

HOUSE MESSAGE SUMMARY

Date: April 30, 1998
Bill Subject: Children and Families
Prepared By: Senate Committee on Judiciary

I. Amendments Contained in Message

House Amendment 1 -- 202677 to Senate Amendment -- 610944 (body with title)

II. Summary of Amendments Contained in Message**House Amendment 1 -- 202677 to Senate Amendment -- 610944**

HB 1019 was amended in the Senate to contain the substance of 3 Senate bills: the Senate companion to the original HB 1019; SB 1576, “The Marriage Preparation and Preservation Act”; CS/SB 2170, The Court Dependency Improvement bill; and CS/SB 550, the result of the Senate Judiciary Committee’s interim project on adoption. SB 1576 and CS/SB 2170 had passed all committees of reference favorably and CS/SB 550 had already passed the Senate.

The House did not concur in the Senate amendments and responded with a strike-everything amendment containing a variety of distinctions from the Senate amendment to HB 1019 sent to the House.

A. CS/CS/SB 1576

The House amendment changes the Senate requirement that couples who have not completed a premarital preparation course must wait 3 days before a marriage license may be *issued* to a clarification that the license will not be valid until 3 days after issuance in such cases. While both bills allow a waiver of the 3 day delay for “good cause”, the House amendment allows exceptions for non-Florida residents and individuals with hardships. House amendment at page 10, lines 1-7.

B. CS/SB 2170

The House amendment differs from the Senate’s in the following respects:

- The appropriation provision from General Revenue is erroneously attributed as funding sections 24, 57, and 88 of the bill. It is actually sections 24, 58, and 89 of the amendment to which the appropriation should be linked. House amendment at page 278, lines 14-15.

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- The amendment includes and renumbers certain public records portions of chapter 415, bringing these into chapter 39. While this is in keeping with the reorganization efforts of the bill, it is not a necessary addition. House amendment at page 76, line 30 to page 81, line 19.
 - The standard of proof at an administrative hearing for determining whether a person has filed a false report with the central abuse registry is lowered from “clear and convincing” to “a preponderance of the evidence”. House amendment at page 86, lines 7-8. While this language as an amendment by Senator Ostalkiewicz traveled with CS/SB 2170 from the Committee on Rules and Calendar in the Senate, this language was not offered to nor placed on HB 3883, the House companion to CS/SB 2170, when it was passed the Senate.
 - The amendment requires that in a suit for damages against a person who allegedly filed a false report of abuse or counseled someone else to, that if the identity of the reporter is still confidential under law, the department be named a party until the court issues a *written* order determining that the identity should be released for the purpose of pursuing the suit. The Senate amendment did not require that the department stay a party until a *written order* was issued, only until the court made its initial determination. House amendment at page 87, line 20.
 - A portion of s. 39.401 is omitted from the republished portion and thus would be repealed by the amendment. The language omitted is integral to the process provided for in the section. House amendment at page 117, line 2 after the word “shelter” the following language is not republished: “petition, and the child has not been returned to the custody of the parent, caregiver, or legal custodian, the department shall file the shelter petition and schedule a shelter”. (shown with additions from Senate amendment received by the House)
 - There are substantial differences in the format of the revisions, republications, and reorganization. For example, the reorganization of ss. 39.408 and 39.409 into s. 39.507 and of ss. 39.4031, 39.451, 39.402, and 39.452 into ss. 39.601, 29.602, and 39.603 appear radically different in comparing the Senate and House amendments. However, this great difference in appearance does not reflect any difference in substance.

C. CS/SB 550

The amendment deletes all sections of CS/SB 550. This adoption reform bill is the result of an interim project for the Senate Judiciary committee. It has passed the full Senate twice this session, once as an independent bill in a 35-3 vote, and as an amendment to HB 1019 without a nay vote.