

CHAMBER ACTION

1 The Committee on Future of Florida's Families recommends the
2 following:

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the family court efficiency; creating
8 s. 25.375, F.S.; authorizing the Supreme Court to create a
9 system to identify cases relating to individuals and
10 families within the court system; amending s. 39.013,
11 F.S.; providing for precedence of certain court orders;
12 providing for modifying a court order in certain civil
13 proceedings subsequent to a court terminating
14 jurisdiction; amending ss. 39.0132 and 39.814, F.S.;
15 providing for limited admissibility of evidence in certain
16 civil proceedings subsequent to an order entered after an
17 adjudicatory hearing; amending s. 39.521, F.S.; deleting a
18 provision relating to the continuing nature of certain
19 custody orders; deleting a provision relating to the
20 filing and precedence of certain subsequent custody
21 orders; amending s. 61.13, F.S.; authorizing the court to
22 order payment of child support in any proceeding under ch.
23 61, F.S.; deleting provisions authorizing the court to

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24 | award grandparents visitation rights; deleting provisions
 25 | giving grandparents standing equal to that of parents for
 26 | the purpose of evaluating custody arrangements; amending
 27 | s. 61.21, F.S.; revising the timeframe for completing a
 28 | parenting course; amending s. 741.30, F.S.; providing for
 29 | an order of temporary custody, visitation, or support to
 30 | remain in effect until the court enters an order in a
 31 | subsequent action; correcting a reference; amending ss.
 32 | 61.1827 and 409.2579, F.S.; correcting cross references;
 33 | providing for severability; providing an effective date.
 34 |

35 | Be It Enacted by the Legislature of the State of Florida:
 36 |

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

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

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52 deny any services, rights, or remedies otherwise provided by
53 law.

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

56 39.013 Procedures and jurisdiction; right to counsel.--

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

71 Section 3. Subsection (6) of section 39.0132, Florida
72 Statutes, is amended, and subsection (7) is added to said
73 section, to read:

74 39.0132 Oaths, records, and confidential information.--

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

78 ~~(a) Orders permanently terminating the rights of a parent~~
79 ~~and committing the child to a licensed child-placing agency or~~

80 ~~the department for adoption shall be admissible in evidence in~~
 81 ~~subsequent adoption proceedings relating to the child.~~

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

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

88 ~~(c)(d)~~ Records of proceedings under this chapter may be
 89 used to prove disqualification pursuant to s. 435.06 and for
 90 proof regarding such disqualification in a chapter 120
 91 proceeding.

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

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

103 1. Notice is given to the opposing party or the opposing
 104 party's counsel of the intent to offer the evidence and a copy
 105 of such evidence is delivered to the opposing party or the
 106 opposing party's counsel; and

107 2. The evidence is otherwise admissible in the subsequent
 108 civil proceeding.

109 ~~(c) Orders permanently and involuntarily terminating the~~
 110 ~~rights of a parent shall be admissible as evidence in subsequent~~
 111 ~~termination of parental rights proceedings for a sibling of the~~
 112 ~~child for whom parental rights were terminated.~~

113 (7) Final orders, records, and evidence in any proceeding
 114 under this chapter that are subsequently admitted in evidence
 115 pursuant to subsection (6) remain subject to subsections (3) and
 116 (4).

117 Section 4. Paragraph (b) of subsection (3) of section
 118 39.521, Florida Statutes, is amended to read:

119 39.521 Disposition hearings; powers of disposition.--

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

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

135 1. Order that the parent assume sole custodial
 136 responsibilities for the child. The court may also provide for
 137 reasonable visitation by the noncustodial parent. The court may
 138 then terminate its jurisdiction over the child. ~~The custody~~
 139 ~~order shall continue unless modified by a subsequent order of~~
 140 ~~the circuit court hearing dependency matters. The order of the~~
 141 ~~circuit court hearing dependency matters shall be filed in any~~
 142 ~~dissolution or other custody action or proceeding between the~~
 143 ~~parents and shall take precedence over other custody and~~
 144 ~~visitation orders entered in those actions.~~

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

157
 158 Protective supervision continues until the court terminates it
 159 or until the child reaches the age of 18, whichever date is
 160 first. Protective supervision shall be terminated by the court
 161 whenever the court determines that permanency has been achieved
 162 for the child, whether with a parent, another relative, or a

163 | legal custodian, and that protective supervision is no longer
 164 | needed. The termination of supervision may be with or without
 165 | retaining jurisdiction, at the court's discretion, and shall in
 166 | either case be considered a permanency option for the child. The
 167 | order terminating supervision by the department shall set forth
 168 | the powers of the custodian of the child and shall include the
 169 | powers ordinarily granted to a guardian of the person of a minor
 170 | unless otherwise specified. Upon the court's termination of
 171 | supervision by the department, no further judicial reviews are
 172 | required, so long as permanency has been established for the
 173 | child.

174 | Section 5. Subsection (6) of section 39.814, Florida
 175 | Statutes, is amended, and subsection (7) is added to said
 176 | section, to read:

177 | 39.814 Oaths, records, and confidential information.--

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

181 | ~~(a) Orders terminating the rights of a parent are~~
 182 | ~~admissible in evidence in subsequent adoption proceedings~~
 183 | ~~relating to the child and in subsequent termination of parental~~
 184 | ~~rights proceedings concerning a sibling of the child.~~

185 | (a)(b) Records of proceedings under this part forming a
 186 | part of the record on appeal shall be used in the appellate
 187 | court in the manner hereinafter provided.

188 | (b)(e) Records necessary therefor shall be admissible in
 189 | evidence in any case in which a person is being tried upon a
 190 | charge of having committed perjury.

191 (c) A final order entered pursuant to an adjudicatory
 192 hearing is admissible in evidence in any subsequent civil
 193 proceeding relating to placement of, access to, parental time
 194 with, adoption of, or parental rights and responsibilities for
 195 the same child or a sibling of that child.

196 (d) Evidence admitted in any proceeding under this part
 197 may be admissible in evidence when offered by any party in a
 198 subsequent civil proceeding relating to placement of, access to,
 199 parental time with, adoption of, or parental rights and
 200 responsibilities for the same child or a sibling of that child
 201 if:

202 1. Notice is given to the opposing party or the opposing
 203 party's counsel of the intent to offer the evidence and a copy
 204 of such evidence is delivered to the opposing party or the
 205 opposing party's counsel; and

206 2. The evidence is otherwise admissible in the subsequent
 207 civil proceeding.

208 (7) Final orders, records, and evidence in any proceeding
 209 under this part that are subsequently admitted in evidence
 210 pursuant to subsection (6) remain subject to subsections (3) and
 211 (4).

212 Section 6. Paragraph (a) of subsection (1), paragraph (b)
 213 of subsection (2), and subsections (7) through (10) of section
 214 61.13, Florida Statutes, are amended to read:

215 61.13 Custody and support of children; visitation rights;
 216 power of court in making orders.--

217 (1)(a) In a proceeding under this chapter ~~for dissolution~~
 218 ~~of marriage~~, the court may at any time order either or both

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219 | parents who owe a duty of support to a child to pay support in
220 | accordance with the guidelines in s. 61.30. The court initially
221 | entering an order requiring one or both parents to make child
222 | support payments shall have continuing jurisdiction after the
223 | entry of the initial order to modify the amount and terms and
224 | conditions of the child support payments when the modification
225 | is found necessary by the court in the best interests of the
226 | child, when the child reaches majority, or when there is a
227 | substantial change in the circumstances of the parties. The
228 | court initially entering a child support order shall also have
229 | continuing jurisdiction to require the obligee to report to the
230 | court on terms prescribed by the court regarding the disposition
231 | of the child support payments.

232 | (2)

233 | (b)1. The court shall determine all matters relating to
234 | custody of each minor child of the parties in accordance with
235 | the best interests of the child and in accordance with the
236 | Uniform Child Custody Jurisdiction and Enforcement Act. It is
237 | the public policy of this state to assure that each minor child
238 | has frequent and continuing contact with both parents after the
239 | parents separate or the marriage of the parties is dissolved and
240 | to encourage parents to share the rights and responsibilities,
241 | and joys, of childrearing. After considering all relevant facts,
242 | the father of the child shall be given the same consideration as
243 | the mother in determining the primary residence of a child
244 | irrespective of the age or sex of the child.

245 | 2. The court shall order that the parental responsibility
246 | for a minor child be shared by both parents unless the court

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247 finds that shared parental responsibility would be detrimental
248 to the child. Evidence that a parent has been convicted of a
249 felony of the third degree or higher involving domestic
250 violence, as defined in s. 741.28 and chapter 775, or meets the
251 criteria of s. 39.806(1)(d), creates a rebuttable presumption of
252 detriment to the child. If the presumption is not rebutted,
253 shared parental responsibility, including visitation, residence
254 of the child, and decisions made regarding the child, may not be
255 granted to the convicted parent. However, the convicted parent
256 is not relieved of any obligation to provide financial support.
257 If the court determines that shared parental responsibility
258 would be detrimental to the child, it may order sole parental
259 responsibility and make such arrangements for visitation as will
260 best protect the child or abused spouse from further harm.
261 Whether or not there is a conviction of any offense of domestic
262 violence or child abuse or the existence of an injunction for
263 protection against domestic violence, the court shall consider
264 evidence of domestic violence or child abuse as evidence of
265 detriment to the child.

266 a. In ordering shared parental responsibility, the court
267 may consider the expressed desires of the parents and may grant
268 to one party the ultimate responsibility over specific aspects
269 of the child's welfare or may divide those responsibilities
270 between the parties based on the best interests of the child.
271 Areas of responsibility may include primary residence,
272 education, medical and dental care, and any other
273 responsibilities that the court finds unique to a particular
274 family.

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

278 ~~e. The court may award the grandparents visitation rights
279 with a minor child if it is in the child's best interest.
280 Grandparents have legal standing to seek judicial enforcement of
281 such an award. This section does not require that grandparents
282 be made parties or given notice of dissolution pleadings or
283 proceedings. A court may not order that a child be kept within
284 the state or jurisdiction of the court solely for the purpose of
285 permitting visitation by the grandparents.~~

286 3. Access to records and information pertaining to a minor
287 child, including, but not limited to, medical, dental, and
288 school records, may not be denied to a parent because the parent
289 is not the child's primary residential parent. Full rights under
290 this subparagraph apply to either parent unless a court order
291 specifically revokes these rights, including any restrictions on
292 these rights as provided in a domestic violence injunction. A
293 parent having rights under this subparagraph has the same rights
294 upon request as to form, substance, and manner of access as are
295 available to the other parent of a child, including, without
296 limitation, the right to in-person communication with medical,
297 dental, and education providers.

298 ~~(7) In any case where the child is actually residing with
299 a grandparent in a stable relationship, whether the court has
300 awarded custody to the grandparent or not, the court may
301 recognize the grandparents as having the same standing as~~

302 ~~parents for evaluating what custody arrangements are in the best~~
 303 ~~interest of the child.~~

304 (7)~~(8)~~ If the court orders that parental responsibility,
 305 including visitation, be shared by both parents, the court may
 306 not deny the noncustodial parent overnight contact and access to
 307 or visitation with the child solely because of the age or sex of
 308 the child.

309 (8)~~(9)~~(a) Beginning July 1, 1997, each party to any
 310 paternity or support proceeding is required to file with the
 311 tribunal as defined in s. 88.1011(22) and State Case Registry
 312 upon entry of an order, and to update as appropriate,
 313 information on location and identity of the party, including
 314 social security number, residential and mailing addresses,
 315 telephone number, driver's license number, and name, address,
 316 and telephone number of employer. Beginning October 1, 1998,
 317 each party to any paternity or child support proceeding in a
 318 non-Title IV-D case shall meet the above requirements for
 319 updating the tribunal and State Case Registry.

320 (b) Pursuant to the federal Personal Responsibility and
 321 Work Opportunity Reconciliation Act of 1996, each party is
 322 required to provide his or her social security number in
 323 accordance with this section. Disclosure of social security
 324 numbers obtained through this requirement shall be limited to
 325 the purpose of administration of the Title IV-D program for
 326 child support enforcement.

327 (c) Beginning July 1, 1997, in any subsequent Title IV-D
 328 child support enforcement action between the parties, upon
 329 sufficient showing that diligent effort has been made to

330 ascertain the location of such a party, the court of competent
 331 jurisdiction shall deem state due process requirements for
 332 notice and service of process to be met with respect to the
 333 party, upon delivery of written notice to the most recent
 334 residential or employer address filed with the tribunal and
 335 State Case Registry pursuant to paragraph (a). Beginning October
 336 1, 1998, in any subsequent non-Title IV-D child support
 337 enforcement action between the parties, the same requirements
 338 for service shall apply.

339 (9)~~(10)~~ At the time an order for child support is entered,
 340 each party is required to provide his or her social security
 341 number and date of birth to the court, as well as the name, date
 342 of birth, and social security number of each minor child that is
 343 the subject of such child support order. Pursuant to the federal
 344 Personal Responsibility and Work Opportunity Reconciliation Act
 345 of 1996, each party is required to provide his or her social
 346 security number in accordance with this section. All social
 347 security numbers required by this section shall be provided by
 348 the parties and maintained by the depository as a separate
 349 attachment in the file. Disclosure of social security numbers
 350 obtained through this requirement shall be limited to the
 351 purpose of administration of the Title IV-D program for child
 352 support enforcement.

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

355 61.21 Parenting course authorized; fees; required
 356 attendance authorized; contempt.--

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

364 (4) All parties required to complete a parenting course
 365 under this section shall begin the course as expeditiously as
 366 possible after filing for dissolution of marriage or paternity.
 367 Unless excused by the court pursuant to subsection (3), the
 368 petitioner in the action must complete the course within 45 days
 369 after filing the petition, and all other parties to the action
 370 must complete the course within 45 days after an adjudication of
 371 paternity or the entry of an order granting visitation to the
 372 party. Each party ~~and~~ shall file proof of compliance with the
 373 court prior to the entry of the final judgment.

374 Section 8. Paragraph (a) of subsection (5) and paragraph
 375 (a) of subsection (6) of section 741.30, Florida Statutes, are
 376 amended to read:

377 741.30 Domestic violence; injunction; powers and duties of
 378 court and clerk; petition; notice and hearing; temporary
 379 injunction; issuance of injunction; statewide verification
 380 system; enforcement.--

381 (5)(a) When it appears to the court that an immediate and
 382 present danger of domestic violence exists, the court may grant
 383 a temporary injunction ex parte, pending a full hearing, and may

384 grant such relief as the court deems proper, including an
385 injunction:

386 1. Restraining the respondent from committing any acts of
387 domestic violence.

388 2. Awarding to the petitioner the temporary exclusive use
389 and possession of the dwelling that the parties share or
390 excluding the respondent from the residence of the petitioner.

391 3. On the same basis as provided in s. 61.13~~(2),(3),(4),~~
392 ~~and (5)~~, granting to the petitioner temporary custody of a minor
393 child ~~or children~~. An order of temporary custody remains in
394 effect until the order expires or an order is entered by a court
395 of competent jurisdiction in a pending or subsequent civil
396 action or proceeding affecting the placement of, access to,
397 parental time with, adoption of, or parental rights and
398 responsibilities for the minor child.

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

405 1. Restraining the respondent from committing any acts of
406 domestic violence.

407 2. Awarding to the petitioner the exclusive use and
408 possession of the dwelling that the parties share or excluding
409 the respondent from the residence of the petitioner.

410 3. On the same basis as provided in chapter 61, awarding
411 temporary custody of, or temporary visitation rights with regard

412 to, a minor child or children of the parties. An order of
 413 temporary custody or visitation remains in effect until the
 414 order expires or an order is entered by a court of competent
 415 jurisdiction in a pending or subsequent civil action or
 416 proceeding affecting the placement of, access to, parental time
 417 with, adoption of, or parental rights and responsibilities for
 418 the minor child.

419 4. On the same basis as provided in chapter 61,
 420 establishing temporary support for a minor child or children or
 421 the petitioner. An order of temporary support remains in effect
 422 until the order expires or an order is entered by a court of
 423 competent jurisdiction in a pending or subsequent civil action
 424 or proceeding affecting child support.

425 5. Ordering the respondent to participate in treatment,
 426 intervention, or counseling services to be paid for by the
 427 respondent. When the court orders the respondent to participate
 428 in a batterers' intervention program, the court, or any entity
 429 designated by the court, must provide the respondent with a list
 430 of all certified batterers' intervention programs and all
 431 programs which have submitted an application to the Department
 432 of Children and Family Services ~~Corrections~~ to become certified
 433 under s. 741.32 ~~741.325~~, from which the respondent must choose a
 434 program in which to participate. If there are no certified
 435 batterers' intervention programs in the circuit, the court shall
 436 provide a list of acceptable programs from which the respondent
 437 must choose a program in which to participate.

438 6. Referring a petitioner to a certified domestic violence
 439 center. The court must provide the petitioner with a list of

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440 certified domestic violence centers in the circuit which the
441 petitioner may contact.

442 7. Ordering such other relief as the court deems necessary
443 for the protection of a victim of domestic violence, including
444 injunctions or directives to law enforcement agencies, as
445 provided in this section.

446 Section 9. Paragraph (b) of subsection (1) of section
447 61.1827, Florida Statutes, is amended to read:

448 61.1827 Identifying information concerning applicants for
449 and recipients of child support services.--

450 (1) Any information that reveals the identity of
451 applicants for or recipients of child support services,
452 including the name, address, and telephone number of such
453 persons, in the possession of a non-Title IV-D county child
454 support enforcement agency is confidential and exempt from
455 public disclosure pursuant to s. 119.07(1) and s. 24(a) of Art.
456 I of the State Constitution. The use or disclosure of such
457 information by the non-Title IV-D county child support
458 enforcement agency is limited to the purposes directly connected
459 with:

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

464 Section 10. Paragraph (e) of subsection (1) of section
465 409.2579, Florida Statutes, is amended to read:

466 409.2579 Safeguarding Title IV-D case file information.--

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

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

475 Section 11. If any provision of this act or its
 476 application to any person or circumstance is held invalid, the
 477 invalidity does not affect other provisions or applications of
 478 the act which can be given effect without the invalid provision
 479 or application, and to this end the provisions of this act are
 480 severable.

481 Section 12. This act shall take effect July 1, 2004.