

Bill No. SB 1896

Barcode 190686

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Saunders) recommended the following amendment:

**Senate Amendment**

On page 5, line 11, through  
page 28, line 26, delete those lines

and insert:

(13) "Parenting plan" means a document created to govern the relationship between the parties relating to the decisions that must be made regarding the minor child and the time-sharing schedule between the parents and child. The issues concerning the minor child may include, but are not limited to, the child's education, health care, and physical, social, and emotional well-being. When created, all circumstances between the parties, including the parties historic relationship, domestic violence, and other factors, must be taken into consideration. The document shall be developed or agreed to by the parties and approved by a court or, if the parents cannot agree, established by the court.

(a) Any parenting plan formulated under this chapter

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1 must address all jurisdictional issues, including, but not  
 2 limited to, the Uniform Child Custody Jurisdiction Enforcement  
 3 Act, the International Custody and Abduction Remedies Act, 42  
 4 U.S.C. s. 11601 et seq., the Parental Kidnapping Prevention  
 5 Act, and the Convention on the Civil Aspects of International  
 6 Child Abduction enacted at the Hague on October 25, 1980.

7       (b) For purposes of application of the Uniform Child  
 8 Custody Jurisdiction and Enforcement Act, part II of this  
 9 chapter, a judgment or order incorporating a parenting plan  
 10 under this part is a child custody determination under part  
 11 II.

12       (c) For purposes of the International Custody and  
 13 Abduction Remedies Act, 42 U.S.C. s. 11601 et seq., and the  
 14 Convention on the Civil Aspects of International Child  
 15 Abduction, enacted at the Hague on October 25, 1980, rights of  
 16 custody and rights of access shall be determined under the  
 17 parenting plan under this part.

18       (14) "Parenting plan recommendation" means a  
 19 nonbinding recommendation, made by a licensed mental health  
 20 professional or any other individual designated by a court,  
 21 concerning the parenting plan that will govern the  
 22 relationship between the parents.

23       ~~(15)~~(14) "Payor" means an employer or former employer  
 24 or any other person or agency providing or administering  
 25 income to the obligor.

26       ~~(16)~~(15) "Shared parental responsibility" means a  
 27 court-ordered relationship in which both parents retain full  
 28 parental rights and responsibilities with respect to their  
 29 minor child and in which both parents confer with each other  
 30 so that major decisions affecting the welfare of the child  
 31 will be determined jointly.

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1           ~~(17)(16)~~ "Sole parental responsibility" means a  
2 court-ordered relationship in which one parent makes decisions  
3 regarding the minor child.

4           ~~(18)(17)~~ "State Case Registry" means the automated  
5 registry maintained by the Title IV-D agency, containing  
6 records of each Title IV-D case and of each support order  
7 established or modified in the state on or after October 1,  
8 1998. Such records shall consist of data elements as required  
9 by the United States Secretary of Health and Human Services.

10           ~~(19)(18)~~ "State Disbursement Unit" means the unit  
11 established and operated by the Title IV-D agency to provide  
12 one central address for collection and disbursement of child  
13 support payments made in cases enforced by the department  
14 pursuant to Title IV-D of the Social Security Act and in cases  
15 not being enforced by the department in which the support  
16 order was initially issued in this state on or after January  
17 1, 1994, and in which the obligor's child support obligation  
18 is being paid through income deduction order.

19           ~~(20)(19)~~ "Support order" means a judgment, decree, or  
20 order, whether temporary or final, issued by a court of  
21 competent jurisdiction or administrative agency for the  
22 support and maintenance of a child which provides for monetary  
23 support, health care, arrearages, or past support. When the  
24 child support obligation is being enforced by the Department  
25 of Revenue, the term "support order" also means a judgment,  
26 decree, or order, whether temporary or final, issued by a  
27 court of competent jurisdiction for the support and  
28 maintenance of a child and the spouse or former spouse of the  
29 obligor with whom the child is living which provides for  
30 monetary support, health care, arrearages, or past support.

31           ~~(21)(20)~~ "Support," unless otherwise specified, means:

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1           (a) Child support and, when the child support  
 2 obligation is being enforced by the Department of Revenue,  
 3 spousal support or alimony for the spouse or former spouse of  
 4 the obligor with whom the child is living.

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

7           (22) "Time-sharing schedule" means a timetable that  
 8 has been developed by the parents of a minor child,  
 9 incorporated into a parenting plan, and approved by a court  
 10 which specifies the time that a minor child will spend with  
 11 each of the child's parents. If the parents cannot agree, the  
 12 schedule shall be established by the court.

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

15           61.052 Dissolution of marriage.--

16           (3) During any period of continuance, the court may  
 17 make appropriate orders for the support and alimony of the  
 18 parties; the parenting plan ~~primary residence, custody,~~  
 19 ~~rotating custody, visitation,~~ support, maintenance, and  
 20 education of the minor child of the marriage; attorney's fees;  
 21 and the preservation of the property of the parties.

22           Section 4. Section 61.09, Florida Statutes, is amended  
 23 to read:

24           61.09 Alimony and child support unconnected with  
 25 dissolution.--If a person having the ability to contribute to  
 26 the maintenance of his or her spouse and support of his or her  
 27 minor child fails to do so, the spouse who is not receiving  
 28 support ~~or who has custody of the child or with whom the child~~  
 29 ~~has primary residence~~ may apply to the court for alimony and  
 30 for support for the child without seeking dissolution of  
 31 marriage, and the court shall enter an order as it deems just

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1 and proper.

2 Section 5. Section 61.10, Florida Statutes, is amended  
3 to read:

4 61.10 Adjudication of obligation to support spouse or  
5 minor child unconnected with dissolution; parenting plan and  
6 time-sharing schedule ~~child custody, child's primary~~  
7 ~~residence, and visitation.~~--Except when relief is afforded by  
8 some other pending civil action or proceeding, a spouse  
9 residing in this state apart from his or her spouse and minor  
10 child, whether or not such separation is through his or her  
11 fault, may obtain an adjudication of obligation to maintain  
12 the spouse and minor child, if any. The court shall  
13 adjudicate his or her financial obligations to the spouse and  
14 child ~~and~~, shall establish the parenting plan and time-sharing  
15 schedule for ~~child's primary residence, and shall determine~~  
16 ~~the custody and visitation rights of the parties.~~ Such an  
17 action does not preclude either party from maintaining any  
18 other proceeding under this chapter for other or additional  
19 relief at any time.

20 Section 6. Section 61.122, Florida Statutes, is  
21 amended to read:

22 61.122 Parenting plan recommendation ~~Child custody~~  
23 ~~evaluations~~; presumption of psychologist's good faith;  
24 prerequisite to parent's filing suit; award of fees, costs,  
25 reimbursement.--

26 (1) A psychologist who has been appointed by the court  
27 to develop a parenting plan recommendation ~~conduct a child~~  
28 ~~custody evaluation~~ in a dissolution of marriage, case of  
29 domestic violence, or paternity matter involving parent-child  
30 relationships, including time-sharing of children, judicial  
31 ~~proceeding~~ is presumed to be acting in good faith if the

1 psychologist's recommendation ~~evaluation~~ has been reached  
 2 ~~conducted~~ pursuant to standards that a reasonable psychologist  
 3 would use to develop a parenting plan recommendation ~~have used~~  
 4 ~~as recommended by the American Psychological Association's~~  
 5 ~~guidelines for child custody evaluation in divorce~~  
 6 ~~proceedings.~~

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

13 (3) A parent who desires ~~wishes~~ to file a legal action  
 14 against a court-appointed psychologist who has acted in good  
 15 faith in developing ~~conducting~~ a parenting plan recommendation  
 16 ~~child custody evaluation~~ must petition the judge who presided  
 17 over the dissolution of marriage, case of domestic violence,  
 18 or paternity action involving parent-child relationships,  
 19 including time-sharing of children, ~~child custody proceeding~~  
 20 to appoint another psychologist. Upon the parent's showing of  
 21 good cause, the court shall appoint another psychologist. The  
 22 court shall determine ~~make a determination as to~~ who is  
 23 responsible for all court costs and attorney's fees associated  
 24 with making such an appointment.

25 (4) If a legal action, whether it be a civil action, a  
 26 criminal action, or an administrative proceeding, is filed  
 27 against a court-appointed psychologist in a dissolution of  
 28 marriage, case of domestic violence, or paternity action  
 29 involving parent-child relationships, including time-sharing  
 30 of children ~~child custody proceeding~~, the claimant is  
 31 responsible for all reasonable costs and reasonable attorney's

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1 fees associated with the action for both parties if the  
 2 psychologist is held not liable. If the psychologist is held  
 3 liable in civil court, the psychologist must pay all  
 4 reasonable costs and reasonable attorney's fees for the  
 5 claimant.

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

8 61.13 ~~Custody and Support, parenting, and time-sharing~~  
 9 ~~of children; visitation rights;~~ power of court in making  
 10 orders.--

11 (1)(a) In a proceeding under this chapter, the court  
 12 may at any time order either or both parents who owe a duty of  
 13 support to a child to pay support in accordance with the  
 14 guidelines in s. 61.30. The court initially entering an order  
 15 requiring one or both parents to make child support payments  
 16 shall have continuing jurisdiction after the entry of the  
 17 initial order to modify the amount and terms and conditions of  
 18 the child support payments when the modification is found  
 19 necessary by the court in the best interests of the child,  
 20 when the child reaches majority, or when there is a  
 21 substantial change in the circumstances of the parties. The  
 22 court initially entering a child support order shall also have  
 23 continuing jurisdiction to require the obligee to report to  
 24 the court on terms prescribed by the court regarding the  
 25 disposition of the child support payments.

26 (b) Each order for support shall contain a provision  
 27 for health care coverage for the minor child when the coverage  
 28 is reasonably available. Coverage is reasonably available if  
 29 either the obligor or obligee has access at a reasonable rate  
 30 to a group health plan. The court may require the obligor  
 31 either to provide health care coverage or to reimburse the

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1 obligee for the cost of health care coverage for the minor  
 2 child when coverage is provided by the obligee. In either  
 3 event, the court shall apportion the cost of coverage, and any  
 4 noncovered medical, dental, and prescription medication  
 5 expenses of the child, to both parties by adding the cost to  
 6 the basic obligation determined pursuant to s. 61.30(6). The  
 7 court may order that payment of uncovered medical, dental, and  
 8 prescription medication expenses of the minor child be made  
 9 directly to the obligee on a percentage basis.

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

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

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

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

24         2.a. A support order enforced under Title IV-D of the  
 25 Social Security Act which requires that the obligor provide  
 26 health care coverage is enforceable by the department through  
 27 the use of the national medical support notice, and an  
 28 amendment to the support order is not required. The department  
 29 shall transfer the national medical support notice to the  
 30 obligor's union or employer. The department shall notify the  
 31 obligor in writing that the notice has been sent to the



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1 obligor's union or employer, and the written notification must  
2 include the obligor's rights and duties under the national  
3 medical support notice. The obligor may contest the  
4 withholding required by the national medical support notice  
5 based on a mistake of fact. To contest the withholding, the  
6 obligor must file a written notice of contest with the  
7 department within 15 business days after the date the obligor  
8 receives written notification of the national medical support  
9 notice from the department. Filing with the department is  
10 complete when the notice is received by the person designated  
11 by the department in the written notification. The notice of  
12 contest must be in the form prescribed by the department. Upon  
13 the timely filing of a notice of contest, the department  
14 shall, within 5 business days, schedule an informal conference  
15 with the obligor to discuss the obligor's factual dispute. If  
16 the informal conference resolves the dispute to the obligor's  
17 satisfaction or if the obligor fails to attend the informal  
18 conference, the notice of contest is deemed withdrawn. If the  
19 informal conference does not resolve the dispute, the obligor  
20 may request an administrative hearing under chapter 120 within  
21 5 business days after the termination of the informal  
22 conference, in a form and manner prescribed by the department.  
23 However, the filing of a notice of contest by the obligor does  
24 not delay the withholding of premium payments by the union,  
25 employer, or health plan administrator. The union, employer,  
26 or health plan administrator must implement the withholding as  
27 directed by the national medical support notice unless  
28 notified by the department that the national medical support  
29 notice is terminated.

30           b. In a Title IV-D case, the department shall notify  
31 an obligor's union or employer if the obligation to provide

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1 health care coverage through that union or employer is  
2 terminated.

3           3. In a non-Title IV-D case, upon receipt of the order  
4 pursuant to subparagraph 1., or upon application of the  
5 obligor pursuant to the order, the union or employer shall  
6 enroll the minor child as a beneficiary in the group health  
7 plan regardless of any restrictions on the enrollment period  
8 and withhold any required premium from the obligor's income.  
9 If more than one plan is offered by the union or employer, the  
10 child shall be enrolled in the group health plan in which the  
11 obligor is enrolled.

12           4.a. Upon receipt of the national medical support  
13 notice under subparagraph 2. in a Title IV-D case, the union  
14 or employer shall transfer the notice to the appropriate group  
15 health plan administrator within 20 business days after the  
16 date on the notice. The plan administrator must enroll the  
17 child as a beneficiary in the group health plan regardless of  
18 any restrictions on the enrollment period, and the union or  
19 employer must withhold any required premium from the obligor's  
20 income upon notification by the plan administrator that the  
21 child is enrolled. The child shall be enrolled in the group  
22 health plan in which the obligor is enrolled. If the group  
23 health plan in which the obligor is enrolled is not available  
24 where the child resides or if the obligor is not enrolled in  
25 group coverage, the child shall be enrolled in the lowest cost  
26 group health plan that is available where the child resides.

27           b. If health care coverage or the obligor's employment  
28 is terminated in a Title IV-D case, the union or employer that  
29 is withholding premiums for health care coverage under a  
30 national medical support notice must notify the department  
31 within 20 days after the termination and provide the obligor's

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1 last known address and the name and address of the obligor's  
2 new employer, if known.

3           5.a. The amount withheld by a union or employer in  
4 compliance with a support order may not exceed the amount  
5 allowed under s. 303(b) of the Consumer Credit Protection Act,  
6 15 U.S.C. s. 1673(b), as amended. The union or employer shall  
7 withhold the maximum allowed by the Consumer Credit Protection  
8 Act in the following order:

9           (I) Current support, as ordered.

10           (II) Premium payments for health care coverage, as  
11 ordered.

12           (III) Past due support, as ordered.

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

14           b. If the combined amount to be withheld for current  
15 support plus the premium payment for health care coverage  
16 exceed the amount allowed under the Consumer Credit Protection  
17 Act, and the health care coverage cannot be obtained unless  
18 the full amount of the premium is paid, the union or employer  
19 may not withhold the premium payment. However, the union or  
20 employer shall withhold the maximum allowed in the following  
21 order:

22           (I) Current support, as ordered.

23           (II) Past due support, as ordered.

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

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

31           7. The department may adopt rules to administer the

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1 child support enforcement provisions of this section that  
2 affect Title IV-D cases.

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

8 (d)1. Unless the provisions of subparagraph 3. apply,  
9 all child support orders entered on or after January 1, 1985,  
10 shall direct that the payments of child support be made as  
11 provided in s. 61.181 through the depository in the county  
12 where the court is located. All child support orders shall  
13 provide the full name and date of birth of each minor child  
14 who is the subject of the child support order.

15 2. Unless the provisions of subparagraph 3. apply, all  
16 child support orders entered before January 1, 1985, shall be  
17 modified by the court to direct that payments of child support  
18 shall be made through the depository in the county where the  
19 court is located upon the subsequent appearance of either or  
20 both parents to modify or enforce the order, or in any related  
21 proceeding.

22 3. If both parties request and the court finds that it  
23 is in the best interest of the child, support payments need  
24 not be directed through the depository. The order of support  
25 shall provide, or shall be deemed to provide, that either  
26 party may subsequently apply to the depository to require  
27 direction of the payments through the depository. The court  
28 shall provide a copy of the order to the depository.

29 4. If the parties elect not to require that support  
30 payments be made through the depository, any party may  
31 subsequently file an affidavit with the depository alleging a

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1 default in payment of child support and stating that the party  
 2 wishes to require that payments be made through the  
 3 depository. The party shall provide copies of the affidavit to  
 4 the court and to each other party. Fifteen days after receipt  
 5 of the affidavit, the depository shall notify both parties  
 6 that future payments shall be paid through the depository.

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

10           (2)(a) The court shall have jurisdiction to approve,  
 11 create, or modify a parenting plan ~~determine custody,~~  
 12 notwithstanding that the child is not physically present in  
 13 this state at the time of filing any proceeding under this  
 14 chapter, if it appears to the court that the child was removed  
 15 from this state for the primary purpose of removing the child  
 16 from the jurisdiction of the court in an attempt to avoid the  
 17 court's approval, creation, or modification of a parenting  
 18 plan ~~a determination or modification of custody.~~

19           (b) Any parenting plan approved by the court must, at  
 20 a minimum, adequately describe in detail how the parents will  
 21 share and be responsible for the daily tasks associated with  
 22 the upbringing of a child, the time-sharing schedule  
 23 arrangements that specify the time that the minor child will  
 24 spend with each of his or her parents, a designation of who  
 25 will be responsible for any and all forms of health care,  
 26 other activities, and school-related matters and the methods  
 27 and technologies that the parents will use to communicate with  
 28 each other and with the child. Any parenting plan formulated  
 29 under this part must address all jurisdictional issues,  
 30 including, but not limited to, the Uniform Child Custody  
 31 Jurisdiction Enforcement Act, the International Custody and

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1 Abduction Remedies Act, 42 U.S.C. s. 11601 et seq., the  
 2 Parental Kidnapping Prevention Act, and the Convention on the  
 3 Civil Aspects of International Child Abduction enacted at the  
 4 Hague on October 25, 1980.

5 ~~(c)(b)~~1. The court shall determine all matters  
 6 relating to parenting and time-sharing ~~custody~~ of each minor  
 7 child of the parties in accordance with the best interests of  
 8 the child and in accordance with the Uniform Child Custody  
 9 Jurisdiction and Enforcement Act. It is the public policy of  
 10 this state to assure that each minor child has frequent and  
 11 continuing contact with both parents after the parents  
 12 separate or the marriage of the parties is dissolved and to  
 13 encourage parents to share the rights and responsibilities,  
 14 and joys, of childrearing. There is no presumption for or  
 15 against ~~After considering all relevant facts,~~ the father or  
 16 mother of the child when creating or modifying the parenting  
 17 plan schedule for ~~shall be given the same consideration as the~~  
 18 ~~mother in determining the primary residence of a child~~  
 19 ~~irrespective of the age or sex of the child.~~

20 2. The court shall order that the parental  
 21 responsibility for a minor child be shared by both parents  
 22 unless the court finds that shared parental responsibility  
 23 would be detrimental to the child. Evidence that a parent has  
 24 been convicted of a felony of the third degree or higher  
 25 involving domestic violence, as defined in s. 741.28 and  
 26 chapter 775, or meets the criteria of s. 39.806(1)(d), creates  
 27 a rebuttable presumption of detriment to the child. If the  
 28 presumption is not rebutted, shared parental responsibility,  
 29 including time-sharing with ~~visitation, residence of the~~  
 30 child, and decisions made regarding the child, may not be  
 31 granted to the convicted parent. However, the convicted parent

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1 is not relieved of any obligation to provide financial  
2 support. If the court determines that shared parental  
3 responsibility would be detrimental to the child, it may order  
4 sole parental responsibility and make such arrangements for  
5 time-sharing as specified in the parenting plan ~~visitation~~ as  
6 will best protect the child or abused spouse from further  
7 harm. Whether or not there is a conviction of any offense of  
8 domestic violence or child abuse or the existence of an  
9 injunction for protection against domestic violence, the court  
10 shall consider evidence of domestic violence or child abuse as  
11 evidence of detriment to the child.

12 a. In ordering shared parental responsibility, the  
13 court may consider the expressed desires of the parents and  
14 may grant to one party the ultimate responsibility over  
15 specific aspects of the child's welfare or may divide those  
16 responsibilities between the parties based on the best  
17 interests of the child. Areas of responsibility may include  
18 ~~primary residence,~~ education, healthcare ~~medical and dental~~  
19 ~~care,~~ and any other responsibilities that the court finds  
20 unique to a particular family.

21 b. The court shall order "sole parental responsibility  
22 for a minor child to one parent, with or without time-sharing  
23 with ~~visitation rights, to the other parent,"~~ when it is in  
24 the best interests of" the minor child.

25 3. Access to records and information pertaining to a  
26 minor child, including, but not limited to, medical, dental,  
27 and school records, may not be denied to either ~~a~~ parent  
28 ~~because the parent is not the child's primary residential~~  
29 ~~parent.~~ Full rights under this subparagraph apply to either  
30 parent unless a court order specifically revokes these rights,  
31 including any restrictions on these rights as provided in a

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1 domestic violence injunction. A parent having rights under  
 2 this subparagraph has the same rights upon request as to form,  
 3 substance, and manner of access as are available to the other  
 4 parent of a child, including, without limitation, the right to  
 5 in-person communication with medical, dental, and education  
 6 providers.

7 ~~(d)(c)~~ The circuit court in the county in which either  
 8 parent and the child reside or the circuit court in which the  
 9 original order approving or creating the parenting plan ~~award~~  
 10 ~~of custody~~ was entered has ~~have~~ jurisdiction to modify the  
 11 parenting plan ~~an award of child custody~~. The court may change  
 12 the venue in accordance with s. 47.122.

13 (3) For purposes of establishing, modifying parental  
 14 responsibility and creating, developing, approving, or  
 15 modifying a parenting plan, including a time-sharing schedule,  
 16 which governs each parent's relationship with his or her minor  
 17 child and the relationship between each parent with regard to  
 18 his or her minor child, the best interests of the child shall  
 19 be the primary consideration. There shall be no presumptions  
 20 for or against either parent when establishing, creating,  
 21 developing, approving, or modifying the parenting plan,  
 22 including the time-sharing schedule, as well as determining  
 23 decisionmaking, regardless of the age or sex of the child,  
 24 giving due consideration to the developmental needs of the  
 25 child. The parenting plan, must be in the best interests of  
 26 the minor child, and evidence that a parent has been convicted  
 27 of a felony of the third degree or higher involving domestic  
 28 violence, as defined in s. 741.28 or chapter 775, or meeting  
 29 the criteria of s. 39.806(1)(d), creates a rebuttable  
 30 presumption of detriment to the child. If the presumption is  
 31 not rebutted, the time-sharing with the child and decisions



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1 made regarding the child may not be granted to the convicted  
 2 parent. Otherwise, determination of the best interests of the  
 3 child shall be made by evaluating all of the factors affecting  
 4 the welfare and interests of the child, including, but not  
 5 limited to:

6       (a) The demonstrated capacity and disposition of each  
 7 parent to facilitate and encourage a close and continuing  
 8 parent-child relationship between the child and the other  
 9 parent, to honor the time-sharing schedule, and to be  
 10 reasonable when changes are required.

11       (b) The anticipated division of parental  
 12 responsibilities after the litigation, including the extent to  
 13 which parental responsibilities will be delegated to third  
 14 parties.

15       (c) The demonstrated capacity and disposition of each  
 16 parent to determine, consider, and act upon the needs of the  
 17 child as opposed to the needs or desires of the parent. ~~shared~~  
 18 parental responsibility and primary residence, the best  
 19 interests of the child shall include an evaluation of all  
 20 factors affecting the welfare and interests of the child,  
 21 including, but not limited to:

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

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

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

31       (d) The length of time the child has lived in a

1 stable, satisfactory environment and the desirability of  
2 maintaining continuity.

3 (e) The geographic viability of the parenting plan,  
4 with special attention paid to the needs of school-age  
5 children and the amount of time to be spent traveling to  
6 effectuate the parenting plan. This factor does not create a  
7 presumption for or against relocation of either parent with a  
8 child. ~~The permanence, as a family unit, of the existing or~~  
9 ~~proposed custodial home.~~

10 (f) The moral fitness of the parents.

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

12 (h) The demonstrated capacity and disposition of each  
13 parent to be informed of the circumstances surrounding the  
14 minor child, such as the child's friends, teachers, medical  
15 care providers, favorite activities, favorite foods, and  
16 clothes sizes.

17 (i) The demonstrated capacity and disposition of each  
18 parent to provide a consistent routine for the child, such as  
19 forms of discipline and setting times for homework, meals, and  
20 bedtime.

21 (j) The demonstrated capacity and disposition of each  
22 parent to communicate with the other parent and to keep the  
23 other parent informed of issues and activities regarding the  
24 minor child, and the willingness of each parent to adopt a  
25 unified front on all major issues when dealing with the child.

26 (k) Evidence of domestic violence, sexual violence,  
27 child abuse, child abandonment, or child neglect, regardless  
28 of whether a prior or pending action regarding those issues  
29 has been brought.

30 (l) Evidence that a parent has been convicted of a  
31 felony of the third degree or higher involving domestic

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1 violence, as defined in s. 741.28 and chapter 775, or meets  
 2 the criteria of s. 39.806(1)(d), creates a rebuttable  
 3 presumption of detriment to the child. If the presumption is  
 4 not rebutted, time-sharing with the child and decisionmaking  
 5 regarding the child may not be granted to the convicted  
 6 parent.

7       (m) The particular parenting tasks customarily  
 8 performed by each parent and the division of parental  
 9 responsibilities before the institution of litigation and  
 10 during the pending litigation, including the extent to which  
 11 parental responsibilities were undertaken by third parties.

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

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

18       (p) The capacity and disposition of each parent to  
 19 protect the child from the ongoing litigation as demonstrated  
 20 by not discussing the case with the child, not sharing  
 21 documents or electronic media related to the case with the  
 22 child, and not making disparaging comments about the other  
 23 parent to the child.

24       (q) The developmental stages and needs of the child  
 25 and the demonstrated capacity and disposition of each parent  
 26 to meet the child's developmental needs.

27       (r) Any other factor that is relevant to the  
 28 determination of a specific parenting plan, including the  
 29 time-sharing schedule. ~~The home, school, and community record~~  
 30 of the child.

31       ~~(i) The reasonable preference of the child, if the~~

1 ~~court deems the child to be of sufficient intelligence,~~  
2 ~~understanding, and experience to express a preference.~~

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

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

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

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

12 (4)(a) When a ~~noncustodial~~ parent who is ordered to  
13 pay child support or alimony ~~and who is awarded visitation~~  
14 ~~rights~~ fails to pay child support or alimony, the ~~custodial~~  
15 ~~parent who should have received the child support or alimony~~  
16 ~~may shall~~ not refuse to honor the time-sharing schedule  
17 presently in effect between the parents ~~noncustodial parent's~~  
18 ~~visitation rights.~~

19 (b) When a ~~custodial~~ parent refuses to honor the other  
20 ~~a noncustodial~~ parent's visitation rights under the  
21 time-sharing schedule, the ~~noncustodial~~ parent whose  
22 time-sharing rights were violated shall continue ~~not fail~~ to  
23 pay any ordered child support or alimony.

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

28 1. Shall, after calculating the amount of time-sharing  
29 ~~visitation~~ improperly denied, award the ~~noncustodial~~ parent  
30 denied time-sharing ~~or grandparent~~ a sufficient amount of  
31 extra time-sharing ~~visitation~~ to compensate for the

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1 time-sharing missed, and such time-sharing ~~the noncustodial~~  
2 ~~parent or grandparent, which visitation~~ shall be ordered as  
3 expeditiously as possible in a manner consistent with the best  
4 interests of the child and scheduled in a manner that is  
5 convenient for the parent ~~person~~ deprived of time-sharing  
6 visitation. In ordering any makeup time-sharing visitation,  
7 the court shall schedule such time-sharing visitation in a  
8 manner that is consistent with the best interests of the child  
9 or children and that is convenient for the nonoffending  
10 ~~noncustodial~~ parent and at the expense of the noncompliant  
11 parent ~~or grandparent~~. ~~In addition, the court:~~

12       2.1. May order the ~~custodial~~ parent who did not  
13 provide time-sharing or did not properly exercise time-sharing  
14 under the time-sharing schedule to pay reasonable court costs  
15 and attorney's fees incurred by the nonoffending ~~noncustodial~~  
16 parent ~~or grandparent~~ to enforce the time-sharing schedule  
17 ~~their visitation rights or make up improperly denied~~  
18 visitation;

19       3.2. May order the ~~custodial~~ parent who did not  
20 provide time-sharing or did not properly exercise time-sharing  
21 under the time-sharing schedule to attend a the parenting  
22 course approved by the judicial circuit;

23       4.3. May order the ~~custodial~~ parent who did not  
24 provide time-sharing or did not properly exercise time-sharing  
25 under the time-sharing schedule to do community service if the  
26 order will not interfere with the welfare of the child;

27       5.4. May order the ~~custodial~~ parent who did not  
28 provide time-sharing or did not properly exercise time-sharing  
29 under the time-sharing schedule to have the financial burden  
30 of promoting frequent and continuing contact when the  
31 custodial parent and child reside further than 60 miles from

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1 the noncustodial parent;

2 ~~6.5. May award custody, rotating custody, or primary~~  
3 ~~residence to the noncustodial parent, upon the request of the~~  
4 ~~noncustodial parent who did not violate the time-sharing~~  
5 ~~schedule, modify the parenting plan, if modification the award~~  
6 is in the best interests of the child; ~~or~~

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

12 ~~8.6. May impose any other reasonable sanction as a~~  
13 result of noncompliance.

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

17 (5) The court may make specific orders regarding the  
18 parenting plan and the time-sharing schedule ~~for the care and~~  
19 ~~custody of the minor child as such orders relate to~~ ~~from the~~  
20 circumstances of the parties and the nature of the case and  
21 are ~~is~~ equitable and provide for child support in accordance  
22 with the guidelines in s. 61.30. An order for equal  
23 time-sharing for ~~award of shared parental responsibility of a~~  
24 minor child does not preclude the court from entering an order  
25 for child support of the child.

26 (6) In any proceeding under this section, the court  
27 may not deny shared parental responsibility and time-sharing,  
28 ~~custody, or visitation~~ rights to a parent ~~or grandparent~~  
29 solely because that parent ~~or grandparent~~ is or is believed to  
30 be infected with human immunodeficiency virus, ~~+~~ but the court  
31 may condition such rights in an order approving the parenting

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1 ~~plan upon the parent's or grandparent's agreement~~ to observe  
 2 measures approved by the Centers for Disease Control and  
 3 Prevention of the United States Public Health Service or by  
 4 the Department of Health for preventing the spread of human  
 5 immunodeficiency virus to the child.

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

11 ~~(7)(8)~~(a) Beginning July 1, 1997, each party to any  
 12 paternity or support proceeding is required to file with the  
 13 tribunal as defined in s. 88.1011(22) and State Case Registry  
 14 upon entry of an order, and to update as appropriate,  
 15 information on location and identity of the party, including  
 16 social security number, residential and mailing addresses,  
 17 telephone number, driver's license number, and name, address,  
 18 and telephone number of employer. Beginning October 1, 1998,  
 19 each party to any paternity or child support proceeding in a  
 20 non-Title IV-D case shall meet the above requirements for  
 21 updating the tribunal and State Case Registry.

22 (b) Pursuant to the federal Personal Responsibility  
 23 and Work Opportunity Reconciliation Act of 1996, each party is  
 24 required to provide his or her social security number in  
 25 accordance with this section. Disclosure of social security  
 26 numbers obtained through this requirement shall be limited to  
 27 the purpose of administration of the Title IV-D program for  
 28 child support enforcement.

29 (c) Beginning July 1, 1997, in any subsequent Title  
 30 IV-D child support enforcement action between the parties,  
 31 upon sufficient showing that diligent effort has been made to

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1 ascertain the location of such a party, the court of competent  
 2 jurisdiction shall deem state due process requirements for  
 3 notice and service of process to be met with respect to the  
 4 party, upon delivery of written notice to the most recent  
 5 residential or employer address filed with the tribunal and  
 6 State Case Registry pursuant to paragraph (a). Beginning  
 7 October 1, 1998, in any subsequent non-Title IV-D child  
 8 support enforcement action between the parties, the same  
 9 requirements for service shall apply.

10       ~~(8)(9)~~ At the time an order for child support is  
 11 entered, each party is required to provide his or her social  
 12 security number and date of birth to the court, as well as the  
 13 name, date of birth, and social security number of each minor  
 14 child that is the subject of such child support order.  
 15 Pursuant to the federal Personal Responsibility and Work  
 16 Opportunity Reconciliation Act of 1996, each party is required  
 17 to provide his or her social security number in accordance  
 18 with this section. All social security numbers required by  
 19 this section shall be provided by the parties and maintained  
 20 by the depository as a separate attachment in the file.  
 21 Disclosure of social security numbers obtained through this  
 22 requirement shall be limited to the purpose of administration  
 23 of the Title IV-D program for child support enforcement.

24       Section 8. Section 61.13001, Florida Statutes, is  
 25 amended to read:

26       61.13001 Parental relocation with a child.--

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

28       (a) "Change of residence address" means the relocation  
 29 of a child to a principal residence more than 50 miles away  
 30 from his or her principal place of residence at the time of  
 31 the entry of the last order establishing or modifying the



1 parenting plan or time-sharing arrangement for ~~designation of~~  
 2 ~~the primary residential parent or the custody of~~ the minor  
 3 child, unless the move places the principal residence of the  
 4 minor child less than 50 miles from either ~~the nonresidential~~  
 5 parent.

6 (b) "Child" means any person who is under the  
 7 jurisdiction of a state court pursuant to the Uniform Child  
 8 Custody Jurisdiction and Enforcement Act or is the subject of  
 9 any order granting to a parent or other person any right to  
 10 time-sharing, residential care, or kinship, ~~custody, or~~  
 11 ~~visitation~~ as provided under state law.

12 (c) "Court" means the circuit court in an original  
 13 proceeding which has proper venue and jurisdiction in  
 14 accordance with the Uniform Child Custody Jurisdiction and  
 15 Enforcement Act, the circuit court in the county in which  
 16 either parent and the child reside, or the circuit court in  
 17 which the original action was adjudicated.

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

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

29  
 30  
 31