

1 requiring the Department of Children and Family
2 Services to approve parenting courses;
3 establishing requirements relating to the
4 provision of approved parenting courses;
5 specifying timeframes for completing the
6 course; amending s. 741.30, F.S.; providing for
7 an order of temporary custody, visitation, or
8 support to remain in effect until the court
9 enters an order in a subsequent action;
10 amending ss. 61.1827 and 409.2579, F.S.,
11 relating to information about applicants and
12 recipients of child-support services;
13 conforming cross-references; providing for
14 severability; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Section 25.375, Florida Statutes, is
19 created to read:

20 25.375 Identification of related cases.--The Supreme
21 Court may create a unique identifier for each person by which
22 to identify all court cases related to that person or his or
23 her family previously or currently in the court system. The
24 unique identifier must be the same for that person in any
25 court case. To create the unique identifier, the court may
26 collect a portion of the person's social security number or
27 other personal identification information, such as the
28 person's date of birth. Failure to provide a social security
29 number for this purpose may not be grounds to deny any
30 services, rights, or remedies otherwise provided by law. To
31 implement a unique identifier, the Supreme Court may require

1 the revision of only those information technology systems that
2 are directly operated and funded by the state court system.

3 Section 2. In order for the Legislature to set a
4 statewide policy on the creation, maintenance, and use of a
5 statewide unique personal identifier by the state court
6 system, the Supreme Court, the Criminal and Juvenile Justice
7 Information System Council, the Article V Technology Board,
8 and the Florida Association of State Court Clerks shall make
9 recommendations to the Governor, the President of the Senate,
10 and the Speaker of the House of Representatives by January 2,
11 2006, for establishing and implementing a unique personal
12 identifier. These recommendations should address the method
13 and responsibility for establishing the unique personal
14 identifier, the costs associated with implementing such
15 identifier, and the extent to which such efforts should be
16 coordinated with efforts that are underway at state and
17 federal agencies. Recommendations should also address the
18 fiscal impact of implementing a unique personal identifier on
19 the court system, the clerks of court, the counties, state
20 attorneys, public defenders, local and state law enforcement
21 agencies, and other related state agencies. This section
22 expires July 1, 2006.

23 Section 3. Subsection (4) of section 39.013, Florida
24 Statutes, is amended to read:

25 39.013 Procedures and jurisdiction; right to
26 counsel.--

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

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

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

12 39.0132 Oaths, records, and confidential
13 information.--

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

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

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

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

28 ~~(c)(d)~~ Records of proceedings under this chapter may
29 be used to prove disqualification pursuant to s. 435.06 and
30 for proof regarding such disqualification in a chapter 120
31 proceeding.

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

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

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

16 2. The evidence is otherwise admissible in the
17 subsequent civil proceeding.

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

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

26 Section 5. Subsection (3) of section 39.521, Florida
27 Statutes, is amended to read:

28 39.521 Disposition hearings; powers of disposition.--

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

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

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

22 1. Order that the parent assume sole custodial
23 responsibilities for the child. The court may also provide for
24 reasonable visitation by the noncustodial parent. The court
25 may then terminate its jurisdiction over the child. ~~The~~
26 ~~custody order shall continue unless modified by a subsequent~~
27 ~~order of the circuit court hearing dependency matters. The~~
28 ~~order of the circuit court hearing dependency matters shall be~~
29 ~~filed in any dissolution or other custody action or proceeding~~
30 ~~between the parents and shall take precedence over other~~
31 ~~custody and visitation orders entered in those actions.~~

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

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

23 (d) If the child cannot be safely placed in a
24 nonlicensed placement, the court shall commit the child to the
25 temporary legal custody of the department. Such commitment
26 invests in the department all rights and responsibilities of a
27 legal custodian. The department shall not return any child to
28 the physical care and custody of the person from whom the
29 child was removed, except for court-approved visitation
30 periods, without the approval of the court. The term of such
31 commitment continues until terminated by the court or until

1 | the child reaches the age of 18. After the child is committed
2 | to the temporary legal custody of the department, all further
3 | proceedings under this section are governed by this chapter.
4 |

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

22 | Section 6. Subsection (6) of section 39.814, Florida
23 | Statutes, is amended, and subsection (7) is added to that
24 | section, to read:

25 | 39.814 Oaths, records, and confidential information.--

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

29 | ~~(a) Orders terminating the rights of a parent are~~
30 | ~~admissible in evidence in subsequent adoption proceedings~~
31 |

1 ~~relating to the child and in subsequent termination of~~
2 ~~parental rights proceedings concerning a sibling of the child.~~

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

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

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

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

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

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

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

30 Section 7. Section 61.13, Florida Statutes, is amended
31 to read:

1 61.13 Custody and support of children; visitation
2 rights; power of court in making orders.--

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

19 (b) Each order for support shall contain a provision
20 for health care coverage for the minor child when the coverage
21 is reasonably available. Coverage is reasonably available if
22 either the obligor or obligee has access at a reasonable rate
23 to a group health plan. The court may require the obligor
24 either to provide health care coverage or to reimburse the
25 obligee for the cost of health care coverage for the minor
26 child when coverage is provided by the obligee. In either
27 event, the court shall apportion the cost of coverage, and any
28 noncovered medical, dental, and prescription medication
29 expenses of the child, to both parties by adding the cost to
30 the basic obligation determined pursuant to s. 61.30(6). The
31 court may order that payment of uncovered medical, dental, and

1 prescription medication expenses of the minor child be made
2 directly to the obligee on a percentage basis.

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

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

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

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

17 2.a. A support order enforced under Title IV-D of the
18 Social Security Act which requires that the obligor provide
19 health care coverage is enforceable by the department through
20 the use of the national medical support notice, and an
21 amendment to the support order is not required. The department
22 shall transfer the national medical support notice to the
23 obligor's union or employer. The department shall notify the
24 obligor in writing that the notice has been sent to the
25 obligor's union or employer, and the written notification must
26 include the obligor's rights and duties under the national
27 medical support notice. The obligor may contest the
28 withholding required by the national medical support notice
29 based on a mistake of fact. To contest the withholding, the
30 obligor must file a written notice of contest with the
31 department within 15 business days after the date the obligor

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

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

27 3. In a non-Title IV-D case, upon receipt of the order
28 pursuant to subparagraph 1., or upon application of the
29 obligor pursuant to the order, the union or employer shall
30 enroll the minor child as a beneficiary in the group health
31 plan regardless of any restrictions on the enrollment period

1 and withhold any required premium from the obligor's income.
2 If more than one plan is offered by the union or employer, the
3 child shall be enrolled in the group health plan in which the
4 obligor is enrolled.

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

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

27 5.a. The amount withheld by a union or employer in
28 compliance with a support order may not exceed the amount
29 allowed under s. 303(b) of the Consumer Credit Protection Act,
30 15 U.S.C. s. 1673(b), as amended. The union or employer shall
31

1 withhold the maximum allowed by the Consumer Credit Protection
2 Act in the following order:

3 (I) Current support, as ordered.

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

6 (III) Past due support, as ordered.

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

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

16 (I) Current support, as ordered.

17 (II) Past due support, as ordered.

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

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

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

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

1 provide the full name and date of birth of each minor child
2 who is the subject of the child support order.

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

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

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

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

29 (e) In a judicial circuit with a work experience and
30 job training pilot project, if the obligor is unemployed or
31 has no income and does not have an account at a financial

1 institution, then the court shall order the obligor to seek
2 employment, if the obligor is able to engage in employment,
3 and to immediately notify the court upon obtaining employment,
4 upon obtaining any income, or upon obtaining any ownership of
5 any asset with a value of \$500 or more. If the obligor is
6 still unemployed 30 days after any order for support, the
7 court may order the obligor to enroll in the work experience,
8 job placement, and job training pilot program for noncustodial
9 parents as established in s. 409.2565, if the obligor is
10 eligible for entrance into the pilot program.

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

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

31

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

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

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

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

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

27 (c) The circuit court in the county in which either
28 parent and the child reside or the circuit court in which the
29 original award of custody was entered have jurisdiction to
30 modify an award of child custody. The court may change the
31 venue in accordance with s. 47.122.

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

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

11 2. The extent to which visitation rights have been
12 allowed and exercised.

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

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

19 5. Whether the cost of transportation is financially
20 affordable by one or both parties.

21 6. Whether the move is in the best interests of the
22 child.

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

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

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

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

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

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

10 (f) The moral fitness of the parents.

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

12 (h) The home, school, and community record of the
13 child.

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

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

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

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

24 (m) Any other fact considered by the court to be
25 relevant.

26 (4)(a) When a noncustodial parent who is ordered to
27 pay child support or alimony and who is awarded visitation
28 rights fails to pay child support or alimony, the custodial
29 parent shall not refuse to honor the noncustodial parent's
30 visitation rights.

31

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

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

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

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

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

28 4. May order the custodial parent to have the
29 financial burden of promoting frequent and continuing contact
30 when the custodial parent and child reside further than 60
31 miles from the noncustodial parent;

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

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

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

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

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

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

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1 ~~parents for evaluating what custody arrangements are in the~~
2 ~~best interest of the child.~~

3 ~~(7)~~(8) If the court orders that parental
4 responsibility, including visitation, be shared by both
5 parents, the court may not deny the noncustodial parent
6 overnight contact and access to or visitation with the child
7 solely because of the age or sex of the child.

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

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

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

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

7 ~~(9)(10)~~ At the time an order for child support is
8 entered, each party is required to provide his or her social
9 security number and date of birth to the court, as well as the
10 name, date of birth, and social security number of each minor
11 child that is the subject of such child support order.
12 Pursuant to the federal Personal Responsibility and Work
13 Opportunity Reconciliation Act of 1996, each party is required
14 to provide his or her social security number in accordance
15 with this section. All social security numbers required by
16 this section shall be provided by the parties and maintained
17 by the depository as a separate attachment in the file.
18 Disclosure of social security numbers obtained through this
19 requirement shall be limited to the purpose of administration
20 of the Title IV-D program for child support enforcement.

21 Section 8. Subsections (3), (4), (5), and (6) of
22 section 61.21, Florida Statutes, are amended to read:

23 61.21 Parenting course authorized; fees; required
24 attendance authorized; contempt.--

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

28 (a) The Department of Children and Family Services
29 shall provide each judicial circuit with a list of approved
30 course providers and sites at which the parent education and
31 family stabilization course may be completed. Each judicial

1 circuit must make information regarding all course providers
2 approved for their circuit available to all parents.

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

8 (c) The Department of Children and Family Services
9 shall include on the list of approved course providers,
10 without limitation as to the area of the state for which the
11 course is approved, a minimum of one statewide approved course
12 to be provided through the Internet and one statewide approved
13 course to be provided through correspondence. The purpose of
14 the Internet and correspondence courses is to ensure that the
15 parent education and stabilization course is available in the
16 home county of each state resident and to those out-of-state
17 persons subject to this section.

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

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

23 (4)(3) All parties to a dissolution of marriage
24 proceeding with minor children or a paternity action that
25 ~~which~~ involves issues of parental responsibility shall be
26 required to complete the Parent Education and Family
27 Stabilization Course prior to the entry by the court of a
28 final judgment. The court may excuse a party from attending
29 the parenting course, or from completing the course within the
30 required time, for good cause.
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1 ~~(5)(4)~~ All parties required to complete a parenting
2 course under this section shall begin the course as
3 expeditiously as possible. For dissolution of marriage
4 actions, unless excused by the court pursuant to subsection
5 (4), the petitioner must complete the course within 45 days
6 after the filing of the petition, and all other parties must
7 complete the course within 45 days after service of the
8 petition. For paternity actions, unless excused by the court
9 pursuant to subsection (4), the petitioner must complete the
10 course within 45 days after filing the petition, and any other
11 party must complete the course within 45 days after an
12 acknowledgement of paternity by that party, an adjudication of
13 paternity of that party, or an order granting visitation to or
14 support from that party. Each party to a dissolution or
15 paternity action after filing for dissolution of marriage and
16 shall file proof of compliance with this subsection with the
17 court prior to the entry of the final judgment.

18 ~~(6)(5)~~ All parties to a modification of a final
19 judgment involving shared parental responsibilities, custody,
20 or visitation may be required to complete a court-approved
21 parenting course prior to the entry of an order modifying the
22 final judgment.

23 ~~(6)~~ ~~The department shall provide each judicial circuit~~
24 ~~with a list of approved course providers and sites at which~~
25 ~~the parent education and family stabilization course required~~
26 ~~by this section may be completed. The department shall also~~
27 ~~include on the list of course providers and sites at least one~~
28 ~~site in each circuit at which the parent education and family~~
29 ~~stabilization course may be completed on a sliding fee scale,~~
30 ~~if available.~~

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1 Section 9. Paragraph (a) of subsection (5) and
2 paragraph (a) of subsection (6) of section 741.30, Florida
3 Statutes, are amended to read:

4 741.30 Domestic violence; injunction; powers and
5 duties of court and clerk; petition; notice and hearing;
6 temporary injunction; issuance of injunction; statewide
7 verification system; enforcement.--

8 (5)(a) When it appears to the court that an immediate
9 and present danger of domestic violence exists, the court may
10 grant a temporary injunction ex parte, pending a full hearing,
11 and may grant such relief as the court deems proper, including
12 an injunction:

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

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

18 3. On the same basis as provided in s. 61.13 ~~s.~~
19 ~~61.13(2), (3), (4), and (5)~~, granting to the petitioner
20 temporary custody of a minor child ~~or children~~. An order of
21 temporary custody remains in effect until the order expires or
22 an order is entered by a court of competent jurisdiction in a
23 pending or subsequent civil action or proceeding affecting the
24 placement of, access to, parental time with, adoption of, or
25 parental rights and responsibilities for the minor child.

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

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

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

6 3. On the same basis as provided in chapter 61,
7 awarding temporary custody of, or temporary visitation rights
8 with regard to, a minor child or children of the parties. An
9 order of temporary custody or visitation remains in effect
10 until the order expires or an order is entered by a court of
11 competent jurisdiction in a pending or subsequent civil action
12 or proceeding affecting the placement of, access to, parental
13 time with, adoption of, or parental rights and
14 responsibilities for the minor child.

15 4. On the same basis as provided in chapter 61,
16 establishing temporary support for a minor child or children
17 or the petitioner. An order of temporary support remains in
18 effect until the order expires or an order is entered by a
19 court of competent jurisdiction in a pending or subsequent
20 civil action or proceeding affecting child support.

21 5. Ordering the respondent to participate in
22 treatment, intervention, or counseling services to be paid for
23 by the respondent. When the court orders the respondent to
24 participate in a batterers' intervention program, the court,
25 or any entity designated by the court, must provide the
26 respondent with a list of all certified batterers'
27 intervention programs and all programs which have submitted an
28 application to the Department of Children and Family Services
29 ~~Corrections~~ to become certified under s. 741.32 ~~s. 741.325~~,
30 from which the respondent must choose a program in which to
31 participate. If there are no certified batterers' intervention

1 | programs in the circuit, the court shall provide a list of
2 | acceptable programs from which the respondent must choose a
3 | program in which to participate.

4 | 6. Referring a petitioner to a certified domestic
5 | violence center. The court must provide the petitioner with a
6 | list of certified domestic violence centers in the circuit
7 | which the petitioner may contact.

8 | 7. Ordering such other relief as the court deems
9 | necessary for the protection of a victim of domestic violence,
10 | including injunctions or directives to law enforcement
11 | agencies, as provided in this section.

12 | Section 10. Subsection (1) of section 61.1827, Florida
13 | Statutes, is amended to read:

14 | 61.1827 Identifying information concerning applicants
15 | for and recipients of child support services.--

16 | (1) Any information that reveals the identity of
17 | applicants for or recipients of child support services,
18 | including the name, address, and telephone number of such
19 | persons, in the possession of a non-Title IV-D county child
20 | support enforcement agency is confidential and exempt from
21 | public disclosure pursuant to s. 119.07(1) and s. 24(a) of
22 | Art. I of the State Constitution. The use or disclosure of
23 | such information by the non-Title IV-D county child support
24 | enforcement agency is limited to the purposes directly
25 | connected with:

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

29 | (b) Mandatory disclosure of identifying and location
30 | information as provided in s. 61.13(8) ~~s. 61.13(9)~~ by the
31 |

1 non-Title IV-D county child support enforcement agency when
2 providing non-Title IV-D services; or

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

6 (d) Disclosure to an authorized person, as defined in
7 45 C.F.R. s. 303.15, for purposes of enforcing any state or
8 federal law with respect to the unlawful taking or restraint
9 of a child or making or enforcing a child custody or
10 visitation determination. As used in this paragraph, the term
11 "authorized person" includes a noncustodial parent, unless a
12 court has entered an order under s. 741.30, s. 741.31, or s.
13 784.046.

14 Section 11. Subsection (1) of section 409.2579,
15 Florida Statutes, is amended to read:

16 409.2579 Safeguarding Title IV-D case file
17 information.--

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

23 (a) The administration of the plan or program approved
24 under part A, part B, part D, part E, or part F of Title IV;
25 under Title II, Title X, Title XIV, Title XVI, Title XIX, or
26 Title XX; or under the supplemental security income program
27 established under Title XVI of the Social Security Act;

28 (b) Any investigation, prosecution, or criminal or
29 civil proceeding connected with the administration of any such
30 plan or program;

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1 (c) The administration of any other federal or
2 federally assisted program which provides service or
3 assistance, in cash or in kind, directly to individuals on the
4 basis of need;

5 (d) Reporting to an appropriate agency or official,
6 information on known or suspected instances of physical or
7 mental injury, child abuse, sexual abuse or exploitation, or
8 negligent treatment or maltreatment of a child who is the
9 subject of a support enforcement activity under circumstances
10 which indicate that the child's health or welfare is
11 threatened thereby; and

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

15 Section 12. If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 invalidity does not affect other provisions or applications of
18 the act which can be given effect without the invalid
19 provision or application, and to this end the provisions of
20 this act are severable.

21 Section 13. This act shall take effect July 1, 2005.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 348

- Removes language authorizing the state courts system and the clerk of the court to collect and use a portion of a person's social security number for the purpose of case management and identification of related cases.
- Requires that, to implement a unique identifier, the Supreme Court may require the revision of only those information technology systems that are directly operated and funded by the state court system.
- Creates a new section requiring the Supreme Court, the Criminal and Juvenile Justice Information System Council, the Article V Technology Board, and the Florida Association of State Court Clerks to make recommendations to the Governor, the President of the Senate and the Speaker of the House by January 2, 2006, for establishing and implementing a unique personal identifier.
- Requires that these recommendations address the method and responsibility for establishing the unique personal identifier, the costs associated with implementing the identifier and the extent to which the required activities should be coordinated with those that are underway at state and federal agencies.
- Specifies that the recommendations should include the fiscal impact of implementing a unique personal identifier on all agencies affected.
- Provides that the new section created in this committee substitute expires July 1, 2006.