

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1099 CS Court Actions Involving Families
SPONSOR(S): Planas
TIED BILLS: None. **IDEN./SIM. BILLS:** SB 2726

	REFERENCE	ACTION	ANALYST	STAFF
DIRECTOR				
1)	Judiciary Committee	11 Y, 0 N, w/CS	Thomas	Hogge
2)	Future of Florida's Families Committee	7 Y, 0 N	Preston	Collins
3)	Judiciary Appropriations Committee	4 Y, 0 N	Brazzell	DeBeaugrine
4)	Justice Council			
5)				

SUMMARY ANALYSIS

The bill provides purposes and legislative intent regarding the implementation of a unified family court program in the circuit courts. The additional purposes and legislative intent include:

- To provide all children and families with a fully integrated, comprehensive approach to handling all cases that involve children and families, while at the same time resolving family disputes in a fair, timely, efficient, and cost-effective manner.
- That the courts embrace methods of resolving disputes that do not cause additional emotional harm to the children and families who are required to interact with the judicial system.
- To support the development of a unified family court and to support the state courts system's efforts to improve the resolution of disputes involving children and families through a fully integrated, comprehensive approach.
- To focus on the needs of children who are involved in the litigation, refer families to resources that will make their relationships stronger, coordinate their cases to provide consistent results, and strive to leave families in better condition than when they entered the system.

This bill does not appear to have a fiscal impact on state or local government. See "Fiscal Comments" below.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The unified family court system concept has the potential to avoid or at least reduce the number of conflicting orders relating to the same family and prevent multiple court appearances by the same family on the same issues. This may serve to reduce the number of hearings and therefore maximize judicial resources. However, given the broader view that a judge will have of a family and the judge's ability to order individuals to take certain actions, in a family court system government may have more involvement in a family's situation than otherwise.

B. EFFECT OF PROPOSED CHANGES:

Background

Currently, legal issues involving children and families are frequently addressed by different divisions of the court, particularly in larger judicial circuits. In many cases, the parties are appearing before a different judge in each proceeding. Therefore, it is possible that a judge may be unaware of previous or pending related legal matters involving the same children or family before the court. Unified family courts are intended to address this problem.

Florida's initiative for a unified family court reform began as a result of increasing demands being placed on the judicial system by the large volume of cases involving children and families. As the number of family court filings significantly increased, the Supreme Court noted that it must seek to improve productivity and conserve resources.¹ Against this background, the Court created the Family Court Steering Committee in 1994 to, among other things, advise the Court about the circuits' responses to families in litigation and make recommendations on the characteristics of a model family court.²

Last year, the Legislature implemented recommendations by the Florida Supreme Court related to the operation of a unified family court system.³ These recommendations were to:

- Allow the court system to create a unique identifier to identify all court cases related to the same family.
- Provide that specified orders entered in dependency court take precedence over court orders entered in other civil proceedings.
- Provide that final orders and evidence admitted in dependency actions are admissible in evidence in subsequent civil proceedings under certain circumstances.

Effect of Proposed Changes

The bill provides additional purposes and legislative intent regarding the implementation of a unified family court program in the circuit courts. These additional purposes are added to chapter 39, F.S., pertaining to proceedings relating to children; chapter 61, F.S., pertaining to dissolution of marriage, support, and custody; chapter 63, F.S., pertaining to adoption; section 68.07, F.S., pertaining to name change; chapter 88, F.S., pertaining to the Uniform Interstate Family Support Act; chapter 741, F.S.,

¹ See *In Re Report of the Family Court Steering Committee*, 794 So.2d 518 (Fla. 2001). The court, at p.520, reports that as of 1998 and 1999, family law cases constituted the largest percentage of all circuit court filings – over 40%. The court also reported that for this same period, these cases overwhelmingly represented the largest percentage of circuit court cases that were reopened - almost 70%.

² See *In Re Report of the Commission on Family Courts*, 633 So.2d 14 (Fla. 1994).

³ Chapter 2005-239, L.O.F.

pertaining to marriage and domestic violence; chapter 742, F.S., pertaining to determination of parentage; chapter 743, F.S., pertaining to disability of nonage of minors removed; chapter 984, F.S., pertaining to children and families in need of services; chapter 985, F.S., pertaining to the juvenile justice system; and part II of chapter 1003, F.S., pertaining to school attendance. The additional purposes and legislative intent include:

- To provide all children and families with a fully integrated, comprehensive approach to handling all cases that involve children and families, while at the same time resolving family disputes in a fair, timely, efficient, and cost-effective manner.
- That the courts embrace methods of resolving disputes that do not cause additional emotional harm to the children and families who are required to interact with the judicial system.
- To support the development of a unified family court and to support the state courts system's efforts to improve the resolution of disputes involving children and families through a fully integrated, comprehensive approach.
- To focus on the needs of children who are involved in the litigation, refer families to resources that will make their relationships stronger, coordinate their cases to provide consistent results, and strive to leave families in better condition than when they entered the system.

C. SECTION DIRECTORY:

Section 1. Amends s. 39.001, F.S., relating to the purposes and legislative intent of the chapter in Florida Statutes pertaining to proceedings relating to children.

Section 2. Amends s. 61.001, F.S., relating to the purposes and legislative intent of the chapter in Florida Statutes pertaining to dissolution of marriage, support, and custody.

Section 3. Amends s. 63.022, F.S., relating to the purposes and legislative intent of the chapter in Florida Statutes pertaining to adoption.

Section 4. Amends s. 68.07, F.S., relating to the purposes and legislative intent of the section in Florida Statutes pertaining to name change.

Section 5. Creates s. 88.1041, F.S., relating to the purposes and legislative intent of the chapter in Florida Statutes pertaining to the Uniform Interstate Family Support Act.

Section 6. Amends s. 741.2902, F.S., relating to the purposes and legislative intent of the chapter in Florida Statutes pertaining to marriage and domestic violence.

Section 7. Creates s. 742.016, F.S., relating to the purposes and legislative intent of the chapter in Florida Statutes pertaining to determination of parentage.

Section 8. Creates s. 743.001, F.S., relating to the purposes and legislative intent of the chapter in Florida Statutes pertaining to disability of nonage of minors removed.

Section 9. Amends s. 984.01, F.S., relating to the purposes and legislative intent of the chapter in Florida Statutes pertaining to children and families in need of services.

Section 10. Amends s. 985.02, F.S., relating to the purposes and legislative intent of the chapter in Florida Statutes pertaining to the juvenile justice system.

Section 11. Creates s. 1003.20, F.S., relating to the purposes and legislative intent of the part in Florida Statutes pertaining to school attendance.

Section 12. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See "D. Fiscal Comments" below.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority of counties or cities to raises revenues in the aggregate; or reduce the percentage of a state tax shared with counties or cities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Though the provisions of the bill are non-substantive, placing identical language in multiple places in Florida Statutes may make it difficult in the future to maintain consistency should these provisions ever need to be rewritten.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

At its March 15, 2006, meeting, the Judiciary Committee approved a strike-all amendment which differs from the bill as filed by rewording the Legislative Intent language and placing it in eleven separate statutes relating to court proceedings involving children and families. The bill as filed placed the language in only three separate statutes. The eleven statutes are located in the following areas:

- Chapter 39 – Proceedings Relating to Children
- Chapter 61 – Dissolution of Marriage
- Chapter 63 – Adoption
- Section 68.07 – Name Change
- Chapter 88 – Uniform Interstate Family Support Act
- Chapter 741 – Marriage; Domestic Violence
- Chapter 742 – Determination of Parentage
- Chapter 743 – Disability of Nonage of Minors Removed
- Chapter 984 – Children and Families in Need of Services
- Chapter 985 – Delinquency; Interstate Compact on Juveniles
- Chapter 1003 – Part II – School Attendance