

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Frishe offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 67 and 68, insert:

5 Section 2. Chapter 61, Florida Statutes, entitled
6 "DISSOLUTION OF MARRIAGE; SUPPORT; CUSTODY" is retitled as
7 "DISSOLUTION OF MARRIAGE; SUPPORT; TIME-SHARING."

8 Section 3. Section 61.046, Florida Statutes, is amended to
9 read:

10 61.046 Definitions.--As used in this chapter:

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

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

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

22 (3)~~(4)~~ "Department" means the Department of Revenue.

23 (4)~~(5)~~ "Depository" means the central governmental
24 depository established pursuant to s. 61.181, created by special
25 act of the Legislature or other entity established before June
26 1, 1985, to perform depository functions and to receive, record,
27 report, disburse, monitor, and otherwise handle alimony and
28 child support payments not otherwise required to be processed by
29 the State Disbursement Unit.

30 (5)~~(6)~~ "Federal Case Registry of Child Support Orders"
31 means the automated registry of support order abstracts and
32 other information established and maintained by the United
33 States Department of Health and Human Services as provided by 42
34 U.S.C. s. 653(h).

35 (6)~~(7)~~ "Income" means any form of payment to an
36 individual, regardless of source, including, but not limited to:
37 wages, salary, commissions and bonuses, compensation as an
38 independent contractor, worker's compensation, disability
39 benefits, annuity and retirement benefits, pensions, dividends,
40 interest, royalties, trusts, and any other payments, made by any
41 person, private entity, federal or state government, or any unit
42 of local government. United States Department of Veterans
43 Affairs disability benefits and unemployment compensation, as

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44 defined in chapter 443, are excluded from this definition of
45 income except for purposes of establishing an amount of support.

46 ~~(7)-(8)~~ "IV-D" means services provided pursuant to Title
47 IV-D of the Social Security Act, 42 U.S.C. ss. 651 et seq.

48 ~~(8)-(9)~~ "Local officer" means an elected or appointed
49 constitutional or charter government official including, but not
50 limited to, the state attorney and clerk of the circuit court.

51 ~~(9)-(10)~~ "National medical support notice" means the notice
52 required under 42 U.S.C. s. 666(a)(19).

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

55 ~~(10)-(12)~~ "Obligee" means the person to whom payments are
56 made pursuant to an order establishing, enforcing, or modifying
57 an obligation for alimony, for child support, or for alimony and
58 child support.

59 ~~(11)-(13)~~ "Obligor" means a person responsible for making
60 payments pursuant to an order establishing, enforcing, or
61 modifying an obligation for alimony, for child support, or for
62 alimony and child support.

63 (12) "Parenting plan" means a document created to govern
64 the relationship between the parties relating to the decisions
65 that must be made regarding the minor child and the time-sharing
66 schedule between the parents and child. The issues concerning
67 the minor child may include, but are not limited to, the child's
68 education, health care, and physical, social, and emotional
69 well-being. When created, all circumstances between the parties,
70 including the parties historic relationship, domestic violence,
71 and other factors, must be taken into consideration. The

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72 document shall be developed or agreed to by the parties and
73 approved by a court or, if the parents cannot agree, established
74 by the court.

75 (a) Any parenting plan formulated under this chapter must
76 address all jurisdictional issues, including, but not limited
77 to, the Uniform Child Custody Jurisdiction Enforcement Act, the
78 International Custody and Abduction Remedies Act, 42 U.S.C. s.
79 11601 et seq., the Parental Kidnapping Prevention Act, and the
80 Convention on the Civil Aspects of International Child Abduction
81 enacted at the Hague on October 25, 1980.

82 (b) For purposes of application of the Uniform Child
83 Custody Jurisdiction and Enforcement Act, part II of this
84 chapter, a judgment or order incorporating a parenting plan
85 under this part is a child custody determination under part II.

86 (c) For purposes of the International Custody and
87 Abduction Remedies Act, 42 U.S.C. s. 11601 et seq., and the
88 Convention on the Civil Aspects of International Child
89 Abduction, enacted at the Hague on October 25, 1980, rights of
90 custody and rights of access shall be determined under the
91 parenting plan under this part.

92 (13) "Parenting plan recommendation" means a nonbinding
93 recommendation, made by a licensed mental health professional or
94 any other individual designated by a court, concerning the
95 parenting plan that will govern the relationship between the
96 parents.

97 (14) "Payor" means an employer or former employer or any
98 other person or agency providing or administering income to the
99 obligor.

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100 (15) "Shared parental responsibility" means a court-
101 ordered relationship in which both parents retain full parental
102 rights and responsibilities with respect to their minor child
103 and in which both parents confer with each other so that major
104 decisions affecting the welfare of the child will be determined
105 jointly.

106 (16) "Sole parental responsibility" means a court-ordered
107 relationship in which one parent makes decisions regarding the
108 minor child.

109 (17) "State Case Registry" means the automated registry
110 maintained by the Title IV-D agency, containing records of each
111 Title IV-D case and of each support order established or
112 modified in the state on or after October 1, 1998. Such records
113 shall consist of data elements as required by the United States
114 Secretary of Health and Human Services.

115 (18) "State Disbursement Unit" means the unit established
116 and operated by the Title IV-D agency to provide one central
117 address for collection and disbursement of child support
118 payments made in cases enforced by the department pursuant to
119 Title IV-D of the Social Security Act and in cases not being
120 enforced by the department in which the support order was
121 initially issued in this state on or after January 1, 1994, and
122 in which the obligor's child support obligation is being paid
123 through income deduction order.

124 (19) "Support order" means a judgment, decree, or order,
125 whether temporary or final, issued by a court of competent
126 jurisdiction or administrative agency for the support and
127 maintenance of a child which provides for monetary support,

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128 health care, arrearages, or past support. When the child support
129 obligation is being enforced by the Department of Revenue, the
130 term "support order" also means a judgment, decree, or order,
131 whether temporary or final, issued by a court of competent
132 jurisdiction for the support and maintenance of a child and the
133 spouse or former spouse of the obligor with whom the child is
134 living which provides for monetary support, health care,
135 arrearages, or past support.

136 (20) "Support," unless otherwise specified, means:

137 (a) Child support and, when the child support obligation
138 is being enforced by the Department of Revenue, spousal support
139 or alimony for the spouse or former spouse of the obligor with
140 whom the child is living.

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

143 (21) "Time-sharing schedule" means a timetable that has
144 been developed by the parents of a minor child, incorporated
145 into a parenting plan, and approved by a court which specifies
146 the time that a minor child will spend with each of the child's
147 parents. If the parents cannot agree, the schedule shall be
148 established by the court.

149 Section 4. Subsection (3) of section 61.052, Florida
150 Statutes, is amended to read:

151 61.052 Dissolution of marriage.--

152 (3) During any period of continuance, the court may make
153 appropriate orders for the support and alimony of the parties;
154 the parenting plan ~~primary residence, custody, rotating custody,~~
155 ~~visitation,~~ support, maintenance, and education of the minor

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156 child of the marriage; attorney's fees; and the preservation of
157 the property of the parties.

158 Section 5. Section 61.09, Florida Statutes, is amended to
159 read:

160 61.09 Alimony and child support unconnected with
161 dissolution.--If a person having the ability to contribute to
162 the maintenance of his or her spouse and support of his or her
163 minor child fails to do so, the spouse who is not receiving
164 support ~~or who has custody of the child or with whom the child~~
165 ~~has primary residence~~ may apply to the court for alimony and for
166 support for the child without seeking dissolution of marriage,
167 and the court shall enter an order as it deems just and proper.

168 Section 6. Section 61.10, Florida Statutes, is amended to
169 read:

170 61.10 Adjudication of obligation to support spouse or
171 minor child unconnected with dissolution; parenting plan and
172 time-sharing schedule ~~child custody, child's primary residence,~~
173 ~~and visitation.~~--Except when relief is afforded by some other
174 pending civil action or proceeding, a spouse residing in this
175 state apart from his or her spouse and minor child, whether or
176 not such separation is through his or her fault, may obtain an
177 adjudication of obligation to maintain the spouse and minor
178 child, if any. The court shall adjudicate his or her financial
179 obligations to the spouse and child and, shall establish the
180 parenting plan and time-sharing schedule for ~~child's primary~~
181 ~~residence, and shall determine the custody and visitation rights~~
182 ~~of~~ the parties. Such an action does not preclude either party

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183 from maintaining any other proceeding under this chapter for
184 other or additional relief at any time.

185 Section 7. Section 61.122, Florida Statutes, is amended to
186 read:

187 61.122 Parenting plan recommendation ~~Child custody~~
188 ~~evaluations~~; presumption of psychologist's good faith;
189 prerequisite to parent's filing suit; award of fees, costs,
190 reimbursement.--

191 (1) A psychologist who has been appointed by the court to
192 develop a parenting plan recommendation ~~conduct a child custody~~
193 ~~evaluation~~ in a dissolution of marriage, case of domestic
194 violence, or paternity matter involving parent-child
195 relationships, including time-sharing of children, judicial
196 ~~proceeding~~ is presumed to be acting in good faith if the
197 psychologist's recommendation ~~evaluation~~ has been reached
198 ~~conducted~~ pursuant to standards that a reasonable psychologist
199 would use to develop a parenting plan recommendation ~~have used~~
200 ~~as recommended by the American Psychological Association's~~
201 ~~guidelines for child custody evaluation in divorce proceedings.~~

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

208 (3) A parent who desires ~~wishes~~ to file a legal action
209 against a court-appointed psychologist who has acted in good
210 faith in developing ~~conducting~~ a parenting plan recommendation

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211 ~~child custody evaluation~~ must petition the judge who presided
212 over the dissolution of marriage, case of domestic violence, or
213 paternity action involving parent-child relationships, including
214 time-sharing of children, child custody proceeding to appoint
215 another psychologist. Upon the parent's showing of good cause,
216 the court shall appoint another psychologist. The court shall
217 determine ~~make a determination as to~~ who is responsible for all
218 court costs and attorney's fees associated with making such an
219 appointment.

220 (4) If a legal action, whether it be a civil action, a
221 criminal action, or an administrative proceeding, is filed
222 against a court-appointed psychologist in a dissolution of
223 marriage, case of domestic violence, or paternity action
224 involving parent-child relationships, including time-sharing of
225 children ~~child custody proceeding~~, the claimant is responsible
226 for all reasonable costs and reasonable attorney's fees
227 associated with the action for both parties if the psychologist
228 is held not liable. If the psychologist is held liable in civil
229 court, the psychologist must pay all reasonable costs and
230 reasonable attorney's fees for the claimant.

231 Section 8. Section 61.13, Florida Statutes, is amended to
232 read:

233 61.13 ~~Custody and Support, parenting, and time-sharing of~~
234 ~~children; visitation rights; power of court in making orders.--~~

235 (1) (a) In a proceeding under this chapter, the court may
236 at any time order either or both parents who owe a duty of
237 support to a child to pay support in accordance with the
238 guidelines in s. 61.30. The court initially entering an order

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239 requiring one or both parents to make child support payments
240 shall have continuing jurisdiction after the entry of the
241 initial order to modify the amount and terms and conditions of
242 the child support payments when the modification is found
243 necessary by the court in the best interests of the child, when
244 the child reaches majority, or when there is a substantial
245 change in the circumstances of the parties. The court initially
246 entering a child support order shall also have continuing
247 jurisdiction to require the obligee to report to the court on
248 terms prescribed by the court regarding the disposition of the
249 child support payments.

250 (b) Each order for support shall contain a provision for
251 health care coverage for the minor child when the coverage is
252 reasonably available. Coverage is reasonably available if either
253 the obligor or obligee has access at a reasonable rate to a
254 group health plan. The court may require the obligor either to
255 provide health care coverage or to reimburse the obligee for the
256 cost of health care coverage for the minor child when coverage
257 is provided by the obligee. In either event, the court shall
258 apportion the cost of coverage, and any noncovered medical,
259 dental, and prescription medication expenses of the child, to
260 both parties by adding the cost to the basic obligation
261 determined pursuant to s. 61.30(6). The court may order that
262 payment of uncovered medical, dental, and prescription
263 medication expenses of the minor child be made directly to the
264 obligee on a percentage basis.

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

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

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

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

278 2.a. A support order enforced under Title IV-D of the
279 Social Security Act which requires that the obligor provide
280 health care coverage is enforceable by the department through
281 the use of the national medical support notice, and an amendment
282 to the support order is not required. The department shall
283 transfer the national medical support notice to the obligor's
284 union or employer. The department shall notify the obligor in
285 writing that the notice has been sent to the obligor's union or
286 employer, and the written notification must include the
287 obligor's rights and duties under the national medical support
288 notice. The obligor may contest the withholding required by the
289 national medical support notice based on a mistake of fact. To
290 contest the withholding, the obligor must file a written notice
291 of contest with the department within 15 business days after the
292 date the obligor receives written notification of the national
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293 | medical support notice from the department. Filing with the
294 | department is complete when the notice is received by the person
295 | designated by the department in the written notification. The
296 | notice of contest must be in the form prescribed by the
297 | department. Upon the timely filing of a notice of contest, the
298 | department shall, within 5 business days, schedule an informal
299 | conference with the obligor to discuss the obligor's factual
300 | dispute. If the informal conference resolves the dispute to the
301 | obligor's satisfaction or if the obligor fails to attend the
302 | informal conference, the notice of contest is deemed withdrawn.
303 | If the informal conference does not resolve the dispute, the
304 | obligor may request an administrative hearing under chapter 120
305 | within 5 business days after the termination of the informal
306 | conference, in a form and manner prescribed by the department.
307 | However, the filing of a notice of contest by the obligor does
308 | not delay the withholding of premium payments by the union,
309 | employer, or health plan administrator. The union, employer, or
310 | health plan administrator must implement the withholding as
311 | directed by the national medical support notice unless notified
312 | by the department that the national medical support notice is
313 | terminated.

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

317 | 3. In a non-Title IV-D case, upon receipt of the order
318 | pursuant to subparagraph 1., or upon application of the obligor
319 | pursuant to the order, the union or employer shall enroll the
320 | minor child as a beneficiary in the group health plan regardless

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321 of any restrictions on the enrollment period and withhold any
322 required premium from the obligor's income. If more than one
323 plan is offered by the union or employer, the child shall be
324 enrolled in the group health plan in which the obligor is
325 enrolled.

326 4.a. Upon receipt of the national medical support notice
327 under subparagraph 2. in a Title IV-D case, the union or
328 employer shall transfer the notice to the appropriate group
329 health plan administrator within 20 business days after the date
330 on the notice. The plan administrator must enroll the child as a
331 beneficiary in the group health plan regardless of any
332 restrictions on the enrollment period, and the union or employer
333 must withhold any required premium from the obligor's income
334 upon notification by the plan administrator that the child is
335 enrolled. The child shall be enrolled in the group health plan
336 in which the obligor is enrolled. If the group health plan in
337 which the obligor is enrolled is not available where the child
338 resides or if the obligor is not enrolled in group coverage, the
339 child shall be enrolled in the lowest cost group health plan
340 that is available where the child resides.

341 b. If health care coverage or the obligor's employment is
342 terminated in a Title IV-D case, the union or employer that is
343 withholding premiums for health care coverage under a national
344 medical support notice must notify the department within 20 days
345 after the termination and provide the obligor's last known
346 address and the name and address of the obligor's new employer,
347 if known.

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348 5.a. The amount withheld by a union or employer in
349 compliance with a support order may not exceed the amount
350 allowed under s. 303(b) of the Consumer Credit Protection Act,
351 15 U.S.C. s. 1673(b), as amended. The union or employer shall
352 withhold the maximum allowed by the Consumer Credit Protection
353 Act in the following order:

354 (I) Current support, as ordered.

355 (II) Premium payments for health care coverage, as
356 ordered.

357 (III) Past due support, as ordered.

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

359 b. If the combined amount to be withheld for current
360 support plus the premium payment for health care coverage exceed
361 the amount allowed under the Consumer Credit Protection Act, and
362 the health care coverage cannot be obtained unless the full
363 amount of the premium is paid, the union or employer may not
364 withhold the premium payment. However, the union or employer
365 shall withhold the maximum allowed in the following order:

366 (I) Current support, as ordered.

367 (II) Past due support, as ordered.

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

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

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375 7. The department may adopt rules to administer the child
376 support enforcement provisions of this section that affect Title
377 IV-D cases.

378 (c) To the extent necessary to protect an award of child
379 support, the court may order the obligor to purchase or maintain
380 a life insurance policy or a bond, or to otherwise secure the
381 child support award with any other assets which may be suitable
382 for that purpose.

383 (d)1. Unless the provisions of subparagraph 3. apply, all
384 child support orders entered on or after January 1, 1985, shall
385 direct that the payments of child support be made as provided in
386 s. 61.181 through the depository in the county where the court
387 is located. All child support orders shall provide the full name
388 and date of birth of each minor child who is the subject of the
389 child support order.

390 2. Unless the provisions of subparagraph 3. apply, all
391 child support orders entered before January 1, 1985, shall be
392 modified by the court to direct that payments of child support
393 shall be made through the depository in the county where the
394 court is located upon the subsequent appearance of either or
395 both parents to modify or enforce the order, or in any related
396 proceeding.

397 3. If both parties request and the court finds that it is
398 in the best interest of the child, support payments need not be
399 directed through the depository. The order of support shall
400 provide, or shall be deemed to provide, that either party may
401 subsequently apply to the depository to require direction of the

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402 payments through the depository. The court shall provide a copy
403 of the order to the depository.

404 4. If the parties elect not to require that support
405 payments be made through the depository, any party may
406 subsequently file an affidavit with the depository alleging a
407 default in payment of child support and stating that the party
408 wishes to require that payments be made through the depository.
409 The party shall provide copies of the affidavit to the court and
410 to each other party. Fifteen days after receipt of the
411 affidavit, the depository shall notify both parties that future
412 payments shall be paid through the depository.

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

416 (2) (a) The court shall have jurisdiction to approve,
417 create, or modify a parenting plan ~~determine custody,~~
418 notwithstanding that the child is not physically present in this
419 state at the time of filing any proceeding under this chapter,
420 if it appears to the court that the child was removed from this
421 state for the primary purpose of removing the child from the
422 jurisdiction of the court in an attempt to avoid the court's
423 approval, creation, or modification of a parenting plan ~~a~~
424 ~~determination or modification of custody.~~

425 (b) Any parenting plan approved by the court must, at a
426 minimum, adequately describe in detail how the parents will
427 share and be responsible for the daily tasks associated with the
428 upbringing of a child, the time-sharing schedule arrangements
429 that specify the time that the minor child will spend with each

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430 of his or her parents, a designation of who will be responsible
431 for any and all forms of health care, other activities, and
432 school-related matters and the methods and technologies that the
433 parents will use to communicate with each other and with the
434 child. Any parenting plan formulated under this part must
435 address all jurisdictional issues, including, but not limited
436 to, the Uniform Child Custody Jurisdiction Enforcement Act, the
437 International Custody and Abduction Remedies Act, 42 U.S.C. s.
438 11601 et seq., the Parental Kidnapping Prevention Act, and the
439 Convention on the Civil Aspects of International Child Abduction
440 enacted at the Hague on October 25, 1980.

441 (c)~~(b)~~1. The court shall determine all matters relating to
442 parenting and time-sharing ~~custody~~ of each minor child of the
443 parties in accordance with the best interests of the child and
444 in accordance with the Uniform Child Custody Jurisdiction and
445 Enforcement Act. It is the public policy of this state to assure
446 that each minor child has frequent and continuing contact with
447 both parents after the parents separate or the marriage of the
448 parties is dissolved and to encourage parents to share the
449 rights and responsibilities, and joys, of childrearing. There is
450 no presumption for or against ~~After considering all relevant~~
451 ~~facts,~~ the father or mother of the child when creating or
452 modifying the parenting plan schedule for ~~shall be given the~~
453 ~~same consideration as the mother in determining the primary~~
454 ~~residence of a child irrespective of the age or sex of the~~
455 child.

456 2. The court shall order that the parental responsibility
457 for a minor child be shared by both parents unless the court

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458 finds that shared parental responsibility would be detrimental
459 to the child. Evidence that a parent has been convicted of a
460 felony of the third degree or higher involving domestic
461 violence, as defined in s. 741.28 and chapter 775, or meets the
462 criteria of s. 39.806(1)(d), creates a rebuttable presumption of
463 detriment to the child. If the presumption is not rebutted,
464 shared parental responsibility, including time-sharing with
465 ~~visitation, residence~~ of the child, and decisions made regarding
466 the child, may not be granted to the convicted parent. However,
467 the convicted parent is not relieved of any obligation to
468 provide financial support. If the court determines that shared
469 parental responsibility would be detrimental to the child, it
470 may order sole parental responsibility and make such
471 arrangements for time-sharing as specified in the parenting plan
472 ~~visitation~~ as will best protect the child or abused spouse from
473 further harm. Whether or not there is a conviction of any
474 offense of domestic violence or child abuse or the existence of
475 an injunction for protection against domestic violence, the
476 court shall consider evidence of domestic violence or child
477 abuse as evidence of detriment to the child.

478 a. In ordering shared parental responsibility, the court
479 may consider the expressed desires of the parents and may grant
480 to one party the ultimate responsibility over specific aspects
481 of the child's welfare or may divide those responsibilities
482 between the parties based on the best interests of the child.
483 Areas of responsibility may include ~~primary residence,~~
484 education, healthcare ~~medical and dental care,~~ and any other

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485 responsibilities that the court finds unique to a particular
486 family.

487 b. The court shall order "sole parental responsibility for
488 a minor child to one parent, with or without time-sharing with
489 visitation rights, to the other parent," when it is in the best
490 interests of^u the minor child.

491 3. Access to records and information pertaining to a minor
492 child, including, but not limited to, medical, dental, and
493 school records, may not be denied to either a parent ~~because the~~
494 ~~parent is not the child's primary residential parent~~. Full
495 rights under this subparagraph apply to either parent unless a
496 court order specifically revokes these rights, including any
497 restrictions on these rights as provided in a domestic violence
498 injunction. A parent having rights under this subparagraph has
499 the same rights upon request as to form, substance, and manner
500 of access as are available to the other parent of a child,
501 including, without limitation, the right to in-person
502 communication with medical, dental, and education providers.

503 ~~(d)(e)~~ The circuit court in the county in which either
504 parent and the child reside or the circuit court in which the
505 original order approving or creating the parenting plan ~~award of~~
506 ~~custody~~ was entered has ~~have~~ jurisdiction to modify the
507 parenting plan ~~an award of child custody~~. The court may change
508 the venue in accordance with s. 47.122.

509 (3) For purposes of establishing, modifying parental
510 responsibility and creating, developing, approving, or modifying
511 a parenting plan, including a time-sharing schedule, which
512 governs each parent's relationship with his or her minor child

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513 and the relationship between each parent with regard to his or
514 her minor child, the best interests of the child shall be the
515 primary consideration. There shall be no presumptions for or
516 against either parent when establishing, creating, developing,
517 approving, or modifying the parenting plan, including the time-
518 sharing schedule, as well as determining decisionmaking,
519 regardless of the age or sex of the child, giving due
520 consideration to the developmental needs of the child. The
521 parenting plan, must be in the best interests of the minor
522 child, and evidence that a parent has been convicted of a felony
523 of the third degree or higher involving domestic violence, as
524 defined in s. 741.28 or chapter 775, or meeting the criteria of
525 s. 39.806(1)(d), creates a rebuttable presumption of detriment
526 to the child. If the presumption is not rebutted, the time-
527 sharing with the child and decisions made regarding the child
528 may not be granted to the convicted parent. Otherwise,
529 determination of the best interests of the child shall be made
530 by evaluating all of the factors affecting the welfare and
531 interests of the child, including, but not limited to:

532 (a) The demonstrated capacity and disposition of each
533 parent to facilitate and encourage a close and continuing
534 parent-child relationship between the child and the other
535 parent, to honor the time-sharing schedule, and to be reasonable
536 when changes are required.

537 (b) The anticipated division of parental responsibilities
538 after the litigation, including the extent to which parental
539 responsibilities will be delegated to third parties.

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540 (c) The demonstrated capacity and disposition of each
541 parent to determine, consider, and act upon the needs of the
542 child as opposed to the needs or desires of the parent. ~~shared~~
543 parental responsibility and primary residence, the best
544 interests of the child shall include an evaluation of all
545 factors affecting the welfare and interests of the child,
546 including, but not limited to:

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

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

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

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

558 (e) The geographic viability of the parenting plan, with
559 special attention paid to the needs of school-age children and
560 the amount of time to be spent traveling to effectuate the
561 parenting plan. This factor does not create a presumption for or
562 against relocation of either parent with a child. The
563 permanence, as a family unit, of the existing or proposed
564 eustodial home.

565 (f) The moral fitness of the parents.

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

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567 (h) The demonstrated capacity and disposition of each
568 parent to be informed of the circumstances surrounding the minor
569 child, such as the child's friends, teachers, medical care
570 providers, favorite activities, favorite foods, and clothes
571 sizes.

572 (i) The demonstrated capacity and disposition of each
573 parent to provide a consistent routine for the child, such as
574 forms of discipline and setting times for homework, meals, and
575 bedtime.

576 (j) The demonstrated capacity and disposition of each
577 parent to communicate with the other parent and to keep the
578 other parent informed of issues and activities regarding the
579 minor child, and the willingness of each parent to adopt a
580 unified front on all major issues when dealing with the child.

581 (k) Evidence of domestic violence, sexual violence, child
582 abuse, child abandonment, or child neglect, regardless of
583 whether a prior or pending action regarding those issues has
584 been brought.

585 (l) Evidence that either parent has knowingly provided
586 false information to the court regarding any prior or pending
587 action regarding domestic violence, sexual violence, child
588 abuse, child abandonment, or child neglect.

589 (m) The particular parenting tasks customarily performed
590 by each parent and the division of parental responsibilities
591 before the institution of litigation and during the pending
592 litigation, including the extent to which parental
593 responsibilities were undertaken by third parties.

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

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

600 (p) The capacity and disposition of each parent to protect
601 the child from the ongoing litigation as demonstrated by not
602 discussing the case with the child, not sharing documents or
603 electronic media related to the case with the child, and not
604 making disparaging comments about the other parent to the child.

605 (q) The developmental stages and needs of the child and
606 the demonstrated capacity and disposition of each parent to meet
607 the child's developmental needs.

608 (r) The demonstrated capability, experience, and knowledge
609 of each parent on how best to raise a child who has a serious
610 and well-recognized medical condition, including, but not
611 limited to, an autism spectrum disorder or a related condition.

612 (s) Any other factor that is relevant to the determination
613 of a specific parenting plan, including the time-sharing
614 schedule. ~~The home, school, and community record of the child.~~

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

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

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

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

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

626 (4) (a) When a ~~noncustodial~~ parent who is ordered to pay
627 child support or alimony and ~~who is awarded visitation rights~~
628 fails to pay child support or alimony, the ~~custodial~~ parent who
629 should have received the child support or alimony may shall not
630 refuse to honor the time-sharing schedule presently in effect
631 between the parents noncustodial parent's visitation rights.

632 (b) When a ~~custodial~~ parent refuses to honor the other a
633 noncustodial parent's visitation rights under the time-sharing
634 schedule, the ~~noncustodial~~ parent whose time-sharing rights were
635 violated shall continue not fail to pay any ordered child
636 support or alimony.

637 (c) When a ~~custodial~~ parent refuses to honor the time-
638 sharing schedule in the parenting plan a noncustodial parent's
639 or grandparent's visitation rights without proper cause, the
640 court:

641 1. Shall, after calculating the amount of time-sharing
642 visitation improperly denied, award the noncustodial parent
643 denied time-sharing or grandparent a sufficient amount of extra
644 time-sharing visitation to compensate for the time-sharing
645 missed, and such time-sharing the noncustodial parent or
646 grandparent, which visitation shall be ordered as expeditiously
647 as possible in a manner consistent with the best interests of
648 the child and scheduled in a manner that is convenient for the

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649 ~~parent person~~ deprived of time-sharing visitation. In ordering
650 any makeup time-sharing visitation, the court shall schedule
651 such time-sharing visitation in a manner that is consistent with
652 the best interests of the child or children and that is
653 convenient for the nonoffending nonecustodial parent and at the
654 expense of the noncompliant parent ~~or grandparent~~. ~~In addition,~~
655 ~~the court:~~

656 ~~2.1-~~ May order the eustodial parent who did not provide
657 time-sharing or did not properly exercise time-sharing under the
658 time-sharing schedule to pay reasonable court costs and
659 attorney's fees incurred by the nonoffending nonecustodial parent
660 ~~or grandparent~~ to enforce the time-sharing schedule ~~their~~
661 ~~visitation rights or make up improperly denied visitation;~~

662 ~~3.2-~~ May order the eustodial parent who did not provide
663 time-sharing or did not properly exercise time-sharing under the
664 time-sharing schedule to attend a the parenting course approved
665 by the judicial circuit;

666 ~~4.3-~~ May order the eustodial parent who did not provide
667 time-sharing or did not properly exercise time-sharing under the
668 time-sharing schedule to do community service if the order will
669 not interfere with the welfare of the child;

670 ~~5.4-~~ May order the eustodial parent who did not provide
671 time-sharing or did not properly exercise time-sharing under the
672 time-sharing schedule to have the financial burden of promoting
673 frequent and continuing contact when the custodial parent and
674 child reside further than 60 miles from the noncustodial parent;

675 ~~6.5-~~ May ~~award custody, rotating custody, or primary~~
676 ~~residence to the noncustodial parent~~, upon the request of the
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677 ~~noncustodial~~ parent who did not violate the time-sharing
678 schedule, modify the parenting plan, if modification the award
679 is in the best interests of the child; or

680 7. May order the parent who did not provide time-sharing
681 or did not properly exercise time-sharing under the time-sharing
682 schedule to be responsible for incidental costs incurred by the
683 compliant parent as a result of the other parent's
684 noncompliance; or

685 ~~8.6.~~ May impose any other reasonable sanction as a result
686 of noncompliance.

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

690 (5) The court may make specific orders regarding the
691 parenting plan and the time-sharing schedule ~~for the care and~~
692 ~~custody of the minor child as~~ such orders relate to ~~from~~ the
693 circumstances of the parties and the nature of the case and are
694 ~~is~~ equitable and provide for child support in accordance with
695 the guidelines in s. 61.30. An order for equal time-sharing for
696 ~~award of shared parental responsibility of~~ a minor child does
697 not preclude the court from entering an order for child support
698 of the child.

699 (6) In any proceeding under this section, the court may
700 not deny shared parental responsibility and time-sharing,
701 ~~custody, or visitation~~ rights to a parent ~~or grandparent~~ solely
702 because that parent ~~or grandparent~~ is or is believed to be
703 infected with human immunodeficiency virus, ~~but~~ the court may
704 condition such rights in an order approving the parenting plan

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705 ~~upon the parent's or grandparent's agreement~~ to observe measures
706 approved by the Centers for Disease Control and Prevention of
707 the United States Public Health Service or by the Department of
708 Health for preventing the spread of human immunodeficiency virus
709 to the child.

710 ~~(7) If the court orders that parental responsibility,~~
711 ~~including visitation, be shared by both parents, the court may~~
712 ~~not deny the noncustodial parent overnight contact and access to~~
713 ~~or visitation with the child solely because of the age or sex of~~
714 ~~the child.~~

715 (7)~~(8)~~(a) Beginning July 1, 1997, each party to any
716 paternity or support proceeding is required to file with the
717 tribunal as defined in s. 88.1011(22) and State Case Registry
718 upon entry of an order, and to update as appropriate,
719 information on location and identity of the party, including
720 social security number, residential and mailing addresses,
721 telephone number, driver's license number, and name, address,
722 and telephone number of employer. Beginning October 1, 1998,
723 each party to any paternity or child support proceeding in a
724 non-Title IV-D case shall meet the above requirements for
725 updating the tribunal and State Case Registry.

726 (b) Pursuant to the federal Personal Responsibility and
727 Work Opportunity Reconciliation Act of 1996, each party is
728 required to provide his or her social security number in
729 accordance with this section. Disclosure of social security
730 numbers obtained through this requirement shall be limited to
731 the purpose of administration of the Title IV-D program for
732 child support enforcement.

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733 (c) Beginning July 1, 1997, in any subsequent Title IV-D
734 child support enforcement action between the parties, upon
735 sufficient showing that diligent effort has been made to
736 ascertain the location of such a party, the court of competent
737 jurisdiction shall deem state due process requirements for
738 notice and service of process to be met with respect to the
739 party, upon delivery of written notice to the most recent
740 residential or employer address filed with the tribunal and
741 State Case Registry pursuant to paragraph (a). Beginning October
742 1, 1998, in any subsequent non-Title IV-D child support
743 enforcement action between the parties, the same requirements
744 for service shall apply.

745 ~~(8)(9)~~ At the time an order for child support is entered,
746 each party is required to provide his or her social security
747 number and date of birth to the court, as well as the name, date
748 of birth, and social security number of each minor child that is
749 the subject of such child support order. Pursuant to the federal
750 Personal Responsibility and Work Opportunity Reconciliation Act
751 of 1996, each party is required to provide his or her social
752 security number in accordance with this section. All social
753 security numbers required by this section shall be provided by
754 the parties and maintained by the depository as a separate
755 attachment in the file. Disclosure of social security numbers
756 obtained through this requirement shall be limited to the
757 purpose of administration of the Title IV-D program for child
758 support enforcement.

759 Section 9. Section 61.13001, Florida Statutes, is amended
760 to read:

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761 61.13001 Parental relocation with a child.--

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

763 (a) "Change of residence address" means the relocation of
764 a child to a principal residence more than 50 miles away from
765 his or her principal place of residence at the time of the entry
766 of the last order establishing or modifying the parenting plan
767 or time-sharing arrangement for ~~designation of the primary~~
768 ~~residential parent or the custody of~~ the minor child, unless the
769 move places the principal residence of the minor child less than
770 50 miles from either ~~the nonresidential~~ parent.

771 (b) "Child" means any person who is under the jurisdiction
772 of a state court pursuant to the Uniform Child Custody
773 Jurisdiction and Enforcement Act or is the subject of any order
774 granting to a parent or other person any right to time-sharing,
775 residential care, or kinship, ~~custody, or visitation~~ as provided
776 under state law.

777 (c) "Court" means the circuit court in an original
778 proceeding which has proper venue and jurisdiction in accordance
779 with the Uniform Child Custody Jurisdiction and Enforcement Act,
780 the circuit court in the county in which either parent and the
781 child reside, or the circuit court in which the original action
782 was adjudicated.

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

786 (e) "Parent" means any person so named by court order or
787 express written agreement that is subject to court enforcement
788 or a person reflected as a parent on a birth certificate and in
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789 whose home a child maintains a ~~primary or secondary~~ residence.
790 Notwithstanding this paragraph, a putative father is not
791 included in the definition of father and does not have standing
792 to seek relief under this chapter until paternity has been
793 legally established.

794 ~~(f) "Person entitled to be the primary residential parent~~
795 ~~of a child" means a person so designated by court order or by an~~
796 ~~express written agreement that is subject to court enforcement~~
797 ~~or a person seeking such a designation, or, when neither parent~~
798 ~~has been designated as primary residential parent, the person~~
799 ~~seeking to relocate with a child.~~

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

804 ~~(f)(h)~~ "Relocation" means a change in any ~~the~~ principal
805 residence of a child for a period of 60 consecutive days or more
806 but does not include a temporary absence from the ~~principal~~
807 residence for purposes of vacation, education, or the provision
808 of health care for the child.

809 (2) RELOCATION BY AGREEMENT.--

810 (a) If the parents ~~primary residential parent~~ and the
811 ~~other parent~~ and every other person entitled to time-sharing
812 ~~visitation~~ with the child agree to the relocation of the child
813 ~~child's principal residence~~, they may satisfy the requirements
814 of this section by signing a written agreement that:

815 1. Reflects the consent to the relocation;

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816 2. Defines time-sharing ~~the visitation rights~~ for the
817 nonrelocating parent and any other persons who are entitled to
818 time-sharing visitation; and

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

821 (b) If there is an existing cause of action, judgment, or
822 decree of record pertaining to the child's ~~primary~~ residence or
823 time-sharing visitation, the parties shall seek ratification of
824 the agreement by court order without the necessity of an
825 evidentiary hearing unless a hearing is requested, in writing,
826 by one or more of the parties to the agreement within 10 days
827 after the date the agreement is filed with the court. If a
828 hearing is not timely requested, it shall be presumed that the
829 relocation is in the best interest of the child and the court
830 may ratify the agreement without an evidentiary hearing.

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

838 (a) The parent seeking to relocate shall prepare a Notice
839 of Intent to Relocate. The following information must be
840 included with the Notice of Intent to Relocate and signed under
841 oath under penalty of perjury:

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- 842 1. A description of the location of the intended new
843 residence, including the state, city, and specific physical
844 address, if known.
- 845 2. The mailing address of the intended new residence, if
846 not the same as the physical address, if known.
- 847 3. The home telephone number of the intended new
848 residence, if known.
- 849 4. The date of the intended move or proposed relocation.
- 850 5. A detailed statement of the specific reasons for the
851 proposed relocation of the child. If one of the reasons is based
852 upon a job offer which has been reduced to writing, that written
853 job offer must be attached to the Notice of Intent to Relocate.
- 854 6. A proposal for the revised postrelocation schedule of
855 time-sharing visitation together with a proposal for the
856 postrelocation transportation arrangements necessary to
857 effectuate time-sharing visitation with the child. Absent the
858 existence of a current, valid order abating, terminating, or
859 restricting time-sharing visitation or other good cause
860 predating the Notice of Intent to Relocate, failure to comply
861 with this provision renders the Notice of Intent to Relocate
862 legally insufficient.
- 863 7. Substantially the following statement, in all capital
864 letters and in the same size type, or larger, as the type in the
865 remainder of the notice:

866

867 AN OBJECTION TO THE PROPOSED RELOCATION MUST BE MADE IN WRITING,
868 FILED WITH THE COURT, AND SERVED ON THE PARENT OR OTHER PERSON
869 SEEKING TO RELOCATE WITHIN 30 DAYS AFTER SERVICE OF THIS NOTICE

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870 OF INTENT TO RELOCATE. IF YOU FAIL TO TIMELY OBJECT TO THE
871 RELOCATION, THE RELOCATION WILL BE ALLOWED, UNLESS IT IS NOT IN
872 THE BEST INTERESTS OF THE CHILD, WITHOUT FURTHER NOTICE AND
873 WITHOUT A HEARING.

874 8. The mailing address of the parent or other person
875 seeking to relocate to which the objection filed under
876 subsection (5) to the Notice of Intent to Relocate should be
877 sent.

878
879 The contents of the Notice of Intent to Relocate are not
880 privileged. For purposes of encouraging amicable resolution of
881 the relocation issue, a copy of the Notice of Intent to Relocate
882 shall initially not be filed with the court but instead served
883 upon the nonrelocating parent, other person, and every other
884 person entitled to time-sharing ~~visitation~~ with the child, and
885 the original thereof shall be maintained by the parent or other
886 person seeking to relocate.

887 (b) The parent seeking to relocate shall also prepare a
888 Certificate of Filing Notice of Intent to Relocate. The
889 certificate shall certify the date that the Notice of Intent to
890 Relocate was served on the other parent and on every other
891 person entitled to time-sharing ~~visitation~~ with the child.

892 (c) The Notice of Intent to Relocate, and the Certificate
893 of Filing Notice of Intent to Relocate, shall be served on the
894 other parent and on every other person entitled to time-sharing
895 ~~visitation~~ with the child. If there is a pending court action
896 regarding the child, service of process may be according to
897 court rule. Otherwise, service of process shall be according to

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898 chapters 48 and 49 or via certified mail, restricted delivery,
899 return receipt requested.

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

904 (e) If the other parent and any other person entitled to
905 time-sharing visitation with the child fails to timely file an
906 objection, it shall be presumed that the relocation is in the
907 best interest of the child, the relocation shall be allowed, and
908 the court shall, absent good cause, enter an order, attaching a
909 copy of the Notice of Intent to Relocate, reflecting that the
910 order is entered as a result of the failure to object to the
911 Notice of Intent to Relocate, and adopting the time-sharing
912 ~~visitation~~ schedule and transportation arrangements contained in
913 the Notice of Intent to Relocate. The order may issue in an
914 expedited manner without the necessity of an evidentiary
915 hearing. If an objection is timely filed, the burden returns to
916 the parent or person seeking to relocate to initiate court
917 proceedings to obtain court permission to relocate before ~~prior~~
918 ~~to~~ doing so.

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

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

928 1. A factor in making a determination regarding the
929 relocation of a child.

930 2. A factor in determining whether the parenting plan or
931 ~~the designation of the primary residential parent or the~~
932 ~~residence, contact, access, visitation, or time-sharing schedule~~
933 ~~arrangements~~ should be modified.

934 3. A basis for ordering the temporary or permanent return
935 of the child.

936 4. Sufficient cause to order the parent or other person
937 seeking to relocate the child to pay reasonable expenses and
938 attorney's fees incurred by the party objecting to the
939 relocation.

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

943 (4) APPLICABILITY OF PUBLIC RECORDS LAW.--If the parent or
944 other person seeking to relocate a child, or the child, is
945 entitled to prevent disclosure of location information under any
946 public records exemption applicable to that person, the court
947 may enter any order necessary to modify the disclosure
948 requirements of this section in compliance with the public
949 records exemption.

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

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954 specific factual basis supporting the reasons for seeking a
955 prohibition of the relocation, including a statement of the
956 amount of participation or involvement the objecting party
957 currently has or has had in the life of the child.

958 (6) TEMPORARY ORDER.--

959 (a) The court may grant a temporary order restraining the
960 relocation of a child or ordering the return of the child, if a
961 relocation has previously taken place, or other appropriate
962 remedial relief, if the court finds:

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

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

967 3. From an examination of the evidence presented at the
968 preliminary hearing that there is a likelihood that upon final
969 hearing the court will not approve the relocation of the ~~primary~~
970 ~~residence of the~~ child.

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

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

975 2. Finds from an examination of the evidence presented at
976 the preliminary hearing that there is a likelihood that on final
977 hearing the court will approve the relocation of the ~~primary~~
978 ~~residence of the~~ child, which findings must be supported by the
979 same factual basis as would be necessary to support the
980 permitting of relocation in a final judgment.

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981 (c) If the court has issued a temporary order authorizing
982 a party seeking to relocate or move a child before a final
983 judgment is rendered, the court may not give any weight to the
984 temporary relocation as a factor in reaching its final decision.

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

990 (7) NO PRESUMPTION; FACTORS TO DETERMINE CONTESTED
991 RELOCATION.--A ~~No~~ presumption does not shall arise in favor of
992 or against a request to relocate with the child when a ~~primary~~
993 ~~residential~~ parent seeks to move the child and the move will
994 materially affect the current schedule of contact, access, and
995 time-sharing with the nonrelocating parent or other person. In
996 reaching its decision regarding a proposed temporary or
997 permanent relocation, the court shall evaluate all of the
998 following factors:

999 (a) The nature, quality, extent of involvement, and
1000 duration of the child's relationship with the parent proposing
1001 to relocate with the child and with the nonrelocating parent,
1002 other persons, siblings, half-siblings, and other significant
1003 persons in the child's life.

1004 (b) The age and developmental stage of the child, the
1005 needs of the child, and the likely impact the relocation will
1006 have on the child's physical, educational, and emotional
1007 development, taking into consideration any special needs of the
1008 child.

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1009 (c) The feasibility of preserving the relationship between
1010 the nonrelocating parent or other person and the child through
1011 substitute arrangements that take into consideration the
1012 logistics of contact, access, ~~visitation~~, and time-sharing, as
1013 well as the financial circumstances of the parties; whether
1014 those factors are sufficient to foster a continuing meaningful
1015 relationship between the child and the nonrelocating parent or
1016 other person; and the likelihood of compliance with the
1017 substitute arrangements by the relocating parent once he or she
1018 is out of the jurisdiction of the court.

1019 (d) The child's preference, taking into consideration the
1020 age and maturity of the child.

1021 (e) Whether the relocation will enhance the general
1022 quality of life for both the parent seeking the relocation and
1023 the child, including, but not limited to, financial or emotional
1024 benefits or educational opportunities.

1025 (f) The reasons of each parent or other person for seeking
1026 or opposing the relocation.

1027 (g) The current employment and economic circumstances of
1028 each parent or other person and whether or not the proposed
1029 relocation is necessary to improve the economic circumstances of
1030 the parent or other person seeking relocation of the child.

1031 (h) That the relocation is sought in good faith and the
1032 extent to which the objecting parent has fulfilled his or her
1033 financial obligations to the parent or other person seeking
1034 relocation, including child support, spousal support, and
1035 marital property and marital debt obligations.

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1036 (i) The career and other opportunities available to the
1037 objecting parent or objecting other person if the relocation
1038 occurs.

1039 (j) A history of substance abuse or domestic violence as
1040 defined in s. 741.28 or which meets the criteria of s.
1041 39.806(1)(d) by either parent, including a consideration of the
1042 severity of such conduct and the failure or success of any
1043 attempts at rehabilitation.

1044 (k) Whether the proposed move will be poorly understood,
1045 tolerated, or accepted by a child who has an autism spectrum
1046 disorder or related condition that may prevent the child from
1047 adapting well to a new environment and new circumstances.

1048 (l) ~~(k)~~ Any other factor affecting the best interest of the
1049 child or as set forth in s. 61.13.

1050 (8) BURDEN OF PROOF.--The parent or other person wishing
1051 to relocate has the burden of proof if an objection is filed and
1052 must then initiate a proceeding seeking court permission for
1053 relocation. The initial burden is on the parent or person
1054 wishing to relocate to prove by a preponderance of the evidence
1055 that relocation is in the best interest of the child. If that
1056 burden of proof is met, the burden shifts to the nonrelocating
1057 parent or other person to show by a preponderance of the
1058 evidence that the proposed relocation is not in the best
1059 interest of the child.

1060 (9) ORDER REGARDING RELOCATION.--If relocation is
1061 permitted:

1062 (a) The court may, in its discretion, order contact with
1063 the nonrelocating parent, including access, ~~visitation~~, time-

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1064 sharing, telephone, Internet, web-cam, and other arrangements
1065 sufficient to ensure that the child has frequent, continuing,
1066 and meaningful contact, access, ~~visitation~~, and time-sharing
1067 with the nonrelocating parent or other persons, if contact is
1068 financially affordable and in the best interest of the child.

1069 (b) If applicable, the court shall specify how the
1070 transportation costs will be allocated between the parents and
1071 other persons entitled to contact, access, ~~visitation~~, and time-
1072 sharing and may adjust the child support award, as appropriate,
1073 considering the costs of transportation and the respective net
1074 incomes of the parents in accordance with state child support
1075 guidelines.

1076 (10) PRIORITY FOR HEARING OR TRIAL.--An evidentiary
1077 hearing or nonjury trial on a pleading seeking temporary or
1078 permanent relief filed under ~~pursuant to~~ this section shall be
1079 accorded priority on the court's calendar.

1080 (11) APPLICABILITY.--

1081 (a) ~~The provisions of~~ This section applies ~~apply~~:

1082 1. To orders entered before October 1, 2006, if the
1083 existing order defining custody, primary residence, or time-
1084 sharing ~~visitation~~ of or with the child does not expressly
1085 govern the relocation of the child.

1086 2. To an order, whether temporary or permanent, regarding
1087 the parenting plan, custody, primary residence, time-sharing or
1088 visitation of or with the child entered on or after October 1,
1089 2006.

1090 3. To any relocation or proposed relocation, whether
1091 permanent or temporary, of a child during any proceeding pending
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1092 on October 1, 2006, wherein the parenting plan, custody, primary
1093 residence, time-sharing or visitation of or with the child is an
1094 issue.

1095 (b) To the extent that a provision of this section
1096 conflicts with an order existing on October 1, 2006, this
1097 section does not apply to the terms of that order which
1098 expressly govern relocation of the child or a change in the
1099 principal residence address of a parent.

1100 Section 10. Paragraph (d) of subsection (3) of section
1101 61.181, Florida Statutes, is amended to read:

1102 61.181 Depository for alimony transactions, support,
1103 maintenance, and support payments; fees.--

1104 (3)

1105 (d) When time-sharing ~~custody~~ of a child is relinquished
1106 by a ~~custodial~~ parent who is entitled to receive child support
1107 moneys from the depository to a licensed or registered long-term
1108 care child agency, that agency may request from the court an
1109 order directing that child support payments that ~~which~~ would
1110 otherwise be distributed to the ~~custodial~~ parent be distributed
1111 to the agency for the period of time that ~~custody of~~ the child
1112 is with ~~by~~ the agency. Thereafter, payments shall be distributed
1113 to the agency as if the agency were the ~~custodial~~ parent until
1114 further order of the court.

1115 Section 11. Subsection (1) of section 61.1827, Florida
1116 Statutes, is amended to read:

1117 61.1827 Identifying information concerning applicants for
1118 and recipients of child support services.--

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1119 (1) Any information that reveals the identity of
1120 applicants for or recipients of child support services,
1121 including the name, address, and telephone number of such
1122 persons, held by a non-Title IV-D county child support
1123 enforcement agency is confidential and exempt from s. 119.07(1)
1124 and s. 24(a) of Art. I of the State Constitution. The use or
1125 disclosure of such information by the non-Title IV-D county
1126 child support enforcement agency is limited to the purposes
1127 directly connected with:

1128 (a) Any investigation, prosecution, or criminal or civil
1129 proceeding connected with the administration of any non-Title
1130 IV-D county child support enforcement program;

1131 (b) Mandatory disclosure of identifying and location
1132 information as provided in s. 61.13(7) ~~s. 61.13(8)~~ by the non-
1133 Title IV-D county child support enforcement agency when
1134 providing non-Title IV-D services;

1135 (c) Mandatory disclosure of information as required by ss.
1136 409.2577, 61.181, 61.1825, and 61.1826 and Title IV-D of the
1137 Social Security Act; or

1138 (d) Disclosure to an authorized person, as defined in 45
1139 C.F.R. s. 303.15, for purposes of enforcing any state or federal
1140 law with respect to the unlawful taking or restraint of a child
1141 or making or enforcing a parenting plan ~~child custody or~~
1142 ~~visitation determination~~. As used in this paragraph, the term
1143 "authorized person" includes a noncustodial parent, unless a
1144 court has entered an order under s. 741.30, s. 741.31, or s.
1145 784.046.

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1146 Section 12. Section 61.20, Florida Statutes, is amended to
1147 read:

1148 61.20 Social investigation and recommendations when a
1149 parenting plan ~~child custody~~ is at ~~in~~ issue.--

1150 (1) In any action where the parenting plan ~~custody of a~~
1151 ~~minor child~~ is at ~~in~~ issue, the court may order a social
1152 investigation and study concerning all pertinent details
1153 relating to the child and each parent when such an investigation
1154 has not been done and the study therefrom provided to the court
1155 by the parties or when the court determines that the
1156 investigation and study that have been done are insufficient.
1157 The agency, staff, or person conducting the investigation and
1158 study ordered by the court pursuant to this section shall
1159 furnish the court and all parties of record in the proceeding a
1160 written study containing recommendations, including a written
1161 statement of facts found in the social investigation on which
1162 the recommendations are based. The court may consider the
1163 information contained in the study in making a decision on the
1164 parenting plan, ~~child's custody~~ and the technical rules of
1165 evidence do not exclude the study from consideration.

1166 (2) A social investigation and study, when ordered by the
1167 court, shall be conducted by qualified staff of the court; a
1168 child-placing agency licensed pursuant to s. 409.175; a
1169 psychologist licensed pursuant to chapter 490; or a clinical
1170 social worker, marriage and family therapist, or mental health
1171 counselor licensed pursuant to chapter 491. If a certification
1172 of indigence based on an affidavit filed with the court pursuant
1173 to s. 57.081 is provided by an adult party to the proceeding and
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1174 the court does not have qualified staff to perform the
1175 investigation and study, the court may request that the
1176 Department of Children and Family Services conduct the
1177 investigation and study.

1178 (3) Except as to persons who obtain certification of
1179 indigence as specified in subsection (2), for whom no costs
1180 shall be incurred, the adult parties involved in a ~~child-custody~~
1181 proceeding to determine a parenting plan wherein the court has
1182 ordered the performance of a social investigation and study
1183 ~~performed~~ shall be responsible for the payment of the costs of
1184 such investigation and study. Upon submission of the study to
1185 the court, the agency, staff, or person performing the study
1186 shall include a bill for services, which shall be taxed and
1187 ordered paid as costs in the proceeding.

1188 Section 13. Paragraph (c) of subsection (1) and subsection
1189 (6) of section 61.21, Florida Statutes, are amended to read:

1190 61.21 Parenting course authorized; fees; required
1191 attendance authorized; contempt.--

1192 (1) LEGISLATIVE FINDINGS; PURPOSE.--It is the finding of
1193 the Legislature that:

1194 (c) It has been found to be beneficial to parents who are
1195 separating or divorcing to have available an educational program
1196 that will provide general information regarding:

1197 1. The issues and legal procedures for resolving time-
1198 sharing ~~custody~~ and child support disputes.

1199 2. The emotional experiences and problems of divorcing
1200 adults.

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1201 3. The family problems and the emotional concerns and
1202 needs of the children.

1203 4. The availability of community services and resources.

1204 (6) All parties to a modification of a final judgment
1205 involving a parenting plan or a time-sharing schedule ~~shared~~
1206 ~~parental responsibilities, custody, or visitation~~ may be
1207 required to complete a court-approved parenting course prior to
1208 the entry of an order modifying the final judgment.

1209 Section 14. Paragraph (a) of subsection (1), paragraph (b)
1210 of subsection (2), and subsections (7), (8), (11), and (17) of
1211 section 61.30, Florida Statutes, are amended to read:

1212 61.30 Child support guidelines; retroactive child
1213 support.--

1214 (1)(a) The child support guideline amount as determined by
1215 this section presumptively establishes the amount the trier of
1216 fact shall order as child support in an initial proceeding for
1217 such support or in a proceeding for modification of an existing
1218 order for such support, whether the proceeding arises under this
1219 or another chapter. The trier of fact may order payment of
1220 child support which varies, plus or minus 5 percent, from the
1221 guideline amount, after considering all relevant factors,
1222 including the needs of the child or children, age, station in
1223 life, standard of living, and the financial status and ability
1224 of each parent. The trier of fact may order payment of child
1225 support in an amount which varies more than 5 percent from such
1226 guideline amount only upon a written finding explaining why
1227 ordering payment of such guideline amount would be unjust or
1228 inappropriate. Notwithstanding the variance limitations of this
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1229 section, the trier of fact shall order payment of child support
1230 which varies from the guideline amount as provided in paragraph
1231 (11) (b) whenever any of the children are required by court order
1232 or mediation agreement to spend a substantial amount of time
1233 with both ~~the primary and secondary residential~~ parents. This
1234 requirement applies to any living arrangement, whether temporary
1235 or permanent.

1236 (2) Income shall be determined on a monthly basis for the
1237 obligor and for the obligee as follows:

1238 (b) Income on a monthly basis shall be imputed to an
1239 unemployed or underemployed parent when such employment or
1240 underemployment is found to be voluntary on that parent's part,
1241 absent physical or mental incapacity or other circumstances over
1242 which the parent has no control. In the event of such voluntary
1243 unemployment or underemployment, the employment potential and
1244 probable earnings level of the parent shall be determined based
1245 upon his or her recent work history, occupational
1246 qualifications, and prevailing earnings level in the community;
1247 however, the court may refuse to impute income to a ~~primary~~
1248 ~~residential~~ parent if the court finds it necessary for the
1249 parent to stay home with the child.

1250 (7) Child care costs incurred on behalf of the children
1251 due to employment, job search, or education calculated to result
1252 in employment or to enhance income of current employment of
1253 either parent shall be reduced by 25 percent and then shall be
1254 added to the basic obligation. After the adjusted child care
1255 costs are added to the basic obligation, any moneys prepaid by
1256 one ~~the noncustodial~~ parent for child care costs for the child
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1257 or children of this action shall be deducted from that
1258 ~~noncustodial~~ parent's child support obligation for that child or
1259 those children. Child care costs may ~~shall~~ not exceed the level
1260 required to provide quality care from a licensed source for the
1261 children.

1262 (8) Health insurance costs resulting from coverage ordered
1263 pursuant to s. 61.13(1)(b), and any noncovered medical, dental,
1264 and prescription medication expenses of the child, shall be
1265 added to the basic obligation unless these expenses have been
1266 ordered to be separately paid on a percentage basis. After the
1267 health insurance costs are added to the basic obligation, any
1268 moneys prepaid by the ~~noncustodial~~ parent for health-related
1269 costs for the child or children of this action shall be deducted
1270 from that ~~noncustodial~~ parent's child support obligation for
1271 that child or those children.

1272 (11)(a) The court may adjust the minimum child support
1273 award, or either or both parents' share of the minimum child
1274 support award, based upon the following considerations:

1275 1. Extraordinary medical, psychological, educational, or
1276 dental expenses.

1277 2. Independent income of the child, not to include moneys
1278 received by a child from supplemental security income.

1279 3. The payment of support for a parent which regularly has
1280 been paid and for which there is a demonstrated need.

1281 4. Seasonal variations in one or both parents' incomes or
1282 expenses.

1283 5. The age of the child, taking into account the greater
1284 needs of older children.

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1285 6. Special needs, such as costs that may be associated
1286 with the disability of a child, that have traditionally been met
1287 within the family budget even though the fulfilling of those
1288 needs will cause the support to exceed the proposed guidelines.

1289 7. Total available assets of the obligee, obligor, and the
1290 child.

1291 8. The impact of the Internal Revenue Service dependency
1292 exemption and waiver of that exemption. The court may order one
1293 ~~the primary residential~~ parent to execute a waiver of the
1294 Internal Revenue Service dependency exemption if the paying
1295 ~~noncustodial~~ parent is current in support payments.

1296 9. When application of the child support guidelines
1297 requires a person to pay another person more than 55 percent of
1298 his or her gross income for a child support obligation for
1299 current support resulting from a single support order.

1300 10. The particular parenting plan and time-sharing ~~shared~~
1301 ~~parental~~ arrangement, such as where the child spends a
1302 significant amount of time, but less than 40 percent of the
1303 overnights, with one ~~the noncustodial~~ parent, thereby reducing
1304 the financial expenditures incurred by the other ~~primary~~
1305 ~~residential~~ parent; or the refusal of a ~~the noncustodial~~ parent
1306 to become involved in the activities of the child.

1307 11. Any other adjustment which is needed to achieve an
1308 equitable result which may include, but not be limited to, a
1309 reasonable and necessary existing expense or debt. Such expense
1310 or debt may include, but is not limited to, a reasonable and
1311 necessary expense or debt which the parties jointly incurred
1312 during the marriage.

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1313 (b) Whenever a particular time-sharing ~~shared parental~~
1314 arrangement provides that each child spend a substantial amount
1315 of time with each parent, the court shall adjust any award of
1316 child support, as follows:

1317 1. In accordance with subsections (9) and (10), calculate
1318 the amount of support obligation apportioned to each the
1319 ~~noncustodial~~ parent without including day care and health
1320 insurance costs in the calculation and multiply the amount by
1321 1.5.

1322 ~~2. In accordance with subsections (9) and (10), calculate~~
1323 ~~the amount of support obligation apportioned to the custodial~~
1324 ~~parent without including day care and health insurance costs in~~
1325 ~~the calculation and multiply the amount by 1.5.~~

1326 ~~2.3.~~ Calculate the percentage of overnight stays the child
1327 spends with each parent.

1328 ~~3.4.~~ Multiply each the ~~noncustodial~~ parent's support
1329 obligation as calculated in subparagraph 1. by the percentage of
1330 the custodial parent's overnight stays with the child as
1331 calculated in subparagraph ~~2. 3.~~

1332 ~~5. Multiply the custodial parent's support obligation as~~
1333 ~~calculated in subparagraph 2. by the percentage of the~~
1334 ~~noncustodial parent's overnight stays with the child as~~
1335 ~~calculated in subparagraph 3.~~

1336 ~~4.6.~~ The difference between the amounts calculated in
1337 subparagraphs ~~3. 4. and 4. 5.~~ shall be the monetary transfer
1338 necessary between the ~~custodial and noncustodial~~ parents for the
1339 care of the child, subject to an adjustment for day care and
1340 health insurance expenses.

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1341 ~~5.7.~~ Pursuant to subsections (7) and (8), calculate the
1342 net amounts owed by the ~~custodial and noncustodial~~ parents for
1343 the expenses incurred for day care and health insurance coverage
1344 for the child. Day care shall be calculated without regard to
1345 the 25-percent reduction applied by subsection (7).

1346 ~~6.8.~~ Adjust the support obligation owed by the ~~custodial~~
1347 ~~or noncustodial~~ parent pursuant to subparagraph ~~4. 6.~~ by
1348 crediting or debiting the amount calculated in subparagraph 5.
1349 ~~7.~~ This amount represents the child support which must be
1350 exchanged between the ~~custodial and noncustodial~~ parents.

1351 ~~7.9.~~ The court may deviate from the child support amount
1352 calculated pursuant to subparagraph ~~6. 8.~~ based upon the
1353 considerations set forth in paragraph (a)~~7~~, as well as either the
1354 ~~custodial~~ parent's low income and ability to maintain the basic
1355 necessities of the home for the child, the likelihood that
1356 either the ~~noncustodial~~ parent will actually exercise the time-
1357 sharing visitation granted by the court, and whether all of the
1358 children are exercising the same time-sharing ~~shared parental~~
1359 arrangement.

1360 ~~8.10.~~ For purposes of adjusting any award of child support
1361 under this paragraph, "substantial amount of time" means that
1362 the parents divide time with the child on at least a 60-percent
1363 to 40-percent division ~~noncustodial parent exercises visitation~~
1364 ~~at least 40 percent~~ of the overnights of the year.

1365 (c) A ~~noncustodial~~ parent's failure to regularly exercise
1366 court-ordered or agreed time-sharing ~~visitation~~ not caused by
1367 the other ~~custodial~~ parent which resulted in the adjustment of
1368 the amount of child support pursuant to subparagraph (a)10. or
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1369 paragraph (b) shall be deemed a substantial change of
1370 circumstances for purposes of modifying the child support award.
1371 A modification pursuant to this paragraph is ~~shall be~~
1372 retroactive to the date the ~~noncustodial~~ parent first failed to
1373 regularly exercise court-ordered or agreed time-sharing
1374 visitation.

1375 (17) In an initial determination of child support, whether
1376 in a paternity action, dissolution of marriage action, or
1377 petition for support during the marriage, the court has
1378 discretion to award child support retroactive to the date when
1379 the parents did not reside together in the same household with
1380 the child, not to exceed a period of 24 months preceding the
1381 filing of the petition, regardless of whether that date precedes
1382 the filing of the petition. In determining the retroactive
1383 award in such cases, the court shall consider the following:

1384 (a) The court shall apply the guidelines in effect at the
1385 time of the hearing subject to the obligor's demonstration of
1386 his or her actual income, as defined by subsection (2), during
1387 the retroactive period. Failure of the obligor to so
1388 demonstrate shall result in the court using the obligor's income
1389 at the time of the hearing in computing child support for the
1390 retroactive period.

1391 (b) The court shall consider the time-sharing arrangement
1392 exercised by the parents during the separation period in
1393 determining the appropriate percentage of overnights exercised
1394 by each parent so as to apply the substantial time-sharing
1395 method of calculating support according to paragraph (11)(b), if
1396 appropriate.

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1397 ~~(c)(b)~~ All actual payments made by one ~~the noncustodial~~
1398 parent to the other ~~custodial~~ parent or the child or third
1399 parties for the benefit of the child throughout the proposed
1400 retroactive period.

1401 ~~(d)(e)~~ The court should consider an installment payment
1402 plan for the payment of retroactive child support.

1403 Section 15. Section 61.401, Florida Statutes, is amended
1404 to read:

1405 61.401 Appointment of guardian ad litem.--In an action
1406 involving a parenting plan or a time-sharing schedule ~~for~~
1407 ~~dissolution of marriage, modification, parental responsibility,~~
1408 ~~custody, or visitation~~, if the court finds it is in the best
1409 interest of the child, the court may appoint a guardian ad litem
1410 to act as next friend of the child, investigator or evaluator,
1411 not as attorney or advocate. The court in its discretion may
1412 also appoint legal counsel for a child to act as attorney or
1413 advocate; however, the guardian and the legal counsel shall not
1414 be the same person. In such actions which involve an allegation
1415 of child abuse, abandonment, or neglect as defined in s. 39.01,
1416 which allegation is verified and determined by the court to be
1417 well-founded, the court shall appoint a guardian ad litem for
1418 the child. The guardian ad litem shall be a party to any
1419 judicial proceeding from the date of the appointment until the
1420 date of discharge.

1421 Section 16. Section 61.45, Florida Statutes, is amended to
1422 read:

1423 61.45 Court-ordered parenting plan ~~Court order of~~
1424 ~~visitation or custody~~; risk of violation; bond.--

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1425 (1) In a proceeding in which the court enters a parenting
1426 plan, including a time-sharing schedule ~~an order of child~~
1427 ~~custody or visitation~~, including in a modification proceeding,
1428 upon the presentation of competent substantial evidence that
1429 there is a risk that one party may violate the court's parenting
1430 plan ~~order of visitation or custody~~ by removing a child from
1431 this state or country or by concealing the whereabouts of a
1432 child, or upon stipulation of the parties, the court may:

1433 (a) Order that a parent may not remove the child from this
1434 state without the notarized written permission of both parents
1435 or further court order;

1436 (b) Order that a parent may not remove the child from this
1437 country without the notarized written permission of both parents
1438 or further court order;

1439 (c) Order that a parent may not take the child to a
1440 country that has not ratified or acceded to the Hague
1441 Convention on the Civil Aspects of International Child Abduction
1442 unless the other parent agrees in writing that the child may be
1443 taken to the country;

1444 (d) Require a parent to surrender the passport of the
1445 child; or

1446 (e) Require that party to post bond or other security.

1447 (2) If the court enters a parenting plan ~~an order of child~~
1448 ~~custody or visitation~~, including in a modification proceeding,
1449 that includes a provision entered under paragraph (1)(b) or
1450 paragraph (1)(c), a certified copy of the order should be sent
1451 by the parent who requested the restriction to the Passport
1452 Services Office of the United States Department of State

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1453 requesting that they not issue a passport to the child without
1454 their signature or further court order.

1455 (3) In assessing the need for a bond or other security,
1456 the court may consider any reasonable factor bearing upon the
1457 risk that a party may violate a parenting plan ~~visitation or~~
1458 ~~e custody order~~ by removing a child from this state or country or
1459 by concealing the whereabouts of a child, including but not
1460 limited to whether:

1461 (a) A court has previously found that a party previously
1462 removed a child from Florida or another state in violation of a
1463 parenting plan ~~e custody or visitation order~~, or whether a court
1464 had found that a party has threatened to take a child out of
1465 Florida or another state in violation of a parenting plan
1466 ~~e custody or visitation order~~;

1467 (b) The party has strong family and community ties to
1468 Florida or to other states or countries, including whether the
1469 party or child is a citizen of another country;

1470 (c) The party has strong financial reasons to remain in
1471 Florida or to relocate to another state or country;

1472 (d) The party has engaged in activities that suggest plans
1473 to leave Florida, such as quitting employment; sale of a
1474 residence or termination of a lease on a residence, without
1475 efforts to acquire an alternative residence in the state;
1476 closing bank accounts or otherwise liquidating assets; or
1477 applying for a passport;

1478 (e) Either party has had a history of domestic violence as
1479 either a victim or perpetrator, child abuse or child neglect
1480 evidenced by criminal history, including but not limited to,
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1481 | arrest, an injunction for protection against domestic violence
1482 | issued after notice and hearing under s. 741.30, medical
1483 | records, affidavits, or any other relevant information; or

1484 | (f) The party has a criminal record.

1485 | (4) The court must consider the party's financial
1486 | resources prior to setting the bond amount under this section.
1487 | Under no circumstances may the court set a bond that is
1488 | unreasonable.

1489 | (5) Any deficiency of bond or security shall not absolve
1490 | the violating party of responsibility to pay the full amount of
1491 | damages determined by the court.

1492 | (6) (a) Upon a material violation of any parenting plan
1493 | ~~custody or visitation order~~ by removing a child from this state
1494 | or this country or by concealing the whereabouts of a child, the
1495 | court may order the bond or other security forfeited in whole or
1496 | in part.

1497 | (b) This section, including the requirement to post a bond
1498 | or other security, does not apply to a parent who, in a
1499 | proceeding to order or modify a parenting plan or time-sharing
1500 | schedule, is determined by the court to be ~~child custody or~~
1501 | visitation, the court determines is a victim of an act of
1502 | domestic violence or provides the court with ~~has~~ reasonable
1503 | cause to believe that he or she is about to become the victim of
1504 | an act of domestic violence, as defined in s. 741.28. An
1505 | injunction for protection against domestic violence issued
1506 | pursuant to s. 741.30 for a parent as the petitioner which is in
1507 | effect at the time of the court proceeding shall be one means of
1508 | demonstrating sufficient evidence that the parent is a victim of

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1509 domestic violence or is about to become the victim of an act of
1510 domestic violence, as defined in s. 741.28, and shall exempt the
1511 parent from this section, including the requirement to post a
1512 bond or other security. A parent who is determined by the court
1513 to be exempt from the requirements of this section must meet the
1514 requirements of s. 787.03(6) if an offense of interference with
1515 the parenting plan or time-sharing schedule ~~custody~~ is
1516 committed.

1517 (7) (a) Upon an order of forfeiture, the proceeds of any
1518 bond or other security posted pursuant to this subsection may
1519 only be used to:

1520 1. Reimburse the nonviolating party for actual costs or
1521 damages incurred in upholding the court's parenting plan ~~order~~
1522 ~~of custody or visitation~~.

1523 2. Locate and return the child to the residence as set
1524 forth in the parenting plan ~~visitation or custody order~~.

1525 3. Reimburse reasonable fees and costs as determined by
1526 the court.

1527 (b) Any remaining proceeds shall be held as further
1528 security if deemed necessary by the court, and if further
1529 security is not found to be necessary; applied to any child
1530 support arrears owed by the parent against whom the bond was
1531 required, and if no arrears exists; all remaining proceeds will
1532 be allocated by the court in the best interest of the child.

1533 (8) At any time after the forfeiture of the bond or other
1534 security, the party who posted the bond or other security, or
1535 the court on its own motion may request that the party provide
1536 documentation substantiating that the proceeds received as a
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1537 result of the forfeiture have been used solely in accordance
1538 with this subsection. Any party using such proceeds for
1539 purposes not in accordance with this section may be found in
1540 contempt of court.

1541 Section 17. Paragraphs (b) and (c) of subsection (3) of
1542 section 741.0306, Florida Statutes, are amended to read:

1543 741.0306 Creation of a family law handbook.--

1544 (3) The information contained in the handbook or other
1545 electronic media presentation may be reviewed and updated
1546 annually, and may include, but need not be limited to:

1547 (b) Shared parental responsibility for children and the
1548 determination of a parenting plan including a time-sharing
1549 schedule primary residence or custody and secondary residence or
1550 routine visitation, holiday, summer, and vacation visitation
1551 arrangements, telephone access, and the process for notice for
1552 changes.

1553 (c) Permanent relocation restrictions ~~on parents with~~
1554 ~~primary residential responsibility.~~

1555 Section 18. Paragraphs (b) and (d) of subsection (3),
1556 paragraph (a) of subsection (5), and paragraph (a) of subsection
1557 (6) of section 741.30, Florida Statutes, are amended to read:

1558 741.30 Domestic violence; injunction; powers and duties of
1559 court and clerk; petition; notice and hearing; temporary
1560 injunction; issuance of injunction; statewide verification
1561 system; enforcement.--

1562 (3)

1563 (b) The sworn petition shall be in substantially the
1564 following form:

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PETITION FOR
INJUNCTION FOR PROTECTION
AGAINST DOMESTIC VIOLENCE

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

(a) Petitioner resides at: (address)

(Petitioner may furnish address to the court in a separate
confidential filing if, for safety reasons, the petitioner
requires the location of the current residence to be
confidential.)

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

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

(d) Physical description of respondent: _____

Race _____

Sex _____

Date of birth _____

Height _____

Weight _____

Eye color _____

Hair color _____

Distinguishing marks or scars _____

(e) Aliases of respondent: _____

(f) Respondent is the spouse or former spouse of the
petitioner or is any other person related by blood or marriage
to the petitioner or is any other person who is or was residing
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1593 within a single dwelling unit with the petitioner, as if a
1594 family, or is a person with whom the petitioner has a child in
1595 common, regardless of whether the petitioner and respondent are
1596 or were married or residing together, as if a family.

1597 (g) The following describes any other cause of action
1598 currently pending between the petitioner and respondent:

1599
1600 The petitioner should also describe any previous or pending
1601 attempts by the petitioner to obtain an injunction for
1602 protection against domestic violence in this or any other
1603 circuit, and the results of that attempt

1604
1605 Case numbers should be included if available.

1606 (h) Petitioner is either a victim of domestic violence or
1607 has reasonable cause to believe he or she is in imminent danger
1608 of becoming a victim of domestic violence because respondent has
1609 _____ (mark all sections that apply and describe in the spaces
1610 below the incidents of violence or threats of violence,
1611 specifying when and where they occurred, including, but not
1612 limited to, locations such as a home, school, place of
1613 employment, or visitation exchange) _____:

1614 _____ committed or threatened to commit domestic violence
1615 defined in s. 741.28, Florida Statutes, as any assault,
1616 aggravated assault, battery, aggravated battery, sexual assault,
1617 sexual battery, stalking, aggravated stalking, kidnapping, false
1618 imprisonment, or any criminal offense resulting in physical
1619 injury or death of one family or household member by another.

1620 With the exception of persons who are parents of a child in
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1621 common, the family or household members must be currently
1622 residing or have in the past resided together in the same single
1623 dwelling unit.

1624 _____ previously threatened, harassed, stalked, or
1625 physically abused the petitioner.

1626 _____ attempted to harm the petitioner or family members or
1627 individuals closely associated with the petitioner.

1628 _____ threatened to conceal, kidnap, or harm the
1629 petitioner's child or children.

1630 _____ intentionally injured or killed a family pet.

1631 _____ used, or has threatened to use, against the petitioner
1632 any weapons such as guns or knives.

1633 _____ physically restrained the petitioner from leaving the
1634 home or calling law enforcement.

1635 _____ a criminal history involving violence or the threat of
1636 violence (if known).

1637 _____ another order of protection issued against him or her
1638 previously or from another jurisdiction (if known).

1639 _____ destroyed personal property, including, but not
1640 limited to, telephones or other communication equipment,
1641 clothing, or other items belonging to the petitioner.

1642 _____ engaged in any other behavior or conduct that leads
1643 the petitioner to have reasonable cause to believe he or she is
1644 in imminent danger of becoming a victim of domestic violence.

1645 (i) Petitioner alleges the following additional specific
1646 facts: (mark appropriate sections)

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1647 A minor child or minor children reside with the
1648 ~~petitioner is the custodian of a minor child or children~~ whose
1649 names and ages are as follows:

1650 _____Petitioner needs the exclusive use and possession of
1651 the dwelling that the parties share.

1652 _____Petitioner is unable to obtain safe alternative
1653 housing because:

1654 _____Petitioner genuinely fears that respondent imminently
1655 will abuse, remove, or hide the minor child or children from
1656 petitioner because:

1657

1658 (j) Petitioner genuinely fears imminent domestic violence
1659 by respondent.

1660 (k) Petitioner seeks an injunction: (mark appropriate
1661 section or sections)

1662 _____Immediately restraining the respondent from committing
1663 any acts of domestic violence.

1664 _____Restraining the respondent from committing any acts of
1665 domestic violence.

1666 _____Awarding to the petitioner the temporary exclusive use
1667 and possession of the dwelling that the parties share or
1668 excluding the respondent from the residence of the petitioner.

1669 _____Providing a temporary parenting plan, including a
1670 temporary time-sharing schedule, ~~Awarding temporary custody of,~~
1671 ~~or temporary visitation rights~~ with regard to, the minor child
1672 or children of the parties which might involve, ~~or~~ prohibiting
1673 or limiting time-sharing or requiring that it be ~~visitation to~~
1674 ~~that which is~~ supervised by a third party.

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1675 _____ Establishing temporary support for the minor child or
1676 children or the petitioner.

1677 _____ Directing the respondent to participate in a
1678 batterers' intervention program or other treatment pursuant to
1679 s. 39.901, Florida Statutes.

1680 _____ Providing any terms the court deems necessary for the
1681 protection of a victim of domestic violence, or any minor
1682 children of the victim, including any injunctions or directives
1683 to law enforcement agencies.

1684 (d) If the sworn petition seeks to determine a parenting
1685 plan and time-sharing schedule ~~issues of custody or visitation~~
1686 with regard to the minor child or children of the parties, the
1687 sworn petition shall be accompanied by or shall incorporate the
1688 allegations required by s. 61.522 of the Uniform Child Custody
1689 Jurisdiction and Enforcement Act.

1690 (5) (a) When it appears to the court that an immediate and
1691 present danger of domestic violence exists, the court may grant
1692 a temporary injunction ex parte, pending a full hearing, and may
1693 grant such relief as the court deems proper, including an
1694 injunction:

1695 1. Restraining the respondent from committing any acts of
1696 domestic violence.

1697 2. Awarding to the petitioner the temporary exclusive use
1698 and possession of the dwelling that the parties share or
1699 excluding the respondent from the residence of the petitioner.

1700 3. On the same basis as provided in s. 61.13, providing
1701 the petitioner with 100 percent of the time-sharing that shall
1702 remain ~~granting to the petitioner temporary custody of a minor~~
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1703 ~~child. An order of temporary custody remains~~ in effect until the
1704 order expires or an order is entered by a court of competent
1705 jurisdiction in a pending or subsequent civil action or
1706 proceeding affecting the placement of, access to, parental time
1707 with, adoption of, or parental rights and responsibilities for
1708 the minor child.

1709 (6) (a) Upon notice and hearing, when it appears to the
1710 court that the petitioner is either the victim of domestic
1711 violence as defined by s. 741.28 or has reasonable cause to
1712 believe he or she is in imminent danger of becoming a victim of
1713 domestic violence, the court may grant such relief as the court
1714 deems proper, including an injunction:

1715 1. Restraining the respondent from committing any acts of
1716 domestic violence.

1717 2. Awarding to the petitioner the exclusive use and
1718 possession of the dwelling that the parties share or excluding
1719 the respondent from the residence of the petitioner.

1720 3. On the same basis as provided in chapter 61, providing
1721 the petitioner with 100 percent of the time-sharing in a
1722 temporary parenting plan that shall remain awarding temporary
1723 ~~custody of, or temporary visitation rights with regard to, a~~
1724 ~~minor child or children of the parties. An order of temporary~~
1725 ~~custody or visitation remains~~ in effect until the order expires
1726 or an order is entered by a court of competent jurisdiction in a
1727 pending or subsequent civil action or proceeding affecting the
1728 placement of, access to, parental time with, adoption of, or
1729 parental rights and responsibilities for the minor child.

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1730 4. On the same basis as provided in chapter 61,
1731 establishing temporary support for a minor child or children or
1732 the petitioner. An order of temporary support remains in effect
1733 until the order expires or an order is entered by a court of
1734 competent jurisdiction in a pending or subsequent civil action
1735 or proceeding affecting child support.

1736 5. Ordering the respondent to participate in treatment,
1737 intervention, or counseling services to be paid for by the
1738 respondent. When the court orders the respondent to participate
1739 in a batterers' intervention program, the court, or any entity
1740 designated by the court, must provide the respondent with a list
1741 of all certified batterers' intervention programs and all
1742 programs which have submitted an application to the Department
1743 of Children and Family Services to become certified under s.
1744 741.32, from which the respondent must choose a program in which
1745 to participate. If there are no certified batterers'
1746 intervention programs in the circuit, the court shall provide a
1747 list of acceptable programs from which the respondent must
1748 choose a program in which to participate.

1749 6. Referring a petitioner to a certified domestic violence
1750 center. The court must provide the petitioner with a list of
1751 certified domestic violence centers in the circuit which the
1752 petitioner may contact.

1753 7. Ordering such other relief as the court deems necessary
1754 for the protection of a victim of domestic violence, including
1755 injunctions or directives to law enforcement agencies, as
1756 provided in this section.

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1757 Section 19. Subsections (1) and (2) of section 742.031,
1758 Florida Statutes, are amended to read:

1759 742.031 Hearings; court orders for support, hospital
1760 expenses, and attorney's fee.--

1761 (1) Hearings for the purpose of establishing or refuting
1762 the allegations of the complaint and answer shall be held in the
1763 chambers and may be restricted to persons, in addition to the
1764 parties involved and their counsel, as the judge in his or her
1765 discretion may direct. The court shall determine the issues of
1766 paternity of the child and the ability of the parents to support
1767 the child. Each party's social security number shall be
1768 recorded in the file containing the adjudication of paternity.
1769 If the court finds that the alleged father is the father of the
1770 child, it shall so order. If appropriate, the court shall order
1771 the father to pay the complainant, her guardian, or any other
1772 person assuming responsibility for the child moneys sufficient
1773 to pay reasonable attorney's fees, hospital or medical expenses,
1774 cost of confinement, and any other expenses incident to the
1775 birth of the child and to pay all costs of the proceeding.
1776 Bills for pregnancy, childbirth, and scientific testing are
1777 admissible as evidence without requiring third-party foundation
1778 testimony, and shall constitute prima facie evidence of amounts
1779 incurred for such services or for testing on behalf of the
1780 child. The court shall order either or both parents owing a
1781 duty of support to the child to pay support pursuant to s.
1782 61.30. The court shall issue, upon motion by a party, a
1783 temporary order requiring ~~the provision of~~ child support
1784 pursuant to s. 61.30 pending an administrative or judicial
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1785 determination of parentage, if there is clear and convincing
1786 evidence of paternity on the basis of genetic tests or other
1787 evidence. The court may also make a determination of an
1788 appropriate parenting plan, including a time-sharing schedule ~~as~~
1789 ~~to the parental responsibility and residential care and custody~~
1790 ~~of the minor children~~ in accordance with chapter 61.

1791 (2) If a judgment of paternity contains only a child
1792 support award with no parenting plan or time-sharing schedule,
1793 the obligee parent shall receive all of the time-sharing and
1794 sole parental responsibility ~~no explicit award of custody, the~~
1795 ~~establishment of a support obligation or of visitation rights in~~
1796 ~~one parent shall be considered a judgment granting primary~~
1797 ~~residential care and custody to the other parent without~~
1798 ~~prejudice to the obligor parent.~~ If a paternity judgment
1799 contains no such provisions, ~~custody shall be presumed to be~~
1800 ~~with the mother~~ shall be presumed to have all of the time-
1801 sharing and sole parental responsibility.

1802 Section 20. For the purpose of incorporating the
1803 amendments made by this act to section 741.30, Florida Statutes,
1804 in a reference thereto, paragraph (a) of subsection (3) of
1805 section 61.1825, Florida Statutes, is reenacted to read:

1806 61.1825 State Case Registry.--

1807 (3)(a) For the purpose of this section, a family violence
1808 indicator must be placed on a record when:

1809 1. A party executes a sworn statement requesting that a
1810 family violence indicator be placed on that party's record which
1811 states that the party has reason to believe that release of

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1812 information to the Federal Case Registry may result in physical
1813 or emotional harm to the party or the child; or

1814 2. A temporary or final injunction for protection against
1815 domestic violence has been granted pursuant to s. 741.30(6), an
1816 injunction for protection against domestic violence has been
1817 issued by a court of a foreign state pursuant to s. 741.315, or
1818 a temporary or final injunction for protection against repeat
1819 violence has been granted pursuant to s. 784.046; or

1820 3. The department has received information on a Title IV-D
1821 case from the Domestic Violence and Repeat Violence Injunction
1822 Statewide Verification System, established pursuant to s.
1823 784.046(8)(b), that a court has granted a party a domestic
1824 violence or repeat violence injunction.

1825 Section 21. Section 61.121, Florida Statutes, is repealed.

1826

1827 ===== T I T L E A M E N D M E N T =====

1828 Remove line 11 and insert:

1829 child's waiver of the privilege; retitling ch. 61, F.S.;
1830 amending s. 61.046, F.S.; deleting the definitions of "custodial
1831 parent" and "noncustodial parent" and defining the terms
1832 "parenting plan," "parenting plan recommendation," and "time-
1833 sharing schedule"; amending s. 61.052, F.S.; authorizing the
1834 court to issue an appropriate order for a parenting plan;
1835 amending s. 61.09, F.S.; authorizing the parent who is not
1836 receiving child support to apply to the court for support of the
1837 child; amending s. 61.10, F.S.; providing for the court to
1838 adjudicate parenting plans and the time-sharing schedules when
1839 unconnected with the dissolution of a marriage; amending s.
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1840 61.122, F.S.; providing for developing a parenting plan
1841 recommendation; amending s. 61.13, F.S.; authorizing the court
1842 to make orders relating to time-sharing and parenting of
1843 children; requiring equal treatment for mothers and fathers in
1844 parenting decisions; providing for the creation or modification
1845 of a parenting plan or time-sharing schedule; establishing
1846 criteria for determining the best interests of a child;
1847 providing that a parent may not refuse to obey time-sharing
1848 orders even if the other parent has not paid alimony or child
1849 support; authorizing a court to order additional time-sharing if
1850 the custodial parent refuses to abide by the time-sharing
1851 agreement or order; amending s. 61.13001, F.S.; providing for
1852 relocation of a child; providing for a relocation agreement
1853 between the parents; providing procedures for relocation when an
1854 agreement cannot be reached; requiring a court to consider the
1855 impact of a relocation on a child with certain health
1856 conditions; amending s. 61.181, F.S.; providing for distributing
1857 child support funds; amending s. 61.1827, F.S., relating to
1858 child support services; conforming provisions to changes made by
1859 the act; amending s. 61.20, F.S.; providing for the court to
1860 order a social service investigation if a parenting plan is at
1861 issue; amending s. 61.21, F.S.; providing that parties to a
1862 parenting plan or a time-sharing schedule may be required by the
1863 court to attend a parenting course; amending s. 61.30, F.S.;
1864 revising calculations for child support awards; amending s.
1865 61.401, F.S.; authorizing the court to appoint a guardian ad
1866 litem in cases involving a parenting plan or a time-sharing
1867 schedule; amending s. 61.45, F.S.; providing for court orders
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1868 for parenting plans and time-sharing schedules; amending s.
1869 741.0306, F.S.; including material on parenting plans and time-
1870 sharing schedules in the family law handbook prepared by The
1871 Florida Bar; amending s. 741.30, F.S., relating to injunctions
1872 against domestic violence; conforming provisions to changes made
1873 by the act; amending s. 742.031, F.S.; providing for parenting
1874 plans and time-sharing schedules in proceedings to determine
1875 paternity; reenacting s. 61.1825(3)(a), F.S., relating to the
1876 State Case Registry, to incorporate the amendments made to s.
1877 741.30, F.S., in a reference thereto; repealing s. 61.121, F.S.,
1878 relating to court orders for rotating custody between parents if
1879 it is in the best interests of the child; providing an effective