

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED  (Y/N)  
 ADOPTED AS AMENDED  (Y/N)  
 ADOPTED W/O OBJECTION  (Y/N)  
 FAILED TO ADOPT  (Y/N)  
 WITHDRAWN  (Y/N)  
 OTHER

1 Committee/Subcommittee hearing bill: Judiciary Committee  
 2 Representative Steube offered the following:

**Amendment (with title amendment)**

5 Remove lines 109-120 and insert:

6 (4) In family cases, the court may take judicial notice of  
 7 any matter described in s. 90.202(6) when imminent danger to  
 8 persons or property has been alleged and it is impractical to  
 9 give prior notice to the parties of the intent to take judicial  
 10 notice. Opportunity to present evidence relevant to the  
 11 propriety of taking judicial notice under subsection (1) may be  
 12 deferred until after judicial action has been taken. If judicial  
 13 notice is taken under this subsection, the court shall, within 2  
 14 business days, file a notice in the pending case of the matters  
 15 judicially noticed. For purposes of this subsection, the term  
 16 "family cases" has the same meaning as provided in the Rules of  
 17 Judicial Administration.

18 Section 3. Subsections (4), (5), (6), (7), (8), (9), (10),  
 19 (11), (12), and (13) of section 409.2564, Florida Statutes, are  
 20 renumbered as subsections (5), (6), (7), (8), (9), (10), (11),

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21 (12), (13), and (14), respectively, and subsection (4) is added  
22 to that section, to read:

23 409.2564 Actions for support.—

24 (4) (a) The Department of Revenue shall not undertake an  
25 action to determine paternity, to establish an obligation of  
26 support, or to enforce or modify an obligation of support  
27 unless:

28 1. Public assistance is being received by one of the  
29 parents, both parents or the dependent child or children; or

30 2. The custodial parent or the parent entitled to receive  
31 support has requested the Department of Revenue's assistance in  
32 enforcing or modifying a child support order and has filed a  
33 signed application for services under Title IV-D of the Social  
34 Security Act.

35 (b) Notwithstanding the provisions of subparagraph (a)2.,  
36 a parent is not eligible to receive assistance from the  
37 Department of Revenue to determine paternity, to establish an  
38 obligation of support, or to enforce or modify an obligation of  
39 support, whichever is applicable, if that parent is being  
40 represented by a private attorney in proceedings to determine  
41 paternity, to establish an obligation of support, or to enforce  
42 or modify an obligation of support, whichever is applicable,  
43 unless public assistance is being received by that parent, the  
44 other parent, or the dependent child or children.

45 Section 4. Paragraph (b) of subsection (5) of section  
46 741.30, Florida Statutes, is amended to read:

47 741.30 Domestic violence; injunction; powers and duties of  
48 court and clerk; petition; notice and hearing; temporary

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49 injunction; issuance of injunction; statewide verification  
50 system; enforcement; public records exemption.—

51 (5)

52 (b) Except as provided in s. 90.204, in a hearing ex parte  
53 for the purpose of obtaining such ex parte temporary injunction,  
54 no evidence other than verified pleadings or affidavits shall be  
55 used as evidence, unless the respondent appears at the hearing  
56 or has received reasonable notice of the hearing. A denial of a  
57 petition for an ex parte injunction shall be by written order  
58 noting the legal grounds for denial. When the only ground for  
59 denial is no appearance of an immediate and present danger of  
60 domestic violence, the court shall set a full hearing on the  
61 petition for injunction with notice at the earliest possible  
62 time. Nothing herein affects a petitioner's right to promptly  
63 amend any petition, or otherwise be heard in person on any  
64 petition consistent with the Florida Rules of Civil Procedure.

65 Section 5. Paragraph (b) of subsection (6) of section  
66 784.046, Florida Statutes, is amended to read:

67 784.046 Action by victim of repeat violence, sexual  
68 violence, or dating violence for protective injunction; dating  
69 violence investigations, notice to victims, and reporting;  
70 pretrial release violations; public records exemption.—

71 (6)

72 (b) Except as provided in s. 90.204, in a hearing ex parte  
73 for the purpose of obtaining such temporary injunction, no  
74 evidence other than the verified pleading or affidavit shall be  
75 used as evidence, unless the respondent appears at the hearing  
76 or has received reasonable notice of the hearing.

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77 Section 6. Paragraph (b) of subsection (5) of section  
78 784.0485, Florida Statutes, is amended to read:

79 784.0485 Stalking; injunction; powers and duties of court  
80 and clerk; petition; notice and hearing; temporary injunction;  
81 issuance of injunction; statewide verification system;  
82 enforcement.—

83 (5)

84 (b) Except as provided in s. 90.204, in a hearing ex parte  
85 for the purpose of obtaining such ex parte temporary injunction,  
86 evidence other than verified pleadings or affidavits may not be  
87 used as evidence, unless the respondent appears at the hearing  
88 or has received reasonable notice of the hearing. A denial of a  
89 petition for an ex parte injunction shall be by written order  
90 noting the legal grounds for denial. If the only ground for  
91 denial is no appearance of an immediate and present danger of  
92 stalking, the court shall set a full hearing on the petition for  
93 injunction with notice at the earliest possible time. This  
94 paragraph does not affect a petitioner's right to promptly amend  
95 any petition, or otherwise be heard in person on any petition  
96 consistent with the Florida Rules of Civil Procedure.

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101 **T I T L E A M E N D M E N T**

102 Remove lines 6-14 and insert:  
103 the court in family cases to take judicial notice of certain  
104 court records without prior notice to the parties when imminent

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105 danger to persons or property has been alleged and it is  
106 impractical to give prior notice; providing for a deferred  
107 opportunity to present evidence; requiring a notice of such  
108 judicial notice having been taken to be filed within a specified  
109 period; providing that term "family cases" has the same meaning  
110 as provided in the Rules of Judicial Administration; amending s.  
111 409.2564, F.S.; providing that the Department of Revenue may not  
112 undertake certain actions regarding paternity or support except  
113 in certain circumstances; providing that a parent is not  
114 eligible to receive assistance from the department for certain  
115 actions if the parent is being represented by a private attorney  
116 unless public assistance is being received; amending ss. 741.30,  
117 784.046, and 784.0485, F.S.; creating an exception to a  
118 prohibition against using evidence other than the verified  
119 pleading or affidavit in an ex parte hearing for a temporary  
120 injunction for protection against domestic violence, repeat  
121 violence, sexual violence, dating violence, or stalking;  
122 providing an effective  
123