

1                   A bill to be entitled  
2           An act relating to state court system administration;  
3           amending ss. 25.386 and 44.106, F.S.; requiring  
4           security background investigations for foreign  
5           language court interpreters and mediators; amending s.  
6           61.125, F.S.; providing definitions; revising  
7           qualifications for parenting coordinators; providing  
8           disqualification factors for appointment as a  
9           parenting coordinator; authorizing disclosure of  
10          certain testimony or evidence in certain  
11          circumstances; providing immunity for certain persons;  
12          requiring the Office of the State Courts Administrator  
13          to establish standards and procedures for parenting  
14          coordinators; authorizing the office to appoint or  
15          employ certain persons to assist in specified duties;  
16          amending s. 121.052, F.S.; revising provisions  
17          relating to judicial retirement to conform to  
18          revisions to the mandatory retirement age; amending s.  
19          812.014, F.S.; authorizing electronic records of  
20          judgments; amending s. 921.241, F.S.; authorizing  
21          electronic records of judgments; providing  
22          definitions; providing forms; authorizing the  
23          collection of fingerprints; amending s. 921.242, F.S.;  
24          providing for electronic records of judgments;  
25          providing an effective date.

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

Section 1. Section 25.386, Florida Statutes, is amended to read:

25.386 Foreign language court interpreters.—

(1) The Supreme Court shall establish minimum standards and procedures for qualifications, certification, professional conduct, discipline, and training of foreign language court interpreters who are appointed by a court of competent jurisdiction. The Supreme Court shall set fees to be charged to applicants for certification and renewal of certification as a foreign language court interpreter. The revenues generated from such fees shall be used to offset the costs of administration of the certification program and shall be deposited into the Administrative Trust Fund within the state courts system. The Supreme Court may appoint or employ such personnel as are necessary to assist the court in administering this section.

(2) An applicant for certification as a foreign language court interpreter shall undergo a security background investigation, which includes, but is not limited to, submitting a full set of fingerprints to the Department of Law Enforcement or to a vendor, entity, or agency authorized by s. 943.053. The vendor, entity, or agency shall forward the fingerprints to the department for state processing, and the department shall

51 forward the fingerprints to the Federal Bureau of Investigation  
52 for national processing. Any vendor fee and state and federal  
53 processing fees shall be borne by the applicant. For records  
54 provided to a person or entity other than those excepted  
55 therein, the cost for state fingerprint processing is the fee  
56 authorized in s. 943.053(3)(e).

57 Section 2. Section 44.106, Florida Statutes, is amended to  
58 read:

59 44.106 Standards and procedures for mediators and  
60 arbitrators; fees.—

61 (1) The Supreme Court shall establish minimum standards and  
62 procedures for qualifications, certification, professional  
63 conduct, discipline, and training for mediators and arbitrators  
64 who are appointed pursuant to this chapter. The Supreme Court is  
65 authorized to set fees to be charged to applicants for  
66 certification and renewal of certification. The revenues  
67 generated from these fees shall be used to offset the costs of  
68 administration of the certification process. The Supreme Court  
69 may appoint or employ such personnel as are necessary to assist  
70 the court in exercising its powers and performing its duties  
71 under this chapter.

72 (2) An applicant for certification as a mediator shall  
73 undergo a security background investigation, which includes, but  
74 is not limited to, submitting a full set of fingerprints to the  
75 Department of Law Enforcement or to a vendor, entity, or agency

76 authorized by s. 943.053. The vendor, entity, or agency shall  
77 forward the fingerprints to the department for state processing,  
78 and the department shall forward the fingerprints to the Federal  
79 Bureau of Investigation for national processing. Any vendor fee  
80 and state and federal processing fees shall be borne by the  
81 applicant. For records provided to a person or entity other than  
82 those excepted therein, the cost for state fingerprint  
83 processing is the fee authorized in s. 943.053(3)(e).

84 Section 3. Subsections (1) through (9) of section 61.125,  
85 Florida Statutes, are renumbered as subsections (2) through  
86 (10), respectively, present subsections (4), (5), (7), and (9)  
87 are amended, and new subsections (1) and (11) are added to that  
88 section, to read:

89 61.125 Parenting coordination.—

90 (1) DEFINITIONS.—As used in this section, the term:

91 (a) "Communication" means an oral or written statement, or  
92 nonverbal conduct intended to make an assertion, by or to a  
93 parenting coordinator, a participant, or a party made during  
94 parenting coordination, or before parenting coordination if made  
95 in furtherance of the parenting coordination process. The term  
96 does not include the commission of a crime during parenting  
97 coordination.

98 (b) "Office" means the Office of the State Courts  
99 Administrator.

100 (c) "Participant" means any individual involved in the

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101 parenting coordination process, other than the parenting  
102 coordinator and the named parties, who takes part in an event in  
103 person or by telephone, videoconference, or other electronic  
104 means.

105 (d) "Parenting coordination" means a nonadversarial  
106 dispute resolution process that is court ordered or agreed upon  
107 by the parties.

108 (e) "Parenting coordinator" means an impartial third party  
109 appointed by the court or agreed to by the parties whose role is  
110 to assist the parties in successfully creating or implementing a  
111 parenting plan.

112 (f) "Parenting Coordinator Review Board" means the board  
113 appointed by the Chief Justice of the Florida Supreme Court to  
114 consider complaints against qualified and court-appointed  
115 parenting coordinators.

116 (g) "Party" means a person participating directly, or  
117 through a designated representative, in parenting coordination.

118 (5)-(4) QUALIFICATIONS OF A PARENTING COORDINATOR.—A  
119 parenting coordinator is an impartial third person whose role is  
120 to assist the parents in successfully creating or implementing a  
121 parenting plan. Unless there is a written agreement between the  
122 parties, the court may appoint only a qualified parenting  
123 coordinator.

124 (a) To be qualified, a parenting coordinator must:

125 1. Meet one of the following professional requirements:

- 126           a. Be licensed as a mental health professional under  
 127 chapter 490 or chapter 491.
- 128           b. Be licensed as a physician under chapter 458, with  
 129 certification by the American Board of Psychiatry and Neurology.
- 130           c. Be certified by the Florida Supreme Court as a family  
 131 law mediator, with at least a master's degree in a mental health  
 132 field.
- 133           d. Be a member in good standing of The Florida Bar.
- 134           2. Complete all of the following:
- 135           a. Three years of postlicensure or postcertification  
 136 practice.
- 137           b. A family mediation training program certified by the  
 138 Florida Supreme Court.
- 139           c. A minimum of 24 hours of parenting coordination  
 140 training in parenting coordination concepts and ethics, family  
 141 systems theory and application, family dynamics in separation  
 142 and divorce, child and adolescent development, the parenting  
 143 coordination process, parenting coordination techniques, and  
 144 Florida family law and procedure, and a minimum of 4 hours of  
 145 training in domestic violence and child abuse which is related  
 146 to parenting coordination.
- 147           (b) The court may require additional qualifications to  
 148 address issues specific to the parties.
- 149           (c) A qualified parenting coordinator must be in good  
 150 standing, or in clear and active status, with his or her

151 | respective licensing authority, certification board, or both, as  
 152 | applicable.

153 | (d) Unless there is a written agreement between the  
 154 | parties, the court may appoint only a qualified parenting  
 155 | coordinator.

156 | (6) (5) DISQUALIFICATIONS OF PARENTING COORDINATOR.—

157 | (a) The court may not appoint a person to serve as  
 158 | parenting coordinator who, in any jurisdiction:

159 | 1. Has been convicted or had adjudication withheld on a  
 160 | charge of child abuse, child neglect, domestic violence,  
 161 | parental kidnapping, or interference with custody;

162 | 2. Has been found by a court in a child protection hearing  
 163 | to have abused, neglected, or abandoned a child;

164 | 3. Has consented to an adjudication or a withholding of  
 165 | adjudication on a petition for dependency; ~~or~~

166 | 4. Is or has been a respondent in a final order or  
 167 | injunction of protection against domestic violence; or—

168 | 5. Has been disqualified by the Parenting Coordinator  
 169 | Review Board.

170 | (b) A parenting coordinator must discontinue service as a  
 171 | parenting coordinator and immediately report to the court and  
 172 | the parties if any of the disqualifying circumstances described  
 173 | in paragraph (a) occur, or if he or she no longer meets the  
 174 | ~~minimum~~ qualifications in subsection (5) (4), and the court may  
 175 | appoint another parenting coordinator.

176        ~~(8)-(7)~~ CONFIDENTIALITY.—Except as otherwise provided in  
177 this section, all communications made by, between, or among the  
178 parties, participants, and the parenting coordinator during  
179 parenting coordination sessions are confidential. The parenting  
180 coordinator, participants, and each party designated in the  
181 order appointing the coordinator may not testify or offer  
182 evidence about communications made by, between, or among the  
183 parties, participants, and the parenting coordinator during  
184 parenting coordination sessions, except if:

185        (a) Necessary to identify, authenticate, confirm, or deny  
186 a written agreement entered into by the parties during parenting  
187 coordination;

188        (b) The testimony or evidence is necessary to identify an  
189 issue for resolution by the court without otherwise disclosing  
190 communications made by any party, participant, or the parenting  
191 coordinator;

192        (c) The testimony or evidence is limited to the subject of  
193 a party's compliance with the order of referral to parenting  
194 coordination, orders for psychological evaluation, counseling  
195 ordered by the court or recommended by a health care provider,  
196 or for substance abuse testing or treatment;

197        (d) The parenting coordinator reports that the case is no  
198 longer appropriate for parenting coordination;

199        (e) The parenting coordinator is reporting that he or she  
200 is unable or unwilling to continue to serve and that a successor



201 parenting coordinator should be appointed;

202 (f) The testimony or evidence is necessary pursuant to  
 203 paragraph ~~(6)-(5)~~(b) or subsection ~~(9)-(8)~~;

204 (g) The parenting coordinator is not qualified to address  
 205 or resolve certain issues in the case and a more qualified  
 206 coordinator should be appointed;

207 (h) The parties or participants agree that the testimony  
 208 or evidence may be permitted; ~~or~~

209 (i) The testimony or evidence is necessary to protect any  
 210 person from future acts that would constitute domestic violence  
 211 under chapter 741; child abuse, neglect, or abandonment under  
 212 chapter 39; or abuse, neglect, or exploitation of an elderly or  
 213 disabled adult under chapter 825;~~;~~

214 (j) The testimony or evidence is offered to report, prove,  
 215 or disprove a violation of professional malpractice occurring  
 216 during the parenting coordination process, solely for the  
 217 purpose of the professional malpractice proceeding; or

218 (k) The testimony or evidence is offered to report, prove,  
 219 or disprove professional misconduct occurring during the  
 220 parental coordination proceeding, solely for the internal use of  
 221 the body conducting the investigation of the conduct.

222 ~~(10)-(9) IMMUNITY AND LIMITED LIMITATION ON LIABILITY.-~~

223 (a) A person appointed or employed to assist the Supreme  
 224 Court in performing its duties relating to disciplinary  
 225 proceedings involving parenting coordinators, including a member

226 of the Parenting Coordinator Review Board, is not liable for  
227 civil damages for any act or omission arising from the  
228 performance of his or her duties while acting within the scope  
229 of his or her appointed function or job description unless such  
230 person acted in bad faith or with malicious purpose.

231 (b) A parenting coordinator appointed by the court is not  
232 liable for civil damages for any act or omission in the scope of  
233 his or her duties under ~~pursuant to~~ an order of referral unless  
234 such person acted in bad faith or with malicious purpose or in a  
235 manner exhibiting wanton and willful disregard for the rights,  
236 safety, or property of the parties.

237 (11) STANDARDS AND PROCEDURES.—The Supreme Court shall  
238 establish minimum standards and procedures for the training,  
239 ethical conduct, and discipline of parenting coordinators who  
240 serve under this section. The office may appoint or employ  
241 personnel as necessary to assist the court in exercising its  
242 powers and performing its duties under this section.

243 Section 4. Paragraph (d) of subsection (4) of section  
244 121.052, Florida Statutes, is amended to read:

245 121.052 Membership class of elected officers.—

246 (4) PARTICIPATION BY ELECTED OFFICERS SERVING A SHORTENED  
247 TERM DUE TO APPORTIONMENT, FEDERAL INTERVENTION, ETC.—

248 (d)1. Any justice or judge, ~~or any retired justice or~~  
249 ~~judge who retired before July 1, 1993,~~ who has attained the age  
250 of 75 ~~70~~ years and who is prevented under s. 8, Art. V of the

251 State Constitution from completing his or her term of office  
252 because of age may elect to purchase credit for all or a portion  
253 of the months he or she would have served during the remainder  
254 of the term of office; however, he or she may claim those months  
255 only after the date the service would have occurred. The justice  
256 or judge must pay into the Florida Retirement System Trust Fund  
257 the amount of contributions that would have been made by the  
258 employer on his or her behalf for the period of time being  
259 claimed, plus 6.5 percent interest thereon compounded each June  
260 30 from the date he or she left office, in order to receive  
261 service credit in this class for the period of time being  
262 claimed. After the date the service would have occurred, and  
263 upon payment of the required contributions, the retirement  
264 benefit of a retired justice or judge shall be adjusted  
265 prospectively to include the additional creditable service;  
266 however, such adjustment may be made only once.

267 2. Any justice or judge who does not seek election to a  
268 subsequent term of office because he or she would be prevented  
269 under s. 8, Art. V of the State Constitution from completing  
270 such term of office upon attaining the age of 75 ~~70~~ years may  
271 elect to purchase service credit for service as a temporary  
272 judge as assigned by the court if the temporary assignment  
273 immediately follows the last full term of office served and the  
274 purchase is limited to the number of months of service needed to  
275 vest retirement benefits. To receive retirement credit for such

276 temporary service beyond termination, the justice or judge must  
 277 pay into the Florida Retirement System Trust Fund the amount of  
 278 contributions that would have been made by the justice or judge  
 279 and the employer on his or her behalf had he or she continued in  
 280 office for the period of time being claimed, plus 6.5 percent  
 281 interest thereon compounded each June 30 from the date he or she  
 282 left office.

283 Section 5. Paragraph (d) of subsection (3) of section  
 284 812.014, Florida Statutes, is amended to read:

285 812.014 Theft.—

286 (3)

287 (d)1. A ~~Every~~ judgment of guilty or not guilty of a petit  
 288 theft shall be in:

289 a. A written record that is ~~writing~~, signed by the judge,  
 290 and recorded by the clerk of the circuit court; or

291 b. An electronic record that contains the judge's  
 292 electronic signature as defined in s. 933.40 and is recorded by  
 293 the clerk of the circuit court.

294 2. At the time a defendant is found guilty of petit theft,  
 295 the judge shall cause the following to occur ~~to be affixed to~~  
 296 ~~every such written judgment of guilty of petit theft,~~ in open  
 297 court and in the judge's presence: ~~of such judge~~

298 a. For a written judgment of guilty, the fingerprints of  
 299 the defendant against whom such judgment is rendered shall be  
 300 manually taken and. ~~Such fingerprints shall be affixed beneath~~

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301 the judge's signature on the ~~to such~~ judgment. Beneath such  
302 fingerprints shall be appended a certificate to the following  
303 effect:

304 "I hereby certify that the above and foregoing fingerprints  
305 on this judgment are the fingerprints of the defendant, . . . . ,  
306 and that they were placed thereon by said defendant in my  
307 presence, in open court, this the . . . . day of . . . . ,  
308 . . . (year) . . . ."

309

310 Such certificate shall be signed by the judge, whose signature  
311 thereto shall be followed by the word "Judge."

312 b. For an electronic judgment of guilty, the fingerprints  
313 of the defendant must be electronically captured and a  
314 certificate must be issued as provided in s. 921.241(3)(b).

315 ~~3.2. A Any such written or an electronic~~ judgment of  
316 guilty of a petit theft, or a certified copy thereof, is  
317 admissible in evidence in the courts of this state as provided  
318 in s. 921.241(4) ~~prima facie evidence that the fingerprints~~  
319 ~~appearing thereon and certified by the judge are the~~  
320 ~~fingerprints of the defendant against whom such judgment of~~  
321 ~~guilty of a petit theft was rendered.~~

322 Section 6. Section 921.241, Florida Statutes, is amended  
323 to read:

324 921.241 Felony judgments; fingerprints and social security  
325 number required in record.—

326           (1) As used in this section, the term:  
 327           (a) "Electronic signature" has the same meaning as in s.  
 328 933.40.  
 329           (b) "Transaction control number" means the unique  
 330 identifier comprised of numbers, letters, or other symbols for a  
 331 digital fingerprint record generated by the device used to  
 332 electronically capture the fingerprints ~~At the time a defendant~~  
 333 ~~is found guilty of a felony, the judge shall cause the~~  
 334 ~~defendant's fingerprints to be taken.~~  
 335           (2) A ~~Every~~ judgment of guilty or not guilty of a felony  
 336 shall be in:  
 337           (a) A written record that is ~~writing,~~ signed by the judge,  
 338 and recorded by the clerk of the court; or  
 339           (b) An electronic record that contains the judge's  
 340 electronic signature and is recorded by the clerk of court.  
 341           (3) At the time a defendant is found guilty of a felony,  
 342 the judge shall cause the following to occur ~~to be affixed to~~  
 343 ~~every written judgment of guilty of a felony,~~ in open court and,  
 344 in the judge's presence: ~~of such judge~~  
 345           (a) For a written judgment of guilty, and at the time the  
 346 ~~judgment is rendered,~~ the fingerprints of the defendant shall be  
 347 manually taken and ~~against whom such judgment is rendered. Such~~  
 348 ~~fingerprints shall be~~ affixed beneath the judge's signature on  
 349 the ~~to such~~ judgment. Beneath such fingerprints shall be  
 350 appended a certificate to the following effect:

351 "I hereby certify that the above and foregoing fingerprints  
 352 on this judgment are the fingerprints of the defendant, . . . . ,  
 353 and that they were placed thereon by said defendant in my  
 354 presence, in open court, this the . . . . day of . . . . ,  
 355 . . . (year) . . . ."

356 Such certificate shall be signed by the judge, whose signature  
 357 thereto shall be followed by the word "Judge."

358 (b) For an electronic judgment of guilty, the fingerprints  
 359 of the defendant shall be electronically captured and the  
 360 following certificate shall be included in the electronic  
 361 judgment:

362 "I hereby certify that the digital fingerprint record  
 363 associated with Transaction Control Number . . . . contains the  
 364 fingerprints of the defendant, . . . . , which were electronically  
 365 captured from the defendant in my presence, in open court, this  
 366 the . . . . day of . . . . , . . . (year) . . . ."

367  
 368 The judge shall place his or her electronic signature, which  
 369 shall be followed by the word "Judge," on the certificate.

370 (4)(3) A written or electronic ~~Any such written~~ judgment  
 371 of guilty ~~of a felony~~, or a certified copy thereof, shall be  
 372 admissible in evidence in the several courts of this state as  
 373 prima facie evidence that the:

374 (a) Manual fingerprints appearing thereon and certified by  
 375 the judge as aforesaid are the fingerprints of the defendant

376 | against whom the ~~such~~ judgment of guilty ~~of a felony~~ was  
 377 | rendered.

378 |       (b) Digital fingerprint record associated with the  
 379 | transaction control number specified in the judge's certificate  
 380 | contains the fingerprints of the defendant against whom the  
 381 | judgment of guilty was rendered.

382 |       (5)~~(4)~~ At the time the defendant's fingerprints are  
 383 | manually taken or electronically captured, the judge shall also  
 384 | cause the defendant's social security number to be taken. The  
 385 | defendant's social security number shall be specified in each  
 386 | ~~affixed to every~~ written or electronic judgment of guilty of a  
 387 | felony, in open court, in the presence of such judge, and at the  
 388 | time the judgment is rendered. If the defendant is unable or  
 389 | unwilling to provide his or her social security number, the  
 390 | reason for its absence shall be specified in ~~indicated on the~~  
 391 | written or electronic judgment.

392 |       Section 7.   Section 921.242, Florida Statutes, is amended  
 393 | to read:

394 |       921.242 Subsequent offenses under chapter 796; method of  
 395 | proof applicable.—

396 |       (1) A ~~Every~~ judgment of guilty with respect to any offense  
 397 | governed by the provisions of chapter 796 shall be in:

398 |       (a) A written record that is ~~writing~~, signed by the judge,  
 399 | and recorded by the clerk of the circuit court; or

400 |       (b) An electronic record that contains the judge's



401 electronic signature as defined in s. 933.40 and is recorded by  
402 the clerk of circuit court.

403 (2) At the time a defendant is found guilty, the judge  
404 shall cause the following to occur ~~to be affixed to every such~~  
405 ~~written judgment of guilty,~~ in open court and in the judge's  
406 presence: ~~of such judge~~

407 (a) For a written judgment of guilty, the fingerprints of  
408 the defendant against whom such judgment is rendered shall be  
409 manually taken and. ~~Such fingerprints shall be~~ affixed beneath  
410 the judge's signature on the ~~to any such~~ judgment. Beneath such  
411 fingerprints shall be appended a certificate to the following  
412 effect:

413 "I hereby certify that the above and foregoing fingerprints  
414 are of the defendant, ...(name)..., and that they were placed  
415 thereon by said defendant in my presence, in open court, this  
416 the .... day of ....., ...(year)...."

417 Such certificate shall be signed by the judge, whose  
418 signature thereto shall be followed by the word "Judge."

419 (b) For an electronic judgment of guilty, the fingerprints  
420 of the defendant must be electronically captured and a  
421 certificate must be issued as provided in s. 921.241(3)(b).

422 (3)-(2) A ~~Any such~~ written or an electronic judgment of  
423 guilty, or a certified copy thereof, shall be admissible in  
424 evidence in the several courts of this state as provided in s.  
425 921.241(4) ~~prima facie evidence that the fingerprints appearing~~

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426 | ~~thereon and certified by the judge as aforesaid are the~~  
427 | ~~fingerprints of the defendant against whom such judgment of~~  
428 | ~~guilty was rendered.~~

429 |       Section 8. This act shall take effect July 1, 2019.