

By Senator Lynn

7-340-05

1                                   A bill to be entitled  
2           An act relating to 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          requiring the Department of Children and Family  
26          Services to approve parenting courses;  
27          establishing requirements relating to the  
28          provision of approved parenting courses;  
29          specifying timeframes for completing the  
30          course; amending s. 741.30, F.S.; providing for  
31          an order of temporary custody, visitation, or

1 support to remain in effect until the court  
2 enters an order in a subsequent action;  
3 amending ss. 61.1827 and 409.2579, F.S.,  
4 relating to information about applicants and  
5 recipients of child-support services;  
6 conforming cross-references; providing for  
7 severability; providing an effective date.  
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9 Be It Enacted by the Legislature of the State of Florida:

10  
11 Section 1. Section 25.375, Florida Statutes, is  
12 created to read:

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

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

30 39.013 Procedures and jurisdiction; right to  
31 counsel.--

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

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

17           39.0132 Oaths, records, and confidential  
18 information.--

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

22           ~~(a) Orders permanently terminating the rights of a~~  
23 ~~parent and committing the child to a licensed child placing~~  
24 ~~agency or the department for adoption shall be admissible in~~  
25 ~~evidence in subsequent adoption proceedings relating to the~~  
26 ~~child.~~

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

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

4           ~~(c)(d)~~ Records of proceedings under this chapter may  
5 be used to prove disqualification pursuant to s. 435.06 and  
6 for proof regarding such disqualification in a chapter 120  
7 proceeding.

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

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

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

23           2. The evidence is otherwise admissible in the  
24 subsequent civil proceeding.

25           ~~(e) Orders permanently and involuntarily terminating~~  
26 ~~the rights of a parent shall be admissible as evidence in~~  
27 ~~subsequent termination of parental rights proceedings for a~~  
28 ~~sibling of the child for whom parental rights were terminated.~~

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

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

5 39.521 Disposition hearings; powers of disposition.--

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

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

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

30 1. Order that the parent assume sole custodial  
31 responsibilities for the child. The court may also provide for

1 reasonable visitation by the noncustodial parent. The court  
2 may then terminate its jurisdiction over the child. ~~The~~  
3 ~~custody order shall continue unless modified by a subsequent~~  
4 ~~order of the circuit court hearing dependency matters. The~~  
5 ~~order of the circuit court hearing dependency matters shall be~~  
6 ~~filed in any dissolution or other custody action or proceeding~~  
7 ~~between the parents and shall take precedence over other~~  
8 ~~custody and visitation orders entered in those actions.~~

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

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

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1           (d) If the child cannot be safely placed in a  
2 nonlicensed placement, the court shall commit the child to the  
3 temporary legal custody of the department. Such commitment  
4 invests in the department all rights and responsibilities of a  
5 legal custodian. The department shall not return any child to  
6 the physical care and custody of the person from whom the  
7 child was removed, except for court-approved visitation  
8 periods, without the approval of the court. The term of such  
9 commitment continues until terminated by the court or until  
10 the child reaches the age of 18. After the child is committed  
11 to the temporary legal custody of the department, all further  
12 proceedings under this section are governed by this chapter.

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

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1           Section 5. Subsection (6) of section 39.814, Florida  
2 Statutes, is amended, and subsection (7) is added to that  
3 section, to read:

4           39.814 Oaths, records, and confidential information.--

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

8           ~~(a) Orders terminating the rights of a parent are~~  
9 ~~admissible in evidence in subsequent adoption proceedings~~  
10 ~~relating to the child and in subsequent termination of~~  
11 ~~parental rights proceedings concerning a sibling of the child.~~

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

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

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

23           (d) Evidence admitted in any proceeding under this  
24 part may be admissible in evidence when offered by any party  
25 in a subsequent civil proceeding relating to placement of,  
26 access to, parental time with, adoption of, or parental rights  
27 and responsibilities for the same child or a sibling of that  
28 child if:

29           1. Notice is given to the opposing party or opposing  
30 party's counsel of the intent to offer the evidence and a copy  
31



1 of such evidence is delivered to the opposing party or  
2 opposing party's counsel; and

3 2. The evidence is otherwise admissible in the  
4 subsequent civil proceeding.

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

9 Section 6. Section 61.13, Florida Statutes, is amended  
10 to read:

11 61.13 Custody and support of children; visitation  
12 rights; power of court in making orders.--

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

29 (b) Each order for support shall contain a provision  
30 for health care coverage for the minor child when the coverage  
31 is reasonably available. Coverage is reasonably available if

1 either the obligor or obligee has access at a reasonable rate  
2 to a group health plan. The court may require the obligor  
3 either to provide health care coverage or to reimburse the  
4 obligee for the cost of health care coverage for the minor  
5 child when coverage is provided by the obligee. In either  
6 event, the court shall apportion the cost of coverage, and any  
7 noncovered medical, dental, and prescription medication  
8 expenses of the child, to both parties by adding the cost to  
9 the basic obligation determined pursuant to s. 61.30(6). The  
10 court may order that payment of uncovered medical, dental, and  
11 prescription medication expenses of the minor child be made  
12 directly to the obligee on a percentage basis.

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

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

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

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

27 2.a. A support order enforced under Title IV-D of the  
28 Social Security Act which requires that the obligor provide  
29 health care coverage is enforceable by the department through  
30 the use of the national medical support notice, and an  
31 amendment to the support order is not required. The department

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

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

7           3. In a non-Title IV-D case, upon receipt of the order  
8 pursuant to subparagraph 1., or upon application of the  
9 obligor pursuant to the order, the union or employer shall  
10 enroll the minor child as a beneficiary in the group health  
11 plan regardless of any restrictions on the enrollment period  
12 and withhold any required premium from the obligor's income.  
13 If more than one plan is offered by the union or employer, the  
14 child shall be enrolled in the group health plan in which the  
15 obligor is enrolled.

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

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1           b. If health care coverage or the obligor's employment  
2 is terminated in a Title IV-D case, the union or employer that  
3 is withholding premiums for health care coverage under a  
4 national medical support notice must notify the department  
5 within 20 days after the termination and provide the obligor's  
6 last known address and the name and address of the obligor's  
7 new employer, if known.

8           5.a. The amount withheld by a union or employer in  
9 compliance with a support order may not exceed the amount  
10 allowed under s. 303(b) of the Consumer Credit Protection Act,  
11 15 U.S.C. s. 1673(b), as amended. The union or employer shall  
12 withhold the maximum allowed by the Consumer Credit Protection  
13 Act in the following order:

14           (I) Current support, as ordered.

15           (II) Premium payments for health care coverage, as  
16 ordered.

17           (III) Past due support, as ordered.

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

19           b. If the combined amount to be withheld for current  
20 support plus the premium payment for health care coverage  
21 exceed the amount allowed under the Consumer Credit Protection  
22 Act, and the health care coverage cannot be obtained unless  
23 the full amount of the premium is paid, the union or employer  
24 may not withhold the premium payment. However, the union or  
25 employer shall withhold the maximum allowed in the following  
26 order:

27           (I) Current support, as ordered.

28           (II) Past due support, as ordered.

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

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

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

9           (d)1. Unless the provisions of subparagraph 3. apply,  
10 all child support orders entered on or after January 1, 1985,  
11 shall direct that the payments of child support be made as  
12 provided in s. 61.181 through the depository in the county  
13 where the court is located. All child support orders shall  
14 provide the full name and date of birth of each minor child  
15 who is the subject of the child support order.

16           2. Unless the provisions of subparagraph 3. apply, all  
17 child support orders entered before January 1, 1985, shall be  
18 modified by the court to direct that payments of child support  
19 shall be made through the depository in the county where the  
20 court is located upon the subsequent appearance of either or  
21 both parents to modify or enforce the order, or in any related  
22 proceeding.

23           3. If both parties request and the court finds that it  
24 is in the best interest of the child, support payments need  
25 not be directed through the depository. The order of support  
26 shall provide, or shall be deemed to provide, that either  
27 party may subsequently apply to the depository to require  
28 direction of the payments through the depository. The court  
29 shall provide a copy of the order to the depository.

30           4. If the parties elect not to require that support  
31 payments be made through the depository, any party may

1 subsequently file an affidavit with the depository alleging a  
2 default in payment of child support and stating that the party  
3 wishes to require that payments be made through the  
4 depository. The party shall provide copies of the affidavit to  
5 the court and to each other party. Fifteen days after receipt  
6 of the affidavit, the depository shall notify both parties  
7 that future payments shall be paid through the depository.

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

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

24           (2)(a) The court shall have jurisdiction to determine  
25 custody, notwithstanding that the child is not physically  
26 present in this state at the time of filing any proceeding  
27 under this chapter, if it appears to the court that the child  
28 was removed from this state for the primary purpose of  
29 removing the child from the jurisdiction of the court in an  
30 attempt to avoid a determination or modification of custody.

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1           (b)1. The court shall determine all matters relating  
2 to custody of each minor child of the parties in accordance  
3 with the best interests of the child and in accordance with  
4 the Uniform Child Custody Jurisdiction and Enforcement Act. It  
5 is the public policy of this state to assure that each minor  
6 child has frequent and continuing contact with both parents  
7 after the parents separate or the marriage of the parties is  
8 dissolved and to encourage parents to share the rights and  
9 responsibilities, and joys, of childrearing. After considering  
10 all relevant facts, the father of the child shall be given the  
11 same consideration as the mother in determining the primary  
12 residence of a child irrespective of the age or sex of the  
13 child.

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



1 domestic violence or child abuse or the existence of an  
2 injunction for protection against domestic violence, the court  
3 shall consider evidence of domestic violence or child abuse as  
4 evidence of detriment to the child.

5 a. In ordering shared parental responsibility, the  
6 court may consider the expressed desires of the parents and  
7 may grant to one party the ultimate responsibility over  
8 specific aspects of the child's welfare or may divide those  
9 responsibilities between the parties based on the best  
10 interests of the child. Areas of responsibility may include  
11 primary residence, education, medical and dental care, and any  
12 other responsibilities that the court finds unique to a  
13 particular family.

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

18 ~~c. The court may award the grandparents visitation~~  
19 ~~rights with a minor child if it is in the child's best~~  
20 ~~interest. Grandparents have legal standing to seek judicial~~  
21 ~~enforcement of such an award. This section does not require~~  
22 ~~that grandparents be made parties or given notice of~~  
23 ~~dissolution pleadings or proceedings. A court may not order~~  
24 ~~that a child be kept within the state or jurisdiction of the~~  
25 ~~court solely for the purpose of permitting visitation by the~~  
26 ~~grandparents.~~

27 3. Access to records and information pertaining to a  
28 minor child, including, but not limited to, medical, dental,  
29 and school records, may not be denied to a parent because the  
30 parent is not the child's primary residential parent. Full  
31 rights under this subparagraph apply to either parent unless a

1 | court order specifically revokes these rights, including any  
2 | restrictions on these rights as provided in a domestic  
3 | violence injunction. A parent having rights under this  
4 | subparagraph has the same rights upon request as to form,  
5 | substance, and manner of access as are available to the other  
6 | parent of a child, including, without limitation, the right to  
7 | in-person communication with medical, dental, and education  
8 | providers.

9 |         (c) The circuit court in the county in which either  
10 | parent and the child reside or the circuit court in which the  
11 | original award of custody was entered have jurisdiction to  
12 | modify an award of child custody. The court may change the  
13 | venue in accordance with s. 47.122.

14 |         (d) No presumption shall arise in favor of or against  
15 | a request to relocate when a primary residential parent seeks  
16 | to move the child and the move will materially affect the  
17 | current schedule of contact and access with the secondary  
18 | residential parent. In making a determination as to whether  
19 | the primary residential parent may relocate with a child, the  
20 | court must consider the following factors:

21 |             1. Whether the move would be likely to improve the  
22 | general quality of life for both the residential parent and  
23 | the child.

24 |             2. The extent to which visitation rights have been  
25 | allowed and exercised.

26 |             3. Whether the primary residential parent, once out of  
27 | the jurisdiction, will be likely to comply with any substitute  
28 | visitation arrangements.

29 |             4. Whether the substitute visitation will be adequate  
30 | to foster a continuing meaningful relationship between the  
31 | child and the secondary residential parent.

1           5. Whether the cost of transportation is financially  
2 affordable by one or both parties.

3           6. Whether the move is in the best interests of the  
4 child.

5           (3) For purposes of shared parental responsibility and  
6 primary residence, the best interests of the child shall  
7 include an evaluation of all factors affecting the welfare and  
8 interests of the child, including, but not limited to:

9           (a) The parent who is more likely to allow the child  
10 frequent and continuing contact with the nonresidential  
11 parent.

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

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

18           (d) The length of time the child has lived in a  
19 stable, satisfactory environment and the desirability of  
20 maintaining continuity.

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

23           (f) The moral fitness of the parents.

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

25           (h) The home, school, and community record of the  
26 child.

27           (i) The reasonable preference of the child, if the  
28 court deems the child to be of sufficient intelligence,  
29 understanding, and experience to express a preference.

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1           (j) The willingness and ability of each parent to  
2 facilitate and encourage a close and continuing parent-child  
3 relationship between the child and the other parent.

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

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

8           (m) Any other fact considered by the court to be  
9 relevant.

10           (4)(a) When a noncustodial parent who is ordered to  
11 pay child support or alimony and who is awarded visitation  
12 rights fails to pay child support or alimony, the custodial  
13 parent shall not refuse to honor the noncustodial parent's  
14 visitation rights.

15           (b) When a custodial parent refuses to honor a  
16 noncustodial parent's visitation rights, the noncustodial  
17 parent shall not fail to pay any ordered child support or  
18 alimony.

19           (c) When a custodial parent refuses to honor a  
20 noncustodial parent's or grandparent's visitation rights  
21 without proper cause, the court shall, after calculating the  
22 amount of visitation improperly denied, award the noncustodial  
23 parent or grandparent a sufficient amount of extra visitation  
24 to compensate the noncustodial parent or grandparent, which  
25 visitation shall be ordered as expeditiously as possible in a  
26 manner consistent with the best interests of the child and  
27 scheduled in a manner that is convenient for the person  
28 deprived of visitation. In ordering any makeup visitation, the  
29 court shall schedule such visitation in a manner that is  
30 consistent with the best interests of the child or children  
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1 and that is convenient for the noncustodial parent or  
2 grandparent. In addition, the court:

3 1. May order the custodial parent to pay reasonable  
4 court costs and attorney's fees incurred by the noncustodial  
5 parent or grandparent to enforce their visitation rights or  
6 make up improperly denied visitation;

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

9 3. May order the custodial parent to do community  
10 service if the order will not interfere with the welfare of  
11 the child;

12 4. May order the custodial parent to have the  
13 financial burden of promoting frequent and continuing contact  
14 when the custodial parent and child reside further than 60  
15 miles from the noncustodial parent;

16 5. May award custody, rotating custody, or primary  
17 residence to the noncustodial parent, upon the request of the  
18 noncustodial parent, if the award is in the best interests of  
19 the child; or

20 6. May impose any other reasonable sanction as a  
21 result of noncompliance.

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

25 (5) The court may make specific orders for the care  
26 and custody of the minor child as from the circumstances of  
27 the parties and the nature of the case is equitable and  
28 provide for child support in accordance with the guidelines in  
29 s. 61.30. An award of shared parental responsibility of a  
30 minor child does not preclude the court from entering an order  
31 for child support of the child.

1           (6) In any proceeding under this section, the court  
2 may not deny shared parental responsibility, custody, or  
3 visitation rights to a parent or grandparent solely because  
4 that parent or grandparent is or is believed to be infected  
5 with human immunodeficiency virus; but the court may condition  
6 such rights upon the parent's or grandparent's agreement to  
7 observe measures approved by the Centers for Disease Control  
8 and Prevention of the United States Public Health Service or  
9 by the Department of Health for preventing the spread of human  
10 immunodeficiency virus to the child.

11           ~~(7) In any case where the child is actually residing~~  
12 ~~with a grandparent in a stable relationship, whether the court~~  
13 ~~has awarded custody to the grandparent or not, the court may~~  
14 ~~recognize the grandparents as having the same standing as~~  
15 ~~parents for evaluating what custody arrangements are in the~~  
16 ~~best interest of the child.~~

17           (7)(8) If the court orders that parental  
18 responsibility, including visitation, be shared by both  
19 parents, the court may not deny the noncustodial parent  
20 overnight contact and access to or visitation with the child  
21 solely because of the age or sex of the child.

22           (8)(9)(a) Beginning July 1, 1997, each party to any  
23 paternity or support proceeding is required to file with the  
24 tribunal as defined in s. 88.1011(22) and State Case Registry  
25 upon entry of an order, and to update as appropriate,  
26 information on location and identity of the party, including  
27 social security number, residential and mailing addresses,  
28 telephone number, driver's license number, and name, address,  
29 and telephone number of employer. Beginning October 1, 1998,  
30 each party to any paternity or child support proceeding in a  
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1 non-Title IV-D case shall meet the above requirements for  
2 updating the tribunal and State Case Registry.

3 (b) Pursuant to the federal Personal Responsibility  
4 and Work Opportunity Reconciliation Act of 1996, each party is  
5 required to provide his or her social security number in  
6 accordance with this section. Disclosure of social security  
7 numbers obtained through this requirement shall be limited to  
8 the purpose of administration of the Title IV-D program for  
9 child support enforcement.

10 (c) Beginning July 1, 1997, in any subsequent Title  
11 IV-D child support enforcement action between the parties,  
12 upon sufficient showing that diligent effort has been made to  
13 ascertain the location of such a party, the court of competent  
14 jurisdiction shall deem state due process requirements for  
15 notice and service of process to be met with respect to the  
16 party, upon delivery of written notice to the most recent  
17 residential or employer address filed with the tribunal and  
18 State Case Registry pursuant to paragraph (a). Beginning  
19 October 1, 1998, in any subsequent non-Title IV-D child  
20 support enforcement action between the parties, the same  
21 requirements for service shall apply.

22 ~~(9)(10)~~ At the time an order for child support is  
23 entered, each party is required to provide his or her social  
24 security number and date of birth to the court, as well as the  
25 name, date of birth, and social security number of each minor  
26 child that is the subject of such child support order.  
27 Pursuant to the federal Personal Responsibility and Work  
28 Opportunity Reconciliation Act of 1996, each party is required  
29 to provide his or her social security number in accordance  
30 with this section. All social security numbers required by  
31 this section shall be provided by the parties and maintained

1 by the depository as a separate attachment in the file.  
2 Disclosure of social security numbers obtained through this  
3 requirement shall be limited to the purpose of administration  
4 of the Title IV-D program for child support enforcement.

5 Section 7. Subsections (3), (4), (5), and (6) of  
6 section 61.21, Florida Statutes, are amended to read:

7 61.21 Parenting course authorized; fees; required  
8 attendance authorized; contempt.--

9 (3) Each course provider offering a parenting course  
10 pursuant to this section must be approved by the Department of  
11 Children and Family Services.

12 (a) The Department of Children and Family Services  
13 shall provide each judicial circuit with a list of approved  
14 course providers and sites at which the parent education and  
15 family stabilization course may be completed. Each judicial  
16 circuit must make information regarding all course providers  
17 approved for their circuit available to all parents.

18 (b) The Department of Children and Family Services  
19 shall include on the list of approved course providers and  
20 sites for each circuit at least one site in that circuit where  
21 the parent education and family stabilization course may be  
22 completed on a sliding fee scale, if available.

23 (c) The Department of Children and Family Services  
24 shall include on the list of approved course providers,  
25 without limitation as to the area of the state for which the  
26 course is approved, a minimum of one statewide approved course  
27 to be provided through the Internet and one statewide approved  
28 course to be provided through correspondence. The purpose of  
29 the Internet and correspondence courses is to ensure that the  
30 parent education and stabilization course is available in the  
31



1 home county of each state resident and to those out-of-state  
2 persons subject to this section.

3 (d) The Department of Children and Family Services may  
4 remove a provider who violates this section, or its  
5 implementing rules, from the list of approved court providers.

6 (e) The Department of Children and Family Services  
7 shall adopt rules to administer subsections (2) and (3).

8 ~~(4)(3)~~ All parties to a dissolution of marriage  
9 proceeding with minor children or a paternity action that  
10 ~~which~~ involves issues of parental responsibility shall be  
11 required to complete the Parent Education and Family  
12 Stabilization Course prior to the entry by the court of a  
13 final judgment. The court may excuse a party from attending  
14 the parenting course, or from completing the course within the  
15 required time, for good cause.

16 ~~(5)(4)~~ All parties required to complete a parenting  
17 course under this section shall begin the course as  
18 expeditiously as possible. For dissolution of marriage  
19 actions, unless excused by the court pursuant to subsection  
20 (4), the petitioner must complete the course within 45 days  
21 after the filing of the petition, and all other parties must  
22 complete the course within 45 days after service of the  
23 petition. For paternity actions, unless excused by the court  
24 pursuant to subsection (4), the petitioner must complete the  
25 course within 45 days after filing the petition, and any other  
26 party must complete the course within 45 days after an  
27 acknowledgement of paternity by that party, an adjudication of  
28 paternity of that party, or an order granting visitation to or  
29 support from that party. Each party to a dissolution or  
30 paternity action after filing for dissolution of marriage and  
31

1 shall file proof of compliance with this subsection with the  
2 court prior to the entry of the final judgment.

3 ~~(6)(5)~~ All parties to a modification of a final  
4 judgment involving shared parental responsibilities, custody,  
5 or visitation may be required to complete a court-approved  
6 parenting course prior to the entry of an order modifying the  
7 final judgment.

8 ~~(6) The department shall provide each judicial circuit~~  
9 ~~with a list of approved course providers and sites at which~~  
10 ~~the parent education and family stabilization course required~~  
11 ~~by this section may be completed. The department shall also~~  
12 ~~include on the list of course providers and sites at least one~~  
13 ~~site in each circuit at which the parent education and family~~  
14 ~~stabilization course may be completed on a sliding fee scale,~~  
15 ~~if available.~~

16 Section 8. Paragraph (a) of subsection (5) and  
17 paragraph (a) of subsection (6) of section 741.30, Florida  
18 Statutes, are amended to read:

19 741.30 Domestic violence; injunction; powers and  
20 duties of court and clerk; petition; notice and hearing;  
21 temporary injunction; issuance of injunction; statewide  
22 verification system; enforcement.--

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

28 1. Restraining the respondent from committing any acts  
29 of domestic violence.

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

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

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

18           1. Restraining the respondent from committing any acts  
19 of domestic violence.

20           2. Awarding to the petitioner the exclusive use and  
21 possession of the dwelling that the parties share or excluding  
22 the respondent from the residence of the petitioner.

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

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

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

21           6. Referring a petitioner to a certified domestic  
22 violence center. The court must provide the petitioner with a  
23 list of certified domestic violence centers in the circuit  
24 which the petitioner may contact.

25           7. Ordering such other relief as the court deems  
26 necessary for the protection of a victim of domestic violence,  
27 including injunctions or directives to law enforcement  
28 agencies, as provided in this section.

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

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1           61.1827 Identifying information concerning applicants  
2 for and recipients of child support services.--

3           (1) Any information that reveals the identity of  
4 applicants for or recipients of child support services,  
5 including the name, address, and telephone number of such  
6 persons, in the possession of a non-Title IV-D county child  
7 support enforcement agency is confidential and exempt from  
8 public disclosure pursuant to s. 119.07(1) and s. 24(a) of  
9 Art. I of the State Constitution. The use or disclosure of  
10 such information by the non-Title IV-D county child support  
11 enforcement agency is limited to the purposes directly  
12 connected with:

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

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

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

23           (d) Disclosure to an authorized person, as defined in  
24 45 C.F.R. s. 303.15, for purposes of enforcing any state or  
25 federal law with respect to the unlawful taking or restraint  
26 of a child or making or enforcing a child custody or  
27 visitation determination. As used in this paragraph, the term  
28 "authorized person" includes a noncustodial parent, unless a  
29 court has entered an order under s. 741.30, s. 741.31, or s.  
30 784.046.  
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1           Section 10. Subsection (1) of section 409.2579,  
2 Florida Statutes, is amended to read:

3           409.2579 Safeguarding Title IV-D case file  
4 information.--

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

10           (a) The administration of the plan or program approved  
11 under part A, part B, part D, part E, or part F of Title IV;  
12 under Title II, Title X, Title XIV, Title XVI, Title XIX, or  
13 Title XX; or under the supplemental security income program  
14 established under Title XVI of the Social Security Act;

15           (b) Any investigation, prosecution, or criminal or  
16 civil proceeding connected with the administration of any such  
17 plan or program;

18           (c) The administration of any other federal or  
19 federally assisted program which provides service or  
20 assistance, in cash or in kind, directly to individuals on the  
21 basis of need;

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

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

1           Section 11. If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 invalidity does not affect other provisions or applications of  
4 the act which can be given effect without the invalid  
5 provision or application, and to this end the provisions of  
6 this act are severable.

7           Section 12. This act shall take effect July 1, 2005.

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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 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.)

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