



Justice Council

Wednesday, February 8, 2006
9:45 AM – 10:30 AM
404 House Office Building

Council Action

Allan G. Bense
Speaker

Bruce Kyle
Chair

COUNCIL MEETING REPORT

Justice Council

2/8/2006 9:45:00AM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Bruce Kyle (Chair)	X		
Faye Culp	X		
Carl Domino	X		
Greg Evers	X		
Arthenia Joyner			X
Dick Kravitz	X		
Marcelo Llorente	X		
Mark Mahon	X		
John Quinones	X		
David Simmons	X		
Irving Slosberg	X		
Totals:	10	0	1

Committee meeting was reported out: Wednesday, February 08, 2006 12:23:32PM

COUNCIL MEETING REPORT

Justice Council

2/8/2006 9:45:00AM

Location: 404 HOB

Summary:

Justice Council

Wednesday February 08, 2006 09:45 am

HB 41	Favorable With Committee Substitute	Yeas: 10	Nays: 0
HB 95 CS	Favorable	Yeas: 10	Nays: 0
HB 109 CS	Favorable With Committee Substitute	Yeas: 9	Nays: 0
HB 139	Favorable	Yeas: 10	Nays: 0
HB 151 CS	Favorable With Committee Substitute	Yeas: 10	Nays: 0

Committee meeting was reported out: Wednesday, February 08, 2006 12:23:32PM

COUNCIL MEETING REPORT

Justice Council

2/8/2006 9:45:00AM

Location: 404 HOB

HB 41 : Administrative Expunction of Nonjudicial Arrest Records

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Faye Culp	X				
Carl Domino	X				
Greg Evers	X				
Arthenia Joyner			X		
Dick Kravitz	X				
Marcelo Llorente	X				
Mark Mahon	X				
John Quinones	X				
David Simmons	X				
Irving Slosberg	X				
Bruce Kyle (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Committee meeting was reported out: Wednesday, February 08, 2006 12:23:32PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. HB 41

COUNCIL/COMMITTEE 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WITHDRAWN	—	(Y/N)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
① w/o obj.

1 Council/Committee hearing bill: Justice Council

2 Representative(s) Dean offered the following:

3

4 **Amendment (with directory and title amendments)**

5 Remove line(s) 45 and insert:

6 contrary to law or was a mistake. The affidavit shall include
7 the date and time of the arrest, the name of the arresting
8 officer, the name of the person arrested, and the crime charged.



COUNCIL MEETING REPORT

Justice Council

2/8/2006 9:45:00AM

Location: 404 HOB

HB 95 CS : Alcoholic Beverages

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Faye Culp	X				
Carl Domino	X				
Greg Evers	X				
Arthenia Joyner			X		
Dick Kravitz	X				
Marcelo Llorente	X				
Mark Mahon	X				
John Quinones	X				
David Simmons	X				
Irving Slosberg	X				
Bruce Kyle (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Committee meeting was reported out: Wednesday, February 08, 2006 12:23:32PM

COUNCIL MEETING REPORT

Justice Council

2/8/2006 9:45:00AM

Location: 404 HOB

HB 109 CS : Temporary Custody of a Child by an Extended Family Member or a Putative Father

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Faye Culp	X				
Carl Domino	X				
Greg Evers	X				
Arthenia Joyner			X		
Dick Kravitz	X				
Marcelo Llorente	X				
Mark Mahon	X				
John Quinones	X				
David Simmons	X				
Irving Slosberg	X				
Bruce Kyle (Chair)				X	
Total Yeas: 9		Total Nays: 0			

Appearances:

Temporary Custody of a Child
Fred Dudley (Lobbyist) - Proponent
Family Law Section, FL Bar
106 E. College Ave., Suite 1200
Tallahassee FL 32301
Phone: 850-521-8013

Committee meeting was reported out: Wednesday, February 08, 2006 12:23:32PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. HB 0109 CS

COUNCIL/COMMITTEE 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
A w/o obj.

1 Council/Committee hearing bill: Justice Council
2 Representative(s) Anderson offered the following:

3
4 **Amendment (with title amendments)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsections (2) and (3) of section 751.01,
7 Florida Statutes, are amended to read:

8 751.01 Purpose of act.--The purposes of ss. 751.01-751.05
9 are to:

10 (2) Provide for the welfare of a minor child ~~children~~ who
11 is ~~are~~ living with an extended family members, ~~or who are being~~
12 ~~cared for by putative fathers whose paternity cannot be~~
13 ~~established given the absence of the mothers.~~ At present, such
14 family members are unable to give complete care to the child in
15 their custody because they lack a legal document that explains
16 and defines their relationship to the child, and they are unable
17 effectively to consent to the care of the child ~~children~~ by
18 third parties.

19 (3) Provide temporary custody of a minor child to a family
20 member ~~or putative father~~ having physical custody of the minor
21 child to enable the custodian to:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

22 (a) Consent to all necessary and reasonable medical and
23 dental care for the child, including nonemergency surgery and
24 psychiatric care;

25 (b) Secure copies of the child's records, held by third
26 parties, that are necessary to the care of the child, including,
27 but not limited to:

- 28 1. Medical, dental, and psychiatric records;
- 29 2. Birth certificates and other records; and
- 30 3. Educational records;

31 (c) Enroll the child in school and grant or withhold
32 consent for a child to be tested or placed in special school
33 programs, including exceptional education; and

34 (d) Do all other things necessary for the care of the
35 child.

36 Section 2. Section 751.011, Florida Statutes, is amended
37 to read:

38 751.011 Definitions.--As used in ss. 751.01-751.05, the
39 term-

40 ~~(1)~~ "Extended family member" is any person who is:

41 (1) A relative within the third degree by blood or
42 marriage to the parent; or

43 (2) The stepparent of a child if the stepparent is
44 currently married to the parent of the child and is not a party
45 in a pending dissolution, separate maintenance, domestic
46 violence, or other civil or criminal proceeding in any court of
47 competent jurisdiction involving one or both of the child's
48 parents as an adverse party ~~family composed of the minor child~~
49 ~~and a relative of the child who is the child's brother, sister,~~
50 ~~grandparent, aunt, uncle, or cousin.~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

51 ~~(2) "Putative father" is a man who reasonably believes~~
52 ~~himself to be the biological father of the minor child, but who~~
53 ~~is unable to prove his paternity due to the absence of the~~
54 ~~mother of the child.~~

55 Section 3. Section 751.02, Florida Statutes, is amended to
56 read:

57 751.02 Determination of temporary custody proceedings;
58 jurisdiction.--The following individuals may bring proceedings
59 in the circuit court to determine the temporary custody of a
60 minor child:

61 (1) Any extended family member relative of a minor child
62 who has the signed, notarized consent of the child's legal
63 parents; or

64 (2) Any extended family member who is caring full time for
65 the child in the role of a substitute parent and relative of the
66 child, including a putative father, with whom the child is
67 presently living, may bring proceedings in the circuit court to
68 determine the temporary custody of the child. A putative father
69 may bring a proceeding for temporary custody only when he is
70 unable to perfect personal service of process upon the mother of
71 the child. When the putative father is able to perfect personal
72 service of process upon the mother of the child, he must
73 petition for custody and other relief, including the
74 establishment of his paternity of the child, under chapter 742.

75 Section 4. Section 751.03, Florida Statutes, is amended to
76 read:

77 751.03 Petition for temporary custody; contents.--Each
78 Every petition for temporary custody of a minor child must be
79 verified by the petitioner and must contain statements, to the
80 best of petitioner's knowledge and belief, showing:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

81 (1) The name, date of birth, and current address of the
82 child;

83 (2) The names and current addresses of the child's
84 parents;

85 (3) The names and current addresses of the persons with
86 whom the child has lived during the past 5 years;

87 (4) The places where the child has lived during the past 5
88 years;

89 (5) Information concerning any custody proceeding in this
90 or any other state with respect to the child;

91 (6) The residence and post office address of the
92 petitioner;

93 (7) The petitioner's relationship to the child, ~~including~~
94 ~~the circumstances leading the petitioner to believe he is the~~
95 ~~natural father of the child when the petitioner is the putative~~
96 ~~father; and~~

97 (8) The consent of the child's parents, or the specific
98 acts or omissions of the parents which demonstrate that the
99 parents have abused, abandoned, or neglected the child as
100 defined in chapter 39;

101 (9) Any temporary or permanent orders for child support,
102 the court entering the order, and the case number;

103 (10) Any temporary or permanent order for protection
104 entered on behalf of or against either parent, the petitioner,
105 or the child; the court entering the order; and the case number;

106 (11) That it is in the best interest of the child for the
107 petitioner to have custody of the child; and ~~the circumstances~~
108 of the child's current living situation with the petitioner.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

109 ~~(12)~~(9) A statement of the period of time the petitioner
110 is requesting temporary custody, including a statement of the
111 reasons supporting that request.
112

113 Only an extended family member may file a petition under this
114 chapter.

115 Section 5. Subsections (5), (6), and (7) of section
116 751.05, Florida Statutes, are amended to read:

117 751.05 Order granting temporary custody.--

118 (5) (a) The order granting temporary custody of the minor
119 child to the petitioner may not include an order for the support
120 of the child unless the parent has received personal or
121 substituted service of process, the petition requests an order
122 for the support of the child, and there is evidence of the
123 parent's ability to pay the support ordered.

124 (b) The order granting temporary custody may redirect all
125 or part of an existing child support obligation to be paid to
126 the extended family member who is granted temporary custody of
127 the child. If the court redirects an existing child support
128 obligation, the order granting temporary custody must include
129 the determination of arrearages owed to the obligee and the
130 person awarded temporary custody and must order payment of the
131 arrearages. The clerk of the circuit court in which the
132 temporary custody order is entered shall transmit a certified
133 copy thereof to the court originally entering the child support
134 order. The temporary custody order shall be recorded and filed
135 in the original action in which child support was determined and
136 become a part thereof. A copy of the temporary custody order
137 shall be filed with the depository that serves as the official
138 recordkeeper for support payments due under the support order.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

139 The depository shall maintain separate accounts and separate
140 account numbers for individual obligees.

141 ~~(6) The order granting temporary custody of a minor child~~
142 ~~to a putative father must not include a determination of the~~
143 ~~paternity of the child.~~

144 (6)(7) At any time, either or both of the child's parents
145 may petition the court to modify or terminate the order granting
146 temporary custody. The court shall terminate the order upon a
147 finding that the parent requesting the termination of the order
148 is a fit parent, or by consent of the parties. The court may
149 modify an order granting temporary custody if the parties
150 consent or if modification is in the best interest of the child.

151 Section 6. This act shall take effect July 1, 2006.

152
153 ===== T I T L E A M E N D M E N T =====

154 Remove the entire title and insert:

155 A bill to be entitled

156 An act relating to temporary custody of a child by an extended
157 family member; amending s. 751.01, F.S.; removing provisions
158 related to putative fathers; amending s. 751.011, F.S.; defining
159 the term "extended family member"; removing the definition of
160 the term "putative father"; amending s. 751.02, F.S.;
161 authorizing an extended family member to bring a proceeding in
162 court to determine the temporary custody of a child; amending s.
163 751.03, F.S.; specifying the information that must be included
164 in a petition for temporary custody by an extended family
165 member; providing that only an extended family member may file a
166 petition for temporary custody under ch. 751, F.S.; amending s.
167 751.05, F.S.; authorizing a court to redirect child support
168 payments to an extended family member; requiring that the court

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

169 order payment of arrearages; removing reference to an order
170 granting temporary custody of a minor child to a putative
171 father; providing that either or both of the child's parents may
172 petition the court to modify the order granting temporary
173 custody under certain circumstances; providing an effective
174 date.

175





COMMITTEE/SUBCOMMITTEE
APPEARANCE RECORD

Bill No. 109 Date FEB 8 '06
Name Fred Dudley
Title Attorney
Address 106 E. College Ave., Suite 1200
City Tallahassee State / Zip FL 32301
Phone Number 521-8013
Representing FAMILY LAW SECTION (FLA. BAR)

Lobbyist (registered) Yes No
State Employee Yes No

I wish to speak: Proponent AMENDMENT
*I have been requested to speak: Opponent
Information

Subject matter: TEMPORARY CUSTODY

Committee/Subcommittee: _____

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.
Appearing at request of Chair
Approved by _____ Chair

Copies to:
Original - Committee/Subcommittee
Copy - Person requested to appear

COUNCIL MEETING REPORT

Justice Council

2/8/2006 9:45:00AM

Location: 404 HOB

HB 139 : Trespass

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Faye Culp	X				
Carl Domino	X				
Greg Evers	X				
Arthenia Joyner			X		
Dick Kravitz	X				
Marcelo Llorente	X				
Mark Mahon	X				
John Quinones	X				
David Simmons	X				
Irving Slosberg	X				
Bruce Kyle (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Committee meeting was reported out: Wednesday, February 08, 2006 12:23:32PM

COUNCIL MEETING REPORT

Justice Council

2/8/2006 9:45:00AM

Location: 404 HOB

HB 151 CS : Law Enforcement

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Faye Culp	X				
Carl Domino	X				
Greg Evers	X				
Arthenia Joyner			X		
Dick Kravitz	X				
Marcelo Llorente	X				
Mark Mahon	X				
John Quinones	X				
David Simmons	X				
Irving Slosberg	X				
Bruce Kyle (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Committee meeting was reported out: Wednesday, February 08, 2006 12:23:32PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 151 CS

COUNCIL/COMMITTEE ACTION

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

(A) w/o obj.

1 Council/Committee hearing bill: Justice Council

2 Representative(s) Adams offered the following:

3

4 **Amendment (with directory and title amendments)**

5 Remove line(s) 617 and 905 and insert:

6 renewal application. The department shall issue a



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. 151 CS

COUNCIL/COMMITTEE ACTION

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

2
A wp obj.

1 Council/Committee hearing bill: Justice Council

2 Representative(s) Adams offered the following:

3
4 **Amendment (with directory and title amendments)**

5 Between lines 1204 and 1205 insert:

6 Section 20. Subsection (9) of section 932.7055, Florida
7 Statutes, is amended to read:

8 932.7055 Disposition of liens and forfeited property.--

9 (9) (a) ~~Every law enforcement agency shall submit~~
10 ~~semiannual reports to the Department of Law Enforcement~~
11 ~~indicating whether the agency has seized or forfeited property~~
12 ~~under the Florida Contraband Forfeiture Act. Any law enforcement~~
13 ~~agency receiving or expending forfeited property or proceeds~~
14 ~~from the sale of forfeited property in accordance with the~~
15 ~~Florida Contraband Forfeiture Act shall submit completed~~
16 ~~semiannual reports, by April 10, and October 10, documenting the~~
17 ~~receipts and expenditures, on forms promulgated by the~~
18 ~~Department of Law Enforcement, to the entity which has budgetary~~
19 ~~authority over such agency and to the Department of Law~~
20 ~~Enforcement. The semiannual report shall specify the type,~~
21 ~~approximate value, any court case number, type of offense,~~

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

22 ~~disposition of the property received, and the amount of any~~
23 ~~proceeds received or expended.~~

24 ~~— (b) The Department of Law Enforcement shall submit an~~
25 ~~annual report to the criminal justice committees of the House of~~
26 ~~Representatives and of the Senate compiling the information and~~
27 ~~data related in the semiannual reports submitted by the law~~
28 ~~enforcement agencies. The annual report shall also contain a~~
29 ~~list of law enforcement agencies which have failed to meet the~~
30 ~~reporting requirements and a summary of any action which has~~
31 ~~been taken against the noncomplying agency by the Office of the~~
32 ~~Chief Financial Officer.~~

33 (e) Neither the law enforcement agency nor the entity
34 having budgetary control over the law enforcement agency shall
35 anticipate future forfeitures or proceeds therefrom in the
36 adoption and approval of the budget for the law enforcement
37 agency.

38 Section 21. Section 932.707, Florida Statutes is repealed.

39
40 ===== T I T L E A M E N D M E N T =====

41 Remove line(s) 146 and insert:
42 penalty; amending s. 932.7055, F.S.; deleting certain reporting
43 requirements; repealing s. 932.707, F.S. relating to penalty for
44 noncompliance with reporting requirements; providing effective
45 dates.

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