

1  
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.; eliminating provisions authorizing the  
28 court to award grandparents visitation rights;  
29 eliminating provisions giving grandparents  
30 equal standing as parents for evaluating  
31 custody arrangements; amending s. 61.21, F.S.;

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~~

31

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.

31

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.~~

31

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;

31

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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