

The BROWARD BARRISTER

JULY 1982

Volume 11

Number 7

PUBLISHED BY THE BROWARD COUNTY BAR ASSOCIATION

Executive Offices: 733 Northeast Third Avenue, 305/764-8040, Fort Lauderdale, Florida 33304

THERE WILL BE NO GENERAL MEETING OF BROWARD COUNTY BAR ASSOCIATION IN JULY.

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA NOTICE TO THE BAR

Special Rules Governing The Admission & Practice Of Attorneys Before The United States District Court For The Southern District Of Florida effective as of January 1, 1982 established both a (non-trial) General Bar and a Trial Bar.

Admission to the General Bar requires that the attorney be (1) a current member in good standing of The Florida Bar and (2) receive a passing score on written examination testing knowledge of the Federal Rules of Criminal and Civil Procedure, Federal Rules of Evidence, the law of federal jurisdiction and venue, and the Local Rules for this District.

Admission to the Trial Bar requires that the attorney first be admitted to the General Bar and, in addition thereto, demonstrate the acquisition of not less than four separate units of trial experience, including at least one participation unit. At least one participation or observation unit must have been acquired in this court, and at least one participation or observation unit must have been acquired in a qualifying jury trial. No more than two simulation units may be included.

The foregoing units are defined in Special Rule 2C as follows:

(a) "qualifying trial," means an adversary proceeding (i) in which testimonial evidence going to the merits is taken, and (ii) which is tried to verdict or judgment or which is heard in open court for at least three hours, and (iii) which is conducted before a judge in a state court of general jurisdiction or before a judge or magistrate in a United States District Court;

(b) "qualifying jury trial" means a qualifying trial in which a jury is chosen and empanelled after voir dire;

(c) "unit of trial experience" means an experience acquired by an attorney or a student enrolled in a law school approved by the American Bar Association by participation in or observation of a qualifying trial;

(d) "participation unit" means a unit of trial experience acquired by active participation as counsel of record to a party in a qualifying trial;

(e) "observation unit" means a unit of trial experience acquired by attentive observation of a qualifying trial; and shall include a discussion of the trial with the presiding judge, and, where feasible, with one or more of the participating attorneys, or other members of the trial bar who were present;

(f) "simulation unit" means an experience that would constitute a participation unit if the trial were conducted before a court but which is acquired in an approved advocacy training program by participation in proceedings fully simulating a qualifying trial; provided that an attorney or student may acquire only one simulation unit for work on a particular trial problem no matter how many times the trial is repeated.

It is important to note that all members of the General Bar, including those admitted prior to the rules taking effect, must present the required units in order to qualify for admission to the Trial Bar. There is no so-called "Grandfather" provision. With respect to attorneys who were admitted to the General Bar prior to December 3, 1981, Rule 4 of the Special Rules pertaining to appearances shall not become effective until June 30, 1982.

Application and certification forms may be obtained from the Office of the Clerk, United States Courthouse, Room 112, 300 N.E. First Avenue, Miami, Florida 33101.

JOSEPH I. BOGART, CLERK OF COURT

NOTE: If you are uncertain as to your admission to the General Bar, it will be necessary to use the following procedure: Request for case information must be received in writing accompanied by a statutory fee of \$2.00 for each case searched. However attorneys or their representatives are welcome to visit the Clerk's Office between 9:00 A.M. and 4:30 P.M., Monday thru Friday, where they may examine the indices and dockets without charge.

PILOT PROGRAM

PRESIDENT'S MESSAGE

Not Yet

Hugh T. Maloney,
President

Please be advised that Judge Barbara Bridge will not be having Motion Calendar August 2, 1982 through August 31, 1982, but will resume on Wednesday, September 1, 1982 at 8:45 A.M.

Judge Mark E. Polen will suspend his Motion Calendar from July 12 through August 13, 1982 as he will be attending the National Judicial College.

Judges W. Herbert Moriarty and Estella May Moriarty will suspend their Motion Calendars from August 9 through August 27, 1982.

In Memoriam

Daniel P. Deschio, Jr.

Member of Executive Committee
of Broward County Bar
Association

Died June 6, 1982

PROBATE

STATUTES. Provides that lawfully and intention- than murder, a person to receive benefits by death of the person kill- provides a final judgment of murder in any degree for purposes of this sec- ut regard to any crimi- , the court may deter- eater weight of evidence illing was unlawful and mends s.732.802. This ffective April 2, 1982.

ESTATE TAXES. Deletes anuary 1, 1980 with re- and inheritance tax laws orida to the most recent e United States Internal e. It also provides for fil- n by the Department of in 30 days after filing of inventory. It further

changes the formula by which Flori- da's estate tax is calculated. Amends s.198.35, 731.111(2) and 198.02, Florida Statutes. This act became ef- fective March 17, 1982. Chapter 82- 38.

(Continued on Page 4)

— BCBA ——— BCBA —

**HAVE
YOU
MOVED?**

There have been many moves of of- fices in the past two months. If you have *not notified* the following of your correct address and telephone number **PLEASE DO SO NOW.**

Broward County Bar Association
The Florida Bar
American Bar Association
Clerk of The Circuit Court

————— BCBA ————— BCBA —

BROWARD COUNTY WOMEN LAWYERS ASSOCIATION

Broward County Women Lawyers Association has elected new officers for 1982-83.

They are the following:

Officers

Maria Lorts, President
Sharon Miller Entin, Vice President, Program Coordinator
Rochelle J. Daniels, Secretary/Treasurer

Executive Committee

Teresa Widmer, Immediate Past President
Christine Carsky
Victoria Fialkowski Minard
Dean Gail Richmond
Annette Star Lustgarten
Karen Kugell

BROWARD COUNTY CHRISTIAN LAWYERS ASSOCIATION

The officers for the coming year are as follows:

President Douglas K. Silvis
Vice President Romney C. Rogers
Treasurer Ronald W. Houchins
Corresponding Secretary W. Lawrence Larche
Recording Secretary Joseph Mannino
Past President Daniel T. Carpenter
Social Chairman William C. Davell
Chairman, Christian
Conciliation Services Harold D. Smith

and participation, emphasize the importance for each member of the Broward Bar to not only be aware of any proposed legis- lation, but to become actively involved either in support of or in opposition to the proposed legislation as circum- stances suggest. The day has long since passed when we sit idly by and simply pursue our profession without regard to the implications of any pro- posed legislation.

Gerald Mager, Chairman
Seventeenth Judicial Circuit
Legislative Committee

**1982 LEGISLATION OF
INTEREST TO THE
LEGAL PROFESSION**

ADMINISTRATIVE LAW

SB 219 — ADMINISTRATIVE RULES. Requires inclusion of cer- tain information along with the publi- cation of a rule, i.e., the name of the person originating the rule, the name of the person approving the rule, and the date which the rule was approved. Amends s.120.55, Florida Statutes. Ef- fective July 1, 1982. Chapter 82-47, Laws of Florida.

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YOUNG LAWYERS SECTION NEWS

PRESIDENT'S MESSAGE

Our second annual Bar Bench Conference was held two weeks ago at Bahia Mar, and I am pleased to say that it went extremely well. The feedback I received from judges and lawyers alike who attended the conference was universally positive.

A couple of points emerged which bear mentioning. The overwhelming concern expressed by trial practitioners was the need for a greater degree of uniformity of procedures throughout our Circuit and County Courts. With the increasing number of judges, this is becoming a virtual necessity if cases are to move through the system within a reasonable time.

Another problem which generated a great deal of discussion was whether and under what circumstances continuances should be granted. This problem is getting worse, as any lawyer who has been to a docket sounding in the last six months will tell you. The vast variety of excuses we lawyers are dreaming up to postpone the inevitable is nothing short of breathtaking in its scope. It was pointed out that the effect of freely granting continuances for any reason at all has been to clog up the trial calendars still further.

The conference was excellent from the standpoint of isolating problems such as these, and in seeking solutions to remedy them. I would like to thank and publicly recognize Linda Conahan and Teresa Widmer for producing this conference. It was a success only because of the time and effort they devoted to it.

Looking ahead, we have revamped our schedule of events somewhat for the coming year. For example, this year's golf tournament will be held in September. In October, we hope to introduce the first annual Broward County Judicial Reception, followed in November by the "After You Find The Courthouse" seminar for newly admitted attorneys. During the first half of 1983, we will be featuring a tennis tournament, beach party and softball tournament.

In the meantime, our next luncheon will be July 22, 1982 with Dave Bogenschutz as our guest speaker. I look forward to seeing you there.

ROBERT J. McFANN
PRESIDENT
Young Lawyers Section

THE YOUNG LAWYERS SECTION LUNCHEON

The July Meeting of the Young Lawyers Section of the Broward County Bar Association will be held on Thursday, July 22, 1982, at 12:00 Noon at:

COSTA BRAVA
2525 North Federal Highway
Fort Lauderdale, Florida

The guest speaker will be J. David Bogenschutz, Esq. who will speak on the topic "The New DUI Law".

Please phone in your reservations to Elsie, secretary to Romney C. Rogers, at 462-1431, no later than Monday, July 19, 1982.

Cost of the luncheon is \$7.00. You may mail your check payable to "YOUNG LAWYERS SECTION" to Romney C. Rogers, 800 East Broward Boulevard, Suite 700, Fort Lauderdale, Florida 33301, or bring it to the luncheon.

RESERVATIONS ARE A MUST!

— BCBA ——— BCBA —

WELCOME NEW MEMBERS

MICHAEL THOMAS BURKE, a native of Detroit, Michigan, received his undergraduate degree from Florida Atlantic University and his law degree from Stetson University. He is associated with Fleming, O'Bryan & Fleming in Fort Lauderdale.

DANIEL D. DOUGLAS, a native of Memphis, Tenn., received his undergraduate degree from University of Oklahoma and his law degree from Oklahoma College of Law. He is a sole practitioner in Fort Lauderdale.

ROBERT G. HARRIS, a native of Cleveland, Ohio, received his undergraduate degree from Ohio State and his law degree from Cleveland State University. He is associated with Stuart J. Rosenthal in Fort Lauderdale.

RICHARD J. LEE, a native of New Jersey, received his undergraduate

degree and his law degree from the University of Miami. He is associated with Chaplin & Lee in Fort Lauderdale.

DANIEL A. LEWIS, a native of New York City, received his undergraduate degree and his law degree from University of Florida. He is associated with Pyszka and Kessler in Fort Lauderdale.

DOROTHY V. MAIER, a native of Bronx, New York, received her undergraduate degree from Florida Atlantic University and her law degree from Nova Law Center. She is associated with Bruce E. Wagner in Fort Lauderdale.

JOANNE S. RICHARDS a native of Indianapolis Ind., received her undergraduate degree and her law degree from University of Florida. She is associated with Ferrero, Middlebrooks & Strickland in Fort Lauderdale.

RIRI A. SORCIE, a native of Chicago, Illinois, received her undergraduate degree from Barry College and her law degree from Nova University Law Center.

ANNE LESLIE STEVENS, a native of Long Beach, California, received her undergraduate degree from University of Michigan and her law degree from Thomas M. Cooley Law School. She is associated with Dale & Stevens in Fort Lauderdale.

BARBARA BALLOW WAGNER, a native of Newark, New Jersey, received her undergraduate degree from Bucknell University and her law degree from Nova University Law Center. She is associated with Fleming, O'Bryan & Fleming in Fort Lauderdale.



POINSETTIA PRESS

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463-0542

CORPORATION, BANKING AND BUSINESS LAW

CS/SB 591—CORPORATIONS. Authorizes a corporation not for profit to organize upon either a nonstock basis or a stock basis; allowing compensation of certain persons rendering services to the corporation; providing for distribution of corporate assets upon dissolution or final liquidation; providing for conversion of a county, district or municipal hospital to a nonprofit corporation. Amends s.617.011, Florida Statutes. Effective July 1, 1982. Chapter 82-147.

HB 765—UTILITY BONDS. Amends various provisions of the Florida Statutes relating to entities which produce electric power to:

1. Provide a list of powers with respect to public agencies which are electric utilities, whose membership consists only of public utilities, which exercise powers granted pursuant to the Joint Power Act.

2. Provide a method of valuing electric utility property subject to eminent domain.

3. Provide a listing of types of organizations which may participate in sale of joint electric supply projects.

4. Provide for limitation on the sale of joint electric supply projects.

This act becomes effective March 25, 1982. Chapter 82-53.

CRIMINAL LAW

CS/CS/CS/SB 69—D.W.I. An act relating to driving under the influence of alcohol or controlled substances; excludes chemical test results from the confidentiality of accident reports. Provides minimum penalties, clarifies language, requires attendance at a substance abuse education course, provides for substance abuse evaluation and treatment programs, defines "substance abuse." Requires examination of license applicants on certain subjects. Provides in certain circumstances substances. Authorizes suspension for a urine test to detect controlled substances. Authorizes suspension of a driver's license for certain periods under certain circumstances. Amends §316.066(4), 316.193, 322.12(2) 322.261. Effective July 1, 1982. Chapter 82-151.

HB 1173—CONCEALED WEAPONS. An act adding subsection (15) to §790.001, Florida Statutes, defining "readily accessible for immediate use"; adding subsection (5) to §790.25, Florida Statutes, providing that possession of a concealed firearm or other weapon within the interior of a private conveyance is lawful under certain conditions. This act became effective on Monday, April 5, when the Gov-

ernor signed the bill into law. Chapter 82-131, Laws of Florida.

CS/SB 410 — SENTENCING COMMISSION. Creates the Sentencing Commission which will be responsible for the development of a system of sentencing guidelines on a statewide basis. This commission will be composed of 15 members, one of whom will be recommended by the president of The Florida Bar. The Florida Supreme Court will implement the guidelines, and all sentences imposed by trial court judges must be within the relevant minimum and maximum sentences provided by statute. This bill became effective April 7, 1982. Chapter 82-145.

SB 103—DRUG ABUSE. Provides that any person who agrees, conspires, combines, or confederates with another to traffic in a controlled substance is punishable as though he had actually trafficked in such controlled substance. Currently such conspiracy is a second degree felony. Amends §893.135. Effective October 1, 1982. Chapter 82-2. SB 713—THEFT. Provides that intent to permanently deprive another of his property is not a necessary element of theft. Repeals provision relating to unauthorized temporary use of motor vehicles, aircraft, boats and boat motors. Amends §812.014. Effective July 1, 1982. Chapter 82-164.

SB 44—MURDER. Amends §782.04, Florida Statutes. Provides the unlawful killing of a human being committed by a person perpetrating or attempting to perpetrate an escape is first degree murder. Provides that when a person is killed in the perpetration of an escape or an attempted escape by someone other than the person escaping or attempting to escape, the person escaping or attempted to escape is guilty of second degree murder. The act became effective April 2, 1982. Chapter 82-69.

SB 73—DRUG EVIDENCE. Provides for testing, weighing, and photographing of seized controlled substances; authorizing destruction of seized substances. Creates s.893.105. The act became effective April 5, 1982. Chapter 82-88.

SB 100—DRUG ABUSE. Prohibits any physician, dentist, veterinarian, osteopath, naturopath, or podiatrist from prescribing or dispensing any material containing methaqualone or certain salts or isomers of methaqualone. Amends s.893.05(1). Effective July 1, 1982. Chapter 82-16.

CS/SB 335—DRUG ABUSE. Exempts public school personnel from liability for reporting suspected drug abuse by pupils. Creates s.232.46. This act be-

came effective March 19, 1982. Chapter 82-48.

HB 602—PRISONS. Provides that it is a first degree misdemeanor to introduce into or upon the grounds of any state correctional institution or to take, attempt to take, or send there from, except through regular official channels, any written or recorded communication or any currency or coin or any article of food or clothing. Provides that it is a felony of the second degree to introduce into or upon the grounds of any state correctional institution or to take, attempt to take, or send there from, except through regular official channels, any intoxicating beverage, any of a described list of drugs, or any firearm, weapon, or explosive. Amends s.944.47(2), Florida Statutes. Effective July 1, 1982. Chapter 82-124.

ENVIRONMENTAL LAW

HB 502—ENVIRONMENTAL PERMITS. An act amending s.403.087(5) and creating s.403.0871, Florida Statutes. Authorizes the Department of Environmental Regulation to establish permit fees sufficient to cover the cost of services associated with the issuance of permits, but not to exceed \$1,000 based on the sliding scale relating to the size and type of installation involved. Provides for the deposit of such fees in the Permit Fee Trust Fund created by the act. Provides a temporary \$20 permit fee until such time as the department adopts a fee schedule. This act became effective April 5, 1982. Chapter 82-122.

HB 1096—STATE LANDS. Provides funds in the Conservation and Recreation Lands Trust Fund may be used for title work, approval fees, and survey costs related to acquisition expenses for lands to be acquired, donated, or exchanged. Provides that purchase negotiations for the acquisition of any land from the fund must be initiated within six months of approval by Department of Natural Re-

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sources, and either title must be conveyed or written agreement to transfer title must be executed within one year of the initiation of purchase agreements. This act became effective April 7, 1982. Chapter 82-152.

FAMILY LAW

CS/SB 932—CHILD SUPPORT. An act relating to child support enforcement; amending s.409.2554(5) and (7), Florida Statutes, and adding subsection (8) thereto, redefining the terms "responsible parent" and "program attorney" and defining the term "prosecuting attorney;" amending s.409.2561(1) and (5), requiring the responsible parent to reimburse the Department of Health and Rehabilitative Services for the payment of public assistance money to or for the benefit of a dependent child. This act became effective April 6, 1982. Chapter 82-140.

CS/SB 630—MIDWIFERY. An act creating Chapter 485, Florida Statutes. Creates the Advisory Committee of Lay Midwifery within the Department of Health and Rehabilitative Services. Provides for appointment and terms of members, provides rulemaking authority and examination. Provides grounds for disciplinary actions and provides for disposition of disciplinary cases. Effective July 1, 1982. Chapter 82-99.

SB 869—ADOPTION. Amends and creates various provisions in chapter 63, Florida Statutes. Revises provisions relating to intermediary adoptions, the confidentiality of information, and matters related thereto. Provides the state registrar of vital statistics shall maintain a registry of identifying information with respect to natural and adoptive parents and adoptees. Provides for access to such information. Effective July 1, 1982.

GENERAL

HB 370—SERVICE OF PROCESS. An act amending various Florida Statutes which requires parties requesting service of process to provide the sheriff with certain information. Clarifies when no additional fees may be charged for *alias* and *pluries* documents. Changes the requirements for service of process of witness subpoenas in misdemeanor cases. Provides for the disposition of property under legal process which is not disposed of at the initial sheriff's sale. Provides that the sheriff may sell property at an advertised location. Provides that all unclaimed monies derived from sheriff's sales shall be disposed of as are all other unclaimed monies collected by the sheriff. Authorizes the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation, rather than the

sheriff, to file its warrants with the clerk of the circuit court directing the sheriff to levy upon the property of a person delinquent in paying cigarette taxes wherever the taxpayer owns property. Effective July 1, 1982. Chapter 82-118.

HB 751—INTEREST. An act amending s.687.01, Florida Statutes, increasing from six to twelve percent the legal rate of interest which shall be applicable in all cases where interest accrues in the absence of a special contract. Effective July 1, 1982. Chapter 82-42.

SB 322—PUBLIC RECORDS. Provides that information concerning the identity of any individual who has provided his name for ride sharing arrangements is exempt from disclosure provisions of the public record law. Adds s.119.07(3)(1). This act became effective April 5, 1982. Chapter 82-95.

HOUSING AND URBAN FINANCING

SB 339—HOUSING FINANCE. Provides that in actions to validate bonds of the Florida Housing Finance Agency, pursuant to Chapter 75, the complaint shall be filed in the Circuit Court of Leon County, notice shall be published only in Leon County and in two newspapers of general circulation in the state, and the complaint and order shall be served only on the state attorney of the Second Judicial Circuit in which the action is pending. Amends s.420.509(5). This act became effective April 2, 1982. Chapter 82-78.

INSURANCE

HB 4F—INSURANCE CODE. This 736-page bill reenacted Florida's Insurance Code before it was to "Sunset" October 1, 1982. After intense lobbying and negotiation by all sides, the House and Senate reached a compromise. The major provisions are:

1. No Fault—Reenacted current law with no major changes. The maximum deductible of \$8,000 was lowered to \$2,000, but the threshold for a lawsuit for pain and suffering still requires a permanent injury.
2. Civil Remedies—Policy holders will be able to sue their companies for an "unfair trade practice" if the company does not rectify the problem after 60 days.
3. Reporting Requirements—Insurance companies must provide detailed reports to the Insurance Commissioner on their investments to help determine what are fair rates.
4. Rate - Making—Insurance Department will be able to define "no competition," which is one of

the criteria it must prove to reject a company's rates.

5. Public Counsel—May intervene when the Insurance Commissioner must approve rates before they take effect.

SB 1F—AUTO CLUBS. Repeals Chapter 649 relating to the regulation of automobile clubs. It provides persons may provide motor vehicle services including towing, emergency road service, prepaid legal services, group coverage for bail and arrest bonds, and locating stolen and missing motor vehicles without being deemed an insurer or subject to the Insurance Code. Effective October 1, 1982.

SB 2F—AUTO WARRANTY ASSOCIATIONS. Reenacts Chapter 634 regulating automobile inspection and warranty associations and service warranty associations; redesignates them as motor vehicle service agreement companies. It provides for maintenance of minimum net assets, requires establishment of an unearned provision reserve, and provides for licensing and examination of companies. Effective October 1, 1982.

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SB 3F—INSURANCE AND CREDIT CARD FACILITIES. Deletes the prohibition against insurance transactions through credit card facilities and provides that credit cards may be used for the collection of premiums and solicitation of insurance. Amendments s.626.9541(15) and (17). Effective October 1, 1982.

SB 4F—PATIENTS' COMPENSATION FUND. Reenacts s.768.54 to continue the fund. It increases the amount for which a fund member remains liable, authorizes issuance of liability coverage, and provides the fund is not liable for punitive damages. Effective July 1, 1982.

(To Be Continued in August Edition)

— BCBA — BCBA —



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NOTICE

The bill amending §61.13(2) (b), (3), Florida Statutes; requiring courts to order shared parental responsibility or sole parental responsibility for minors, becomes effective July 1, 1982. Attorneys should be aware of the new terminology that shall be used in domestic pleadings. The amendment reads:

A bill to be entitled

An act relating to dissolution of marriage; amending s. 61.13(2)(b), (3), Florida Statutes; requiring courts to order shared parental responsibility or sole parental responsibility for minors; providing definitions; granting standing to grandparents to seek judicial enforcement of their visitation rights; prohibiting denial of either parent's access to specified information about a minor child; creating s. 61.21, Florida Statutes; authorizing establishment by counties of family mediation or conciliation services; providing for court referral; providing for funding; providing for liberal interpretation; providing severability; providing an effective date.

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

Section 1. Subsection (3) and paragraph (b) of subsection (2) of section 61.13, Florida Statutes, are amended to read:

61.13 Custody and support of children, etc., power of court in making orders. —
(2)

(b)1. The court shall determine all matters relating to custody award custody and visitation rights of each minor child children of the parties as a part of any proceeding under this chapter for dissolution of marriage in accordance with the best interests of the child and in accordance with the Uniform Child Custody Jurisdiction Act. It is the public policy of this State to assure each minor child frequent and continuing contact with both parents after the parents have separated or dissolved their marriage and to encourage parents to share the rights and responsibilities of child-rearing. Upon considering all relevant factors, the father of the child shall be given the same consideration as the mother in determining custody regardless of the age of the child.

2. The court shall order that the parental responsibility for a minor child shall be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child. If the court determines that shared parental responsibility would be detrimental to the child, the court may order sole parental responsibility.

a. "Shared parental responsibility" means that both parents retain full parental rights and responsibilities with respect to their child, and requires both parents to confer so that major decisions affecting the welfare of the child will be determined jointly. In ordering shared parental responsibility, the court may consider the expressed desires of the parents and may grant to one party the ultimate responsibility over specific aspects of the child's welfare or the court may divide those aspects between the parties on the basis of the best interests of the child. Where it appears to the court to be in the best interests of the child, the court may order or the parties may agree how any such responsibility will be divided. Such areas of responsibility may include primary physical residence, education, medical and dental care, and any other responsibilities which the court finds unique to a particular family and/or in the best interests of the child.

b. "Sole parental responsibility" means responsibility of the minor child shall be given to one parent by the court, with or without rights of visitation to the other parent.

c. The court may award the grandparents visitation rights of a minor child if it is deemed by the court to be in the child's best interest. Grandparents shall have legal standing to seek judicial enforcement of such an award. Nothing in this section shall be construed to require that grandparents be made parties or given notice of dissolution pleadings or proceedings, nor shall such grandparents have legal standing as "contestants" as defined in s. 61.1306. No court shall order that a child be kept within the state or jurisdiction of the court solely for the purpose of permitting visitation by the grandparents.

3. Access to records and information pertaining to a minor child, including but not limited to medical, dental, and school records, shall not be denied to a parent because such parent is not the child's primary residential parent.

(3) For purposes of shared parental responsibility and primary physical residence custody, the best interests of the child shall be determined by the court's consideration and evaluation of all factors affecting the best welfare and interests of the child, including, but not limited to:

(a) The parent who is more likely to allow the child frequent and continuing contact with the nonresidential parent.

(b) The love, affection, and other emotional ties existing between the parents and the child.

(c) The capacity and disposition of the parents to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of the state in lieu of medical care, and other material needs.

(d) The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.

(e) The permanence, as a family unit, of the existing or proposed custodial home.

(f) The moral fitness of the parents.

(g) The mental and physical health of the parents.

(h) The home, school, and community record of the child.

(i) The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.

(j) Any other factor considered by the court to be relevant to a particular child custody dispute.

Section 2. Section 61.21, Florida Statutes, is created to read:

61.21 Family mediation or conciliation services. —

(1) Counties may establish a family mediation or conciliation service to assist parties in resolving any controversy involving the family.

(2) The court on its own motion or on motion of a party may refer the parties to this service.

(3) All verbal or written communications in mediation or conciliation proceedings shall be confidential and inadmissible as evidence in any subsequent legal proceeding, unless both parties agree otherwise.

(4) A family mediation or conciliation service is hereby declared to serve a valid public purpose. The board of county commissioners may support such a service by appropriating moneys from county revenues or by levying a service charge of no more than \$2 on any circuit court proceeding.

Section 3. The provisions of this act shall be applicable to all proceedings under chapter 61, Florida Statutes, that are pending on the effective date of this act.

Section 4. The provisions of this act shall be liberally construed in order to effectively carry out the purposes of this act.

Section 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 6. This act shall take effect July 1, 1982.

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How many of these attorneys can you identify?
The names will appear in the August BARRISTER.

CALENDAR OF EVENTS

Date	Group	Event	Time & Place	Reservation
7/13/82 & 8/10/82	North Broward Bar Association	Monthly Meeting	Flaming Pit Restaurant 1150 N. Federal Highway Ft. Lauderdale — 12:00 Noon —	John Hume 771-9864
7/22/82	Young Lawyers Section	Monthly Luncheon	Costa Brava 2525 N. Federal Highway Ft. Lauderdale — 12:00 Noon —	Elsie — 462-1431
7/29/82	Broward County Women Lawyers Assoc.	Dinner Meeting	Residence of — Dianne Weaver 1924 Sunrise Key Blvd. Ft. Lauderdale — 6:00 P.M. —	Sharon Miller Entin 463-3765
8/14/82	Broward County Trial Lawyers Assn	No meetings during the months of July and August		
	Broward County Christian Lawyers Association	Annual Family Picnic	Florida Power & Light Park Port Everglades Ft. Lauderdale — 3:00 P.M. —	W. Lawrence Larche 764-7777

Broward County Bar Association
733 N.E. Third Avenue
Fort Lauderdale, Florida 33304

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