

1                   A bill to be entitled  
2           An act relating to family court efficiency; creating s.  
3           25.375, F.S.; authorizing the Supreme Court to create a  
4           system to identify cases relating to individuals and  
5           families within the court system; amending s. 39.013,  
6           F.S.; providing for precedence of certain orders affecting  
7           the placement of, access to, parental time with, or  
8           parental responsibility for a minor child; providing for  
9           modifying a court order in a subsequent civil action or  
10          proceeding; amending s. 39.0132, F.S.; providing for  
11          limited admissibility of evidence in subsequent civil  
12          proceedings; amending s. 39.521, F.S.; providing for  
13          precedence of certain custody orders; providing for  
14          modifying a court order in a subsequent civil action or  
15          proceeding; amending s. 39.814, F.S.; providing for  
16          limited admissibility of evidence in subsequent civil  
17          proceedings; amending s. 61.13, F.S.; providing for the  
18          court to determine matters relating to child support in  
19          any proceeding under ch. 61, F.S.; eliminating provisions  
20          authorizing the court to award grandparents visitation  
21          rights; amending s. 61.21, F.S.; revising the timeframe  
22          for completing a parenting course; amending s. 741.30,  
23          F.S.; providing for an order of temporary custody,  
24          visitation, or support to remain in effect until it  
25          expires or the court enters an order in a subsequent  
26          action; providing for severability; providing an effective  
27          date.  
28

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

30  
 31 Section 1. Section 25.375, Florida Statutes, is created to  
 32 read:

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

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

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

57 if the court has terminated jurisdiction, such order may be  
 58 subsequently modified by a court of competent jurisdiction in  
 59 any other civil action or proceeding affecting placement of,  
 60 access to, parental time with, or parental responsibility for  
 61 the same minor child.

62 Section 3. Subsection (6) of section 39.0132, Florida  
 63 Statutes, is amended, and subsection (7) is added to said  
 64 section, to read:

65 39.0132 Oaths, records, and confidential information.--

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

69 ~~(a) Orders permanently terminating the rights of a parent~~  
 70 ~~and committing the child to a licensed child placing agency or~~  
 71 ~~the department for adoption shall be admissible in evidence in~~  
 72 ~~subsequent adoption proceedings relating to the child.~~

73 (a)(b) Records of proceedings under this chapter forming a  
 74 part of the record on appeal shall be used in the appellate  
 75 court in the manner hereinafter provided.

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

79 (c)(d) Records of proceedings under this chapter may be  
 80 used to prove disqualification pursuant to s. 435.06 and for  
 81 proof regarding such disqualification in a chapter 120  
 82 proceeding.

83 (d) A final order entered pursuant to an adjudicatory  
 84 hearing is admissible in evidence in any subsequent civil

85 proceeding relating to placement of, access to, parental time  
 86 with, or parental responsibility for the same child or a sibling  
 87 of that child.

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

93 1. Notice is given to the opposing party or opposing  
 94 party's counsel of the intent to offer the evidence and a copy  
 95 of such evidence is delivered to the opposing party or the  
 96 opposing party's counsel.

97 2. The evidence is otherwise admissible in the subsequent  
 98 civil proceeding.

99 ~~(e) Orders permanently and involuntarily terminating the~~  
 100 ~~rights of a parent shall be admissible as evidence in subsequent~~  
 101 ~~termination of parental rights proceedings for a sibling of the~~  
 102 ~~child for whom parental rights were terminated.~~

103 (7) Final orders, records, and evidence in any proceeding  
 104 under this chapter that are subsequently admitted in evidence  
 105 pursuant to subsection (6) remain subject to subsections (3) and  
 106 (4).

107 Section 4. Paragraph (b) of subsection (3) of section  
 108 39.521, Florida Statutes, is amended to read:

109 39.521 Disposition hearings; powers of disposition.--

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

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

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

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

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

154  
 155 Protective supervision continues until the court terminates it  
 156 or until the child reaches the age of 18, whichever date is  
 157 first. Protective supervision shall be terminated by the court  
 158 whenever the court determines that permanency has been achieved  
 159 for the child, whether with a parent, another relative, or a  
 160 legal custodian, and that protective supervision is no longer  
 161 needed. The termination of supervision may be with or without  
 162 retaining jurisdiction, at the court's discretion, and shall in  
 163 either case be considered a permanency option for the child. The  
 164 order terminating supervision by the department shall set forth  
 165 the powers of the custodian of the child and shall include the  
 166 powers ordinarily granted to a guardian of the person of a minor  
 167 unless otherwise specified. Upon the court's termination of

168 supervision by the department, no further judicial reviews are  
 169 required, so long as permanency has been established for the  
 170 child.

171 Section 5. Subsection (6) of section 39.814, Florida  
 172 Statutes, is amended, and subsection (7) is added to said  
 173 section, to read:

174 39.814 Oaths, records, and confidential information.--

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

178 ~~(a) Orders terminating the rights of a parent are~~  
 179 ~~admissible in evidence in subsequent adoption proceedings~~  
 180 ~~relating to the child and in subsequent termination of parental~~  
 181 ~~rights proceedings concerning a sibling of the child.~~

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

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

188 (c) A final order entered pursuant to an adjudicatory  
 189 hearing is admissible in evidence in any subsequent civil  
 190 proceeding relating to placement of, access to, parental time  
 191 with, or parental responsibility for the same child or a sibling  
 192 of that child.

193 (d) Evidence admitted in any proceeding under this part  
 194 may be admissible in evidence when offered by any party in a  
 195 subsequent civil proceeding relating to placement of, access to,

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

198 1. Notice is given to the opposing party or opposing  
 199 party's counsel of the intent to offer the evidence and a copy  
 200 of such evidence is delivered to the opposing party or opposing  
 201 party's counsel.

202 2. The evidence is otherwise admissible in the subsequent  
 203 civil proceeding.

204 (7) Final orders, records, and evidence in any proceeding  
 205 under this part which are subsequently admitted in evidence  
 206 pursuant to subsection (6) remain subject to subsections (3) and  
 207 (4).

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

211 61.13 Custody and support of children; visitation rights;  
 212 power of court in making orders.--

213 (1)(a) In a proceeding under this chapter ~~for dissolution~~  
 214 ~~of marriage,~~ the court has jurisdiction to determine all matters  
 215 relating to child ~~may at any time order either or both parents~~  
 216 ~~who owe a duty of support to a child to pay~~ support in  
 217 accordance with the guidelines in s. 61.30. The court initially  
 218 entering an order requiring one or both parents to make child  
 219 support payments shall have continuing jurisdiction after the  
 220 entry of the initial order to modify the amount and terms and  
 221 conditions of the child support payments when the modification  
 222 is found necessary by the court in the best interests of the  
 223 child, when the child reaches majority, or when there is a



HB 0145

2005

224 substantial change in the circumstances of the parties. The  
225 court initially entering a child support order shall also have  
226 continuing jurisdiction to require the obligee to report to the  
227 court on terms prescribed by the court regarding the disposition  
228 of the child support payments.

229 (2)

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

242 2. The court shall order that the parental responsibility  
243 for a minor child be shared by both parents unless the court  
244 finds that shared parental responsibility would be detrimental  
245 to the child. Evidence that a parent has been convicted of a  
246 felony of the third degree or higher involving domestic  
247 violence, as defined in s. 741.28 and chapter 775, or meets the  
248 criteria of s. 39.806(1)(d), creates a rebuttable presumption of  
249 detriment to the child. If the presumption is not rebutted,  
250 shared parental responsibility, including visitation, residence  
251 of the child, and decisions made regarding the child, may not be

252 granted to the convicted parent. However, the convicted parent  
 253 is not relieved of any obligation to provide financial support.  
 254 If the court determines that shared parental responsibility  
 255 would be detrimental to the child, it may order sole parental  
 256 responsibility and make such arrangements for visitation as will  
 257 best protect the child or abused spouse from further harm.  
 258 Whether or not there is a conviction of any offense of domestic  
 259 violence or child abuse or the existence of an injunction for  
 260 protection against domestic violence, the court shall consider  
 261 evidence of domestic violence or child abuse as evidence of  
 262 detriment to the child.

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

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

275 ~~c. The court may award the grandparents visitation rights~~  
 276 ~~with a minor child if it is in the child's best interest.~~  
 277 ~~Grandparents have legal standing to seek judicial enforcement of~~  
 278 ~~such an award.~~ This section does not require that grandparents  
 279 be made parties to or given notice of dissolution pleadings or

280 proceedings. A court may not order that a child be kept within  
 281 the state or jurisdiction of the court solely for the purpose of  
 282 permitting visitation by the grandparents.

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

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

297 61.21 Parenting course authorized; fees; required  
 298 attendance authorized; contempt.--

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

306 (4) All parties required to complete a parenting course  
 307 under this section shall begin the course as expeditiously as

308 possible after filing for dissolution of marriage or paternity.  
 309 Unless excused by the court pursuant to subsection (3), the  
 310 petitioner in the action must complete the course within 45 days  
 311 after filing the petition and all other parties to the action  
 312 must complete the course within 45 days after service of the  
 313 petition. Each party ~~and~~ shall file proof of compliance with the  
 314 court prior to the entry of the final judgment.

315 Section 8. Paragraph (a) of subsection (5) and paragraph  
 316 (a) of subsection (6) of section 741.30, Florida Statutes, are  
 317 amended to read:

318 741.30 Domestic violence; injunction; powers and duties of  
 319 court and clerk; petition; notice and hearing; temporary  
 320 injunction; issuance of injunction; statewide verification  
 321 system; enforcement.--

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

327 1. Restraining the respondent from committing any acts of  
 328 domestic violence.

329 2. Awarding to the petitioner the temporary exclusive use  
 330 and possession of the dwelling that the parties share or  
 331 excluding the respondent from the residence of the petitioner.

332 3. On the same basis as provided in s. 61.13~~(2), (3), (4),~~  
 333 ~~and (5)~~, granting to the petitioner temporary custody of a minor  
 334 child ~~or children~~. An order of temporary custody remains in  
 335 effect until the order expires or an order is entered by a court

336 of competent jurisdiction in a pending or subsequent civil  
 337 action or proceeding affecting the placement of, access to,  
 338 parental time with, or parental responsibility for the minor  
 339 child.

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

346 1. Restraining the respondent from committing any acts of  
 347 domestic violence.

348 2. Awarding to the petitioner the exclusive use and  
 349 possession of the dwelling that the parties share or excluding  
 350 the respondent from the residence of the petitioner.

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

359 4. On the same basis as provided in chapter 61,  
 360 establishing temporary support for a minor child or children or  
 361 the petitioner. An order of temporary support remains in effect  
 362 until the order expires or an order is entered by a court of

363 competent jurisdiction in a pending or subsequent civil action  
 364 or proceeding affecting child support.

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

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

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

386 Section 9. If any provision of this act or its application  
 387 to any person or circumstance is held invalid, the invalidity  
 388 shall not affect other provisions or applications of the act  
 389 which can be given effect without the invalid provision or

HB 0145

2005

390 | application, and to this end the provisions of this act are  
391 | severable.

392 |       Section 10. This act shall take effect July 1, 2005.