

1                   A bill to be entitled  
2           An act relating to parental plans and time-sharing with  
3           children; retitling ch. 61, F.S.; amending s. 61.046,  
4           F.S.; deleting a definition of "custodial parent" and  
5           defining the terms "parenting plan," "parenting plan  
6           recommendation," and "time-sharing schedule"; amending s.  
7           61.052, F.S.; authorizing the court to issue an  
8           appropriate order for a parenting plan; amending s. 61.09,  
9           F.S.; authorizing the parent who is not receiving child  
10          support to apply to the court for support of the child;  
11          amending s. 61.10, F.S.; providing for the court to  
12          adjudicate parenting plans and the time-sharing schedules  
13          when unconnected with the dissolution of a marriage;  
14          amending s. 61.122, F.S.; providing for developing a  
15          parenting plan recommendation; amending s. 61.13, F.S.;  
16          authorizing the court to make orders relating to time-  
17          sharing and parenting of children; requiring equal  
18          treatment for mothers and fathers in parenting decisions;  
19          providing for the creation or modification of a parenting  
20          plan or time-sharing schedule; establishing criteria for  
21          determining the best interests of a child; providing that  
22          a parent may not refuse to obey time-sharing orders even  
23          if the other parent has not paid alimony or child support;  
24          authorizing a court to order additional time-sharing if  
25          the custodial parent refuses to abide by the time-sharing  
26          agreement or order; amending s. 61.13001, F.S.; providing  
27          for relocation of a child; providing for a relocation  
28          agreement between the parents; providing procedures for

29 relocation when an agreement cannot be reached; amending  
30 s. 61.181, F.S.; providing for distributing child support  
31 funds; amending s. 61.1827, F.S., relating to child  
32 support services; conforming provisions to changes made by  
33 the act; amending s. 61.20, F.S.; providing for the court  
34 to order a social service investigation if a parenting  
35 plan is at issue; amending s. 61.21, F.S.; providing that  
36 parties to a parenting plan or a time-sharing schedule may  
37 be required by the court to attend a parenting course;  
38 amending s. 61.30, F.S.; revising calculations for child  
39 support awards; amending s. 61.401, F.S.; authorizing the  
40 court to appoint a guardian ad litem in cases involving a  
41 parenting plan or a time-sharing schedule; amending s.  
42 61.45, F.S.; providing for court orders for parenting  
43 plans and time-sharing schedules; amending s. 741.0306,  
44 F.S.; including material on parenting plans and time-  
45 sharing schedules in the family law handbook prepared by  
46 The Florida Bar; amending s. 741.30, F.S., relating to  
47 injunctions against domestic violence; conforming  
48 provisions to changes made by the act; amending s.  
49 742.031, F.S.; providing for parenting plans and time-  
50 sharing schedules in proceedings to determine paternity;  
51 reenacting s. 61.1825(3)(a), F.S., relating to the State  
52 Case Registry, to incorporate the amendments made to s.  
53 741.30, F.S., in a reference thereto; repealing s. 61.121,  
54 F.S., relating to court orders for rotating custody  
55 between parents if it is in the best interests of the  
56 child; providing an effective date.

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

Section 1. Chapter 61, Florida Statutes, entitled  
"DISSOLUTION OF MARRIAGE; SUPPORT; CUSTODY" is retitled as  
"DISSOLUTION OF MARRIAGE; SUPPORT; TIME-SHARING."

Section 2. Section 61.046, Florida Statutes, is amended to read:

61.046 Definitions.--As used in this chapter:

(1) "Business day" means any day other than a Saturday, Sunday, or legal holiday.

(2) "Clerk of Court Child Support Collection System" or "CLERC System" means the automated system established pursuant to s. 61.181(2)(b)1., integrating all clerks of court and depositories and through which payment data and State Case Registry data is transmitted to the department's automated child support enforcement system.

~~(3) "Custodial parent" or "primary residential parent" means the parent with whom the child maintains his or her primary residence.~~

(3)~~(4)~~ "Department" means the Department of Revenue.

(4)~~(5)~~ "Depository" means the central governmental depository established pursuant to s. 61.181, created by special act of the Legislature or other entity established before June 1, 1985, to perform depository functions and to receive, record, report, disburse, monitor, and otherwise handle alimony and child support payments not otherwise required to be processed by the State Disbursement Unit.

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85        (5)~~(6)~~ "Federal Case Registry of Child Support Orders"  
86 means the automated registry of support order abstracts and  
87 other information established and maintained by the United  
88 States Department of Health and Human Services as provided by 42  
89 U.S.C. s. 653(h).

90        (6)~~(7)~~ "Income" means any form of payment to an  
91 individual, regardless of source, including, but not limited to:  
92 wages, salary, commissions and bonuses, compensation as an  
93 independent contractor, worker's compensation, disability  
94 benefits, annuity and retirement benefits, pensions, dividends,  
95 interest, royalties, trusts, and any other payments, made by any  
96 person, private entity, federal or state government, or any unit  
97 of local government. United States Department of Veterans  
98 Affairs disability benefits and unemployment compensation, as  
99 defined in chapter 443, are excluded from this definition of  
100 income except for purposes of establishing an amount of support.

101        (7)~~(8)~~ "IV-D" means services provided pursuant to Title  
102 IV-D of the Social Security Act, 42 U.S.C. ss. 651 et seq.

103        (8)~~(9)~~ "Local officer" means an elected or appointed  
104 constitutional or charter government official including, but not  
105 limited to, the state attorney and clerk of the circuit court.

106        (9)~~(10)~~ "National medical support notice" means the notice  
107 required under 42 U.S.C. s. 666(a)(19).

108        (10)~~(11)~~ "Noncustodial parent" means the parent with whom  
109 the child does not maintain his or her primary residence.

110        (11)~~(12)~~ "Obligee" means the person to whom payments are  
111 made pursuant to an order establishing, enforcing, or modifying  
112 an obligation for alimony, for child support, or for alimony and

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113 child support.

114 ~~(12)-(13)~~ "Obligor" means a person responsible for making  
115 payments pursuant to an order establishing, enforcing, or  
116 modifying an obligation for alimony, for child support, or for  
117 alimony and child support.

118 (13) "Parenting plan" means an arrangement, taking into  
119 consideration all circumstances between the parties including  
120 the parties' historic relationship, domestic violence, and other  
121 factors, which has been developed by the parents of a minor  
122 child and approved by a court or, if the parents cannot agree,  
123 established by the court, which governs the relationship between  
124 the parents relating to the decisions that must be made  
125 regarding the minor child. The issues concerning the minor child  
126 may include, but are not limited to, the child's education,  
127 health care, and physical, social, and emotional well-being, and  
128 may also include a time-sharing schedule.

129 (14) "Parenting plan recommendation" means a nonbinding  
130 recommendation, made by a licensed mental health professional or  
131 any other individual designated by a court, concerning the  
132 parenting plan that will govern the relationship between the  
133 parents.

134 ~~(15)-(14)~~ "Payor" means an employer or former employer or  
135 any other person or agency providing or administering income to  
136 the obligor.

137 ~~(16)-(15)~~ "Shared parental responsibility" means a court-  
138 ordered relationship in which both parents retain full parental  
139 rights and responsibilities with respect to their minor child  
140 and in which both parents confer with each other so that major

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141 decisions affecting the welfare of the child will be determined  
142 jointly.

143 (17)~~(16)~~ "Sole parental responsibility" means a court-  
144 ordered relationship in which one parent makes decisions  
145 regarding the minor child.

146 (18)~~(17)~~ "State Case Registry" means the automated  
147 registry maintained by the Title IV-D agency, containing records  
148 of each Title IV-D case and of each support order established or  
149 modified in the state on or after October 1, 1998. Such records  
150 shall consist of data elements as required by the United States  
151 Secretary of Health and Human Services.

152 (19)~~(18)~~ "State Disbursement Unit" means the unit  
153 established and operated by the Title IV-D agency to provide one  
154 central address for collection and disbursement of child support  
155 payments made in cases enforced by the department pursuant to  
156 Title IV-D of the Social Security Act and in cases not being  
157 enforced by the department in which the support order was  
158 initially issued in this state on or after January 1, 1994, and  
159 in which the obligor's child support obligation is being paid  
160 through income deduction order.

161 (20)~~(19)~~ "Support order" means a judgment, decree, or  
162 order, whether temporary or final, issued by a court of  
163 competent jurisdiction or administrative agency for the support  
164 and maintenance of a child which provides for monetary support,  
165 health care, arrearages, or past support. When the child support  
166 obligation is being enforced by the Department of Revenue, the  
167 term "support order" also means a judgment, decree, or order,  
168 whether temporary or final, issued by a court of competent

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169 jurisdiction for the support and maintenance of a child and the  
 170 spouse or former spouse of the obligor with whom the child is  
 171 living which provides for monetary support, health care,  
 172 arrearages, or past support.

173 (21)~~(20)~~ "Support," unless otherwise specified, means:

174 (a) Child support and, when the child support obligation  
 175 is being enforced by the Department of Revenue, spousal support  
 176 or alimony for the spouse or former spouse of the obligor with  
 177 whom the child is living.

178 (b) Child support only in cases not being enforced by the  
 179 Department of Revenue.

180 (22) "Time-sharing schedule" means a timetable that has  
 181 been developed by the parents of a minor child, incorporated  
 182 into a parenting plan, and approved by a court which specifies  
 183 the time that a minor child will spend with each of the child's  
 184 parents. If the parents cannot agree, the schedule shall be  
 185 established by the court.

186 Section 3. Subsection (3) of section 61.052, Florida  
 187 Statutes, is amended to read:

188 61.052 Dissolution of marriage.--

189 (3) During any period of continuance, the court may make  
 190 appropriate orders for the support and alimony of the parties;  
 191 the parenting plan ~~primary residence, custody, rotating custody,~~  
 192 ~~visitation~~, support, maintenance, and education of the minor  
 193 child of the marriage; attorney's fees; and the preservation of  
 194 the property of the parties.

195 Section 4. Section 61.09, Florida Statutes, is amended to  
 196 read:

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197           61.09 Alimony and child support unconnected with  
 198 dissolution.--If a person having the ability to contribute to  
 199 the maintenance of his or her spouse and support of his or her  
 200 minor child fails to do so, the spouse who is not receiving  
 201 support ~~or who has custody of the child or with whom the child~~  
 202 ~~has primary residence~~ may apply to the court for alimony and for  
 203 support for the child without seeking dissolution of marriage,  
 204 and the court shall enter an order as it deems just and proper.

205           Section 5. Section 61.10, Florida Statutes, is amended to  
 206 read:

207           61.10 Adjudication of obligation to support spouse or  
 208 minor child unconnected with dissolution; parenting plan and  
 209 time-sharing schedule ~~child custody, child's primary residence,~~  
 210 ~~and visitation~~.--Except when relief is afforded by some other  
 211 pending civil action or proceeding, a spouse residing in this  
 212 state apart from his or her spouse and minor child, whether or  
 213 not such separation is through his or her fault, may obtain an  
 214 adjudication of obligation to maintain the spouse and minor  
 215 child, if any. The court shall adjudicate his or her financial  
 216 obligations to the spouse and child and, shall establish the  
 217 parenting plan and time-sharing schedule for ~~child's primary~~  
 218 ~~residence, and shall determine the custody and visitation rights~~  
 219 ~~of~~ the parties. Such an action does not preclude either party  
 220 from maintaining any other proceeding under this chapter for  
 221 other or additional relief at any time.

222           Section 6. Section 61.122, Florida Statutes, is amended to  
 223 read:

224           61.122 Parenting plan recommendation ~~Child custody~~



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225 ~~evaluations~~; presumption of psychologist's good faith;  
226 prerequisite to parent's filing suit; award of fees, costs,  
227 reimbursement.--

228 (1) A psychologist who has been appointed by the court to  
229 develop a parenting plan recommendation ~~conduct a child custody~~  
230 ~~evaluation~~ in a dissolution of marriage, case of domestic  
231 violence, or paternity matter involving parent-child  
232 relationships, including time-sharing of children, judicial  
233 ~~proceeding~~ is presumed to be acting in good faith if the  
234 psychologist's recommendation evaluation has been reached  
235 ~~conducted~~ pursuant to standards that a reasonable psychologist  
236 would use to develop a parenting plan recommendation ~~have used~~  
237 ~~as recommended by the American Psychological Association's~~  
238 ~~guidelines for child custody evaluation in divorce proceedings.~~

239 (2) An administrative complaint against a court-appointed  
240 psychologist which relates to a parenting plan recommendation  
241 developed ~~child custody evaluation conducted~~ by the psychologist  
242 may not be filed anonymously. The individual who files ~~such~~ an  
243 administrative complaint must include in the complaint his or  
244 her name, address, and telephone number.

245 (3) A parent who desires ~~wishes~~ to file a legal action  
246 against a court-appointed psychologist who has acted in good  
247 faith in developing ~~conducting~~ a parenting plan recommendation  
248 ~~child custody evaluation~~ must petition the judge who presided  
249 over the dissolution of marriage, case of domestic violence, or  
250 paternity action involving parent-child relationships, including  
251 time-sharing of children, child custody proceeding to appoint  
252 another psychologist. Upon the parent's showing of good cause,

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253 the court shall appoint another psychologist. The court shall  
 254 determine ~~make a determination as to~~ who is responsible for all  
 255 court costs and attorney's fees associated with making such an  
 256 appointment.

257 (4) If a legal action, whether it be a civil action, a  
 258 criminal action, or an administrative proceeding, is filed  
 259 against a court-appointed psychologist in a dissolution of  
 260 marriage, case of domestic violence, or paternity action  
 261 involving parent-child relationships, including time-sharing of  
 262 children ~~child custody proceeding~~, the claimant is responsible  
 263 for all reasonable costs and reasonable attorney's fees  
 264 associated with the action for both parties if the psychologist  
 265 is held not liable. If the psychologist is held liable in civil  
 266 court, the psychologist must pay all reasonable costs and  
 267 reasonable attorney's fees for the claimant.

268 Section 7. Section 61.13, Florida Statutes, is amended to  
 269 read:

270 61.13 ~~Custody and Support and parenting of children,~~  
 271 ~~visitation rights;~~ power of court in making orders.--

272 (1) (a) In a proceeding under this chapter, the court may  
 273 at any time order either or both parents who owe a duty of  
 274 support to a child to pay support in accordance with the  
 275 guidelines in s. 61.30. The court initially entering an order  
 276 requiring one or both parents to make child support payments  
 277 shall have continuing jurisdiction after the entry of the  
 278 initial order to modify the amount and terms and conditions of  
 279 the child support payments when the modification is found  
 280 necessary by the court in the best interests of the child, when

281 the child reaches majority, or when there is a substantial  
282 change in the circumstances of the parties. The court initially  
283 entering a child support order shall also have continuing  
284 jurisdiction to require the obligee to report to the court on  
285 terms prescribed by the court regarding the disposition of the  
286 child support payments.

287 (b) Each order for support shall contain a provision for  
288 health care coverage for the minor child when the coverage is  
289 reasonably available. Coverage is reasonably available if either  
290 the obligor or obligee has access at a reasonable rate to a  
291 group health plan. The court may require the obligor either to  
292 provide health care coverage or to reimburse the obligee for the  
293 cost of health care coverage for the minor child when coverage  
294 is provided by the obligee. In either event, the court shall  
295 apportion the cost of coverage, and any noncovered medical,  
296 dental, and prescription medication expenses of the child, to  
297 both parties by adding the cost to the basic obligation  
298 determined pursuant to s. 61.30(6). The court may order that  
299 payment of uncovered medical, dental, and prescription  
300 medication expenses of the minor child be made directly to the  
301 obligee on a percentage basis.

302 1. In a non-Title IV-D case, a copy of the court order for  
303 health care coverage shall be served on the obligor's union or  
304 employer by the obligee when the following conditions are met:

305 a. The obligor fails to provide written proof to the  
306 obligee within 30 days after receiving effective notice of the  
307 court order that the health care coverage has been obtained or  
308 that application for coverage has been made;

309           b. The obligee serves written notice of intent to enforce  
310 an order for health care coverage on the obligor by mail at the  
311 obligor's last known address; and

312           c. The obligor fails within 15 days after the mailing of  
313 the notice to provide written proof to the obligee that the  
314 health care coverage existed as of the date of mailing.

315           2.a. A support order enforced under Title IV-D of the  
316 Social Security Act which requires that the obligor provide  
317 health care coverage is enforceable by the department through  
318 the use of the national medical support notice, and an amendment  
319 to the support order is not required. The department shall  
320 transfer the national medical support notice to the obligor's  
321 union or employer. The department shall notify the obligor in  
322 writing that the notice has been sent to the obligor's union or  
323 employer, and the written notification must include the  
324 obligor's rights and duties under the national medical support  
325 notice. The obligor may contest the withholding required by the  
326 national medical support notice based on a mistake of fact. To  
327 contest the withholding, the obligor must file a written notice  
328 of contest with the department within 15 business days after the  
329 date the obligor receives written notification of the national  
330 medical support notice from the department. Filing with the  
331 department is complete when the notice is received by the person  
332 designated by the department in the written notification. The  
333 notice of contest must be in the form prescribed by the  
334 department. Upon the timely filing of a notice of contest, the  
335 department shall, within 5 business days, schedule an informal  
336 conference with the obligor to discuss the obligor's factual

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337 | dispute. If the informal conference resolves the dispute to the  
338 | obligor's satisfaction or if the obligor fails to attend the  
339 | informal conference, the notice of contest is deemed withdrawn.  
340 | If the informal conference does not resolve the dispute, the  
341 | obligor may request an administrative hearing under chapter 120  
342 | within 5 business days after the termination of the informal  
343 | conference, in a form and manner prescribed by the department.  
344 | However, the filing of a notice of contest by the obligor does  
345 | not delay the withholding of premium payments by the union,  
346 | employer, or health plan administrator. The union, employer, or  
347 | health plan administrator must implement the withholding as  
348 | directed by the national medical support notice unless notified  
349 | by the department that the national medical support notice is  
350 | terminated.

351 |       b. In a Title IV-D case, the department shall notify an  
352 | obligor's union or employer if the obligation to provide health  
353 | care coverage through that union or employer is terminated.

354 |       3. In a non-Title IV-D case, upon receipt of the order  
355 | pursuant to subparagraph 1., or upon application of the obligor  
356 | pursuant to the order, the union or employer shall enroll the  
357 | minor child as a beneficiary in the group health plan regardless  
358 | of any restrictions on the enrollment period and withhold any  
359 | required premium from the obligor's income. If more than one  
360 | plan is offered by the union or employer, the child shall be  
361 | enrolled in the group health plan in which the obligor is  
362 | enrolled.

363 |       4.a. Upon receipt of the national medical support notice  
364 | under subparagraph 2. in a Title IV-D case, the union or

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365 employer shall transfer the notice to the appropriate group  
366 health plan administrator within 20 business days after the date  
367 on the notice. The plan administrator must enroll the child as a  
368 beneficiary in the group health plan regardless of any  
369 restrictions on the enrollment period, and the union or employer  
370 must withhold any required premium from the obligor's income  
371 upon notification by the plan administrator that the child is  
372 enrolled. The child shall be enrolled in the group health plan  
373 in which the obligor is enrolled. If the group health plan in  
374 which the obligor is enrolled is not available where the child  
375 resides or if the obligor is not enrolled in group coverage, the  
376 child shall be enrolled in the lowest cost group health plan  
377 that is available where the child resides.

378 b. If health care coverage or the obligor's employment is  
379 terminated in a Title IV-D case, the union or employer that is  
380 withholding premiums for health care coverage under a national  
381 medical support notice must notify the department within 20 days  
382 after the termination and provide the obligor's last known  
383 address and the name and address of the obligor's new employer,  
384 if known.

385 5.a. The amount withheld by a union or employer in  
386 compliance with a support order may not exceed the amount  
387 allowed under s. 303(b) of the Consumer Credit Protection Act,  
388 15 U.S.C. s. 1673(b), as amended. The union or employer shall  
389 withhold the maximum allowed by the Consumer Credit Protection  
390 Act in the following order:

391 (I) Current support, as ordered.

392 (II) Premium payments for health care coverage, as

393 | ordered.

394 |       (III) Past due support, as ordered.

395 |       (IV) Other medical support or coverage, as ordered.

396 |       b. If the combined amount to be withheld for current  
 397 | support plus the premium payment for health care coverage exceed  
 398 | the amount allowed under the Consumer Credit Protection Act, and  
 399 | the health care coverage cannot be obtained unless the full  
 400 | amount of the premium is paid, the union or employer may not  
 401 | withhold the premium payment. However, the union or employer  
 402 | shall withhold the maximum allowed in the following order:

403 |       (I) Current support, as ordered.

404 |       (II) Past due support, as ordered.

405 |       (III) Other medical support or coverage, as ordered.

406 |       6. An employer, union, or plan administrator who does not  
 407 | comply with the requirements in sub-subparagraph 4.a. is subject  
 408 | to a civil penalty not to exceed \$250 for the first violation  
 409 | and \$500 for subsequent violations, plus attorney's fees and  
 410 | costs. The department may file a petition in circuit court to  
 411 | enforce the requirements of this subsection.

412 |       7. The department may adopt rules to administer the child  
 413 | support enforcement provisions of this section that affect Title  
 414 | IV-D cases.

415 |       (c) To the extent necessary to protect an award of child  
 416 | support, the court may order the obligor to purchase or maintain  
 417 | a life insurance policy or a bond, or to otherwise secure the  
 418 | child support award with any other assets which may be suitable  
 419 | for that purpose.

420 |       (d)1. Unless the provisions of subparagraph 3. apply, all

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421 child support orders entered on or after January 1, 1985, shall  
422 direct that the payments of child support be made as provided in  
423 s. 61.181 through the depository in the county where the court  
424 is located. All child support orders shall provide the full name  
425 and date of birth of each minor child who is the subject of the  
426 child support order.

427 2. Unless the provisions of subparagraph 3. apply, all  
428 child support orders entered before January 1, 1985, shall be  
429 modified by the court to direct that payments of child support  
430 shall be made through the depository in the county where the  
431 court is located upon the subsequent appearance of either or  
432 both parents to modify or enforce the order, or in any related  
433 proceeding.

434 3. If both parties request and the court finds that it is  
435 in the best interest of the child, support payments need not be  
436 directed through the depository. The order of support shall  
437 provide, or shall be deemed to provide, that either party may  
438 subsequently apply to the depository to require direction of the  
439 payments through the depository. The court shall provide a copy  
440 of the order to the depository.

441 4. If the parties elect not to require that support  
442 payments be made through the depository, any party may  
443 subsequently file an affidavit with the depository alleging a  
444 default in payment of child support and stating that the party  
445 wishes to require that payments be made through the depository.  
446 The party shall provide copies of the affidavit to the court and  
447 to each other party. Fifteen days after receipt of the  
448 affidavit, the depository shall notify both parties that future



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449 payments shall be paid through the depository.

450 5. In IV-D cases, the IV-D agency shall have the same  
451 rights as the obligee in requesting that payments be made  
452 through the depository.

453 (2)(a) The court shall have jurisdiction to approve,  
454 create, or modify a parenting plan or a time-sharing schedule  
455 ~~determine custody~~, notwithstanding that the child is not  
456 physically present in this state at the time of filing any  
457 proceeding under this chapter, if it appears to the court that  
458 the child was removed from this state for the primary purpose of  
459 removing the child from the jurisdiction of the court in an  
460 attempt to avoid the court's approval, creation, or modification  
461 of a parenting plan or a time-sharing schedule ~~a determination~~  
462 ~~or modification of custody~~.

463 (b) Any parenting plan approved by the court must, at a  
464 minimum, adequately describe in detail how the parents will  
465 share and be responsible for the daily tasks associated with the  
466 upbringing of a child, the time-sharing schedule arrangements  
467 that specify the time that the minor child will spend with each  
468 of his or her parents, a designation of who will be responsible  
469 for any and all forms of health care, other activities, and  
470 school-related matters and the methods and technologies that the  
471 parents will use to communicate with each other and with the  
472 child.

473 (c) ~~(b)~~1. The court shall determine all matters relating to  
474 parenting and time-sharing ~~custody~~ of each minor child of the  
475 parties in accordance with the best interests of the child and  
476 in accordance with the Uniform Child Custody Jurisdiction and

477 Enforcement Act. It is the public policy of this state to assure  
 478 that each minor child has frequent and continuing contact with  
 479 both parents after the parents separate or the marriage of the  
 480 parties is dissolved and to encourage parents to share the  
 481 rights and responsibilities, and joys, of childrearing. There is  
 482 no presumption for or against ~~After considering all relevant~~  
 483 ~~facts,~~ the father or mother of the child when creating or  
 484 modifying the parenting plan or the time-sharing schedule for  
 485 ~~shall be given the same consideration as the mother in~~  
 486 ~~determining the primary residence of a child irrespective of the~~  
 487 ~~age or sex of the child.~~

488 2. The court shall order that the parental responsibility  
 489 for a minor child be shared by both parents unless the court  
 490 finds that shared parental responsibility would be detrimental  
 491 to the child. Evidence that a parent has been convicted of a  
 492 felony of the third degree or higher involving domestic  
 493 violence, as defined in s. 741.28 and chapter 775, or meets the  
 494 criteria of s. 39.806(1)(d), creates a rebuttable presumption of  
 495 detriment to the child. If the presumption is not rebutted,  
 496 shared parental responsibility, including time-sharing with  
 497 ~~visitation, residence of~~ the child, and decisions made regarding  
 498 the child, may not be granted to the convicted parent. However,  
 499 the convicted parent is not relieved of any obligation to  
 500 provide financial support. If the court determines that shared  
 501 parental responsibility would be detrimental to the child, it  
 502 may order sole parental responsibility and make such  
 503 arrangements for time-sharing as specified in the parenting plan  
 504 ~~visitation~~ as will best protect the child or abused spouse from

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505 further harm. Whether or not there is a conviction of any  
506 offense of domestic violence or child abuse or the existence of  
507 an injunction for protection against domestic violence, the  
508 court shall consider evidence of domestic violence or child  
509 abuse as evidence of detriment to the child.

510 a. In ordering shared parental responsibility, the court  
511 may consider the expressed desires of the parents and may grant  
512 to one party the ultimate responsibility over specific aspects  
513 of the child's welfare or may divide those responsibilities  
514 between the parties based on the best interests of the child.  
515 Areas of responsibility may include ~~primary residence,~~  
516 education, health ~~medical and dental~~ care, and any other  
517 responsibilities that the court finds unique to a particular  
518 family.

519 b. The court shall order "sole parental responsibility for  
520 a minor child to one parent, with or without time-sharing with  
521 ~~visitation rights, to~~ the other parent," when it is in the best  
522 interests of<sup>u</sup> the minor child.

523 3. Access to records and information pertaining to a minor  
524 child, including, but not limited to, medical, dental, and  
525 school records, may not be denied to either a parent ~~because the~~  
526 ~~parent is not the child's primary residential parent~~. Full  
527 rights under this subparagraph apply to either parent unless a  
528 court order specifically revokes these rights, including any  
529 restrictions on these rights as provided in a domestic violence  
530 injunction. A parent having rights under this subparagraph has  
531 the same rights upon request as to form, substance, and manner  
532 of access as are available to the other parent of a child,

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533 including, without limitation, the right to in-person  
534 communication with medical, dental, and education providers.

535 ~~(d)(e)~~ The circuit court in the county in which either  
536 parent and the child reside or the circuit court in which the  
537 original order approving or creating the parenting plan and  
538 time-sharing schedule ~~award of custody~~ was entered ~~has~~ have  
539 jurisdiction to modify the parenting plan or time-sharing  
540 schedule ~~an award of child custody~~. The court may change the  
541 venue in accordance with s. 47.122.

542 (3) For purposes of establishing or modifying parental  
543 responsibility and creating, developing, approving, or modifying  
544 a parenting plan, including a time-sharing schedule, which  
545 governs each parent's relationship with his or her minor child  
546 and the relationship between each parent with regard to his or  
547 her minor child, the best interests of the child shall be the  
548 primary consideration. There shall be no presumptions for or  
549 against either parent when establishing or modifying the time-  
550 sharing schedule or creating, developing, approving, or  
551 modifying the parenting plan, as well as determining  
552 decisionmaking, regardless of the age or sex of the child,  
553 giving due consideration to the developmental needs of the  
554 child. The time-sharing schedule, including the parenting plan,  
555 must be in the best interests of the minor child, and evidence  
556 that a parent has been convicted of a felony of the third degree  
557 or higher involving domestic violence, as defined in s. 741.28  
558 or chapter 775, or meeting the criteria of s. 39.806(1)(d),  
559 creates a rebuttable presumption of detriment to the child. If  
560 the presumption is not rebutted, the time-sharing with the child

561 and decisions made regarding the child may not be granted to the  
 562 convicted parent. Otherwise, determination of the best interests  
 563 of the child shall be made by evaluating all of the factors  
 564 affecting the welfare and interests of the child, including, but  
 565 not limited to:

566 (a) The demonstrated capacity and disposition of each  
 567 parent to facilitate and encourage a close and continuing  
 568 parent-child relationship between the child and the other  
 569 parent, to honor the time-sharing schedule, and to be reasonable  
 570 when changes are required.

571 (b) The anticipated division of parental responsibilities  
 572 after the litigation, including the extent to which parental  
 573 responsibilities will be delegated to third parties.

574 (c) The demonstrated capacity and disposition of each  
 575 parent to determine, consider, and act upon the needs of the  
 576 child as opposed to the needs or desires of the parent. ~~shared~~  
 577 parental responsibility and primary residence, the best  
 578 interests of the child shall include an evaluation of all  
 579 factors affecting the welfare and interests of the child,  
 580 including, but not limited to:

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

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

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

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

592 (e) The geographic viability of the parenting plan, with  
593 special attention paid to the needs of school-age children and  
594 the amount of time to be spent traveling to effectuate the  
595 parenting plan. This factor does not create a presumption for or  
596 against relocation of either parent with a child. The  
597 permanence, as a family unit, of the existing or proposed  
598 eustodial home.

599 (f) The moral fitness of the parents.

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

601 (h) The demonstrated capacity and disposition of each  
602 parent to be informed of the circumstances surrounding the minor  
603 child, such as the child's friends, teachers, medical care  
604 providers, favorite activities, favorite foods, and clothing  
605 sizes.

606 (i) The demonstrated capacity and disposition of each  
607 parent to provide a consistent routine for the child, such as  
608 forms of discipline and setting times for homework, meals, and  
609 bedtime.

610 (j) The demonstrated capacity and disposition of each  
611 parent to communicate with the other parent and to keep the  
612 other parent informed of issues and activities regarding the  
613 minor child, and the willingness of each parent to adopt a  
614 unified front on all major issues when dealing with the child.

615 (k) Evidence of domestic violence, sexual violence, child  
616 abuse, child abandonment, or child neglect, regardless of

617 whether a prior or pending action regarding those issues has  
 618 been brought.

619 (l) Evidence that either parent has knowingly provided  
 620 false information to the court regarding any prior or pending  
 621 action regarding domestic violence, sexual violence, child  
 622 abuse, child abandonment, or child neglect.

623 (m) The particular parenting tasks customarily performed  
 624 by each parent and the division of parental responsibilities  
 625 before the institution of litigation and during the pending  
 626 litigation, including the extent to which parental  
 627 responsibilities were undertaken by third parties.

628 (n) The demonstrated capacity and disposition of each  
 629 parent to participate and be involved in the child's school and  
 630 extracurricular activities.

631 (o) The demonstrated capacity and disposition of each  
 632 parent to maintain an environment for the child which is free  
 633 from substance abuse.

634 (p) The capacity and disposition of each parent to protect  
 635 the child from the ongoing litigation as demonstrated by not  
 636 discussing the case with the child, not sharing documents or  
 637 electronic media related to the case with the child, and not  
 638 making disparaging comments about the other parent to the child.

639 (q) The developmental stages and needs of the child and  
 640 the demonstrated capacity and disposition of each parent to meet  
 641 the child's developmental needs.

642 (r) Any other factor that is relevant to the determination  
 643 of a specific parenting plan, including the time-sharing  
 644 schedule.

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

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

649 ~~(j) The willingness and ability of each parent to~~  
 650 ~~facilitate and encourage a close and continuing parent-child~~  
 651 ~~relationship between the child and the other parent.~~

652 ~~(k) Evidence that any party has knowingly provided false~~  
 653 ~~information to the court regarding a domestic violence~~  
 654 ~~proceeding pursuant to s. 741.30.~~

655 ~~(l) Evidence of domestic violence or child abuse.~~

656 ~~(m) Any other fact considered by the court to be relevant.~~

657 (4) (a) When a ~~nonecustodial~~ parent who is ordered to pay  
 658 child support or alimony and ~~who is awarded visitation rights~~  
 659 fails to pay child support or alimony, the ~~eustodial~~ parent who  
 660 should have received the child support or alimony may shall not  
 661 refuse to honor the time-sharing schedule presently in effect  
 662 between the parents nonecustodial parent's visitation rights.

663 (b) When a ~~eustodial~~ parent refuses to honor the other a  
 664 ~~nonecustodial~~ parent's ~~visitation~~ rights under the time-sharing  
 665 schedule, the ~~nonecustodial~~ parent whose time-sharing rights were  
 666 violated shall continue ~~not fail~~ to pay any ordered child  
 667 support or alimony.

668 (c) When a ~~eustodial~~ parent refuses to honor the time-  
 669 sharing schedule in the parenting plan a nonecustodial parent's  
 670 ~~or grandparent's visitation rights~~ without proper cause, the  
 671 court:

672 1. Shall, after calculating the amount of time-sharing



673 ~~visitation~~ improperly denied, award the ~~nonecustodial~~ parent  
 674 denied time-sharing ~~or grandparent~~ a sufficient amount of extra  
 675 time-sharing ~~visitation~~ to compensate for the time-sharing  
 676 missed, and such time-sharing ~~the nonecustodial parent or~~  
 677 ~~grandparent, which visitation~~ shall be ordered as expeditiously  
 678 as possible in a manner consistent with the best interests of  
 679 the child and scheduled in a manner that is convenient for the  
 680 parent ~~person~~ deprived of time-sharing ~~visitation~~. In ordering  
 681 any makeup time-sharing ~~visitation~~, the court shall schedule  
 682 such time-sharing ~~visitation~~ in a manner that is consistent with  
 683 the best interests of the child or children and that is  
 684 convenient for the nonoffending ~~nonecustodial~~ parent and at the  
 685 expense of the noncompliant parent ~~or grandparent~~. ~~In addition,~~  
 686 ~~the court:~~

687 2.1- May order the ~~eustodial~~ parent who did not provide  
 688 time-sharing or did not properly exercise time-sharing under the  
 689 time-sharing schedule to pay reasonable court costs and  
 690 attorney's fees incurred by the nonoffending ~~nonecustodial~~ parent  
 691 ~~or grandparent~~ to enforce the time-sharing schedule ~~their~~  
 692 ~~visitation rights or make up improperly denied visitation;~~

693 3.2- May order the ~~eustodial~~ parent who did not provide  
 694 time-sharing or did not properly exercise time-sharing under the  
 695 time-sharing schedule to attend a ~~the~~ parenting course approved  
 696 by the judicial circuit;

697 4.3- May order the ~~eustodial~~ parent who did not provide  
 698 time-sharing or did not properly exercise time-sharing under the  
 699 time-sharing schedule to do community service if the order will  
 700 not interfere with the welfare of the child;

701 5.4. May order the ~~custodial~~ parent who did not provide  
 702 time-sharing or did not properly exercise time-sharing under the  
 703 time-sharing schedule to have the financial burden of promoting  
 704 frequent and continuing contact when the custodial parent and  
 705 child reside further than 60 miles from the noncustodial parent;

706 6.5. May ~~award custody, rotating custody, or primary~~  
 707 ~~residence to the noncustodial parent~~, upon the request of the  
 708 ~~noncustodial~~ parent who did not violate the time-sharing  
 709 schedule, modify the parenting plan, if modification ~~the award~~  
 710 is in the best interests of the child; ~~or~~

711 7. May order the parent who did not provide time-sharing  
 712 or did not properly exercise time-sharing under the time-sharing  
 713 schedule to be responsible for incidental costs incurred by the  
 714 compliant parent as a result of the other parent's  
 715 noncompliance; or

716 8.6. May impose any other reasonable sanction as a result  
 717 of noncompliance.

718 (d) A person who violates this subsection may be punished  
 719 by contempt of court or other remedies as the court deems  
 720 appropriate.

721 (5) The court may make specific orders regarding the  
 722 parenting plan and the time-sharing schedule ~~for the care and~~  
 723 ~~custody of the minor child~~ as such orders relate to ~~from~~ the  
 724 circumstances of the parties and the nature of the case and are  
 725 ~~is~~ equitable and provide for child support in accordance with  
 726 the guidelines in s. 61.30. An order for equal time-sharing for  
 727 ~~award of shared parental responsibility of~~ a minor child does  
 728 not preclude the court from entering an order for child support

729 of the child.

730 (6) In any proceeding under this section, the court may  
 731 not deny shared parental responsibility and time-sharing  
 732 ~~e custody, or visitation~~ rights to a parent ~~or grandparent~~ solely  
 733 because that parent ~~or grandparent~~ is or is believed to be  
 734 infected with human immunodeficiency virus,<sup>7</sup> but the court may  
 735 condition such rights in an order approving the parenting plan  
 736 ~~upon the parent's or grandparent's agreement~~ to observe measures  
 737 approved by the Centers for Disease Control and Prevention of  
 738 the United States Public Health Service or by the Department of  
 739 Health for preventing the spread of human immunodeficiency virus  
 740 to the child.

741 ~~(7) If the court orders that parental responsibility,~~  
 742 ~~including visitation, be shared by both parents, the court may~~  
 743 ~~not deny the noncustodial parent overnight contact and access to~~  
 744 ~~or visitation with the child solely because of the age or sex of~~  
 745 ~~the child.~~

746 (7)-(8)(a) Beginning July 1, 1997, each party to any  
 747 paternity or support proceeding is required to file with the  
 748 tribunal as defined in s. 88.1011(22) and State Case Registry  
 749 upon entry of an order, and to update as appropriate,  
 750 information on location and identity of the party, including  
 751 social security number, residential and mailing addresses,  
 752 telephone number, driver's license number, and name, address,  
 753 and telephone number of employer. Beginning October 1, 1998,  
 754 each party to any paternity or child support proceeding in a  
 755 non-Title IV-D case shall meet the above requirements for  
 756 updating the tribunal and State Case Registry.

757           (b) Pursuant to the federal Personal Responsibility and  
758 Work Opportunity Reconciliation Act of 1996, each party is  
759 required to provide his or her social security number in  
760 accordance with this section. Disclosure of social security  
761 numbers obtained through this requirement shall be limited to  
762 the purpose of administration of the Title IV-D program for  
763 child support enforcement.

764           (c) Beginning July 1, 1997, in any subsequent Title IV-D  
765 child support enforcement action between the parties, upon  
766 sufficient showing that diligent effort has been made to  
767 ascertain the location of such a party, the court of competent  
768 jurisdiction shall deem state due process requirements for  
769 notice and service of process to be met with respect to the  
770 party, upon delivery of written notice to the most recent  
771 residential or employer address filed with the tribunal and  
772 State Case Registry pursuant to paragraph (a). Beginning October  
773 1, 1998, in any subsequent non-Title IV-D child support  
774 enforcement action between the parties, the same requirements  
775 for service shall apply.

776           (8)~~(9)~~ At the time an order for child support is entered,  
777 each party is required to provide his or her social security  
778 number and date of birth to the court, as well as the name, date  
779 of birth, and social security number of each minor child that is  
780 the subject of such child support order. Pursuant to the federal  
781 Personal Responsibility and Work Opportunity Reconciliation Act  
782 of 1996, each party is required to provide his or her social  
783 security number in accordance with this section. All social  
784 security numbers required by this section shall be provided by

785 the parties and maintained by the depository as a separate  
 786 attachment in the file. Disclosure of social security numbers  
 787 obtained through this requirement shall be limited to the  
 788 purpose of administration of the Title IV-D program for child  
 789 support enforcement.

790 Section 8. Section 61.13001, Florida Statutes, is amended  
 791 to read:

792 61.13001 Parental relocation with a child.--

793 (1) DEFINITIONS.--As used in this section:

794 (a) "Change of residence address" means the relocation of  
 795 a child to a principal residence more than 50 miles away from  
 796 his or her principal place of residence at the time of the entry  
 797 of the last order establishing or modifying the parenting plan  
 798 or time-sharing arrangement for ~~designation of the primary~~  
 799 ~~residential parent or the custody of the minor child~~, unless the  
 800 move places the principal residence of the minor child less than  
 801 50 miles from either ~~the nonresidential~~ parent.

802 (b) "Child" means any person who is under the jurisdiction  
 803 of a state court pursuant to the Uniform Child Custody  
 804 Jurisdiction and Enforcement Act or is the subject of any order  
 805 granting to a parent or other person any right to time-sharing,  
 806 residential care, or kinship ~~eustody, or visitation~~ as provided  
 807 under state law.

808 (c) "Court" means the circuit court in an original  
 809 proceeding which has proper venue and jurisdiction in accordance  
 810 with the Uniform Child Custody Jurisdiction and Enforcement Act,  
 811 the circuit court in the county in which either parent and the  
 812 child reside, or the circuit court in which the original action

813 was adjudicated.

814 (d) "Other person" means an individual who is not the  
 815 parent and who, by court order, maintains the primary residence  
 816 of a child or has visitation rights with a child.

817 (e) "Parent" means any person so named by court order or  
 818 express written agreement that is subject to court enforcement  
 819 or a person reflected as a parent on a birth certificate and in  
 820 whose home a child maintains a ~~primary or secondary~~ residence.

821 ~~(f) "Person entitled to be the primary residential parent~~  
 822 ~~of a child" means a person so designated by court order or by an~~  
 823 ~~express written agreement that is subject to court enforcement~~  
 824 ~~or a person seeking such a designation, or, when neither parent~~  
 825 ~~has been designated as primary residential parent, the person~~  
 826 ~~seeking to relocate with a child.~~

827 ~~(g) "Principal residence of a child" means the home of the~~  
 828 ~~designated primary residential parent. For purposes of this~~  
 829 ~~section only, when rotating custody is in effect, each parent~~  
 830 ~~shall be considered to be the primary residential parent.~~

831 ~~(f)(h)~~ "Relocation" means a change in any ~~the principal~~  
 832 residence of a child for a period of 60 consecutive days or more  
 833 but does not include a temporary absence from the ~~principal~~  
 834 residence for purposes of vacation, education, or the provision  
 835 of health care for the child.

836 (2) RELOCATION BY AGREEMENT.--

837 (a) If the parents ~~primary residential parent and the~~  
 838 ~~other parent~~ and every other person entitled to time-sharing  
 839 ~~visitation~~ with the child agree to the relocation of the child  
 840 ~~child's principal residence~~, they may satisfy the requirements

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841 of this section by signing a written agreement that:

842 1. Reflects the consent to the relocation;

843 2. Defines time-sharing ~~the visitation rights~~ for the  
844 nonrelocating parent and any other persons who are entitled to  
845 time-sharing visitation; and

846 3. Describes, if necessary, any transportation  
847 arrangements related to time-sharing ~~the visitation~~.

848 (b) If there is an existing cause of action, judgment, or  
849 decree of record pertaining to the child's ~~primary~~ residence or  
850 time-sharing visitation, the parties shall seek ratification of  
851 the agreement by court order without the necessity of an  
852 evidentiary hearing unless a hearing is requested, in writing,  
853 by one or more of the parties to the agreement within 10 days  
854 after the date the agreement is filed with the court. If a  
855 hearing is not timely requested, it shall be presumed that the  
856 relocation is in the best interest of the child and the court  
857 may ratify the agreement without an evidentiary hearing.

858 (3) NOTICE OF INTENT TO RELOCATE WITH A CHILD.--Unless an  
859 agreement has been entered as described in subsection (2), a  
860 parent who is entitled to time-sharing with ~~primary residence of~~  
861 the child shall notify the other parent, and every other person  
862 entitled to time-sharing visitation with the child, of a  
863 proposed relocation of the child's ~~principal~~ residence. The form  
864 of notice shall be according to this section:

865 (a) The parent seeking to relocate shall prepare a Notice  
866 of Intent to Relocate. The following information must be  
867 included with the Notice of Intent to Relocate and signed under  
868 oath under penalty of perjury:

- 869           1. A description of the location of the intended new  
 870 residence, including the state, city, and specific physical  
 871 address, if known.
- 872           2. The mailing address of the intended new residence, if  
 873 not the same as the physical address, if known.
- 874           3. The home telephone number of the intended new  
 875 residence, if known.
- 876           4. The date of the intended move or proposed relocation.
- 877           5. A detailed statement of the specific reasons for the  
 878 proposed relocation of the child. If one of the reasons is based  
 879 upon a job offer which has been reduced to writing, that written  
 880 job offer must be attached to the Notice of Intent to Relocate.
- 881           6. A proposal for the revised postrelocation schedule of  
 882 time-sharing ~~visitation~~ together with a proposal for the  
 883 postrelocation transportation arrangements necessary to  
 884 effectuate time-sharing ~~visitation~~ with the child. Absent the  
 885 existence of a current, valid order abating, terminating, or  
 886 restricting time-sharing ~~visitation~~ or other good cause  
 887 predating the Notice of Intent to Relocate, failure to comply  
 888 with this provision renders the Notice of Intent to Relocate  
 889 legally insufficient.
- 890           7. Substantially the following statement, in all capital  
 891 letters and in the same size type, or larger, as the type in the  
 892 remainder of the notice:
- 893
- 894 AN OBJECTION TO THE PROPOSED RELOCATION MUST BE MADE IN WRITING,  
 895 FILED WITH THE COURT, AND SERVED ON THE PARENT OR OTHER PERSON  
 896 SEEKING TO RELOCATE WITHIN 30 DAYS AFTER SERVICE OF THIS NOTICE



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897 OF INTENT TO RELOCATE. IF YOU FAIL TO TIMELY OBJECT TO THE  
898 RELOCATION, THE RELOCATION WILL BE ALLOWED, UNLESS IT IS NOT IN  
899 THE BEST INTERESTS OF THE CHILD, WITHOUT FURTHER NOTICE AND  
900 WITHOUT A HEARING.

901 8. The mailing address of the parent or other person  
902 seeking to relocate to which the objection filed under  
903 subsection (5) to the Notice of Intent to Relocate should be  
904 sent.

905  
906 The contents of the Notice of Intent to Relocate are not  
907 privileged. For purposes of encouraging amicable resolution of  
908 the relocation issue, a copy of the Notice of Intent to Relocate  
909 shall initially not be filed with the court but instead served  
910 upon the nonrelocating parent, other person, and every other  
911 person entitled to time-sharing ~~visitation~~ with the child, and  
912 the original thereof shall be maintained by the parent or other  
913 person seeking to relocate.

914 (b) The parent seeking to relocate shall also prepare a  
915 Certificate of Filing Notice of Intent to Relocate. The  
916 certificate shall certify the date that the Notice of Intent to  
917 Relocate was served on the other parent and on every other  
918 person entitled to time-sharing ~~visitation~~ with the child.

919 (c) The Notice of Intent to Relocate, and the Certificate  
920 of Filing Notice of Intent to Relocate, shall be served on the  
921 other parent and on every other person entitled to time-sharing  
922 ~~visitation~~ with the child. If there is a pending court action  
923 regarding the child, service of process may be according to  
924 court rule. Otherwise, service of process shall be according to

925 chapters 48 and 49 or via certified mail, restricted delivery,  
 926 return receipt requested.

927 (d) A person giving notice of a proposed relocation or  
 928 change of residence address under this section has a continuing  
 929 duty to provide current and updated information required by this  
 930 section when that information becomes known.

931 (e) If the other parent and any other person entitled to  
 932 time-sharing ~~visitation~~ with the child fails to timely file an  
 933 objection, it shall be presumed that the relocation is in the  
 934 best interest of the child, the relocation shall be allowed, and  
 935 the court shall, absent good cause, enter an order, attaching a  
 936 copy of the Notice of Intent to Relocate, reflecting that the  
 937 order is entered as a result of the failure to object to the  
 938 Notice of Intent to Relocate, and adopting the time-sharing  
 939 ~~visitation~~ schedule and transportation arrangements contained in  
 940 the Notice of Intent to Relocate. The order may issue in an  
 941 expedited manner without the necessity of an evidentiary  
 942 hearing. If an objection is timely filed, the burden returns to  
 943 the parent or person seeking to relocate to initiate court  
 944 proceedings to obtain court permission to relocate before ~~prior~~  
 945 ~~to~~ doing so.

946 (f) The act of relocating the child after failure to  
 947 comply with the notice of intent to relocate procedure described  
 948 in this subsection subjects the party in violation thereof to  
 949 contempt and other proceedings to compel the return of the child  
 950 and may be taken into account by the court in any initial or  
 951 postjudgment action seeking a determination or modification of  
 952 the parenting plan or the time-sharing schedule, or both,

953 ~~designation of the primary residential parent or of the~~  
 954 ~~residence, custody, or visitation with the child as:~~

955       1. A factor in making a determination regarding the  
 956 relocation of a child.

957       2. A factor in determining whether the parenting plan or  
 958 the designation of the primary residential parent or the  
 959 ~~residence, contact, access, visitation, or time-sharing~~ schedule  
 960 ~~arrangements~~ should be modified.

961       3. A basis for ordering the temporary or permanent return  
 962 of the child.

963       4. Sufficient cause to order the parent or other person  
 964 seeking to relocate the child to pay reasonable expenses and  
 965 attorney's fees incurred by the party objecting to the  
 966 relocation.

967       5. Sufficient cause for the award of reasonable attorney's  
 968 fees and costs, including interim travel expenses incident to  
 969 time-sharing visitation or securing the return of the child.

970       (4) APPLICABILITY OF PUBLIC RECORDS LAW.--If the parent or  
 971 other person seeking to relocate a child, or the child, is  
 972 entitled to prevent disclosure of location information under any  
 973 public records exemption applicable to that person, the court  
 974 may enter any order necessary to modify the disclosure  
 975 requirements of this section in compliance with the public  
 976 records exemption.

977       (5) CONTENT OF OBJECTION TO RELOCATION.--An objection  
 978 seeking to prevent the relocation of a child must ~~shall~~ be  
 979 verified and served within 30 days after service of the Notice  
 980 of Intent to Relocate. The objection must ~~shall~~ include the

981 specific factual basis supporting the reasons for seeking a  
 982 prohibition of the relocation, including a statement of the  
 983 amount of participation or involvement the objecting party  
 984 currently has or has had in the life of the child.

985 (6) TEMPORARY ORDER.--

986 (a) The court may grant a temporary order restraining the  
 987 relocation of a child or ordering the return of the child, if a  
 988 relocation has previously taken place, or other appropriate  
 989 remedial relief, if the court finds:

990 1. The required notice of a proposed relocation of a child  
 991 was not provided in a timely manner;

992 2. The child already has been relocated without notice or  
 993 written agreement of the parties or without court approval; or

994 3. From an examination of the evidence presented at the  
 995 preliminary hearing that there is a likelihood that upon final  
 996 hearing the court will not approve the relocation of the ~~primary~~  
 997 ~~residence of the~~ child.

998 (b) The court may grant a temporary order permitting the  
 999 relocation of the child pending final hearing, if the court:

1000 1. Finds that the required Notice of Intent to Relocate  
 1001 was provided in a timely manner; and

1002 2. Finds from an examination of the evidence presented at  
 1003 the preliminary hearing that there is a likelihood that on final  
 1004 hearing the court will approve the relocation of the ~~primary~~  
 1005 ~~residence of the~~ child, which findings must be supported by the  
 1006 same factual basis as would be necessary to support the  
 1007 permitting of relocation in a final judgment.

1008 (c) If the court has issued a temporary order authorizing

1009 a party seeking to relocate or move a child before a final  
 1010 judgment is rendered, the court may not give any weight to the  
 1011 temporary relocation as a factor in reaching its final decision.

1012 (d) If temporary relocation of a child is permitted, the  
 1013 court may require the person relocating the child to provide  
 1014 reasonable security, financial or otherwise, and guarantee that  
 1015 the court-ordered contact with the child will not be interrupted  
 1016 or interfered with by the relocating party.

1017 (7) NO PRESUMPTION; FACTORS TO DETERMINE CONTESTED  
 1018 RELOCATION.--A ~~No~~ presumption does not shall arise in favor of  
 1019 or against a request to relocate with the child when a ~~primary~~  
 1020 ~~residential~~ parent seeks to move the child and the move will  
 1021 materially affect the current schedule of contact, access, and  
 1022 time-sharing with the nonrelocating parent or other person. In  
 1023 reaching its decision regarding a proposed temporary or  
 1024 permanent relocation, the court shall evaluate all of the  
 1025 following factors:

1026 (a) The nature, quality, extent of involvement, and  
 1027 duration of the child's relationship with the parent proposing  
 1028 to relocate with the child and with the nonrelocating parent,  
 1029 other persons, siblings, half-siblings, and other significant  
 1030 persons in the child's life.

1031 (b) The age and developmental stage of the child, the  
 1032 needs of the child, and the likely impact the relocation will  
 1033 have on the child's physical, educational, and emotional  
 1034 development, taking into consideration any special needs of the  
 1035 child.

1036 (c) The feasibility of preserving the relationship between

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1037 the nonrelocating parent or other person and the child through  
1038 substitute arrangements that take into consideration the  
1039 logistics of contact, access, ~~visitation~~, and time-sharing, as  
1040 well as the financial circumstances of the parties; whether  
1041 those factors are sufficient to foster a continuing meaningful  
1042 relationship between the child and the nonrelocating parent or  
1043 other person; and the likelihood of compliance with the  
1044 substitute arrangements by the relocating parent once he or she  
1045 is out of the jurisdiction of the court.

1046 (d) The child's preference, taking into consideration the  
1047 age and maturity of the child.

1048 (e) Whether the relocation will enhance the general  
1049 quality of life for both the parent seeking the relocation and  
1050 the child, including, but not limited to, financial or emotional  
1051 benefits or educational opportunities.

1052 (f) The reasons of each parent or other person for seeking  
1053 or opposing the relocation.

1054 (g) The current employment and economic circumstances of  
1055 each parent or other person and whether or not the proposed  
1056 relocation is necessary to improve the economic circumstances of  
1057 the parent or other person seeking relocation of the child.

1058 (h) That the relocation is sought in good faith and the  
1059 extent to which the objecting parent has fulfilled his or her  
1060 financial obligations to the parent or other person seeking  
1061 relocation, including child support, spousal support, and  
1062 marital property and marital debt obligations.

1063 (i) The career and other opportunities available to the  
1064 objecting parent or objecting other person if the relocation

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1065 | occurs.

1066 |       (j) A history of substance abuse or domestic violence as  
 1067 | defined in s. 741.28 or which meets the criteria of s.  
 1068 | 39.806(1)(d) by either parent, including a consideration of the  
 1069 | severity of such conduct and the failure or success of any  
 1070 | attempts at rehabilitation.

1071 |       (k) Any other factor affecting the best interest of the  
 1072 | child or as set forth in s. 61.13.

1073 |       (8) BURDEN OF PROOF.--The parent or other person wishing  
 1074 | to relocate has the burden of proof if an objection is filed and  
 1075 | must then initiate a proceeding seeking court permission for  
 1076 | relocation. The initial burden is on the parent or person  
 1077 | wishing to relocate to prove by a preponderance of the evidence  
 1078 | that relocation is in the best interest of the child. If that  
 1079 | burden of proof is met, the burden shifts to the nonrelocating  
 1080 | parent or other person to show by a preponderance of the  
 1081 | evidence that the proposed relocation is not in the best  
 1082 | interest of the child.

1083 |       (9) ORDER REGARDING RELOCATION.--If relocation is  
 1084 | permitted:

1085 |       (a) The court may, in its discretion, order contact with  
 1086 | the nonrelocating parent, including access, ~~visitation~~, time-  
 1087 | sharing, telephone, Internet, web-cam, and other arrangements  
 1088 | sufficient to ensure that the child has frequent, continuing,  
 1089 | and meaningful contact, access, ~~visitation~~, and time-sharing  
 1090 | with the nonrelocating parent or other persons, if contact is  
 1091 | financially affordable and in the best interest of the child.

1092 |       (b) If applicable, the court shall specify how the

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1093 transportation costs will be allocated between the parents and  
 1094 other persons entitled to contact, access, ~~visitation~~, and time-  
 1095 sharing and may adjust the child support award, as appropriate,  
 1096 considering the costs of transportation and the respective net  
 1097 incomes of the parents in accordance with state child support  
 1098 guidelines.

1099 (10) PRIORITY FOR HEARING OR TRIAL.--An evidentiary  
 1100 hearing or nonjury trial on a pleading seeking temporary or  
 1101 permanent relief filed under ~~pursuant to~~ this section shall be  
 1102 accorded priority on the court's calendar.

1103 (11) APPLICABILITY.--

1104 (a) ~~The provisions of~~ This section applies ~~apply~~:

1105 1. To orders entered before October 1, 2006, if the  
 1106 existing order defining custody, primary residence, or time-  
 1107 sharing ~~visitation~~ of or with the child does not expressly  
 1108 govern the relocation of the child.

1109 2. To an order, whether temporary or permanent, regarding  
 1110 the parenting plan, custody, primary residence, time-sharing, or  
 1111 visitation of or with the child entered on or after October 1,  
 1112 2006.

1113 3. To any relocation or proposed relocation, whether  
 1114 permanent or temporary, of a child during any proceeding pending  
 1115 on October 1, 2006, wherein the parenting plan, custody, primary  
 1116 residence, time-sharing, or visitation of or with the child is  
 1117 an issue.

1118 (b) To the extent that a provision of this section  
 1119 conflicts with an order existing on October 1, 2006, this  
 1120 section does not apply to the terms of that order which



1121 expressly govern relocation of the child or a change in the  
 1122 principal residence address of a parent.

1123 Section 9. Paragraph (d) of subsection (3) of section  
 1124 61.181, Florida Statutes, is amended to read:

1125 61.181 Depository for alimony transactions, support,  
 1126 maintenance, and support payments; fees.--

1127 (3)

1128 (d) When time-sharing ~~custody~~ of a child is relinquished  
 1129 by a ~~custodial~~ parent who is entitled to receive child support  
 1130 moneys from the depository to a licensed or registered long-term  
 1131 care child agency, that agency may request from the court an  
 1132 order directing that child support payments that ~~which~~ would  
 1133 otherwise be distributed to the ~~custodial~~ parent be distributed  
 1134 to the agency for the period of time that ~~custody~~ of the child  
 1135 is with ~~by~~ the agency. Thereafter, payments shall be distributed  
 1136 to the agency as if the agency were the ~~custodial~~ parent until  
 1137 further order of the court.

1138 Section 10. Subsection (1) of section 61.1827, Florida  
 1139 Statutes, is amended to read:

1140 61.1827 Identifying information concerning applicants for  
 1141 and recipients of child support services.--

1142 (1) Any information that reveals the identity of  
 1143 applicants for or recipients of child support services,  
 1144 including the name, address, and telephone number of such  
 1145 persons, held by a non-Title IV-D county child support  
 1146 enforcement agency is confidential and exempt from s. 119.07(1)  
 1147 and s. 24(a) of Art. I of the State Constitution. The use or  
 1148 disclosure of such information by the non-Title IV-D county

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1149 child support enforcement agency is limited to the purposes  
 1150 directly connected with:

1151 (a) Any investigation, prosecution, or criminal or civil  
 1152 proceeding connected with the administration of any non-Title  
 1153 IV-D county child support enforcement program;

1154 (b) Mandatory disclosure of identifying and location  
 1155 information as provided in s. 61.13(7) ~~s. 61.13(8)~~ by the non-  
 1156 Title IV-D county child support enforcement agency when  
 1157 providing non-Title IV-D services;

1158 (c) Mandatory disclosure of information as required by ss.  
 1159 409.2577, 61.181, 61.1825, and 61.1826 and Title IV-D of the  
 1160 Social Security Act; or

1161 (d) Disclosure to an authorized person, as defined in 45  
 1162 C.F.R. s. 303.15, for purposes of enforcing any state or federal  
 1163 law with respect to the unlawful taking or restraint of a child  
 1164 or making or enforcing a parenting plan or a time-sharing  
 1165 schedule ~~child custody or visitation determination~~. As used in  
 1166 this paragraph, the term "authorized person" includes a  
 1167 noncustodial parent, unless a court has entered an order under  
 1168 s. 741.30, s. 741.31, or s. 784.046.

1169 Section 11. Section 61.20, Florida Statutes, is amended to  
 1170 read:

1171 61.20 Social investigation and recommendations when a  
 1172 parenting plan ~~child custody~~ is at ~~in~~ issue.--

1173 (1) In any action where the parenting plan ~~custody of a~~  
 1174 ~~minor child~~ is at ~~in~~ issue, the court may order a social  
 1175 investigation and study concerning all pertinent details  
 1176 relating to the child and each parent when such an investigation

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1177 has not been done and the study therefrom provided to the court  
1178 by the parties or when the court determines that the  
1179 investigation and study that have been done are insufficient.  
1180 The agency, staff, or person conducting the investigation and  
1181 study ordered by the court pursuant to this section shall  
1182 furnish the court and all parties of record in the proceeding a  
1183 written study containing recommendations, including a written  
1184 statement of facts found in the social investigation on which  
1185 the recommendations are based. The court may consider the  
1186 information contained in the study in making a decision on the  
1187 parenting plan, ~~child's custody~~ and the technical rules of  
1188 evidence do not exclude the study from consideration.

1189 (2) A social investigation and study, when ordered by the  
1190 court, shall be conducted by qualified staff of the court; a  
1191 child-placing agency licensed pursuant to s. 409.175; a  
1192 psychologist licensed pursuant to chapter 490; or a clinical  
1193 social worker, marriage and family therapist, or mental health  
1194 counselor licensed pursuant to chapter 491. If a certification  
1195 of indigence based on an affidavit filed with the court pursuant  
1196 to s. 57.081 is provided by an adult party to the proceeding and  
1197 the court does not have qualified staff to perform the  
1198 investigation and study, the court may request that the  
1199 Department of Children and Family Services conduct the  
1200 investigation and study.

1201 (3) Except as to persons who obtain certification of  
1202 indigence as specified in subsection (2), for whom no costs  
1203 shall be incurred, the adult parties involved in a ~~child-custody~~  
1204 proceeding to determine a parenting plan wherein the court has

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1205 | ordered the performance of a social investigation and study  
 1206 | ~~performed~~ shall be responsible for the payment of the costs of  
 1207 | such investigation and study. Upon submission of the study to  
 1208 | the court, the agency, staff, or person performing the study  
 1209 | shall include a bill for services, which shall be taxed and  
 1210 | ordered paid as costs in the proceeding.

1211 | Section 12. Paragraph (c) of subsection (1) and subsection  
 1212 | (6) of section 61.21, Florida Statutes, are amended to read:

1213 | 61.21 Parenting course authorized; fees; required  
 1214 | attendance authorized; contempt.--

1215 | (1) LEGISLATIVE FINDINGS; PURPOSE.--It is the finding of  
 1216 | the Legislature that:

1217 | (c) It has been found to be beneficial to parents who are  
 1218 | separating or divorcing to have available an educational program  
 1219 | that will provide general information regarding:

1220 | 1. The issues and legal procedures for resolving time-  
 1221 | sharing ~~custody~~ and child support disputes.

1222 | 2. The emotional experiences and problems of divorcing  
 1223 | adults.

1224 | 3. The family problems and the emotional concerns and  
 1225 | needs of the children.

1226 | 4. The availability of community services and resources.

1227 | (6) All parties to a modification of a final judgment  
 1228 | involving a parenting plan or a time-sharing schedule ~~shared~~  
 1229 | ~~parental responsibilities, custody, or visitation~~ may be  
 1230 | required to complete a court-approved parenting course prior to  
 1231 | the entry of an order modifying the final judgment.

1232 | Section 13. Paragraph (a) of subsection (1), paragraph (b)

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1233 of subsection (2), and subsections (7), (8), (11), and (17) of  
 1234 section 61.30, Florida Statutes, are amended to read:

1235 61.30 Child support guidelines; retroactive child  
 1236 support.--

1237 (1)(a) The child support guideline amount as determined by  
 1238 this section presumptively establishes the amount the trier of  
 1239 fact shall order as child support in an initial proceeding for  
 1240 such support or in a proceeding for modification of an existing  
 1241 order for such support, whether the proceeding arises under this  
 1242 or another chapter. The trier of fact may order payment of  
 1243 child support which varies, plus or minus 5 percent, from the  
 1244 guideline amount, after considering all relevant factors,  
 1245 including the needs of the child or children, age, station in  
 1246 life, standard of living, and the financial status and ability  
 1247 of each parent. The trier of fact may order payment of child  
 1248 support in an amount which varies more than 5 percent from such  
 1249 guideline amount only upon a written finding explaining why  
 1250 ordering payment of such guideline amount would be unjust or  
 1251 inappropriate. Notwithstanding the variance limitations of this  
 1252 section, the trier of fact shall order payment of child support  
 1253 which varies from the guideline amount as provided in paragraph  
 1254 (11)(b) whenever any of the children are required by court order  
 1255 or mediation agreement to spend a substantial amount of time  
 1256 with both ~~the primary and secondary residential~~ parents. This  
 1257 requirement applies to any living arrangement, whether temporary  
 1258 or permanent.

1259 (2) Income shall be determined on a monthly basis for the  
 1260 obligor and for the obligee as follows:

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1261 (b) Income on a monthly basis shall be imputed to an  
1262 unemployed or underemployed parent when such employment or  
1263 underemployment is found to be voluntary on that parent's part,  
1264 absent physical or mental incapacity or other circumstances over  
1265 which the parent has no control. In the event of such voluntary  
1266 unemployment or underemployment, the employment potential and  
1267 probable earnings level of the parent shall be determined based  
1268 upon his or her recent work history, occupational  
1269 qualifications, and prevailing earnings level in the community;  
1270 however, the court may refuse to impute income to a ~~primary~~  
1271 ~~residential~~ parent if the court finds it necessary for the  
1272 parent to stay home with the child.

1273 (7) Child care costs incurred on behalf of the children  
1274 due to employment, job search, or education calculated to result  
1275 in employment or to enhance income of current employment of  
1276 either parent shall be reduced by 25 percent and then shall be  
1277 added to the basic obligation. After the adjusted child care  
1278 costs are added to the basic obligation, any moneys prepaid by  
1279 one ~~the noncustodial~~ parent for child care costs for the child  
1280 or children of this action shall be deducted from that  
1281 ~~noncustodial~~ parent's child support obligation for that child or  
1282 those children. Child care costs may ~~shall~~ not exceed the level  
1283 required to provide quality care from a licensed source for the  
1284 children.

1285 (8) Health insurance costs resulting from coverage ordered  
1286 pursuant to s. 61.13(1)(b), and any noncovered medical, dental,  
1287 and prescription medication expenses of the child, shall be  
1288 added to the basic obligation unless these expenses have been

1289 | ordered to be separately paid on a percentage basis. After the  
 1290 | health insurance costs are added to the basic obligation, any  
 1291 | moneys prepaid by the ~~noncustodial~~ parent for health-related  
 1292 | costs for the child or children of this action shall be deducted  
 1293 | from that ~~noncustodial~~ parent's child support obligation for  
 1294 | that child or those children.

1295 |       (11) (a) The court may adjust the minimum child support  
 1296 | award, or either or both parents' share of the minimum child  
 1297 | support award, based upon the following considerations:

1298 |           1. Extraordinary medical, psychological, educational, or  
 1299 | dental expenses.

1300 |           2. Independent income of the child, not to include moneys  
 1301 | received by a child from supplemental security income.

1302 |           3. The payment of support for a parent which regularly has  
 1303 | been paid and for which there is a demonstrated need.

1304 |           4. Seasonal variations in one or both parents' incomes or  
 1305 | expenses.

1306 |           5. The age of the child, taking into account the greater  
 1307 | needs of older children.

1308 |           6. Special needs, such as costs that may be associated  
 1309 | with the disability of a child, that have traditionally been met  
 1310 | within the family budget even though the fulfilling of those  
 1311 | needs will cause the support to exceed the proposed guidelines.

1312 |           7. Total available assets of the obligee, obligor, and the  
 1313 | child.

1314 |           8. The impact of the Internal Revenue Service dependency  
 1315 | exemption and waiver of that exemption. The court may order one  
 1316 | ~~the primary residential~~ parent to execute a waiver of the

1317 Internal Revenue Service dependency exemption if the paying  
 1318 ~~noncustodial~~ parent is current in support payments.

1319 9. When application of the child support guidelines  
 1320 requires a person to pay another person more than 55 percent of  
 1321 his or her gross income for a child support obligation for  
 1322 current support resulting from a single support order.

1323 10. The particular parenting plan and time-sharing ~~shared~~  
 1324 ~~parental~~ arrangement, such as where the child spends a  
 1325 significant amount of time, but less than 40 percent of the  
 1326 overnights, with one ~~the noncustodial~~ parent, thereby reducing  
 1327 the financial expenditures incurred by the other ~~primary~~  
 1328 ~~residential~~ parent; or the refusal of a ~~the noncustodial~~ parent  
 1329 to become involved in the activities of the child.

1330 11. Any other adjustment which is needed to achieve an  
 1331 equitable result which may include, but not be limited to, a  
 1332 reasonable and necessary existing expense or debt. Such expense  
 1333 or debt may include, but is not limited to, a reasonable and  
 1334 necessary expense or debt which the parties jointly incurred  
 1335 during the marriage.

1336 (b) Whenever a particular time-sharing ~~shared parental~~  
 1337 arrangement provides that each child spend a substantial amount  
 1338 of time with each parent, the court shall adjust any award of  
 1339 child support, as follows:

1340 1. In accordance with subsections (9) and (10), calculate  
 1341 the amount of support obligation apportioned to each ~~the~~  
 1342 ~~noncustodial~~ parent without including day care and health  
 1343 insurance costs in the calculation and multiply the amount by  
 1344 1.5.



1345 ~~2. In accordance with subsections (9) and (10), calculate~~  
 1346 ~~the amount of support obligation apportioned to the custodial~~  
 1347 ~~parent without including day care and health insurance costs in~~  
 1348 ~~the calculation and multiply the amount by 1.5.~~

1349 2.3. Calculate the percentage of overnight stays the child  
 1350 spends with each parent.

1351 3.4. Multiply each ~~the noncustodial~~ parent's support  
 1352 obligation as calculated in subparagraph 1. by the percentage of  
 1353 the custodial parent's overnight stays with the child as  
 1354 calculated in subparagraph 2. ~~3.~~

1355 ~~5. Multiply the custodial parent's support obligation as~~  
 1356 ~~calculated in subparagraph 2. by the percentage of the~~  
 1357 ~~noncustodial parent's overnight stays with the child as~~  
 1358 ~~calculated in subparagraph 3.~~

1359 4.6. The difference between the amounts calculated in  
 1360 subparagraphs 3. ~~4.~~ and 4. ~~5.~~ shall be the monetary transfer  
 1361 necessary between the ~~custodial and noncustodial~~ parents for the  
 1362 care of the child, subject to an adjustment for day care and  
 1363 health insurance expenses.

1364 5.7. Pursuant to subsections (7) and (8), calculate the  
 1365 net amounts owed by the ~~custodial and noncustodial~~ parents for  
 1366 the expenses incurred for day care and health insurance coverage  
 1367 for the child. Day care shall be calculated without regard to  
 1368 the 25-percent reduction applied by subsection (7).

1369 6.8. Adjust the support obligation owed by the ~~custodial~~  
 1370 ~~or noncustodial~~ parent pursuant to subparagraph 4. ~~6.~~ by  
 1371 crediting or debiting the amount calculated in subparagraph 5.  
 1372 ~~7.~~ This amount represents the child support which must be

1373 exchanged between the ~~custodial and noncustodial~~ parents.

1374 ~~7.9.~~ The court may deviate from the child support amount  
 1375 calculated pursuant to subparagraph ~~6. 8.~~ based upon the  
 1376 considerations set forth in paragraph (a),~~7~~ as well as either the  
 1377 ~~custodial~~ parent's low income and ability to maintain the basic  
 1378 necessities of the home for the child, the likelihood that  
 1379 either the ~~noncustodial~~ parent will actually exercise the time-  
 1380 sharing visitation granted by the court, and whether all of the  
 1381 children are exercising the same time-sharing ~~shared parental~~  
 1382 arrangement.

1383 ~~8.10.~~ For purposes of adjusting any award of child support  
 1384 under this paragraph, "substantial amount of time" means that  
 1385 the parents divide time with the child on at least a 60-percent  
 1386 to 40-percent division ~~noncustodial parent exercises visitation~~  
 1387 ~~at least 40 percent~~ of the overnights of the year.

1388 (c) A ~~noncustodial~~ parent's failure to regularly exercise  
 1389 court-ordered or agreed time-sharing ~~visitation~~ not caused by  
 1390 the other ~~custodial~~ parent which resulted in the adjustment of  
 1391 the amount of child support pursuant to subparagraph (a)10. or  
 1392 paragraph (b) shall be deemed a substantial change of  
 1393 circumstances for purposes of modifying the child support award.  
 1394 A modification pursuant to this paragraph is ~~shall be~~  
 1395 retroactive to the date the ~~noncustodial~~ parent first failed to  
 1396 regularly exercise court-ordered or agreed time-sharing  
 1397 visitation.

1398 (17) In an initial determination of child support, whether  
 1399 in a paternity action, dissolution of marriage action, or  
 1400 petition for support during the marriage, the court has

1401 discretion to award child support retroactive to the date when  
 1402 the parents did not reside together in the same household with  
 1403 the child, not to exceed a period of 24 months preceding the  
 1404 filing of the petition, regardless of whether that date precedes  
 1405 the filing of the petition. In determining the retroactive award  
 1406 in such cases, the court shall consider the following:

1407 (a) The court shall apply the guidelines in effect at the  
 1408 time of the hearing subject to the obligor's demonstration of  
 1409 his or her actual income, as defined by subsection (2), during  
 1410 the retroactive period. Failure of the obligor to so  
 1411 demonstrate shall result in the court using the obligor's income  
 1412 at the time of the hearing in computing child support for the  
 1413 retroactive period.

1414 (b) The court shall consider the time-sharing arrangement  
 1415 exercised by the parents during the separation period in  
 1416 determining the appropriate percentage of overnights exercised  
 1417 by each parent so as to apply the substantial time-sharing  
 1418 method of calculating support according to paragraph (11)(b), if  
 1419 appropriate.

1420 (c) ~~(b)~~ All actual payments made by one ~~the noncustodial~~  
 1421 parent to the other ~~custodial~~ parent or the child or third  
 1422 parties for the benefit of the child throughout the proposed  
 1423 retroactive period.

1424 (d) ~~(e)~~ The court should consider an installment payment  
 1425 plan for the payment of retroactive child support.

1426 Section 14. Section 61.401, Florida Statutes, is amended  
 1427 to read:

1428 61.401 Appointment of guardian ad litem.--In an action

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1429 involving a parenting plan or a time-sharing schedule ~~for~~  
 1430 ~~dissolution of marriage, modification, parental responsibility,~~  
 1431 ~~custody, or visitation,~~ if the court finds it is in the best  
 1432 interest of the child, the court may appoint a guardian ad litem  
 1433 to act as next friend of the child, investigator, or evaluator,  
 1434 not as attorney or advocate. The court in its discretion may  
 1435 also appoint legal counsel for a child to act as attorney or  
 1436 advocate; however, the guardian and the legal counsel shall not  
 1437 be the same person. In such actions which involve an allegation  
 1438 of child abuse, abandonment, or neglect as defined in s. 39.01,  
 1439 which allegation is verified and determined by the court to be  
 1440 well-founded, the court shall appoint a guardian ad litem for  
 1441 the child. The guardian ad litem shall be a party to any  
 1442 judicial proceeding from the date of the appointment until the  
 1443 date of discharge.

1444 Section 15. Section 61.45, Florida Statutes, is amended to  
 1445 read:

1446 61.45 Court-ordered parenting plan ~~Court order of~~  
 1447 ~~visitation or custody~~; risk of violation; bond.--

1448 (1) In a proceeding in which the court enters a parenting  
 1449 plan, including a time-sharing schedule ~~an order of child~~  
 1450 ~~custody or visitation~~, including in a modification proceeding,  
 1451 upon the presentation of competent substantial evidence that  
 1452 there is a risk that one party may violate the court's parenting  
 1453 plan ~~order of visitation or custody~~ by removing a child from  
 1454 this state or country or by concealing the whereabouts of a  
 1455 child, or upon stipulation of the parties, the court may:

1456 (a) Order that a parent may not remove the child from this

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1457 state without the notarized written permission of both parents  
 1458 or further court order;

1459 (b) Order that a parent may not remove the child from this  
 1460 country without the notarized written permission of both parents  
 1461 or further court order;

1462 (c) Order that a parent may not take the child to a  
 1463 country that has not ratified or acceded to the Hague  
 1464 Convention on the Civil Aspects of International Child Abduction  
 1465 unless the other parent agrees in writing that the child may be  
 1466 taken to the country;

1467 (d) Require a parent to surrender the passport of the  
 1468 child; or

1469 (e) Require that party to post bond or other security.

1470 (2) If the court enters a parenting plan ~~an order of child~~  
 1471 ~~custody or visitation~~, including in a modification proceeding,  
 1472 that includes a provision entered under paragraph (1)(b) or  
 1473 paragraph (1)(c), a certified copy of the order should be sent  
 1474 by the parent who requested the restriction to the Passport  
 1475 Services Office of the United States Department of State  
 1476 requesting that they not issue a passport to the child without  
 1477 their signature or further court order.

1478 (3) In assessing the need for a bond or other security,  
 1479 the court may consider any reasonable factor bearing upon the  
 1480 risk that a party may violate a parenting plan ~~visitation or~~  
 1481 ~~custody order~~ by removing a child from this state or country or  
 1482 by concealing the whereabouts of a child, including but not  
 1483 limited to whether:

1484 (a) A court has previously found that a party previously

1485 removed a child from Florida or another state in violation of a  
 1486 parenting plan ~~eustody or visitation order~~, or whether a court  
 1487 had found that a party has threatened to take a child out of  
 1488 Florida or another state in violation of a parenting plan  
 1489 ~~eustody or visitation order~~;

1490 (b) The party has strong family and community ties to  
 1491 Florida or to other states or countries, including whether the  
 1492 party or child is a citizen of another country;

1493 (c) The party has strong financial reasons to remain in  
 1494 Florida or to relocate to another state or country;

1495 (d) The party has engaged in activities that suggest plans  
 1496 to leave Florida, such as quitting employment; sale of a  
 1497 residence or termination of a lease on a residence, without  
 1498 efforts to acquire an alternative residence in the state;  
 1499 closing bank accounts or otherwise liquidating assets; or  
 1500 applying for a passport;

1501 (e) Either party has had a history of domestic violence as  
 1502 either a victim or perpetrator, child abuse or child neglect  
 1503 evidenced by criminal history, including but not limited to,  
 1504 arrest, an injunction for protection against domestic violence  
 1505 issued after notice and hearing under s. 741.30, medical  
 1506 records, affidavits, or any other relevant information; or

1507 (f) The party has a criminal record.

1508 (4) The court must consider the party's financial  
 1509 resources prior to setting the bond amount under this section.  
 1510 Under no circumstances may the court set a bond that is  
 1511 unreasonable.

1512 (5) Any deficiency of bond or security shall not absolve

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1513 the violating party of responsibility to pay the full amount of  
 1514 damages determined by the court.

1515 (6) (a) Upon a material violation of any time-sharing plan  
 1516 ~~custody or visitation order~~ by removing a child from this state  
 1517 or this country or by concealing the whereabouts of a child, the  
 1518 court may order the bond or other security forfeited in whole or  
 1519 in part.

1520 (b) This section, including the requirement to post a bond  
 1521 or other security, does not apply to a parent who, in a  
 1522 proceeding to order or modify a parenting plan or time-sharing  
 1523 schedule, is determined by the court to be ~~child custody or~~  
 1524 ~~visitation, the court determines is~~ a victim of an act of  
 1525 domestic violence or provides the court with ~~has~~ reasonable  
 1526 cause to believe that he or she is about to become the victim of  
 1527 an act of domestic violence, as defined in s. 741.28. An  
 1528 injunction for protection against domestic violence issued  
 1529 pursuant to s. 741.30 for a parent as the petitioner which is in  
 1530 effect at the time of the court proceeding shall be one means of  
 1531 demonstrating sufficient evidence that the parent is a victim of  
 1532 domestic violence or is about to become the victim of an act of  
 1533 domestic violence, as defined in s. 741.28, and shall exempt the  
 1534 parent from this section, including the requirement to post a  
 1535 bond or other security. A parent who is determined by the court  
 1536 to be exempt from the requirements of this section must meet the  
 1537 requirements of s. 787.03(6) if an offense of interference with  
 1538 the parenting plan or time-sharing schedule ~~custody~~ is  
 1539 committed.

1540 (7) (a) Upon an order of forfeiture, the proceeds of any

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1541 bond or other security posted pursuant to this subsection may  
1542 only be used to:

1543 1. Reimburse the nonviolating party for actual costs or  
1544 damages incurred in upholding the court's parenting plan ~~order~~  
1545 ~~of custody or visitation~~.

1546 2. Locate and return the child to the residence as set  
1547 forth in the parenting plan ~~visitation or custody order~~.

1548 3. Reimburse reasonable fees and costs as determined by  
1549 the court.

1550 (b) Any remaining proceeds shall be held as further  
1551 security if deemed necessary by the court, and if further  
1552 security is not found to be necessary; applied to any child  
1553 support arrears owed by the parent against whom the bond was  
1554 required, and if no arrears exists; all remaining proceeds will  
1555 be allocated by the court in the best interest of the child.

1556 (8) At any time after the forfeiture of the bond or other  
1557 security, the party who posted the bond or other security, or  
1558 the court on its own motion may request that the party provide  
1559 documentation substantiating that the proceeds received as a  
1560 result of the forfeiture have been used solely in accordance  
1561 with this subsection. Any party using such proceeds for  
1562 purposes not in accordance with this section may be found in  
1563 contempt of court.

1564 Section 16. Paragraphs (b) and (c) of subsection (3) of  
1565 section 741.0306, Florida Statutes, are amended to read:

1566 741.0306 Creation of a family law handbook.--

1567 (3) The information contained in the handbook or other  
1568 electronic media presentation may be reviewed and updated



1569 annually, and may include, but need not be limited to:

1570 (b) Shared parental responsibility for children and, the  
 1571 determination of a parenting plan, including a time-sharing  
 1572 schedule primary residence or custody and secondary residence or  
 1573 routine visitation, holiday, summer, and vacation visitation  
 1574 arrangements, telephone access, and the process for notice for  
 1575 changes.

1576 (c) Permanent relocation restrictions ~~on parents with~~  
 1577 ~~primary residential responsibility.~~

1578 Section 17. Paragraphs (b) and (d) of subsection (3),  
 1579 paragraph (a) of subsection (5), and paragraph (a) of subsection  
 1580 (6) of section 741.30, Florida Statutes, are amended to read:

1581 741.30 Domestic violence; injunction; powers and duties of  
 1582 court and clerk; petition; notice and hearing; temporary  
 1583 injunction; issuance of injunction; statewide verification  
 1584 system; enforcement.--

1585 (3)

1586 (b) The sworn petition shall be in substantially the  
 1587 following form:

1588 PETITION FOR  
 1589 INJUNCTION FOR PROTECTION  
 1590 AGAINST DOMESTIC VIOLENCE

1591  
 1592 Before me, the undersigned authority, personally appeared  
 1593 Petitioner (Name) , who has been sworn and says that the  
 1594 following statements are true:

1595 (a) Petitioner resides at: (address)

1596 (Petitioner may furnish address to the court in a separate

1597 confidential filing if, for safety reasons, the petitioner  
 1598 requires the location of the current residence to be  
 1599 confidential.)

1600 (b) Respondent resides at: (last known address)

1601 (c) Respondent's last known place of employment: (name  
 1602 of business and address)

1603 (d) Physical description of respondent: \_\_\_\_\_

1604 Race \_\_\_\_\_

1605 Sex \_\_\_\_\_

1606 Date of birth \_\_\_\_\_

1607 Height \_\_\_\_\_

1608 Weight \_\_\_\_\_

1609 Eye color \_\_\_\_\_

1610 Hair color \_\_\_\_\_

1611 Distinguishing marks or scars \_\_\_\_\_

1612 (e) Aliases of respondent: \_\_\_\_\_

1613 (f) Respondent is the spouse or former spouse of the  
 1614 petitioner or is any other person related by blood or marriage  
 1615 to the petitioner or is any other person who is or was residing  
 1616 within a single dwelling unit with the petitioner, as if a  
 1617 family, or is a person with whom the petitioner has a child in  
 1618 common, regardless of whether the petitioner and respondent are  
 1619 or were married or residing together, as if a family.

1620 (g) The following describes any other cause of action  
 1621 currently pending between the petitioner and respondent:

1622  
 1623 The petitioner should also describe any previous or pending  
 1624 attempts by the petitioner to obtain an injunction for

1625 protection against domestic violence in this or any other  
 1626 circuit, and the results of that attempt

1627  
 1628 Case numbers should be included if available.

1629 (h) Petitioner is either a victim of domestic violence or  
 1630 has reasonable cause to believe he or she is in imminent danger  
 1631 of becoming a victim of domestic violence because respondent has  
 1632 \_\_\_\_\_(mark all sections that apply and describe in the spaces  
 1633 below the incidents of violence or threats of violence,  
 1634 specifying when and where they occurred, including, but not  
 1635 limited to, locations such as a home, school, place of  
 1636 employment, or visitation exchange)\_\_\_\_\_:

1637 \_\_\_\_\_committed or threatened to commit domestic violence  
 1638 defined in s. 741.28, Florida Statutes, as any assault,  
 1639 aggravated assault, battery, aggravated battery, sexual assault,  
 1640 sexual battery, stalking, aggravated stalking, kidnapping, false  
 1641 imprisonment, or any criminal offense resulting in physical  
 1642 injury or death of one family or household member by another.  
 1643 With the exception of persons who are parents of a child in  
 1644 common, the family or household members must be currently  
 1645 residing or have in the past resided together in the same single  
 1646 dwelling unit.

1647 \_\_\_\_\_previously threatened, harassed, stalked, or  
 1648 physically abused the petitioner.

1649 \_\_\_\_\_attempted to harm the petitioner or family members or  
 1650 individuals closely associated with the petitioner.

1651 \_\_\_\_\_threatened to conceal, kidnap, or harm the  
 1652 petitioner's child or children.

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1653 | \_\_\_\_\_intentionally injured or killed a family pet.  
 1654 | \_\_\_\_\_used, or has threatened to use, against the petitioner  
 1655 | any weapons such as guns or knives.  
 1656 | \_\_\_\_\_physically restrained the petitioner from leaving the  
 1657 | home or calling law enforcement.  
 1658 | \_\_\_\_\_a criminal history involving violence or the threat of  
 1659 | violence (if known).  
 1660 | \_\_\_\_\_another order of protection issued against him or her  
 1661 | previously or from another jurisdiction (if known).  
 1662 | \_\_\_\_\_destroyed personal property, including, but not  
 1663 | limited to, telephones or other communication equipment,  
 1664 | clothing, or other items belonging to the petitioner.  
 1665 | \_\_\_\_\_engaged in any other behavior or conduct that leads  
 1666 | the petitioner to have reasonable cause to believe he or she is  
 1667 | in imminent danger of becoming a victim of domestic violence.  
 1668 | (i) Petitioner alleges the following additional specific  
 1669 | facts: (mark appropriate sections)  
 1670 | \_\_\_\_\_A minor child or minor children reside with the  
 1671 | ~~petitioner is the custodian of a minor child or children~~ whose  
 1672 | names and ages are as follows:  
 1673 |  
 1674 | \_\_\_\_\_Petitioner needs the exclusive use and possession of  
 1675 | the dwelling that the parties share.  
 1676 | \_\_\_\_\_Petitioner is unable to obtain safe alternative  
 1677 | housing because:  
 1678 | \_\_\_\_\_Petitioner genuinely fears that respondent imminently  
 1679 | will abuse, remove, or hide the minor child or children from  
 1680 | petitioner because:

1681  
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(j) Petitioner genuinely fears imminent domestic violence by respondent.

(k) Petitioner seeks an injunction: (mark appropriate section or sections)

\_\_\_\_\_Immediately restraining the respondent from committing any acts of domestic violence.

\_\_\_\_\_Restraining the respondent from committing any acts of domestic violence.

\_\_\_\_\_Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

\_\_\_\_\_Providing a temporary parenting plan, including a temporary time-sharing schedule, ~~Awarding temporary custody of, or temporary visitation rights~~ with regard to, the minor child or children of the parties which might involve, ~~or~~ prohibiting or limiting time-sharing or requiring that it be visitation to that which is supervised by a third party.

\_\_\_\_\_Establishing temporary support for the minor child or children or the petitioner.

\_\_\_\_\_Directing the respondent to participate in a batterers' intervention program or other treatment pursuant to s. 39.901, Florida Statutes.

\_\_\_\_\_Providing any terms the court deems necessary for the protection of a victim of domestic violence, or any minor children of the victim, including any injunctions or directives to law enforcement agencies.

(d) If the sworn petition seeks to determine a parenting

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1709 plan and time-sharing schedule ~~issues of custody or visitation~~  
1710 with regard to the minor child or children of the parties, the  
1711 sworn petition shall be accompanied by or shall incorporate the  
1712 allegations required by s. 61.522 of the Uniform Child Custody  
1713 Jurisdiction and Enforcement Act.

1714 (5) (a) When it appears to the court that an immediate and  
1715 present danger of domestic violence exists, the court may grant  
1716 a temporary injunction ex parte, pending a full hearing, and may  
1717 grant such relief as the court deems proper, including an  
1718 injunction:

1719 1. Restraining the respondent from committing any acts of  
1720 domestic violence.

1721 2. Awarding to the petitioner the temporary exclusive use  
1722 and possession of the dwelling that the parties share or  
1723 excluding the respondent from the residence of the petitioner.

1724 3. On the same basis as provided in s. 61.13, providing  
1725 the petitioner with 100 percent of the time-sharing that shall  
1726 remain ~~granting to the petitioner temporary custody of a minor~~  
1727 ~~child. An order of temporary custody remains~~ in effect until the  
1728 order expires or an order is entered by a court of competent  
1729 jurisdiction in a pending or subsequent civil action or  
1730 proceeding affecting the placement of, access to, parental time  
1731 with, adoption of, or parental rights and responsibilities for  
1732 the minor child.

1733 (6) (a) Upon notice and hearing, when it appears to the  
1734 court that the petitioner is either the victim of domestic  
1735 violence as defined by s. 741.28 or has reasonable cause to  
1736 believe he or she is in imminent danger of becoming a victim of

1737 domestic violence, the court may grant such relief as the court  
 1738 deems proper, including an injunction:

1739 1. Restraining the respondent from committing any acts of  
 1740 domestic violence.

1741 2. Awarding to the petitioner the exclusive use and  
 1742 possession of the dwelling that the parties share or excluding  
 1743 the respondent from the residence of the petitioner.

1744 3. On the same basis as provided in chapter 61, providing  
 1745 the petitioner with 100 percent of the time-sharing in a  
 1746 temporary parenting plan that shall remain awarding temporary  
 1747 ~~custody of, or temporary visitation rights with regard to, a~~  
 1748 ~~minor child or children of the parties. An order of temporary~~  
 1749 ~~custody or visitation remains~~ in effect until the order expires  
 1750 or an order is entered by a court of competent jurisdiction in a  
 1751 pending or subsequent civil action or proceeding affecting the  
 1752 placement of, access to, parental time with, adoption of, or  
 1753 parental rights and responsibilities for the minor child.

1754 4. On the same basis as provided in chapter 61,  
 1755 establishing temporary support for a minor child or children or  
 1756 the petitioner. An order of temporary support remains in effect  
 1757 until the order expires or an order is entered by a court of  
 1758 competent jurisdiction in a pending or subsequent civil action  
 1759 or proceeding affecting child support.

1760 5. Ordering the respondent to participate in treatment,  
 1761 intervention, or counseling services to be paid for by the  
 1762 respondent. When the court orders the respondent to participate  
 1763 in a batterers' intervention program, the court, or any entity  
 1764 designated by the court, must provide the respondent with a list

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1765 of all certified batterers' intervention programs and all  
 1766 programs which have submitted an application to the Department  
 1767 of Children and Family Services to become certified under s.  
 1768 741.32, from which the respondent must choose a program in which  
 1769 to participate. If there are no certified batterers'  
 1770 intervention programs in the circuit, the court shall provide a  
 1771 list of acceptable programs from which the respondent must  
 1772 choose a program in which to participate.

1773 6. Referring a petitioner to a certified domestic violence  
 1774 center. The court must provide the petitioner with a list of  
 1775 certified domestic violence centers in the circuit which the  
 1776 petitioner may contact.

1777 7. Ordering such other relief as the court deems necessary  
 1778 for the protection of a victim of domestic violence, including  
 1779 injunctions or directives to law enforcement agencies, as  
 1780 provided in this section.

1781 Section 18. Subsections (1) and (2) of section 742.031,  
 1782 Florida Statutes, are amended to read:

1783 742.031 Hearings; court orders for support, hospital  
 1784 expenses, and attorney's fee.--

1785 (1) Hearings for the purpose of establishing or refuting  
 1786 the allegations of the complaint and answer shall be held in the  
 1787 chambers and may be restricted to persons, in addition to the  
 1788 parties involved and their counsel, as the judge in his or her  
 1789 discretion may direct. The court shall determine the issues of  
 1790 paternity of the child and the ability of the parents to support  
 1791 the child. Each party's social security number shall be  
 1792 recorded in the file containing the adjudication of paternity.



1793 If the court finds that the alleged father is the father of the  
 1794 child, it shall so order. If appropriate, the court shall order  
 1795 the father to pay the complainant, her guardian, or any other  
 1796 person assuming responsibility for the child moneys sufficient  
 1797 to pay reasonable attorney's fees, hospital or medical expenses,  
 1798 cost of confinement, and any other expenses incident to the  
 1799 birth of the child and to pay all costs of the proceeding.  
 1800 Bills for pregnancy, childbirth, and scientific testing are  
 1801 admissible as evidence without requiring third-party foundation  
 1802 testimony, and shall constitute prima facie evidence of amounts  
 1803 incurred for such services or for testing on behalf of the  
 1804 child. The court shall order either or both parents owing a  
 1805 duty of support to the child to pay support pursuant to s.  
 1806 61.30. The court shall issue, upon motion by a party, a  
 1807 temporary order requiring ~~the provision of~~ child support  
 1808 pursuant to s. 61.30 pending an administrative or judicial  
 1809 determination of parentage, if there is clear and convincing  
 1810 evidence of paternity on the basis of genetic tests or other  
 1811 evidence. The court may also make a determination of an  
 1812 appropriate parenting plan, including a time-sharing schedule,  
 1813 ~~as to the parental responsibility and residential care and~~  
 1814 ~~custody of the minor children~~ in accordance with chapter 61.  
 1815 (2) If a judgment of paternity contains only a child  
 1816 support award with no parenting plan or time-sharing schedule,  
 1817 the obligee parent shall receive all of the time-sharing and  
 1818 sole parental responsibility ~~no explicit award of custody, the~~  
 1819 ~~establishment of a support obligation or of visitation rights in~~  
 1820 ~~one parent shall be considered a judgment granting primary~~

1821 ~~residential care and custody to the other parent~~ without  
 1822 prejudice to the obligor parent. If a paternity judgment  
 1823 contains no such provisions, ~~custody shall be presumed to be~~  
 1824 ~~with~~ the mother shall be presumed to have all of the time-  
 1825 sharing and sole parental responsibility.

1826 Section 19. For the purpose of incorporating the  
 1827 amendments made by this act to section 741.30, Florida Statutes,  
 1828 in a reference thereto, paragraph (a) of subsection (3) of  
 1829 section 61.1825, Florida Statutes, is reenacted to read:

1830 61.1825 State Case Registry.--

1831 (3) (a) For the purpose of this section, a family violence  
 1832 indicator must be placed on a record when:

1833 1. A party executes a sworn statement requesting that a  
 1834 family violence indicator be placed on that party's record which  
 1835 states that the party has reason to believe that release of  
 1836 information to the Federal Case Registry may result in physical  
 1837 or emotional harm to the party or the child; or

1838 2. A temporary or final injunction for protection against  
 1839 domestic violence has been granted pursuant to s. 741.30(6), an  
 1840 injunction for protection against domestic violence has been  
 1841 issued by a court of a foreign state pursuant to s. 741.315, or  
 1842 a temporary or final injunction for protection against repeat  
 1843 violence has been granted pursuant to s. 784.046; or

1844 3. The department has received information on a Title IV-D  
 1845 case from the Domestic Violence and Repeat Violence Injunction  
 1846 Statewide Verification System, established pursuant to s.  
 1847 784.046(8) (b), that a court has granted a party a domestic  
 1848 violence or repeat violence injunction.

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1849 |           Section 20. Section 61.121, Florida Statutes, is repealed.

1850 |           Section 21. This act shall take effect July 1, 2007.