



Criminal & Civil Justice Policy Council

Monday, March 1, 2010

4:30 PM

404 HOB

Council Actions

**Larry Cretul
Speaker**

**William Snyder
Chair**

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council

3/1/2010 4:30:00PM

Location: 404 HOB

Summary:

Criminal & Civil Justice Policy Council

Monday March 01, 2010 04:30 pm

CS/HB 25 Favorable With Council Substitute Yeas: 15 Nays: 0

CS/HB 79 Favorable Yeas: 14 Nays: 0

HB 851 Favorable Yeas: 14 Nays: 0

HB 895 Temporarily Deferred

Committee meeting was reported out: Monday, March 01, 2010 5:14:19PM

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council

3/1/2010 4:30:00PM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
William Snyder (Chair)	X		
Sandra Adams	X		
Kevin Ambler	X		
Carl Domino	X		
Eric Eisnaugle	X		
Adam M. Fetterman	X		
Luis Garcia	X		
Audrey Gibson	X		
Eduardo Gonzalez			X
Tom Grady	X		
Doug Holder	X		
Julio Robaina	X		
Robert Schenck	X		
Perry Thurston	X		
James Waldman	X		
Michael Weinstein	X		
Totals:	15	0	1

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COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council

3/1/2010 4:30:00PM

Location: 404 HOB

CS/HB 25 : Temporary and Concurrent Custody of a Child

Favorable With Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Kevin Ambler	X				
Carl Domino	X				
Eric Elsnaugle	X				
Adam M. Fetterman	X				
Luis Garcia	X				
Audrey Gibson	X				
Eduardo Gonzalez			X		
Tom Grady	X				
Doug Holder	X				
Julio Robaina	X				
Robert Schenck	X				
Perry Thurston	X				
James Waldman	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 15		Total Nays: 0			

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COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 25 (2010)

Amendment No.

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WITHDRAWN ___ (Y/N)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 _____

*favorable
3-1-10*

1 Council/Committee hearing bill: Criminal & Civil Justice Policy
2 Council

3 Representative Adams offered the following:

4
5 **Amendment (with title amendment)**

6 Between lines 31 and 32, insert:

7 Section 1. Section 61.13002, Florida Statutes, is amended
8 to read:

9 61.13002 Temporary time-sharing modification and child
10 support modification due to military service.-

11 (1) If a supplemental petition or a motion for
12 modification of time-sharing and parental responsibility is
13 filed because a parent is activated, deployed, or temporarily
14 assigned to military service and the parent's ability to comply
15 with time-sharing is materially affected as a result, the court
16 may not issue an order or modify or amend a previous judgment or
17 order that changes time-sharing as it existed on the date the
18 parent was activated, deployed, or temporarily assigned to
19 military service, except that a court may enter a temporary

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 25 (2010)

Amendment No.

20 order to modify or amend time-sharing if there is clear and
21 convincing evidence that the temporary modification or amendment
22 is in the best interests of the child. When entering a temporary
23 order under this section, the court shall consider and provide
24 for, if feasible, contact between the military servicemember and
25 his or her child, including, but not limited to, electronic
26 communication by webcam, telephone, or other available means.
27 The court shall also permit liberal time-sharing during periods
28 of leave from military service, as it is in the child's best
29 interests to maintain the parent-child bond during the parent's
30 military service.

31 (2) If a parent is activated, deployed, or temporarily
32 assigned to military service on orders in excess of 90 days and
33 the parent's ability to comply with time-sharing is materially
34 affected as a result, the parent may designate a person or
35 persons to exercise time-sharing with the child on the parent's
36 behalf. The designation shall be limited to a family member, a
37 stepparent, or other relative by marriage of the child. The
38 designation shall be made in writing and provided to the other
39 parent at least 10 working days before the court ordered period
40 of time-sharing commences. The other parent may only object to
41 the appointment of the designee on the basis that the designee's
42 time-sharing visitation is not in the best interests of the
43 child. When unable to reach agreement on the delegation, either
44 parent may request an expedited court hearing for a
45 determination on the designation.

46 (3) The servicemember and the nonmilitary parent shall
47 cooperate with each other in an effort to reach a mutually

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 25 (2010)

Amendment No.

48 agreeable resolution of custody, visitation, delegation of
49 visitation, and child support. Each party shall provide
50 information to the other party in an effort to facilitate
51 agreement on custody, visitation, delegation of visitation, and
52 child support. Agreements on designation of persons to exercise
53 time-sharing possession of the child on the parent's behalf may
54 also be made at the time of dissolution of marriage or other
55 child custody proceedings.

56 (4)-(2) If a temporary order is issued under this section,
57 the court shall reinstate the time-sharing order previously in
58 effect upon the servicemember parent's return from active
59 military service, deployment, or temporary assignment.

60 (5) Upon motion of either parent for enforcement of rights
61 under this section, the court shall, for good cause shown, hold
62 an expedited hearing in custody and visitation matters
63 instituted under this section, and shall permit the
64 servicemember to testify by telephone, video teleconference,
65 webcam, affidavit, or other means where the military duties of
66 the servicemember parent have a material effect on the parent's
67 ability, or anticipated ability, to appear in person at a
68 regularly scheduled hearing.

69 (6)-(3) If a temporary order is entered under this section,
70 the court may address the issue of support for the child by:

71 (a) Entering an order of temporary support from the
72 servicemember to the other parent under s. 61.30;

73 (b) Requiring the servicemember to enroll the child as a
74 military dependent with DEERs, TriCare, or other similar

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 25 (2010)

Amendment No.

75 benefits available to military dependents as provided by the
76 service member's branch of service, and federal regulations; or

77 (c) Suspending, abating, or reducing the child support
78 obligation of the nonservice member until the custody judgment
79 or time-share order previously in effect is reinstated.

80 ~~(7)~~(4) This section does not apply to permanent change of
81 station moves by military personnel, which shall be governed by
82 s. 61.13001.

83
84
85 -----
86 **T I T L E A M E N D M E N T**

87 Remove line 3 and insert:

88 child; amending s. 61.13002, F.S.; providing that a parent
89 activated, deployed, or temporarily assigned to military
90 service on orders in excess of a specified period may
91 designate a person or persons to exercise time-sharing
92 possession of the child on the parent's behalf; limiting
93 who may be designated; providing for limited objections by
94 the other parent; providing for expedited hearings;
95 requiring a servicemember and a nonmilitary parent to
96 cooperate with each other to resolve issues; requiring
97 information sharing; providing for agreements for persons
98 to exercise time-sharing on a parent's behalf; providing
99 for expedited hearings to enforce time-sharing rights;
100 revising ch. 751, F.S., relating to petitions and

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council

3/1/2010 4:30:00PM

Location: 404 HOB

CS/HB 79 : Excuse from Jury Service

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Kevin Ambler	X				
Carl Domino	X				
Eric Eisnaugle	X				
Adam M. Fetterman	X				
Luis Garcia	X				
Audrey Gibson	X				
Eduardo Gonzalez			X		
Tom Grady	X				
Doug Holder	X				
Julio Robaina			X		
Robert Schenck	X				
Perry Thurston	X				
James Waldman	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

CS/HB 79 Excuse from Jury Service
 Connie Galietti, Executive Director (Lobbyist) - Proponent
 Florida Psychological Association
 408 Office Plaza Drive
 Tallahassee FL 32301
 Phone: 850-656-2222

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Location: 404 HOB

HB 851 : Florida Legal Resource Center

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Kevin Ambler	X				
Carl Domino	X				
Eric Eisnaugle	X				
Adam M. Fetterman	X				
Luis Garcia	X				
Audrey Gibson	X				
Eduardo Gonzalez			X		
Tom Grady	X				
Doug Holder	X				
Julio Robaina			X		
Robert Schenck	X				
Perry Thurston	X				
James Waldman	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 14		Total Nays: 0			

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Location: 404 HOB

HB 895 : Juvenile Justice Standards and Training Commission

Temporarily Deferred

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