

By Senator Lynn

7-72B-04

1 A bill to be entitled
2 An act relating to the family court efficiency;
3 creating s. 25.375, F.S.; authorizing the
4 Supreme Court to create a system to identify
5 cases relating to individuals and families
6 within the court system; amending s. 39.013,
7 F.S.; providing for modifying a court order in
8 a subsequent civil proceeding; amending s.
9 39.0132, F.S.; providing for limited
10 admissibility of evidence in subsequent civil
11 proceedings; amending s. 39.521, F.S.;
12 providing for modifying a court order in a
13 subsequent civil action or proceeding; amending
14 s. 39.814, F.S.; providing for limited
15 admissibility of evidence in subsequent civil
16 proceedings; amending s. 61.13, F.S.; providing
17 for the court to determine matters relating to
18 child support in any proceeding under ch. 61,
19 F.S.; eliminating provisions authorizing the
20 court to award grandparents visitation rights;
21 amending s. 61.21, F.S.; revising the timeframe
22 for completing a parenting course; amending s.
23 741.30, F.S.; providing for an order of
24 temporary custody, visitation, or support to
25 remain in effect until the court enters an
26 order in a subsequent action; providing for
27 severability; providing an effective date.
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29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Section 25.375, Florida Statutes, is
2 created to read:

3 25.375 Identification of related cases.--The Supreme
4 Court may create a unique identifier for each person by which
5 to identify all court cases related to that person or his or
6 her family previously or currently in the court system. The
7 unique identifier must be the same for that person in any
8 court case. To create the unique identifier, the court may
9 collect a portion of the person's social security number or
10 other personal identification information, such as the
11 person's date of birth. Until October 2, 2009, the state
12 courts system and the clerk of the court may collect and use a
13 person's social security number solely for the purpose of case
14 management and identification of related cases. Failure to
15 provide a social security number for this purpose may not be
16 grounds to deny any services, rights, or remedies otherwise
17 provided by law.

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

20 39.013 Procedures and jurisdiction; right to
21 counsel.--

22 (4) Orders entered pursuant to this chapter which
23 affect the placement of, access to, parental time with, or
24 parental responsibility for a minor child ~~The order of the~~
25 ~~circuit court hearing dependency matters shall be filed by the~~
26 ~~clerk of the court in any dissolution or other custody action~~
27 ~~or proceeding and shall take precedence over other custody and~~
28 visitation orders entered in civil those actions or
29 proceedings. However, if the court has terminated
30 jurisdiction, such order may be subsequently modified by a
31 court of competent jurisdiction in any other civil action or

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

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

6 39.0132 Oaths, records, and confidential
7 information.--

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

11 ~~(a) Orders permanently terminating the rights of a~~
12 ~~parent and committing the child to a licensed child-placing~~
13 ~~agency or the department for adoption shall be admissible in~~
14 ~~evidence in subsequent adoption proceedings relating to the~~
15 ~~child.~~

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

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

22 (c)~~(d)~~ Records of proceedings under this chapter may
23 be used to prove disqualification pursuant to s. 435.06 and
24 for proof regarding such disqualification in a chapter 120
25 proceeding.

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

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

6 1. Notice is given to the opposing party or opposing
7 party's counsel of the intent to offer the evidence and a copy
8 of such evidence is delivered to the opposing party or the
9 opposing party's counsel.

10 2. The evidence is otherwise admissible in the
11 subsequent civil proceeding.

12 ~~(e) Orders permanently and involuntarily terminating~~
13 ~~the rights of a parent shall be admissible as evidence in~~
14 ~~subsequent termination of parental rights proceedings for a~~
15 ~~sibling of the child for whom parental rights were terminated.~~

16 (7) Final orders, records, and evidence in any
17 proceeding under this chapter which are subsequently admitted
18 in evidence pursuant to subsection (6) remain subject to
19 subsections (3) and (4).

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

22 39.521 Disposition hearings; powers of disposition.--

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

26 (a) If the court determines that the child can safely
27 remain in the home with the parent with whom the child was
28 residing at the time the events or conditions arose that
29 brought the child within the jurisdiction of the court and
30 that remaining in this home is in the best interest of the
31 child, then the court shall order conditions under which the

1 child may remain or return to the home and that this placement
2 be under the protective supervision of the department for not
3 less than 6 months.

4 (b) If there is a parent with whom the child was not
5 residing at the time the events or conditions arose that
6 brought the child within the jurisdiction of the court who
7 desires to assume custody of the child, the court shall place
8 the child with that parent upon completion of a home study,
9 unless the court finds that such placement would endanger the
10 safety, well-being, or physical, mental, or emotional health
11 of the child. Any party with knowledge of the facts may
12 present to the court evidence regarding whether the placement
13 will endanger the safety, well-being, or physical, mental, or
14 emotional health of the child. If the court places the child
15 with such parent, it may do either of the following:

16 1. Order that the parent assume sole custodial
17 responsibilities for the child. The court may also provide for
18 reasonable visitation by the noncustodial parent. The court
19 may then terminate its jurisdiction over the child. The
20 custody order shall take precedence over other orders that
21 affect placements of, access to, parental time with, or
22 parental responsibility for a minor child ~~continue unless~~
23 ~~modified by a subsequent order of the circuit court hearing~~
24 ~~dependency matters. The order of the circuit court hearing~~
25 ~~dependency matters shall be filed in any dissolution or other~~
26 ~~custody action or proceeding between the parents and shall~~
27 ~~take precedence over other custody and visitation orders~~
28 entered in civil those actions or proceedings. However, if the
29 court terminates jurisdiction, such orders may be subsequently
30 modified by a court of competent jurisdiction in any other
31 civil action or proceeding affecting placement of, access to,

1 parental time with, or parental responsibility for the same
2 minor child.

3 2. Order that the parent assume custody subject to the
4 jurisdiction of the circuit court hearing dependency matters.
5 The court may order that reunification services be provided to
6 the parent from whom the child has been removed, that services
7 be provided solely to the parent who is assuming physical
8 custody in order to allow that parent to retain later custody
9 without court jurisdiction, or that services be provided to
10 both parents, in which case the court shall determine at every
11 review hearing which parent, if either, shall have custody of
12 the child. The standard for changing custody of the child from
13 one parent to another or to a relative or another adult
14 approved by the court shall be the best interest of the child.

15 (c) If no fit parent is willing or available to assume
16 care and custody of the child, place the child in the
17 temporary legal custody of an adult relative or other adult
18 approved by the court who is willing to care for the child,
19 under the protective supervision of the department. The
20 department must supervise this placement until the child
21 reaches permanency status in this home, and in no case for a
22 period of less than 6 months. Permanency in a relative
23 placement shall be by adoption, long-term custody, or
24 guardianship.

25 (d) If the child cannot be safely placed in a
26 nonlicensed placement, the court shall commit the child to the
27 temporary legal custody of the department. Such commitment
28 invests in the department all rights and responsibilities of a
29 legal custodian. The department shall not return any child to
30 the physical care and custody of the person from whom the
31 child was removed, except for court-approved visitation

1 periods, without the approval of the court. The term of such
2 commitment continues until terminated by the court or until
3 the child reaches the age of 18. After the child is committed
4 to the temporary legal custody of the department, all further
5 proceedings under this section are governed by this chapter.

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7 Protective supervision continues until the court terminates it
8 or until the child reaches the age of 18, whichever date is
9 first. Protective supervision shall be terminated by the court
10 whenever the court determines that permanency has been
11 achieved for the child, whether with a parent, another
12 relative, or a legal custodian, and that protective
13 supervision is no longer needed. The termination of
14 supervision may be with or without retaining jurisdiction, at
15 the court's discretion, and shall in either case be considered
16 a permanency option for the child. The order terminating
17 supervision by the department shall set forth the powers of
18 the custodian of the child and shall include the powers
19 ordinarily granted to a guardian of the person of a minor
20 unless otherwise specified. Upon the court's termination of
21 supervision by the department, no further judicial reviews are
22 required, so long as permanency has been established for the
23 child.

24 Section 5. Subsection (6) of section 39.814, Florida
25 Statutes, is amended, and subsection (7) is added to that
26 section, to read:

27 39.814 Oaths, records, and confidential information.--

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

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1 ~~(a) Orders terminating the rights of a parent are~~
2 ~~admissible in evidence in subsequent adoption proceedings~~
3 ~~relating to the child and in subsequent termination of~~
4 ~~parental rights proceedings concerning a sibling of the child.~~

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

8 (b)(c) Records necessary therefor shall be admissible
9 in evidence in any case in which a person is being tried upon
10 a charge of having committed perjury.

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

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

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

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

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

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

4 61.13 Custody and support of children; visitation
5 rights; power of court in making orders.--

6 (1)(a) In a proceeding under this chapter for
7 ~~dissolution of marriage~~, the court has jurisdiction to
8 determine all matters relating to child support ~~may at any~~
9 ~~time order either or both parents who owe a duty of support to~~
10 ~~a child to pay support~~ in accordance with the guidelines in s.
11 61.30. The court initially entering an order requiring one or
12 both parents to make child support payments shall have
13 continuing jurisdiction after the entry of the initial order
14 to modify the amount and terms and conditions of the child
15 support payments when the modification is found necessary by
16 the court in the best interests of the child, when the child
17 reaches majority, or when there is a substantial change in the
18 circumstances of the parties. The court initially entering a
19 child support order shall also have continuing jurisdiction to
20 require the obligee to report to the court on terms prescribed
21 by the court regarding the disposition of the child support
22 payments.

23 (2)

24 (b)1. The court shall determine all matters relating
25 to custody of each minor child of the parties in accordance
26 with the best interests of the child and in accordance with
27 the Uniform Child Custody Jurisdiction and Enforcement Act. It
28 is the public policy of this state to assure that each minor
29 child has frequent and continuing contact with both parents
30 after the parents separate or the marriage of the parties is
31 dissolved and to encourage parents to share the rights and

1 responsibilities, and joys, of childrearing. After considering
2 all relevant facts, the father of the child shall be given the
3 same consideration as the mother in determining the primary
4 residence of a child irrespective of the age or sex of the
5 child.

6 2. The court shall order that the parental
7 responsibility for a minor child be shared by both parents
8 unless the court finds that shared parental responsibility
9 would be detrimental to the child. Evidence that a parent has
10 been convicted of a felony of the third degree or higher
11 involving domestic violence, as defined in s. 741.28 and
12 chapter 775, or meets the criteria of s. 39.806(1)(d), creates
13 a rebuttable presumption of detriment to the child. If the
14 presumption is not rebutted, shared parental responsibility,
15 including visitation, residence of the child, and decisions
16 made regarding the child, may not be granted to the convicted
17 parent. However, the convicted parent is not relieved of any
18 obligation to provide financial support. If the court
19 determines that shared parental responsibility would be
20 detrimental to the child, it may order sole parental
21 responsibility and make such arrangements for visitation as
22 will best protect the child or abused spouse from further
23 harm. Whether or not there is a conviction of any offense of
24 domestic violence or child abuse or the existence of an
25 injunction for protection against domestic violence, the court
26 shall consider evidence of domestic violence or child abuse as
27 evidence of detriment to the child.

28 a. In ordering shared parental responsibility, the
29 court may consider the expressed desires of the parents and
30 may grant to one party the ultimate responsibility over
31 specific aspects of the child's welfare or may divide those

1 responsibilities between the parties based on the best
2 interests of the child. Areas of responsibility may include
3 primary residence, education, medical and dental care, and any
4 other responsibilities that the court finds unique to a
5 particular family.

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

10 c. ~~The court may award the grandparents visitation~~
11 ~~rights with a minor child if it is in the child's best~~
12 ~~interest. Grandparents have legal standing to seek judicial~~
13 ~~enforcement of such an award.~~This section does not require
14 that grandparents be made parties to or given notice of
15 dissolution pleadings or proceedings. A court may not order
16 that a child be kept within the state or jurisdiction of the
17 court solely for the purpose of permitting visitation by the
18 grandparents.

19 3. Access to records and information pertaining to a
20 minor child, including, but not limited to, medical, dental,
21 and school records, may not be denied to a parent because the
22 parent is not the child's primary residential parent. Full
23 rights under this subparagraph apply to either parent unless a
24 court order specifically revokes these rights, including any
25 restrictions on these rights as provided in a domestic
26 violence injunction. A parent having rights under this
27 subparagraph has the same rights upon request as to form,
28 substance, and manner of access as are available to the other
29 parent of a child, including, without limitation, the right to
30 in-person communication with medical, dental, and education
31 providers.

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

3 61.21 Parenting course authorized; fees; required
4 attendance authorized; contempt.--

5 (3) All parties to a dissolution of marriage
6 proceeding with minor children or a paternity action that
7 ~~which~~ involves issues of parental responsibility shall be
8 required to complete the Parent Education and Family
9 Stabilization Course ~~prior to the entry by the court of a~~
10 ~~final judgment~~. The court may excuse a party from attending
11 the parenting course or meeting the required timeframe for
12 completing the course for good cause.

13 (4) All parties required to complete a parenting
14 course under this section shall begin the course as
15 expeditiously as possible after filing for dissolution of
16 marriage or paternity. Unless excused by the court pursuant to
17 subsection (3), the petitioner in the action must complete the
18 course within 45 days after filing the petition and all other
19 parties to the action must complete the course within 45 days
20 after service of the petition. Each party ~~and~~ shall file proof
21 of compliance with the court prior to the entry of the final
22 judgment.

23 Section 8. Paragraph (a) of subsection (5) and
24 paragraph (a) of subsection (6) of section 741.30, Florida
25 Statutes, are amended to read:

26 741.30 Domestic violence; injunction; powers and
27 duties of court and clerk; petition; notice and hearing;
28 temporary injunction; issuance of injunction; statewide
29 verification system; enforcement.--

30 (5)(a) When it appears to the court that an immediate
31 and present danger of domestic violence exists, the court may

1 grant a temporary injunction ex parte, pending a full hearing,
2 and may grant such relief as the court deems proper, including
3 an injunction:

4 1. Restraining the respondent from committing any acts
5 of domestic violence.

6 2. Awarding to the petitioner the temporary exclusive
7 use and possession of the dwelling that the parties share or
8 excluding the respondent from the residence of the petitioner.

9 3. On the same basis as provided in s. 61.13 ~~s.~~
10 ~~61.13(2), (3), (4), and (5)~~, granting to the petitioner
11 temporary custody of a minor child ~~or children~~. An order of
12 temporary custody remains in effect until the order expires or
13 an order is entered by a court of competent jurisdiction in a
14 pending or subsequent civil action or proceeding affecting the
15 placement of, access to, parental time with, or parental
16 responsibility for the minor child.

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

23 1. Restraining the respondent from committing any acts
24 of domestic violence.

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

28 3. On the same basis as provided in chapter 61,
29 awarding temporary custody of, or temporary visitation rights
30 with regard to, a minor child or children of the parties. An
31 order of temporary custody or visitation remains in effect

1 until the order expires or an order is entered by a court of
2 competent jurisdiction in a pending or subsequent civil action
3 or proceeding affecting the placement of, access to, parental
4 time with, or parental responsibility for the minor child.

5 4. On the same basis as provided in chapter 61,
6 establishing temporary support for a minor child or children
7 or the petitioner. An order of temporary support remains in
8 effect until the order expires or an order is entered by a
9 court of competent jurisdiction in a pending or subsequent
10 civil action or proceeding affecting child support.

11 5. Ordering the respondent to participate in
12 treatment, intervention, or counseling services to be paid for
13 by the respondent. When the court orders the respondent to
14 participate in a batterers' intervention program, the court,
15 or any entity designated by the court, must provide the
16 respondent with a list of all certified batterers'
17 intervention programs and all programs which have submitted an
18 application to the Department of Children and Family Services
19 ~~Corrections~~ to become certified under s.741.347 ~~s. 741.325~~,
20 from which the respondent must choose a program in which to
21 participate. If there are no certified batterers' intervention
22 programs in the circuit, the court shall provide a list of
23 acceptable programs from which the respondent must choose a
24 program in which to participate.

25 6. Referring a petitioner to a certified domestic
26 violence center. The court must provide the petitioner with a
27 list of certified domestic violence centers in the circuit
28 which the petitioner may contact.

29 7. Ordering such other relief as the court deems
30 necessary for the protection of a victim of domestic violence,
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1 including injunctions or directives to law enforcement
2 agencies, as provided in this section.

3 Section 9. If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 invalidity does not affect other provisions or applications of
6 the act which can be given effect without the invalid
7 provision or application, and to this end the provisions of
8 this act are severable.

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

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SENATE SUMMARY

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Authorizes the Florida Supreme Court to create a unique identifier for each person by which to identify that person, or his or her family, in all prior or current cases in the family court. Requires that orders entered which affect the placement of, access to, parental time with, or parental responsibility for a minor child shall take precedence over other orders entered in civil actions or proceedings. Provides for the limited admissibility of evidence in subsequent civil proceedings. Eliminates provisions authorizing the court to award grandparents visitation rights. Imposes an earlier deadline for parents to complete parent education courses in dissolution-of-marriage proceedings. Provides that an order of temporary custody, visitation, or support made in a domestic violence case remains in effect until the order expires or the court enters a subsequent order. (See bill for details.)