

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Children, Families, and Elder Affairs Committee

BILL: SB 1686

INTRODUCER: Senator Rich

SUBJECT: Court Actions Involving Families

DATE: April 4, 2007

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Toman	Jameson	CF	Favorable
2.			JU	
3.				
4.				
5.				
6.				

I. Summary:

The bill amends several sections of current law to reflect legislative purposes and intent regarding the goal of implementing unified family court programs in the circuit courts. These additional purposes are added to statutory sections involving children and families.

This bill substantially amends the following sections of the Florida Statutes: 39.001, 61.001, 63.022, 68.07, 741.2902, 984.01, and 985.02; and creates the following sections of the Florida Statutes: 88.1041, 742.016, 743.001, and 1003.296.

II. Present Situation:

Families come to the attention of the courts in a variety of ways: through divorce, domestic violence, abandonment or abuse of children, or delinquency of children. Such families often move from courtroom to courtroom, where substantial expenditures in time and money are made, although core problems are not necessarily addressed.¹ In many cases, the parties are appearing before a different judge in each proceeding, making it possible for a judge to be unaware of previous or pending related legal matters involving the same children or family. The idea of the unified family court is to bring the child and his or her family before a court, preferably one specialized court, to solve problems.²

¹ C. Wright, Representation of Children in a Unified Family Court System in Florida (2003).

² *Id.*

Florida is moving toward a unified family court system.³ In its May 3, 2001 order adopting the findings of the Report of the Family Court Steering Committee, the Florida Supreme Court declared:

If the judicial system encourages alternatives to the adversarial process, empowers litigants to reach their own solutions, and assists in crafting solutions that promote long-term stability in matters involving children and families, the likelihood of future court intervention in the family should be decreased — whether this be through minimizing post-judgment litigation or preventing the dependent child of today from becoming the delinquent child of tomorrow. Our ultimate goal remains to facilitate the resolution of disputes involving children and families in a fair, timely, effective and cost-efficient manner.⁴

The Florida Supreme Court continued: “We therefore reaffirm our continued commitment to the broad principles espoused for a model family court in Florida. . . .”⁵

In 2005, the Legislature implemented the Supreme Court’s recommendations by:

- Allowing the court to create a unique identifier for each person by which to identify all court cases related to that person or his or her family;
- Providing that specified orders entered in dependency court take precedence over court orders entered in other civil proceedings; and
- Providing that final orders and evidence admitted in dependency actions are admissible in evidence in subsequent civil proceedings under certain circumstances.⁶

III. Effect of Proposed Changes:

Senate Bill 1686 amends several sections of statute to reflect the Legislature’s goal of moving toward a unified court system, by adding language that states the following legislative purposes and intent:

- It is the intent of the Legislature to provide all children and families with a comprehensive and integrated 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.
- It is in the best interests of this state 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.

³ C. Wright, Representation of Children in a Unified Family Court System in Florida (2003).

⁴ *In Re* Report of Family Court Steering Comm., 794 So. 2d 518, 535-36 (Fla. 2001).

⁵ *Id.* at 536.

⁶ Chapter 2005-239, L.O.F.

- The legal system should 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.
- It is the intent of the Legislature 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 comprehensive and integrated approach that includes coordinated case management, the concept of "one family, one judge," community collaboration and alternative dispute resolution.

This language is added to the following sections of Florida Statutes:

- Chapter 39 (dependency);
- Chapter 61 (dissolution of marriage);
- Chapter 63 (adoption);
- Section 68.07 (name change);
- Chapter 88 (interstate family support);
- Chapter 741 (domestic violence);
- Chapter 742 (paternity);
- Chapter 743 (removal of disability of nonage);
- Chapter 984 (children and family services);
- Chapter 985 (juvenile justice); and
- Chapter 1003 (K-12 education).

The bill provides that the act will take effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Article V s. 2(a) of the Florida Constitution vests the Florida Supreme Court with the responsibility of, *inter alia*, adopting rules for practice and procedure in Florida's courts and supervising the administration of the courts. To the extent this bill may be construed

as a legislative attempt to accomplish those tasks, it may be perceived to violate the doctrine of separation of powers.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

According to the Office of the State Courts Administrator (OSCA), to the extent the unified family court concepts in the bill would result in a reduction of the number of hearings private parties are required to attend, the parties would save time and attorney's fees. However, neither the number of hearings that would be eliminated, nor the average length of time per hearing, is known. Therefore, the precise cost savings to private parties cannot be determined.

C. Government Sector Impact:

OSCA does not anticipate immediate expenditures as a result of this bill, but to the extent the bill moves the state courts system toward full implementation of unified family court, OSCA does expect that its efforts to improve the effectiveness and efficiency of the courts for the benefit of families and children would be enhanced.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
