

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; requiring the Supreme
7 Court, the Criminal and Juvenile Justice
8 Information System Council, the Article V
9 Technology Board, and the Florida Association
10 of State Court Clerks to provide
11 recommendations regarding a personal identifier
12 relating to individuals and families within the
13 court system; amending s. 39.013, F.S.;
14 providing for modifying a court order in a
15 subsequent civil proceeding; amending s.
16 39.0132, F.S.; providing for limited
17 admissibility of evidence in subsequent civil
18 proceedings; amending s. 39.521, F.S.;
19 conforming provisions to s. 39.0132, F.S.,
20 regarding modification of a court order in a
21 subsequent civil action or proceeding; amending
22 s. 39.814, F.S.; providing for limited
23 admissibility of evidence in subsequent civil
24 proceedings; amending s. 61.13, F.S.; providing
25 for the court to determine matters relating to
26 child support in any proceeding under ch. 61,
27 F.S.; providing for equal contact in custody
28 determinations in certain circumstances;
29 eliminating provisions authorizing the court to
30 award grandparents visitation rights;
31 eliminating provisions giving grandparents

1 equal standing as parents for evaluating
2 custody arrangements; amending s. 61.21, F.S.;
3 requiring the Department of Children and Family
4 Services to approve parenting courses;
5 establishing requirements relating to the
6 provision of approved parenting courses;
7 specifying timeframes for completing the
8 course; amending s. 741.30, F.S.; providing for
9 an order of temporary custody, visitation, or
10 support to remain in effect until the court
11 enters an order in a subsequent action;
12 amending ss. 61.1827 and 409.2579, F.S.,
13 relating to information about applicants and
14 recipients of child-support services;
15 conforming cross-references; providing for
16 severability; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Section 25.375, Florida Statutes, is
21 created to read:

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

1 services, rights, or remedies otherwise provided by law. To
2 implement a unique identifier, the Supreme Court may require
3 the revision of only those information technology systems that
4 are directly operated and funded by the state court system.

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

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

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

29 (4) Orders entered pursuant to this chapter which
30 affect the placement of, access to, parental time with,
31 adoption of, or parental rights and responsibilities for a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 39.521 Disposition hearings; powers of disposition.--

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Section 7. Section 61.13, Florida Statutes, is amended
2 to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (I) Current support, as ordered.

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

7 (III) Past due support, as ordered.

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

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

17 (I) Current support, as ordered.

18 (II) Past due support, as ordered.

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

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

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

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

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

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

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

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

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

30 (e) In a judicial circuit with a work experience and
31 job training pilot project, if the obligor is unemployed or

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

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

19 (b)1. The court shall determine all matters relating
20 to custody of each minor child of the parties in accordance
21 with the best interests of the child and in accordance with
22 the Uniform Child Custody Jurisdiction and Enforcement Act. It
23 is the public policy of this state to assure that each minor
24 child has equal ~~equal frequent and continuing~~ contact with both
25 parents after the parents separate or the marriage of the
26 parties is dissolved and to encourage parents to share the
27 rights and responsibilities, and joys, of childrearing. When a
28 parent petitions the court for equal time with each minor
29 child, and it is in the best interests of that child, the
30 court shall provide equal contact with both parents. After
31 considering all relevant facts, the father of the child shall

1 be given the same consideration as the mother in determining
2 the primary residence of a child irrespective of the age or
3 sex of the child.

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

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

1 primary residence, education, medical and dental care, and any
2 other responsibilities that the court finds unique to a
3 particular family.

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

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

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

30 (c) The circuit court in the county in which either
31 parent and the child reside or the circuit court in which the

1 original award of custody was entered have jurisdiction to
2 modify an award of child custody. The court may change the
3 venue in accordance with s. 47.122.

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

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

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

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

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

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

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

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

30
31

1 (a) The parent who is more likely to allow the child
2 frequent and continuing contact with the nonresidential
3 parent.

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

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

10 (d) The length of time the child has lived in a
11 stable, satisfactory environment and the desirability of
12 maintaining continuity.

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

15 (f) The moral fitness of the parents.

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

17 (h) The home, school, and community record of the
18 child.

19 (i) The reasonable preference of the child, if the
20 court deems the child to be of sufficient intelligence,
21 understanding, and experience to express a preference.

22 (j) The willingness and ability of each parent to
23 facilitate and encourage a close and continuing parent-child
24 relationship between the child and the other parent.

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

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

29 (m) Any other fact considered by the court to be
30 relevant.

31

1 (4)(a) When a noncustodial parent who is ordered to
2 pay child support or alimony and who is awarded visitation
3 rights fails to pay child support or alimony, the custodial
4 parent shall not refuse to honor the noncustodial parent's
5 visitation rights.

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

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

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

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

30
31

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

4 4. May order the custodial parent to have the
5 financial burden of promoting frequent and continuing contact
6 when the custodial parent and child reside further than 60
7 miles from the noncustodial parent;

8 5. May award custody, rotating custody, or primary
9 residence to the noncustodial parent, upon the request of the
10 noncustodial parent, if the award is in the best interests of
11 the child; or

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

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

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

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

1 by the Department of Health for preventing the spread of human
2 immunodeficiency virus to the child.

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

9 (7)(8) If the court orders that parental
10 responsibility, including visitation, be shared by both
11 parents, the court may not deny the noncustodial parent
12 overnight contact and access to or visitation with the child
13 solely because of the age or sex of the child.

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

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

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

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

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

29 61.21 Parenting course authorized; fees; required
30 attendance authorized; contempt.--
31

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

4 (a) The Department of Children and Family Services
5 shall provide each judicial circuit with a list of approved
6 course providers and sites at which the parent education and
7 family stabilization course may be completed. Each judicial
8 circuit must make information regarding all course providers
9 approved for their circuit available to all parents.

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

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

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

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

30 ~~(4)(3)~~ All parties to a dissolution of marriage
31 proceeding with minor children or a paternity action that

1 ~~which~~ involves issues of parental responsibility shall be
2 required to complete the Parent Education and Family
3 Stabilization Course prior to the entry by the court of a
4 final judgment. The court may excuse a party from attending
5 the parenting course, or from completing the course within the
6 required time, for good cause.

7 ~~(5)(4)~~ All parties required to complete a parenting
8 course under this section shall begin the course as
9 expeditiously as possible. For dissolution of marriage
10 actions, unless excused by the court pursuant to subsection
11 (4), the petitioner must complete the course within 45 days
12 after the filing of the petition, and all other parties must
13 complete the course within 45 days after service of the
14 petition. For paternity actions, unless excused by the court
15 pursuant to subsection (4), the petitioner must complete the
16 course within 45 days after filing the petition, and any other
17 party must complete the course within 45 days after an
18 acknowledgement of paternity by that party, an adjudication of
19 paternity of that party, or an order granting visitation to or
20 support from that party. Each party to a dissolution or
21 paternity action after filing for dissolution of marriage and
22 shall file proof of compliance with this subsection with the
23 court prior to the entry of the final judgment.

24 ~~(6)(5)~~ All parties to a modification of a final
25 judgment involving shared parental responsibilities, custody,
26 or visitation may be required to complete a court-approved
27 parenting course prior to the entry of an order modifying the
28 final judgment.

29 ~~(6)~~ ~~The department shall provide each judicial circuit~~
30 ~~with a list of approved course providers and sites at which~~
31 ~~the parent education and family stabilization course required~~

1 ~~by this section may be completed. The department shall also~~
 2 ~~include on the list of course providers and sites at least one~~
 3 ~~site in each circuit at which the parent education and family~~
 4 ~~stabilization course may be completed on a sliding fee scale,~~
 5 ~~if available.~~

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

9 741.30 Domestic violence; injunction; powers and
 10 duties of court and clerk; petition; notice and hearing;
 11 temporary injunction; issuance of injunction; statewide
 12 verification system; enforcement.--

13 (5)(a) When it appears to the court that an immediate
 14 and present danger of domestic violence exists, the court may
 15 grant a temporary injunction ex parte, pending a full hearing,
 16 and may grant such relief as the court deems proper, including
 17 an injunction:

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

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

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

31

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

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

9 2. Awarding to the petitioner the exclusive use and
10 possession of the dwelling that the parties share or excluding
11 the respondent from the residence of the petitioner.

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

21 4. On the same basis as provided in chapter 61,
22 establishing temporary support for a minor child or children
23 or the petitioner. An order of temporary support remains in
24 effect until the order expires or an order is entered by a
25 court of competent jurisdiction in a pending or subsequent
26 civil action or proceeding affecting child support.

27 5. Ordering the respondent to participate in
28 treatment, intervention, or counseling services to be paid for
29 by the respondent. When the court orders the respondent to
30 participate in a batterers' intervention program, the court,
31 or any entity designated by the court, must provide the

1 respondent with a list of all certified batterers'
2 intervention programs and all programs which have submitted an
3 application to the Department of Children and Family Services
4 ~~Corrections~~ to become certified under s. 741.32 ~~s. 741.325~~,
5 from which the respondent must choose a program in which to
6 participate. If there are no certified batterers' intervention
7 programs in the circuit, the court shall provide a list of
8 acceptable programs from which the respondent must choose a
9 program in which to participate.

10 6. Referring a petitioner to a certified domestic
11 violence center. The court must provide the petitioner with a
12 list of certified domestic violence centers in the circuit
13 which the petitioner may contact.

14 7. Ordering such other relief as the court deems
15 necessary for the protection of a victim of domestic violence,
16 including injunctions or directives to law enforcement
17 agencies, as provided in this section.

18 Section 10. Subsection (1) of section 61.1827, Florida
19 Statutes, is amended to read:

20 61.1827 Identifying information concerning applicants
21 for and recipients of child support services.--

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

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

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

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

11 (d) Disclosure to an authorized person, as defined in
 12 45 C.F.R. s. 303.15, for purposes of enforcing any state or
 13 federal law with respect to the unlawful taking or restraint
 14 of a child or making or enforcing a child custody or
 15 visitation determination. As used in this paragraph, the term
 16 "authorized person" includes a noncustodial parent, unless a
 17 court has entered an order under s. 741.30, s. 741.31, or s.
 18 784.046.

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

21 409.2579 Safeguarding Title IV-D case file
 22 information.--

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

28 (a) The administration of the plan or program approved
 29 under part A, part B, part D, part E, or part F of Title IV;
 30 under Title II, Title X, Title XIV, Title XVI, Title XIX, or
 31

1 Title XX; or under the supplemental security income program
2 established under Title XVI of the Social Security Act;

3 (b) Any investigation, prosecution, or criminal or
4 civil proceeding connected with the administration of any such
5 plan or program;

6 (c) The administration of any other federal or
7 federally assisted program which provides service or
8 assistance, in cash or in kind, directly to individuals on the
9 basis of need;

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

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

20 Section 12. If any provision of this act or its
21 application to any person or circumstance is held invalid, the
22 invalidity does not affect other provisions or applications of
23 the act which can be given effect without the invalid
24 provision or application, and to this end the provisions of
25 this act are severable.

26 Section 13. This act shall take effect July 1, 2005.
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