, in the possession of a non-Title IV-D county child
392 support enforcement agency is confidential and exempt from
393 public disclosure pursuant to s. 119.07(1) and s. 24(a) of Art.
394 I of the State Constitution. The use or disclosure of such
395 information by the non-Title IV-D county child support
396 enforcement agency is limited to the purposes directly connected
397 with:

398 (b) Mandatory disclosure of identifying and location
399 information as provided in s. 61.13(8)~~(9)~~ by the non-Title IV-D
400 county child support enforcement agency when providing non-Title
401 IV-D services; or

402 Section 9. Paragraph (e) of subsection (1) of section
403 409.2579, Florida Statutes, is amended to read:

404 409.2579 Safeguarding Title IV-D case file information.--

405 (1) Information concerning applicants for or recipients of
406 Title IV-D child support services is confidential and exempt
407 from the provisions of s. 119.07(1). The use or disclosure of
408 such information by the IV-D program is limited to purposes
409 directly connected with:

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410 (e) Mandatory disclosure of identifying and location
411 information as provided in s. 61.13(8)~~(9)~~ by the IV-D program
412 when providing Title IV-D services.

413 Section 10. If any provision of this act or its
414 application to any person or circumstance is held invalid, the
415 invalidity does not affect other provisions or applications of
416 the act which can be given effect without the invalid provision
417 or application, and to this end the provisions of this act are
418 severable.

419 Section 11. This act shall take effect July 1, 2004.