



## 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. This bill further implements that concept.

#### B. EFFECT OF PROPOSED CHANGES:

##### Background

Last year, the Legislature implemented recommendations by the Florida Supreme Court related to the operation of a unified family court system.<sup>1</sup> 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.

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 increases, the Supreme Court has noted that it must seek to improve productivity and conserve resources.<sup>2</sup> 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.<sup>3</sup>

In 2002, a joint interim project was conducted by the Senate Committee on Judiciary and the Senate Committee on Children and Families. Several recommendations for statutory change were included in the report. One such change was to allow the use of a unique personal identification for people who come before the court.<sup>4</sup>

Under current law, 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.

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<sup>1</sup> Chapter 2005-239, L.O.F.

<sup>2</sup> 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%.

<sup>3</sup> See *In Re Report of the Commission on Family Courts*, 633 So.2d 14 (Fla. 1994).

<sup>4</sup> See Senate Interim Project Report 2002-141, Review of Family Courts Division and the Model Family Court: Court Services and System, and Senate Interim Project Report 2002-121, Review of Family Courts Division and the Model Family Court: Other Services and Systems for Children and Families.

## Effect of Proposed Changes

The bill provides additional purposes regarding the implementation of a unified family court program in the circuit courts. These additional purposes are being added to chapter 39, F.S., pertaining to proceedings relating to children, chapter 61, F.S., pertaining to dissolution of marriage, support, and custody, and chapter 985, F.S., pertaining to the juvenile justice system. The additional purposes include:

- to provide children and families with a coordinated judicial system that minimizes multiple actions and provides one decisionmaker and a coordinated approach in dealing with the applicable issues of the child or family.
- to encourage the circuit courts to implement and establish a unified family court program by local rule or administrative order to be submitted to the Florida Supreme Court for approval as directed by the Florida Supreme Court.
- to improve the resolution of disputes within the judicial system for children and families by promoting the implementation of the Coordinated Management Model as established by the Florida Supreme Court and the concept of "one family, one judge" to coordinate multiple cases involving one family.

### C. SECTION DIRECTORY:

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

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

**Section 3.** Amends s. 985.02, F.S., relating to the purposes of the chapter in Florida Statutes pertaining to the juvenile justice system.

**Section 4.** Provides that the bill becomes effective on July 1, 2006.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

#### 2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

#### 2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See "D. Fiscal Comments" below.

D. FISCAL COMMENTS:

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. This bill further implements that concept.

### 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 raise 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