

By the Committee on Judiciary; and Senator Lynn

308-2045-04

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          conforming provisions to s.39.0132 , F.S.,  
13          regarding modification of a court order in a  
14          subsequent civil action or proceeding; amending  
15          s. 39.814, F.S.; providing for limited  
16          admissibility of evidence in subsequent civil  
17          proceedings; amending s. 61.13, F.S.; providing  
18          for the court to determine matters relating to  
19          child support in any proceeding under ch. 61,  
20          F.S.; eliminating provisions authorizing the  
21          court to award grandparents visitation rights;  
22          eliminating provisions giving grandparents  
23          equal standing as parents for evaluating  
24          custody arrangements; amending s. 61.21, F.S.;  
25          revising the timeframe for completing a  
26          parenting course; amending s. 741.30, F.S.;  
27          providing for an order of temporary custody,  
28          visitation, or support to remain in effect  
29          until the court enters an order in a subsequent  
30          action; amending ss. 61.1827 and 409.2579,  
31          F.S., relating to information about applicants

1           and recipients of child support services;  
2           conforming cross-references; providing for  
3           severability; providing an effective date.

4  
5 Be It Enacted by the Legislature of the State of Florida:

6  
7           Section 1. Section 25.375, Florida Statutes, is  
8 created to read:

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

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

26           39.013 Procedures and jurisdiction; right to  
27 counsel.--

28           (4) Orders entered pursuant to this chapter which  
29 affect the placement of, access to, parental time with,  
30 adoption, or parental rights and responsibilities for a minor  
31 child ~~The order of the circuit court hearing dependency~~

1 ~~matters shall be filed by the clerk of the court in any~~  
2 ~~dissolution or other custody action or proceeding and shall~~  
3 ~~take precedence over other custody and visitation orders~~  
4 ~~entered in civil ~~those~~ actions or proceedings. However, if the~~  
5 ~~court has terminated jurisdiction, such order may be~~  
6 ~~subsequently modified by a court of competent jurisdiction in~~  
7 ~~any other civil action or proceeding affecting placement of,~~  
8 ~~access to, parental time with, adoption, or parental rights~~  
9 ~~and responsibilities for the same minor child.~~

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

13 39.0132 Oaths, records, and confidential  
14 information.--

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

18 ~~(a) Orders permanently terminating the rights of a~~  
19 ~~parent and committing the child to a licensed child-placing~~  
20 ~~agency or the department for adoption shall be admissible in~~  
21 ~~evidence in subsequent adoption proceedings relating to the~~  
22 ~~child.~~

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

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

29 (c)~~(d)~~ Records of proceedings under this chapter may  
30 be used to prove disqualification pursuant to s. 435.06 and  
31

1 for proof regarding such disqualification in a chapter 120  
2 proceeding.

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

8 (e) Evidence admitted in any proceeding under this  
9 chapter may be admissible in evidence when offered by any  
10 party in a subsequent civil proceeding relating to placement  
11 of, access to, parental time with, adoption, or parental  
12 rights and responsibilities for the same child or a sibling of  
13 that child if:

14 1. Notice is given to the opposing party or opposing  
15 party's counsel of the intent to offer the evidence and a copy  
16 of such evidence is delivered to the opposing party or the  
17 opposing party's counsel; and

18 2. The evidence is otherwise admissible in the  
19 subsequent civil proceeding.

20 ~~(e) Orders permanently and involuntarily terminating~~  
21 ~~the rights of a parent shall be admissible as evidence in~~  
22 ~~subsequent termination of parental rights proceedings for a~~  
23 ~~sibling of the child for whom parental rights were terminated.~~

24 (7) Final orders, records, and evidence in any  
25 proceeding under this chapter which are subsequently admitted  
26 in evidence pursuant to subsection (6) remain subject to  
27 subsections (3) and (4).

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

30 39.521 Disposition hearings; powers of disposition.--  
31

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

4           (a) If the court determines that the child can safely  
5 remain in the home with the parent with whom the child was  
6 residing at the time the events or conditions arose that  
7 brought the child within the jurisdiction of the court and  
8 that remaining in this home is in the best interest of the  
9 child, then the court shall order conditions under which the  
10 child may remain or return to the home and that this placement  
11 be under the protective supervision of the department for not  
12 less than 6 months.

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

25           1. Order that the parent assume sole custodial  
26 responsibilities for the child. The court may also provide for  
27 reasonable visitation by the noncustodial parent. The court  
28 may then terminate its jurisdiction over the child. ~~The~~  
29 ~~custody order shall continue unless modified by a subsequent~~  
30 ~~order of the circuit court hearing dependency matters. The~~  
31 ~~order of the circuit court hearing dependency matters shall be~~

1 ~~filed in any dissolution or other custody action or proceeding~~  
2 ~~between the parents and shall take precedence over other~~  
3 ~~custody and visitation orders entered in those actions.~~

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

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

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

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

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

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

28 39.814 Oaths, records, and confidential information.--

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

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, adoption, or parental rights and responsibilities for  
15 the same child or a 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, adoption, or parental rights  
20 and responsibilities for the same child or a sibling of that  
21 child if:

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

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

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



1           Section 6. Section 61.13, Florida Statutes, is amended  
2 to read:

3           61.13 Custody and support of children; visitation  
4 rights; power of court in making orders.--

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

21           (b) Each order for support shall contain a provision  
22 for health care coverage for the minor child when the coverage  
23 is reasonably available. Coverage is reasonably available if  
24 either the obligor or obligee has access at a reasonable rate  
25 to a group health plan. The court may require the obligor  
26 either to provide health care coverage or to reimburse the  
27 obligee for the cost of health care coverage for the minor  
28 child when coverage is provided by the obligee. In either  
29 event, the court shall apportion the cost of coverage, and any  
30 noncovered medical, dental, and prescription medication  
31 expenses of the child, to both parties by adding the cost to

1 the basic obligation determined pursuant to s. 61.30(6). The  
2 court may order that payment of uncovered medical, dental, and  
3 prescription medication expenses of the minor child be made  
4 directly to the obligee on a percentage basis.

5 1. In a non-Title IV-D case, a copy of the court order  
6 for health care coverage shall be served on the obligor's  
7 union or employer by the obligee when the following conditions  
8 are met:

9 a. The obligor fails to provide written proof to the  
10 obligee within 30 days after receiving effective notice of the  
11 court order, that the health care coverage has been obtained  
12 or that application for coverage has been made;

13 b. The obligee serves written notice of intent to  
14 enforce an order for health care coverage on the obligor by  
15 mail at the obligor's last known address; and

16 c. The obligor fails within 15 days after the mailing  
17 of the notice to provide written proof to the obligee that the  
18 health care coverage existed as of the date of mailing.

19 2.a. A support order enforced under Title IV-D of the  
20 Social Security Act which requires that the obligor provide  
21 health care coverage is enforceable by the department through  
22 the use of the national medical support notice, and an  
23 amendment to the support order is not required. The department  
24 shall transfer the national medical support notice to the  
25 obligor's union or employer. The department shall notify the  
26 obligor in writing that the notice has been sent to the  
27 obligor's union or employer, and the written notification must  
28 include the obligor's rights and duties under the national  
29 medical support notice. The obligor may contest the  
30 withholding required by the national medical support notice  
31 based on a mistake of fact. To contest the withholding, the

1 obligor must file a written notice of contest with the  
2 department within 15 business days after the date the obligor  
3 receives written notification of the national medical support  
4 notice from the department. Filing with the department is  
5 complete when the notice is received by the person designated  
6 by the department in the written notification. The notice of  
7 contest must be in the form prescribed by the department. Upon  
8 the timely filing of a notice of contest, the department  
9 shall, within 5 business days, schedule an informal conference  
10 with the obligor to discuss the obligor's factual dispute. If  
11 the informal conference resolves the dispute to the obligor's  
12 satisfaction or if the obligor fails to attend the informal  
13 conference, the notice of contest is deemed withdrawn. If the  
14 informal conference does not resolve the dispute, the obligor  
15 may request an administrative hearing under chapter 120 within  
16 5 business days after the termination of the informal  
17 conference, in a form and manner prescribed by the department.  
18 However, the filing of a notice of contest by the obligor does  
19 not delay the withholding of premium payments by the union,  
20 employer, or health plan administrator. The union, employer,  
21 or health plan administrator must implement the withholding as  
22 directed by the national medical support notice unless  
23 notified by the department that the national medical support  
24 notice is terminated.

25           b. In a Title IV-D case, the department shall notify  
26 an obligor's union or employer if the obligation to provide  
27 health care coverage through that union or employer is  
28 terminated.

29           3. In a non-Title IV-D case, upon receipt of the order  
30 pursuant to subparagraph 1., or upon application of the  
31 obligor pursuant to the order, the union or employer shall

1 enroll the minor child as a beneficiary in the group health  
2 plan regardless of any restrictions on the enrollment period  
3 and withhold any required premium from the obligor's income.  
4 If more than one plan is offered by the union or employer, the  
5 child shall be enrolled in the group health plan in which the  
6 obligor is enrolled.

7           4.a. Upon receipt of the national medical support  
8 notice under subparagraph 2. in a Title IV-D case, the union  
9 or employer shall transfer the notice to the appropriate group  
10 health plan administrator within 20 business days after the  
11 date on the notice. The plan administrator must enroll the  
12 child as a beneficiary in the group health plan regardless of  
13 any restrictions on the enrollment period, and the union or  
14 employer must withhold any required premium from the obligor's  
15 income upon notification by the plan administrator that the  
16 child is enrolled. The child shall be enrolled in the group  
17 health plan in which the obligor is enrolled. If the group  
18 health plan in which the obligor is enrolled is not available  
19 where the child resides or if the obligor is not enrolled in  
20 group coverage, the child shall be enrolled in the lowest cost  
21 group health plan that is available where the child resides.

22           b. If health care coverage or the obligor's employment  
23 is terminated in a Title IV-D case, the union or employer that  
24 is withholding premiums for health care coverage under a  
25 national medical support notice must notify the department  
26 within 20 days after the termination and provide the obligor's  
27 last known address and the name and address of the obligor's  
28 new employer, if known.

29           5.a. The amount withheld by a union or employer in  
30 compliance with a support order may not exceed the amount  
31 allowed under s. 303(b) of the Consumer Credit Protection Act,

1 15 U.S.C. s. 1673(b), as amended. The union or employer shall  
2 withhold the maximum allowed by the Consumer Credit Protection  
3 Act in the following order:

4 (I) Current support, as ordered.

5 (II) Premium payments for health care coverage, as  
6 ordered.

7 (III) Past due support, as ordered.

8 (IV) Other medical support or coverage, as ordered.

9 b. If the combined amount to be withheld for current  
10 support plus the premium payment for health care coverage  
11 exceed the amount allowed under the Consumer Credit Protection  
12 Act, and the health care coverage cannot be obtained unless  
13 the full amount of the premium is paid, the union or employer  
14 may not withhold the premium payment. However, the union or  
15 employer shall withhold the maximum allowed in the following  
16 order:

17 (I) Current support, as ordered.

18 (II) Past due support, as ordered.

19 (III) Other medical support or coverage, as ordered.

20 6. The Department of Revenue may adopt rules to  
21 administer the child support enforcement provisions of this  
22 section which affect Title IV-D cases.

23 (c) To the extent necessary to protect an award of  
24 child support, the court may order the obligor to purchase or  
25 maintain a life insurance policy or a bond, or to otherwise  
26 secure the child support award with any other assets which may  
27 be suitable for that purpose.

28 (d)1. Unless the provisions of subparagraph 3. apply,  
29 all child support orders entered on or after January 1, 1985,  
30 shall direct that the payments of child support be made as  
31 provided in s. 61.181 through the depository in the county

1 where the court is located. All child support orders shall  
2 provide the full name, date of birth, and social security  
3 number of each minor child who is the subject of the child  
4 support order.

5         2. Unless the provisions of subparagraph 3. apply, all  
6 child support orders entered before January 1, 1985, shall be  
7 modified by the court to direct that payments of child support  
8 shall be made through the depository in the county where the  
9 court is located upon the subsequent appearance of either or  
10 both parents to modify or enforce the order, or in any related  
11 proceeding.

12         3. If both parties request and the court finds that it  
13 is in the best interest of the child, support payments need  
14 not be directed through the depository. The order of support  
15 shall provide, or shall be deemed to provide, that either  
16 party may subsequently apply to the depository to require  
17 direction of the payments through the depository. The court  
18 shall provide a copy of the order to the depository.

19         4. If the parties elect not to require that support  
20 payments be made through the depository, any party may  
21 subsequently file an affidavit with the depository alleging a  
22 default in payment of child support and stating that the party  
23 wishes to require that payments be made through the  
24 depository. The party shall provide copies of the affidavit to  
25 the court and to each other party. Fifteen days after receipt  
26 of the affidavit, the depository shall notify both parties  
27 that future payments shall be paid through the depository.

28         5. In IV-D cases, the IV-D agency shall have the same  
29 rights as the obligee in requesting that payments be made  
30 through the depository.

31

1           (e) In a judicial circuit with a work experience and  
2 job training pilot project, if the obligor is unemployed or  
3 has no income and does not have an account at a financial  
4 institution, then the court shall order the obligor to seek  
5 employment, if the obligor is able to engage in employment,  
6 and to immediately notify the court upon obtaining employment,  
7 upon obtaining any income, or upon obtaining any ownership of  
8 any asset with a value of \$500 or more. If the obligor is  
9 still unemployed 30 days after any order for support, the  
10 court may order the obligor to enroll in the work experience,  
11 job placement, and job training pilot program for noncustodial  
12 parents as established in s. 409.2565, if the obligor is  
13 eligible for entrance into the pilot program.

14           (2)(a) The court shall have jurisdiction to determine  
15 custody, notwithstanding that the child is not physically  
16 present in this state at the time of filing any proceeding  
17 under this chapter, if it appears to the court that the child  
18 was removed from this state for the primary purpose of  
19 removing the child from the jurisdiction of the court in an  
20 attempt to avoid a determination or modification of custody.

21           (b)1. The court shall determine all matters relating  
22 to custody of each minor child of the parties in accordance  
23 with the best interests of the child and in accordance with  
24 the Uniform Child Custody Jurisdiction and Enforcement Act. It  
25 is the public policy of this state to assure that each minor  
26 child has frequent and continuing contact with both parents  
27 after the parents separate or the marriage of the parties is  
28 dissolved and to encourage parents to share the rights and  
29 responsibilities, and joys, of childrearing. After considering  
30 all relevant facts, the father of the child shall be given the  
31 same consideration as the mother in determining the primary

1 residence of a child irrespective of the age or sex of the  
2 child.

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

25           a. In ordering shared parental responsibility, the  
26 court may consider the expressed desires of the parents and  
27 may grant to one party the ultimate responsibility over  
28 specific aspects of the child's welfare or may divide those  
29 responsibilities between the parties based on the best  
30 interests of the child. Areas of responsibility may include  
31 primary residence, education, medical and dental care, and any



1 other responsibilities that the court finds unique to a  
2 particular family.

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

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

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

29           (c) The circuit court in the county in which either  
30 parent and the child reside or the circuit court in which the  
31 original award of custody was entered have jurisdiction to

1 modify an award of child custody. The court may change the  
2 venue in accordance with s. 47.122.

3 (d) No presumption shall arise in favor of or against  
4 a request to relocate when a primary residential parent seeks  
5 to move the child and the move will materially affect the  
6 current schedule of contact and access with the secondary  
7 residential parent. In making a determination as to whether  
8 the primary residential parent may relocate with a child, the  
9 court must consider the following factors:

10 1. Whether the move would be likely to improve the  
11 general quality of life for both the residential parent and  
12 the child.

13 2. The extent to which visitation rights have been  
14 allowed and exercised.

15 3. Whether the primary residential parent, once out of  
16 the jurisdiction, will be likely to comply with any substitute  
17 visitation arrangements.

18 4. Whether the substitute visitation will be adequate  
19 to foster a continuing meaningful relationship between the  
20 child and the secondary residential parent.

21 5. Whether the cost of transportation is financially  
22 affordable by one or both parties.

23 6. Whether the move is in the best interests of the  
24 child.

25 (3) For purposes of shared parental responsibility and  
26 primary residence, the best interests of the child shall  
27 include an evaluation of all factors affecting the welfare and  
28 interests of the child, including, but not limited to:

29 (a) The parent who is more likely to allow the child  
30 frequent and continuing contact with the nonresidential  
31 parent.

1           (b) The love, affection, and other emotional ties  
2 existing between the parents and the child.

3           (c) The capacity and disposition of the parents to  
4 provide the child with food, clothing, medical care or other  
5 remedial care recognized and permitted under the laws of this  
6 state in lieu of medical care, and other material needs.

7           (d) The length of time the child has lived in a  
8 stable, satisfactory environment and the desirability of  
9 maintaining continuity.

10          (e) The permanence, as a family unit, of the existing  
11 or proposed custodial home.

12          (f) The moral fitness of the parents.

13          (g) The mental and physical health of the parents.

14          (h) The home, school, and community record of the  
15 child.

16          (i) The reasonable preference of the child, if the  
17 court deems the child to be of sufficient intelligence,  
18 understanding, and experience to express a preference.

19          (j) The willingness and ability of each parent to  
20 facilitate and encourage a close and continuing parent-child  
21 relationship between the child and the other parent.

22          (k) Evidence that any party has knowingly provided  
23 false information to the court regarding a domestic violence  
24 proceeding pursuant to s. 741.30.

25          (l) Evidence of domestic violence or child abuse.

26          (m) Any other fact considered by the court to be  
27 relevant.

28          (4)(a) When a noncustodial parent who is ordered to  
29 pay child support or alimony and who is awarded visitation  
30 rights fails to pay child support or alimony, the custodial  
31

1 parent shall not refuse to honor the noncustodial parent's  
2 visitation rights.

3 (b) When a custodial parent refuses to honor a  
4 noncustodial parent's visitation rights, the noncustodial  
5 parent shall not fail to pay any ordered child support or  
6 alimony.

7 (c) When a custodial parent refuses to honor a  
8 noncustodial parent's or grandparent's visitation rights  
9 without proper cause, the court shall, after calculating the  
10 amount of visitation improperly denied, award the noncustodial  
11 parent or grandparent a sufficient amount of extra visitation  
12 to compensate the noncustodial parent or grandparent, which  
13 visitation shall be ordered as expeditiously as possible in a  
14 manner consistent with the best interests of the child and  
15 scheduled in a manner that is convenient for the person  
16 deprived of visitation. In ordering any makeup visitation, the  
17 court shall schedule such visitation in a manner that is  
18 consistent with the best interests of the child or children  
19 and that is convenient for the noncustodial parent or  
20 grandparent. In addition, the court:

21 1. May order the custodial parent to pay reasonable  
22 court costs and attorney's fees incurred by the noncustodial  
23 parent or grandparent to enforce their visitation rights or  
24 make up improperly denied visitation;

25 2. May order the custodial parent to attend the  
26 parenting course approved by the judicial circuit;

27 3. May order the custodial parent to do community  
28 service if the order will not interfere with the welfare of  
29 the child;

30 4. May order the custodial parent to have the  
31 financial burden of promoting frequent and continuing contact

1 when the custodial parent and child reside further than 60  
2 miles from the noncustodial parent;

3 5. May award custody, rotating custody, or primary  
4 residence to the noncustodial parent, upon the request of the  
5 noncustodial parent, if the award is in the best interests of  
6 the child; or

7 6. May impose any other reasonable sanction as a  
8 result of noncompliance.

9 (d) A person who violates this subsection may be  
10 punished by contempt of court or other remedies as the court  
11 deems appropriate.

12 (5) The court may make specific orders for the care  
13 and custody of the minor child as from the circumstances of  
14 the parties and the nature of the case is equitable and  
15 provide for child support in accordance with the guidelines in  
16 s. 61.30. An award of shared parental responsibility of a  
17 minor child does not preclude the court from entering an order  
18 for child support of the child.

19 (6) In any proceeding under this section, the court  
20 may not deny shared parental responsibility, custody, or  
21 visitation rights to a parent or grandparent solely because  
22 that parent or grandparent is or is believed to be infected  
23 with human immunodeficiency virus; but the court may condition  
24 such rights upon the parent's or grandparent's agreement to  
25 observe measures approved by the Centers for Disease Control  
26 and Prevention of the United States Public Health Service or  
27 by the Department of Health for preventing the spread of human  
28 immunodeficiency virus to the child.

29 ~~(7) In any case where the child is actually residing~~  
30 ~~with a grandparent in a stable relationship, whether the court~~  
31 ~~has awarded custody to the grandparent or not, the court may~~

1 ~~recognize the grandparents as having the same standing as~~  
2 ~~parents for evaluating what custody arrangements are in the~~  
3 ~~best interest of the child.~~

4       (7)~~(8)~~ If the court orders that parental  
5 responsibility, including visitation, be shared by both  
6 parents, the court may not deny the noncustodial parent  
7 overnight contact and access to or visitation with the child  
8 solely because of the age or sex of the child.

9       (8)~~(9)~~(a) Beginning July 1, 1997, each party to any  
10 paternity or support proceeding is required to file with the  
11 tribunal as defined in s. 88.1011(22) and State Case Registry  
12 upon entry of an order, and to update as appropriate,  
13 information on location and identity of the party, including  
14 social security number, residential and mailing addresses,  
15 telephone number, driver's license number, and name, address,  
16 and telephone number of employer. Beginning October 1, 1998,  
17 each party to any paternity or child support proceeding in a  
18 non-Title IV-D case shall meet the above requirements for  
19 updating the tribunal and State Case Registry.

20       (b) Pursuant to the federal Personal Responsibility  
21 and Work Opportunity Reconciliation Act of 1996, each party is  
22 required to provide his or her social security number in  
23 accordance with this section. Disclosure of social security  
24 numbers obtained through this requirement shall be limited to  
25 the purpose of administration of the Title IV-D program for  
26 child support enforcement.

27       (c) Beginning July 1, 1997, in any subsequent Title  
28 IV-D child support enforcement action between the parties,  
29 upon sufficient showing that diligent effort has been made to  
30 ascertain the location of such a party, the court of competent  
31 jurisdiction shall deem state due process requirements for

1 notice and service of process to be met with respect to the  
2 party, upon delivery of written notice to the most recent  
3 residential or employer address filed with the tribunal and  
4 State Case Registry pursuant to paragraph (a). Beginning  
5 October 1, 1998, in any subsequent non-Title IV-D child  
6 support enforcement action between the parties, the same  
7 requirements for service shall apply.

8 (9)~~(10)~~ At the time an order for child support is  
9 entered, each party is required to provide his or her social  
10 security number and date of birth to the court, as well as the  
11 name, date of birth, and social security number of each minor  
12 child that is the subject of such child support order.  
13 Pursuant to the federal Personal Responsibility and Work  
14 Opportunity Reconciliation Act of 1996, each party is required  
15 to provide his or her social security number in accordance  
16 with this section. All social security numbers required by  
17 this section shall be provided by the parties and maintained  
18 by the depository as a separate attachment in the file.  
19 Disclosure of social security numbers obtained through this  
20 requirement shall be limited to the purpose of administration  
21 of the Title IV-D program for child support enforcement.

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

24 61.21 Parenting course authorized; fees; required  
25 attendance authorized; contempt.--

26 (3) All parties to a dissolution of marriage  
27 proceeding with minor children or a paternity action that  
28 ~~which~~ involves issues of parental responsibility shall be  
29 required to complete the Parent Education and Family  
30 Stabilization Course ~~prior to the entry by the court of a~~  
31 ~~final judgment~~. The court may excuse a party from attending

1 the parenting course or meeting the required timeframe for  
2 completing the course for good cause.

3 (4) All parties required to complete a parenting  
4 course under this section shall begin the course as  
5 expeditiously as possible after filing for dissolution of  
6 marriage or paternity. Unless excused by the court pursuant to  
7 subsection (3), the petitioner in the action must complete the  
8 course within 45 days after filing the petition and all other  
9 parties to the action must complete the course within 45 days  
10 after service of the petition. Each party ~~and~~ shall file proof  
11 of compliance with the court prior to the entry of the final  
12 judgment.

13 Section 8. Paragraph (a) of subsection (5) and  
14 paragraph (a) of subsection (6) of section 741.30, Florida  
15 Statutes, are amended to read:

16 741.30 Domestic violence; injunction; powers and  
17 duties of court and clerk; petition; notice and hearing;  
18 temporary injunction; issuance of injunction; statewide  
19 verification system; enforcement.--

20 (5)(a) When it appears to the court that an immediate  
21 and present danger of domestic violence exists, the court may  
22 grant a temporary injunction ex parte, pending a full hearing,  
23 and may grant such relief as the court deems proper, including  
24 an injunction:

25 1. Restraining the respondent from committing any acts  
26 of domestic violence.

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

30 3. On the same basis as provided in s. 61.13 ~~s.~~  
31 ~~61.13(2), (3), (4), and (5)~~, granting to the petitioner



1 temporary custody of a minor child ~~or children~~. An order of  
2 temporary custody remains in effect until the order expires or  
3 an order is entered by a court of competent jurisdiction in a  
4 pending or subsequent civil action or proceeding affecting the  
5 placement of, access to, parental time with, adoption, or  
6 parental rights and responsibilities for the minor child.

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

13 1. Restraining the respondent from committing any acts  
14 of domestic violence.

15 2. Awarding to the petitioner the exclusive use and  
16 possession of the dwelling that the parties share or excluding  
17 the respondent from the residence of the petitioner.

18 3. On the same basis as provided in chapter 61,  
19 awarding temporary custody of, or temporary visitation rights  
20 with regard to, a minor child or children of the parties. An  
21 order of temporary custody or visitation remains in effect  
22 until the order expires or an order is entered by a court of  
23 competent jurisdiction in a pending or subsequent civil action  
24 or proceeding affecting the placement of, access to, parental  
25 time with, adoption, or parental rights and responsibilities  
26 for the minor child.

27 4. On the same basis as provided in chapter 61,  
28 establishing temporary support for a minor child or children  
29 or the petitioner. An order of temporary support remains in  
30 effect until the order expires or an order is entered by a  
31

1 court of competent jurisdiction in a pending or subsequent  
2 civil action or proceeding affecting child support.

3           5. Ordering the respondent to participate in  
4 treatment, intervention, or counseling services to be paid for  
5 by the respondent. When the court orders the respondent to  
6 participate in a batterers' intervention program, the court,  
7 or any entity designated by the court, must provide the  
8 respondent with a list of all certified batterers'  
9 intervention programs and all programs which have submitted an  
10 application to the Department of Children and Family Services  
11 ~~Corrections~~ to become certified under s. 741.32 ~~s. 741.325~~,  
12 from which the respondent must choose a program in which to  
13 participate. If there are no certified batterers' intervention  
14 programs in the circuit, the court shall provide a list of  
15 acceptable programs from which the respondent must choose a  
16 program in which to participate.

17           6. Referring a petitioner to a certified domestic  
18 violence center. The court must provide the petitioner with a  
19 list of certified domestic violence centers in the circuit  
20 which the petitioner may contact.

21           7. Ordering such other relief as the court deems  
22 necessary for the protection of a victim of domestic violence,  
23 including injunctions or directives to law enforcement  
24 agencies, as provided in this section.

25           Section 9. Subsection (1) of section 61.1827, Florida  
26 Statutes, is amended to read:

27           61.1827 Identifying information concerning applicants  
28 for and recipients of child support services.--

29           (1) Any information that reveals the identity of  
30 applicants for or recipients of child support services,  
31 including the name, address, and telephone number of such

1 persons, in the possession of a non-Title IV-D county child  
2 support enforcement agency is confidential and exempt from  
3 public disclosure pursuant to s. 119.07(1) and s. 24(a) of  
4 Art. I of the State Constitution. The use or disclosure of  
5 such information by the non-Title IV-D county child support  
6 enforcement agency is limited to the purposes directly  
7 connected with:

8 (a) Any investigation, prosecution, or criminal or  
9 civil proceeding connected with the administration of any  
10 non-Title IV-D county child support enforcement program;

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

15 (c) Mandatory disclosure of information as required by  
16 ss. 409.2577, 61.181, 61.1825, and 61.1826 and Title IV-D of  
17 the Social Security Act.

18 (d) Disclosure to an authorized person, as defined in  
19 45 C.F.R. s. 303.15, for purposes of enforcing any state or  
20 federal law with respect to the unlawful taking or restraint  
21 of a child or making or enforcing a child custody or  
22 visitation determination. As used in this paragraph, the term  
23 "authorized person" includes a noncustodial parent, unless a  
24 court has entered an order under s. 741.30, s. 741.31, or s.  
25 784.046.

26 Section 10. Subsection (1) of section 409.2579,  
27 Florida Statutes, is amended to read:

28 409.2579 Safeguarding Title IV-D case file  
29 information.--

30 (1) Information concerning applicants for or  
31 recipients of Title IV-D child support services is

1 confidential and exempt from the provisions of s. 119.07(1).

2 The use or disclosure of such information by the IV-D program  
3 is limited to purposes directly connected with:

4 (a) The administration of the plan or program approved  
5 under part A, part B, part D, part E, or part F of Title IV;  
6 under Title II, Title X, Title XIV, Title XVI, Title XIX, or  
7 Title XX; or under the supplemental security income program  
8 established under Title XVI of the Social Security Act;

9 (b) Any investigation, prosecution, or criminal or  
10 civil proceeding connected with the administration of any such  
11 plan or program;

12 (c) The administration of any other federal or  
13 federally assisted program which provides service or  
14 assistance, in cash or in kind, directly to individuals on the  
15 basis of need;

16 (d) Reporting to an appropriate agency or official,  
17 information on known or suspected instances of physical or  
18 mental injury, child abuse, sexual abuse or exploitation, or  
19 negligent treatment or maltreatment of a child who is the  
20 subject of a support enforcement activity under circumstances  
21 which indicate that the child's health or welfare is  
22 threatened thereby; and

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

26 Section 11. If any provision of this act or its  
27 application to any person or circumstance is held invalid, the  
28 invalidity does not affect other provisions or applications of  
29 the act which can be given effect without the invalid  
30 provision or application, and to this end the provisions of  
31 this act are severable.

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

2

3                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
4                   COMMITTEE SUBSTITUTE FOR  
5                   Senate Bill 586

6

6 - Clarifies that the Florida Supreme Court can use only a  
7 portion rather than the entire social security number to  
8 develop a unique identifier for purposes of identifying  
and tracking related cases.

9

9 - Adds adoption and parental rights to the list of  
10 subsequent civil proceedings in which a chapter 39 order  
might either take precedence, be subsequently modified,  
and admissible.

11

11 - Adds adoption and parental rights to the list of  
12 subsequent civil proceedings in which a temporary child  
custody, visitation and support order entered in a  
13 domestic violence injunction proceeding may be  
subsequently modified.

14

14 - Deletes completely the two provisions in chapter 61,  
15 F.S., relating to grandparents visitation rights that  
were declared unconstitutional.

16

16 - Conforms statutory cross-references within s. 61.1827,  
17 F.S., and s. 409.2579, F.S., to reflect changes in the  
bill.

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