

By the Committee on Judiciary; and Senator Lynn

590-2365-07

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

1 | refuses to abide by the time-sharing agreement
2 | or order; amending s. 61.13001, F.S.; providing
3 | for relocation of a child; providing for a
4 | relocation agreement between the parents;
5 | providing procedures for relocation when an
6 | agreement cannot be reached; requiring a court
7 | to consider the impact of a relocation on a
8 | child with certain health conditions; amending
9 | s. 61.181, F.S.; providing for distributing
10 | child support funds; amending s. 61.1827, F.S.,
11 | relating to child support services; conforming
12 | provisions to changes made by the act; amending
13 | s. 61.20, F.S.; providing for the court to
14 | order a social service investigation if a
15 | parenting plan is at issue; amending s. 61.21,
16 | F.S.; providing that parties to a parenting
17 | plan or a time-sharing schedule may be required
18 | by the court to attend a parenting course;
19 | amending s. 61.30, F.S.; revising calculations
20 | for child support awards; amending s. 61.401,
21 | F.S.; authorizing the court to appoint a
22 | guardian ad litem in cases involving a
23 | parenting plan or a time-sharing schedule;
24 | amending s. 61.45, F.S.; providing for court
25 | orders for parenting plans and time-sharing
26 | schedules; amending s. 741.0306, F.S.;
27 | including material on parenting plans and
28 | time-sharing schedules in the family law
29 | handbook prepared by The Florida Bar; amending
30 | s. 741.30, F.S., relating to injunctions
31 | against domestic violence; conforming

1 provisions to changes made by the act; amending
2 s. 742.031, F.S.; providing for parenting plans
3 and time-sharing schedules in proceedings to
4 determine paternity; reenacting s.
5 61.1825(3)(a), F.S., relating to the State Case
6 Registry, to incorporate the amendments made to
7 s. 741.30, F.S., in a reference thereto;
8 repealing s. 61.121, F.S., relating to court
9 orders for rotating custody between parents if
10 it is in the best interests of the child;
11 providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Chapter 61, Florida Statutes, entitled
16 "DISSOLUTION OF MARRIAGE; SUPPORT; CUSTODY" is retitled as
17 "DISSOLUTION OF MARRIAGE; SUPPORT; TIME-SHARING."

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

20 61.046 Definitions.--As used in this chapter:

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

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

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

1 ~~(3)~~~~(4)~~ "Department" means the Department of Revenue.

2 ~~(4)~~~~(5)~~ "Depository" means the central governmental
3 depository established pursuant to s. 61.181, created by
4 special act of the Legislature or other entity established
5 before June 1, 1985, to perform depository functions and to
6 receive, record, report, disburse, monitor, and otherwise
7 handle alimony and child support payments not otherwise
8 required to be processed by the State Disbursement Unit.

9 ~~(5)~~~~(6)~~ "Federal Case Registry of Child Support Orders"
10 means the automated registry of support order abstracts and
11 other information established and maintained by the United
12 States Department of Health and Human Services as provided by
13 42 U.S.C. s. 653(h).

14 ~~(6)~~~~(7)~~ "Income" means any form of payment to an
15 individual, regardless of source, including, but not limited
16 to: wages, salary, commissions and bonuses, compensation as an
17 independent contractor, worker's compensation, disability
18 benefits, annuity and retirement benefits, pensions,
19 dividends, interest, royalties, trusts, and any other
20 payments, made by any person, private entity, federal or state
21 government, or any unit of local government. United States
22 Department of Veterans Affairs disability benefits and
23 unemployment compensation, as defined in chapter 443, are
24 excluded from this definition of income except for purposes of
25 establishing an amount of support.

26 ~~(7)~~~~(8)~~ "IV-D" means services provided pursuant to
27 Title IV-D of the Social Security Act, 42 U.S.C. ss. 651 et
28 seq.

29 ~~(8)~~~~(9)~~ "Local officer" means an elected or appointed
30 constitutional or charter government official including, but
31

1 not limited to, the state attorney and clerk of the circuit
2 court.

3 ~~(9)(10)~~ "National medical support notice" means the
4 notice required under 42 U.S.C. s. 666(a)(19).

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

7 ~~(10)(12)~~ "Obligee" means the person to whom payments
8 are made pursuant to an order establishing, enforcing, or
9 modifying an obligation for alimony, for child support, or for
10 alimony and child support.

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

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

27 (a) Any parenting plan formulated under this chapter
28 must address all jurisdictional issues, including, but not
29 limited to, the Uniform Child Custody Jurisdiction Enforcement
30 Act, the International Custody and Abduction Remedies Act, 42
31 U.S.C. s. 11601 et seq., the Parental Kidnapping Prevention

1 Act, and the Convention on the Civil Aspects of International
2 Child Abduction enacted at the Hague on October 25, 1980.

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

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

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

19 (14) "Payor" means an employer or former employer or
20 any other person or agency providing or administering income
21 to the obligor.

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

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

31

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

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

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

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

29 (a) Child support and, when the child support
30 obligation is being enforced by the Department of Revenue,
31

1 spousal support or alimony for the spouse or former spouse of
2 the obligor with whom the child is living.

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

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

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

13 61.052 Dissolution of marriage.--

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

20 Section 4. Section 61.09, Florida Statutes, is amended
21 to read:

22 61.09 Alimony and child support unconnected with
23 dissolution.--If a person having the ability to contribute to
24 the maintenance of his or her spouse and support of his or her
25 minor child fails to do so, the spouse who is not receiving
26 support ~~or who has custody of the child or with whom the child~~
27 ~~has primary residence~~ may apply to the court for alimony and
28 for support for the child without seeking dissolution of
29 marriage, and the court shall enter an order as it deems just
30 and proper.

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

3 61.10 Adjudication of obligation to support spouse or
4 minor child unconnected with dissolution; parenting plan and
5 time-sharing schedule ~~child custody, child's primary~~
6 ~~residence, and visitation.~~--Except when relief is afforded by
7 some other pending civil action or proceeding, a spouse
8 residing in this state apart from his or her spouse and minor
9 child, whether or not such separation is through his or her
10 fault, may obtain an adjudication of obligation to maintain
11 the spouse and minor child, if any. The court shall
12 adjudicate his or her financial obligations to the spouse and
13 child and, shall establish the parenting plan and time-sharing
14 schedule for ~~child's primary residence, and shall determine~~
15 ~~the custody and visitation rights of~~ the parties. Such an
16 action does not preclude either party from maintaining any
17 other proceeding under this chapter for other or additional
18 relief at any time.

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

21 61.122 Parenting plan recommendation ~~Child custody~~
22 ~~evaluations~~; presumption of psychologist's good faith;
23 prerequisite to parent's filing suit; award of fees, costs,
24 reimbursement.--

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

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

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

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

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

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

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

7 61.13 ~~Custody and Support, parenting, and time-sharing~~
8 ~~of children; visitation rights;~~ power of court in making
9 orders.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 4. If the parties elect not to require that support
31 payments be made through the depository, any party may

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (3) For purposes of establishing, modifying parental
15 responsibility and creating, developing, approving, or
16 modifying a parenting plan, including a time-sharing schedule,
17 which governs each parent's relationship with his or her minor
18 child and the relationship between each parent with regard to
19 his or her minor child, the best interests of the child shall
20 be the primary consideration. There shall be no presumptions
21 for or against either parent when establishing, creating,
22 developing, approving, or modifying the parenting plan,
23 including the time-sharing schedule, as well as determining
24 decisionmaking, regardless of the age or sex of the child,
25 giving due consideration to the developmental needs of the
26 child. The parenting plan, must be in the best interests of
27 the minor child, and evidence that a parent has been convicted
28 of a felony of the third degree or higher involving domestic
29 violence, as defined in s. 741.28 or chapter 775, or meeting
30 the criteria of s. 39.806(1)(d), creates a rebuttable
31 presumption of detriment to the child. If the presumption is

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

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

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

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

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

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

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

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

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

11 (f) The moral fitness of the parents.

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

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

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

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

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

31

1 (l) Evidence that a parent has been convicted of a
2 felony of the third degree or higher involving domestic
3 violence, as defined in s. 741.28 and chapter 775, or meets
4 the criteria of s. 39.806(1)(d), creates a rebuttable
5 presumption of detriment to the child. If the presumption is
6 not rebutted, time-sharing with the child and decisionmaking
7 regarding the child may not be granted to the convicted
8 parent.

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

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

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

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

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

29 (r) The demonstrated capability, experience, and
30 knowledge of each parent on how best to raise a child who has
31 a serious and well-recognized medical condition, including,

1 but not limited to, an autism spectrum disorder or a related
2 condition.

3 (s) Any other factor that is relevant to the
4 determination of a specific parenting plan, including the
5 time-sharing schedule. The home, school, and community record
6 of the child.

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

10 ~~(j) The willingness and ability of each parent to~~
11 ~~facilitate and encourage a close and continuing parent child~~
12 ~~relationship between the child and the other parent.~~

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

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

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

19 (4)(a) When a ~~noncustodial~~ parent who is ordered to
20 pay child support or alimony ~~and who is awarded visitation~~
21 ~~rights~~ fails to pay child support or alimony, the ~~eustodial~~
22 parent who should have received the child support or alimony
23 may shall not refuse to honor the time-sharing schedule
24 presently in effect between the parents noncustodial parent's
25 visitation rights.

26 (b) When a ~~eustodial~~ parent refuses to honor the other
27 ~~a noncustodial~~ parent's ~~visitation~~ rights under the
28 time-sharing schedule, the ~~noncustodial~~ parent whose
29 time-sharing rights were violated shall continue ~~not fail~~ to
30 pay any ordered child support or alimony.
31

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

5 1. Shall, after calculating the amount of time-sharing
6 ~~visitation~~ improperly denied, award the ~~noncustodial~~ parent
7 denied time-sharing or grandparent a sufficient amount of
8 extra time-sharing visitation to compensate for the
9 time-sharing missed, and such time-sharing ~~the noncustodial~~
10 ~~parent or grandparent, which visitation~~ shall be ordered as
11 expeditiously as possible in a manner consistent with the best
12 interests of the child and scheduled in a manner that is
13 convenient for the parent person deprived of time-sharing
14 ~~visitation~~. In ordering any makeup time-sharing visitation,
15 the court shall schedule such time-sharing visitation in a
16 manner that is consistent with the best interests of the child
17 or children and that is convenient for the nonoffending
18 ~~noncustodial~~ parent and at the expense of the noncompliant
19 parent or grandparent. ~~In addition, the court:~~

20 ~~2.1.~~ May order the ~~custodial~~ parent who did not
21 provide time-sharing or did not properly exercise time-sharing
22 under the time-sharing schedule to pay reasonable court costs
23 and attorney's fees incurred by the nonoffending noncustodial
24 ~~parent or grandparent~~ to enforce the time-sharing schedule
25 ~~their visitation rights or make up improperly denied~~
26 ~~visitation;~~

27 ~~3.2.~~ 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 attend a the parenting
30 course approved by the judicial circuit;
31

1 ~~4.3.~~ May order the ~~custodial~~ parent who did not
2 provide time-sharing or did not properly exercise time-sharing
3 under the time-sharing schedule to do community service if the
4 order will not interfere with the welfare of the child;

5 ~~5.4.~~ May order the ~~custodial~~ parent who did not
6 provide time-sharing or did not properly exercise time-sharing
7 under the time-sharing schedule to have the financial burden
8 of promoting frequent and continuing contact when the
9 custodial parent and child reside further than 60 miles from
10 the noncustodial parent;

11 ~~6.5.~~ May ~~award custody, rotating custody, or primary~~
12 ~~residence to the noncustodial parent~~, upon the request of the
13 ~~noncustodial~~ parent who did not violate the time-sharing
14 schedule, modify the parenting plan, if modification ~~the award~~
15 is in the best interests of the child; ~~or~~

16 ~~7.~~ May order the parent who did not provide
17 time-sharing or did not properly exercise time-sharing under
18 the time-sharing schedule to be responsible for incidental
19 costs incurred by the compliant parent as a result of the
20 other parent's noncompliance; or

21 ~~8.6.~~ May impose any other reasonable sanction as a
22 result of noncompliance.

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

26 (5) The court may make specific orders regarding the
27 parenting plan and the time-sharing schedule ~~for the care and~~
28 ~~custody of the minor child as such orders relate to~~ from the
29 circumstances of the parties and the nature of the case and
30 are ~~is~~ equitable and provide for child support in accordance
31 with the guidelines in s. 61.30. An order for equal

1 ~~time-sharing for~~ award of shared parental responsibility of a
2 minor child does not preclude the court from entering an order
3 for child support of the child.

4 (6) In any proceeding under this section, the court
5 may not deny shared parental responsibility and time-sharing,
6 ~~custody, or visitation~~ rights to a parent ~~or grandparent~~
7 solely because that parent ~~or grandparent~~ is or is believed to
8 be infected with human immunodeficiency virus, ~~+~~ but the court
9 may condition such rights in an order approving the parenting
10 plan ~~upon the parent's or grandparent's agreement~~ to observe
11 measures approved by the Centers for Disease Control and
12 Prevention of the United States Public Health Service or by
13 the Department of Health for preventing the spread of human
14 immunodeficiency virus to the child.

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

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

31

1 (b) Pursuant to the federal Personal Responsibility
2 and Work Opportunity Reconciliation Act of 1996, each party is
3 required to provide his or her social security number in
4 accordance with this section. Disclosure of social security
5 numbers obtained through this requirement shall be limited to
6 the purpose of administration of the Title IV-D program for
7 child support enforcement.

8 (c) Beginning July 1, 1997, in any subsequent Title
9 IV-D child support enforcement action between the parties,
10 upon sufficient showing that diligent effort has been made to
11 ascertain the location of such a party, the court of competent
12 jurisdiction shall deem state due process requirements for
13 notice and service of process to be met with respect to the
14 party, upon delivery of written notice to the most recent
15 residential or employer address filed with the tribunal and
16 State Case Registry pursuant to paragraph (a). Beginning
17 October 1, 1998, in any subsequent non-Title IV-D child
18 support enforcement action between the parties, the same
19 requirements for service shall apply.

20 ~~(8)(9)~~ At the time an order for child support is
21 entered, each party is required to provide his or her social
22 security number and date of birth to the court, as well as the
23 name, date of birth, and social security number of each minor
24 child that is the subject of such child support order.
25 Pursuant to the federal Personal Responsibility and Work
26 Opportunity Reconciliation Act of 1996, each party is required
27 to provide his or her social security number in accordance
28 with this section. All social security numbers required by
29 this section shall be provided by the parties and maintained
30 by the depository as a separate attachment in the file.
31 Disclosure of social security numbers obtained through this

1 requirement shall be limited to the purpose of administration
2 of the Title IV-D program for child support enforcement.

3 Section 8. Section 61.13001, Florida Statutes, is
4 amended to read:

5 61.13001 Parental relocation with a child.--

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

7 (a) "Change of residence address" means the relocation
8 of a child to a principal residence more than 50 miles away
9 from his or her principal place of residence at the time of
10 the entry of the last order establishing or modifying the
11 parenting plan or time-sharing arrangement for designation of
12 ~~the primary residential parent or the custody of~~ the minor
13 child, unless the move places the principal residence of the
14 minor child less than 50 miles from either ~~the nonresidential~~
15 parent.

16 (b) "Child" means any person who is under the
17 jurisdiction of a state court pursuant to the Uniform Child
18 Custody Jurisdiction and Enforcement Act or is the subject of
19 any order granting to a parent or other person any right to
20 time-sharing, residential care, or kinship, custody, ~~or~~
21 ~~visitation~~ as provided under state law.

22 (c) "Court" means the circuit court in an original
23 proceeding which has proper venue and jurisdiction in
24 accordance with the Uniform Child Custody Jurisdiction and
25 Enforcement Act, the circuit court in the county in which
26 either parent and the child reside, or the circuit court in
27 which the original action was adjudicated.

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

31

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

9 ~~(f) "Person entitled to be the primary residential~~
10 ~~parent of a child" means a person so designated by court order~~
11 ~~or by an express written agreement that is subject to court~~
12 ~~enforcement or a person seeking such a designation, or, when~~
13 ~~neither parent has been designated as primary residential~~
14 ~~parent, the person seeking to relocate with a child.~~

15 ~~(g) "Principal residence of a child" means the home of~~
16 ~~the designated primary residential parent. For purposes of~~
17 ~~this section only, when rotating custody is in effect, each~~
18 ~~parent shall be considered to be the primary residential~~
19 ~~parent.~~

20 ~~(f)(h)~~ "Relocation" means a change in any the
21 ~~principal~~ residence of a child for a period of 60 consecutive
22 days or more but does not include a temporary absence from the
23 ~~principal~~ residence for purposes of vacation, education, or
24 the provision of health care for the child.

25 (2) RELOCATION BY AGREEMENT.--

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

- 31 1. Reflects the consent to the relocation;

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

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

6 (b) If there is an existing cause of action, judgment,
7 or decree of record pertaining to the child's ~~primary~~
8 residence or time-sharing visitation, the parties shall seek
9 ratification of the agreement by court order without the
10 necessity of an evidentiary hearing unless a hearing is
11 requested, in writing, by one or more of the parties to the
12 agreement within 10 days after the date the agreement is filed
13 with the court. If a hearing is not timely requested, it shall
14 be presumed that the relocation is in the best interest of the
15 child and the court may ratify the agreement without an
16 evidentiary hearing.

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

25 (a) The parent seeking to relocate shall prepare a
26 Notice of Intent to Relocate. The following information must
27 be included with the Notice of Intent to Relocate and signed
28 under oath under penalty of perjury:

29 1. A description of the location of the intended new
30 residence, including the state, city, and specific physical
31 address, if known.

1 2. The mailing address of the intended new residence,
2 if not the same as the physical address, if known.

3 3. The home telephone number of the intended new
4 residence, if known.

5 4. The date of the intended move or proposed
6 relocation.

7 5. A detailed statement of the specific reasons for
8 the proposed relocation of the child. If one of the reasons is
9 based upon a job offer which has been reduced to writing, that
10 written job offer must be attached to the Notice of Intent to
11 Relocate.

12 6. A proposal for the revised postrelocation schedule
13 of time-sharing ~~visitation~~ together with a proposal for the
14 postrelocation transportation arrangements necessary to
15 effectuate time-sharing ~~visitation~~ with the child. Absent the
16 existence of a current, valid order abating, terminating, or
17 restricting time-sharing ~~visitation~~ or other good cause
18 predating the Notice of Intent to Relocate, failure to comply
19 with this provision renders the Notice of Intent to Relocate
20 legally insufficient.

21 7. Substantially the following statement, in all
22 capital letters and in the same size type, or larger, as the
23 type in the remainder of the notice:

24
25 AN OBJECTION TO THE PROPOSED RELOCATION MUST BE MADE IN
26 WRITING, FILED WITH THE COURT, AND SERVED ON THE PARENT OR
27 OTHER PERSON SEEKING TO RELOCATE WITHIN 30 DAYS AFTER SERVICE
28 OF THIS NOTICE OF INTENT TO RELOCATE. IF YOU FAIL TO TIMELY
29 OBJECT TO THE RELOCATION, THE RELOCATION WILL BE ALLOWED,
30 UNLESS IT IS NOT IN THE BEST INTERESTS OF THE CHILD, WITHOUT
31 FURTHER NOTICE AND WITHOUT A HEARING.

1 8. The mailing address of the parent or other person
2 seeking to relocate to which the objection filed under
3 subsection (5) to the Notice of Intent to Relocate should be
4 sent.

5
6 The contents of the Notice of Intent to Relocate are not
7 privileged. For purposes of encouraging amicable resolution of
8 the relocation issue, a copy of the Notice of Intent to
9 Relocate shall initially not be filed with the court but
10 instead served upon the nonrelocating parent, other person,
11 and every other person entitled to time-sharing ~~visitation~~
12 with the child, and the original thereof shall be maintained
13 by the parent or other person seeking to relocate.

14 (b) The parent seeking to relocate shall also prepare
15 a Certificate of Filing Notice of Intent to Relocate. The
16 certificate shall certify the date that the Notice of Intent
17 to Relocate was served on the other parent and on every other
18 person entitled to time-sharing ~~visitation~~ with the child.

19 (c) The Notice of Intent to Relocate, and the
20 Certificate of Filing Notice of Intent to Relocate, shall be
21 served on the other parent and on every other person entitled
22 to time-sharing ~~visitation~~ with the child. If there is a
23 pending court action regarding the child, service of process
24 may be according to court rule. Otherwise, service of process
25 shall be according to chapters 48 and 49 or via certified
26 mail, restricted delivery, return receipt requested.

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

31

1 (e) If the other parent and any other person entitled
2 to time-sharing ~~visitation~~ with the child fails to timely file
3 an objection, it shall be presumed that the relocation is in
4 the best interest of the child, the relocation shall be
5 allowed, and the court shall, absent good cause, enter an
6 order, attaching a copy of the Notice of Intent to Relocate,
7 reflecting that the order is entered as a result of the
8 failure to object to the Notice of Intent to Relocate, and
9 adopting the time-sharing ~~visitation~~ schedule and
10 transportation arrangements contained in the Notice of Intent
11 to Relocate. The order may issue in an expedited manner
12 without the necessity of an evidentiary hearing. If an
13 objection is timely filed, the burden returns to the parent or
14 person seeking to relocate to initiate court proceedings to
15 obtain court permission to relocate before ~~prior to~~ doing so.

16 (f) The act of relocating the child after failure to
17 comply with the notice of intent to relocate procedure
18 described in this subsection subjects the party in violation
19 thereof to contempt and other proceedings to compel the return
20 of the child and may be taken into account by the court in any
21 initial or postjudgment action seeking a determination or
22 modification of the parenting plan or the time-sharing
23 schedule, or both, ~~designation of the primary residential~~
24 ~~parent or of the residence, custody, or visitation with the~~
25 ~~child~~ as:

26 1. A factor in making a determination regarding the
27 relocation of a child.

28 2. A factor in determining whether the parenting plan
29 or the designation of the primary residential parent or the
30 ~~residence, contact, access, visitation, or time-sharing~~
31 schedule arrangements should be modified.

1 3. A basis for ordering the temporary or permanent
2 return of the child.

3 4. Sufficient cause to order the parent or other
4 person seeking to relocate the child to pay reasonable
5 expenses and attorney's fees incurred by the party objecting
6 to the relocation.

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

11 (4) APPLICABILITY OF PUBLIC RECORDS LAW.--If the
12 parent or other person seeking to relocate a child, or the
13 child, is entitled to prevent disclosure of location
14 information under any public records exemption applicable to
15 that person, the court may enter any order necessary to modify
16 the disclosure requirements of this section in compliance with
17 the public records exemption.

18 (5) CONTENT OF OBJECTION TO RELOCATION.--An objection
19 seeking to prevent the relocation of a child must ~~shall~~ be
20 verified and served within 30 days after service of the Notice
21 of Intent to Relocate. The objection must ~~shall~~ include the
22 specific factual basis supporting the reasons for seeking a
23 prohibition of the relocation, including a statement of the
24 amount of participation or involvement the objecting party
25 currently has or has had in the life of the child.

26 (6) TEMPORARY ORDER.--

27 (a) The court may grant a temporary order restraining
28 the relocation of a child or ordering the return of the child,
29 if a relocation has previously taken place, or other
30 appropriate remedial relief, if the court finds:
31

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

3 2. The child already has been relocated without notice
4 or written agreement of the parties or without court approval;
5 or

6 3. From an examination of the evidence presented at
7 the preliminary hearing that there is a likelihood that upon
8 final hearing the court will not approve the relocation of the
9 ~~primary residence of the child.~~

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

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

15 2. Finds from an examination of the evidence presented
16 at the preliminary hearing that there is a likelihood that on
17 final hearing the court will approve the relocation of the
18 ~~primary residence of the child~~, which findings must be
19 supported by the same factual basis as would be necessary to
20 support the permitting of relocation in a final judgment.

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

26 (d) If temporary relocation of a child is permitted,
27 the court may require the person relocating the child to
28 provide reasonable security, financial or otherwise, and
29 guarantee that the court-ordered contact with the child will
30 not be interrupted or interfered with by the relocating party.
31

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

10 (a) The nature, quality, extent of involvement, and
11 duration of the child's relationship with the parent proposing
12 to relocate with the child and with the nonrelocating parent,
13 other persons, siblings, half-siblings, and other significant
14 persons in the child's life.

15 (b) The age and developmental stage of the child, the
16 needs of the child, and the likely impact the relocation will
17 have on the child's physical, educational, and emotional
18 development, taking into consideration any special needs of
19 the child.

20 (c) The feasibility of preserving the relationship
21 between the nonrelocating parent or other person and the child
22 through substitute arrangements that take into consideration
23 the logistics of contact, access, ~~visitation,~~ and
24 time-sharing, as well as the financial circumstances of the
25 parties; whether those factors are sufficient to foster a
26 continuing meaningful relationship between the child and the
27 nonrelocating parent or other person; and the likelihood of
28 compliance with the substitute arrangements by the relocating
29 parent once he or she is out of the jurisdiction of the court.

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

1 (e) Whether the relocation will enhance the general
2 quality of life for both the parent seeking the relocation and
3 the child, including, but not limited to, financial or
4 emotional benefits or educational opportunities.

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

7 (g) The current employment and economic circumstances
8 of each parent or other person and whether or not the proposed
9 relocation is necessary to improve the economic circumstances
10 of the parent or other person seeking relocation of the child.

11 (h) That the relocation is sought in good faith and
12 the extent to which the objecting parent has fulfilled his or
13 her financial obligations to the parent or other person
14 seeking relocation, including child support, spousal support,
15 and marital property and marital debt obligations.

16 (i) The career and other opportunities available to
17 the objecting parent or objecting other person if the
18 relocation occurs.

19 (j) A history of substance abuse or domestic violence
20 as defined in s. 741.28 or which meets the criteria of s.
21 39.806(1)(d) by either parent, including a consideration of
22 the severity of such conduct and the failure or success of any
23 attempts at rehabilitation.

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

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

31

1 (8) BURDEN OF PROOF.--The parent or other person
2 wishing to relocate has the burden of proof if an objection is
3 filed and must then initiate a proceeding seeking court
4 permission for relocation. The initial burden is on the parent
5 or person wishing to relocate to prove by a preponderance of
6 the evidence that relocation is in the best interest of the
7 child. If that burden of proof is met, the burden shifts to
8 the nonrelocating parent or other person to show by a
9 preponderance of the evidence that the proposed relocation is
10 not in the best interest of the child.

11 (9) ORDER REGARDING RELOCATION.--If relocation is
12 permitted:

13 (a) The court may, in its discretion, order contact
14 with the nonrelocating parent, including access, ~~visitation,~~
15 time-sharing, telephone, Internet, web-cam, and other
16 arrangements sufficient to ensure that the child has frequent,
17 continuing, and meaningful contact, access, ~~visitation,~~ and
18 time-sharing with the nonrelocating parent or other persons,
19 if contact is financially affordable and in the best interest
20 of the child.

21 (b) If applicable, the court shall specify how the
22 transportation costs will be allocated between the parents and
23 other persons entitled to contact, access, ~~visitation,~~ and
24 time-sharing and may adjust the child support award, as
25 appropriate, considering the costs of transportation and the
26 respective net incomes of the parents in accordance with state
27 child support guidelines.

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

1 (11) APPLICABILITY.--

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

3 1. To orders entered before October 1, 2006, if the
4 existing order defining custody, primary residence, or
5 time-sharing ~~visitation~~ of or with the child does not
6 expressly govern the relocation of the child.

7 2. To an order, whether temporary or permanent,
8 regarding the parenting plan, custody, primary residence,
9 time-sharing or visitation of or with the child entered on or
10 after October 1, 2006.

11 3. To any relocation or proposed relocation, whether
12 permanent or temporary, of a child during any proceeding
13 pending on October 1, 2006, wherein the parenting plan,
14 custody, primary residence, time-sharing or visitation of or
15 with the child is an issue.

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

21 Section 9. Paragraph (d) of subsection (3) of section
22 61.181, Florida Statutes, is amended to read:

23 61.181 Depository for alimony transactions, support,
24 maintenance, and support payments; fees.--

25 (3)

26 (d) When time-sharing ~~custody~~ of a child is
27 relinquished by a ~~custodial~~ parent who is entitled to receive
28 child support moneys from the depository to a licensed or
29 registered long-term care child agency, that agency may
30 request from the court an order directing that child support
31 payments that ~~which~~ would otherwise be distributed to the

1 ~~custodial~~ parent be distributed to the agency for the period
2 of time that custody of the child is with ~~by~~ the agency.
3 Thereafter, payments shall be distributed to the agency as if
4 the agency were the ~~custodial~~ parent until further order of
5 the court.

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

8 61.1827 Identifying information concerning applicants
9 for and recipients of child support services.--

10 (1) Any information that reveals the identity of
11 applicants for or recipients of child support services,
12 including the name, address, and telephone number of such
13 persons, held by a non-Title IV-D county child support
14 enforcement agency is confidential and exempt from s.
15 119.07(1) and s. 24(a) of Art. I of the State Constitution.
16 The use or disclosure of such information by the non-Title
17 IV-D county child support enforcement agency is limited to the
18 purposes directly connected with:

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

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

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

29 (d) Disclosure to an authorized person, as defined in
30 45 C.F.R. s. 303.15, for purposes of enforcing any state or
31 federal law with respect to the unlawful taking or restraint

1 of a child or making or enforcing a parenting plan ~~child~~
2 ~~custody or visitation determination~~. As used in this
3 paragraph, the term "authorized person" includes a
4 noncustodial parent, unless a court has entered an order under
5 s. 741.30, s. 741.31, or s. 784.046.

6 Section 11. Section 61.20, Florida Statutes, is
7 amended to read:

8 61.20 Social investigation and recommendations when a
9 parenting plan ~~child custody~~ is at ~~in~~ issue.--

10 (1) In any action where the parenting plan ~~custody of~~
11 ~~a minor child~~ is at ~~in~~ issue, the court may order a social
12 investigation and study concerning all pertinent details
13 relating to the child and each parent when such an
14 investigation has not been done and the study therefrom
15 provided to the court by the parties or when the court
16 determines that the investigation and study that have been
17 done are insufficient. The agency, staff, or person conducting
18 the investigation and study ordered by the court pursuant to
19 this section shall furnish the court and all parties of record
20 in the proceeding a written study containing recommendations,
21 including a written statement of facts found in the social
22 investigation on which the recommendations are based. The
23 court may consider the information contained in the study in
24 making a decision on the parenting plan, ~~child's custody~~ and
25 the technical rules of evidence do not exclude the study from
26 consideration.

27 (2) A social investigation and study, when ordered by
28 the court, shall be conducted by qualified staff of the court;
29 a child-placing agency licensed pursuant to s. 409.175; a
30 psychologist licensed pursuant to chapter 490; or a clinical
31 social worker, marriage and family therapist, or mental health

1 | counselor licensed pursuant to chapter 491. If a
2 | certification of indigence based on an affidavit filed with
3 | the court pursuant to s. 57.081 is provided by an adult party
4 | to the proceeding and the court does not have qualified staff
5 | to perform the investigation and study, the court may request
6 | that the Department of Children and Family Services conduct
7 | the investigation and study.

8 | (3) Except as to persons who obtain certification of
9 | indigence as specified in subsection (2), for whom no costs
10 | shall be incurred, the adult parties involved in a ~~child~~
11 | ~~custody~~ proceeding to determine a parenting plan wherein the
12 | court has ordered the performance of a social investigation
13 | and study ~~performed~~ shall be responsible for the payment of
14 | the costs of such investigation and study. Upon submission of
15 | the study to the court, the agency, staff, or person
16 | performing the study shall include a bill for services, which
17 | shall be taxed and ordered paid as costs in the proceeding.

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

21 | 61.21 Parenting course authorized; fees; required
22 | attendance authorized; contempt.--

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

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

28 | 1. The issues and legal procedures for resolving
29 | time-sharing custody and child support disputes.

30 | 2. The emotional experiences and problems of divorcing
31 | adults.

1 3. The family problems and the emotional concerns and
2 needs of the children.

3 4. The availability of community services and
4 resources.

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

10 Section 13. Paragraph (a) of subsection (1), paragraph
11 (b) of subsection (2), and subsections (7), (8), (11), and
12 (17) of section 61.30, Florida Statutes, are amended to read:

13 61.30 Child support guidelines; retroactive child
14 support.--

15 (1)(a) The child support guideline amount as
16 determined by this section presumptively establishes the
17 amount the trier of fact shall order as child support in an
18 initial proceeding for such support or in a proceeding for
19 modification of an existing order for such support, whether
20 the proceeding arises under this or another chapter. The
21 trier of fact may order payment of child support which varies,
22 plus or minus 5 percent, from the guideline amount, after
23 considering all relevant factors, including the needs of the
24 child or children, age, station in life, standard of living,
25 and the financial status and ability of each parent. The
26 trier of fact may order payment of child support in an amount
27 which varies more than 5 percent from such guideline amount
28 only upon a written finding explaining why ordering payment of
29 such guideline amount would be unjust or inappropriate.
30 Notwithstanding the variance limitations of this section, the
31 trier of fact shall order payment of child support which

1 varies from the guideline amount as provided in paragraph
2 (11)(b) whenever any of the children are required by court
3 order or mediation agreement to spend a substantial amount of
4 time with both ~~the primary and secondary residential~~ parents.
5 This requirement applies to any living arrangement, whether
6 temporary or permanent.

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

9 (b) Income on a monthly basis shall be imputed to an
10 unemployed or underemployed parent when such employment or
11 underemployment is found to be voluntary on that parent's
12 part, absent physical or mental incapacity or other
13 circumstances over which the parent has no control. In the
14 event of such voluntary unemployment or underemployment, the
15 employment potential and probable earnings level of the parent
16 shall be determined based upon his or her recent work history,
17 occupational qualifications, and prevailing earnings level in
18 the community; however, the court may refuse to impute income
19 to a ~~primary residential~~ parent if the court finds it
20 necessary for the parent to stay home with the child.

21 (7) Child care costs incurred on behalf of the
22 children due to employment, job search, or education
23 calculated to result in employment or to enhance income of
24 current employment of either parent shall be reduced by 25
25 percent and then shall be added to the basic obligation. After
26 the adjusted child care costs are added to the basic
27 obligation, any moneys prepaid by one ~~the noncustodial~~ parent
28 for child care costs for the child or children of this action
29 shall be deducted from that ~~noncustodial~~ parent's child
30 support obligation for that child or those children. Child
31

1 care costs may ~~shall~~ not exceed the level required to provide
2 quality care from a licensed source for the children.

3 (8) Health insurance costs resulting from coverage
4 ordered pursuant to s. 61.13(1)(b), and any noncovered
5 medical, dental, and prescription medication expenses of the
6 child, shall be added to the basic obligation unless these
7 expenses have been ordered to be separately paid on a
8 percentage basis. After the health insurance costs are added
9 to the basic obligation, any moneys prepaid by the
10 ~~noncustodial~~ parent for health-related costs for the child or
11 children of this action shall be deducted from that
12 ~~noncustodial~~ parent's child support obligation for that child
13 or those children.

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

17 1. Extraordinary medical, psychological, educational,
18 or dental expenses.

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

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

23 4. Seasonal variations in one or both parents' incomes
24 or expenses.

25 5. The age of the child, taking into account the
26 greater needs of older children.

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

1 7. Total available assets of the obligee, obligor, and
2 the child.

3 8. The impact of the Internal Revenue Service
4 dependency exemption and waiver of that exemption. The court
5 may order one ~~the primary residential~~ parent to execute a
6 waiver of the Internal Revenue Service dependency exemption if
7 the paying noncustodial parent is current in support payments.

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

12 10. The particular parenting plan and time-sharing
13 ~~shared parental~~ arrangement, such as where the child spends a
14 significant amount of time, but less than 40 percent of the
15 overnights, with one ~~the noncustodial~~ parent, thereby reducing
16 the financial expenditures incurred by the other primary
17 ~~residential~~ parent; or the refusal of a ~~the noncustodial~~
18 parent to become involved in the activities of the child.

19 11. Any other adjustment which is needed to achieve an
20 equitable result which may include, but not be limited to, a
21 reasonable and necessary existing expense or debt. Such
22 expense or debt may include, but is not limited to, a
23 reasonable and necessary expense or debt which the parties
24 jointly incurred during the marriage.

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

29 1. In accordance with subsections (9) and (10),
30 calculate the amount of support obligation apportioned to each
31 ~~the noncustodial~~ parent without including day care and health

1 insurance costs in the calculation and multiply the amount by
2 1.5.

3 ~~2. In accordance with subsections (9) and (10),~~
4 ~~calculate the amount of support obligation apportioned to the~~
5 ~~custodial parent without including day care and health~~
6 ~~insurance costs in the calculation and multiply the amount by~~
7 ~~1.5.~~

8 2.3. Calculate the percentage of overnight stays the
9 child spends with each parent.

10 3.4. Multiply each ~~the noncustodial~~ parent's support
11 obligation as calculated in subparagraph 1. by the percentage
12 of the custodial parent's overnight stays with the child as
13 calculated in subparagraph 2. 3.

14 ~~5. Multiply the custodial parent's support obligation~~
15 ~~as calculated in subparagraph 2. by the percentage of the~~
16 ~~noncustodial parent's overnight stays with the child as~~
17 ~~calculated in subparagraph 3.~~

18 4.6. The difference between the amounts calculated in
19 subparagraphs 3. 4. and 4. 5. shall be the monetary transfer
20 necessary between the ~~custodial and noncustodial~~ parents for
21 the care of the child, subject to an adjustment for day care
22 and health insurance expenses.

23 5.7. Pursuant to subsections (7) and (8), calculate
24 the net amounts owed by the ~~custodial and noncustodial~~ parents
25 for the expenses incurred for day care and health insurance
26 coverage for the child. Day care shall be calculated without
27 regard to the 25-percent reduction applied by subsection (7).

28 6.8. Adjust the support obligation owed by the
29 ~~custodial or noncustodial~~ parent pursuant to subparagraph 4.
30 ~~6.~~ by crediting or debiting the amount calculated in
31 subparagraph 5. 7. This amount represents the child support

1 | which must be exchanged between the ~~custodial and noncustodial~~
2 | parents.

3 | ~~7.9.~~ The court may deviate from the child support
4 | amount calculated pursuant to subparagraph ~~6. 8.~~ based upon
5 | the considerations set forth in paragraph (a)~~7~~ as well as
6 | either ~~the custodial~~ parent's low income and ability to
7 | maintain the basic necessities of the home for the child, the
8 | likelihood that either ~~the noncustodial~~ parent will actually
9 | exercise the time-sharing visitation granted by the court, and
10 | whether all of the children are exercising the same
11 | time-sharing ~~shared parental~~ arrangement.

12 | ~~8.10.~~ For purposes of adjusting any award of child
13 | support under this paragraph, "substantial amount of time"
14 | means that the parents divide time with the child on at least
15 | a 60-percent to 40-percent division ~~noncustodial parent~~
16 | ~~exercises visitation at least 40 percent~~ of the overnights of
17 | the year.

18 | (c) A ~~noncustodial~~ parent's failure to regularly
19 | exercise court-ordered or agreed time-sharing visitation not
20 | caused by the other ~~custodial~~ parent which resulted in the
21 | adjustment of the amount of child support pursuant to
22 | subparagraph (a)10. or paragraph (b) shall be deemed a
23 | substantial change of circumstances for purposes of modifying
24 | the child support award. A modification pursuant to this
25 | paragraph is ~~shall be~~ retroactive to the date the ~~noncustodial~~
26 | parent first failed to regularly exercise court-ordered or
27 | agreed time-sharing visitation.

28 | (17) In an initial determination of child support,
29 | whether in a paternity action, dissolution of marriage action,
30 | or petition for support during the marriage, the court has
31 | discretion to award child support retroactive to the date when

1 | the parents did not reside together in the same household with
2 | the child, not to exceed a period of 24 months preceding the
3 | filing of the petition, regardless of whether that date
4 | precedes the filing of the petition. In determining the
5 | retroactive award in such cases, the court shall consider the
6 | following:

7 | (a) The court shall apply the guidelines in effect at
8 | the time of the hearing subject to the obligor's demonstration
9 | of his or her actual income, as defined by subsection (2),
10 | during the retroactive period. Failure of the obligor to so
11 | demonstrate shall result in the court using the obligor's
12 | income at the time of the hearing in computing child support
13 | for the retroactive period.

14 | **(b) The court shall consider the time-sharing**
15 | **arrangement exercised by the parents during the separation**
16 | **period in determining the appropriate percentage of overnights**
17 | **exercised by each parent so as to apply the substantial**
18 | **time-sharing method of calculating support according to**
19 | **paragraph (11)(b), if appropriate.**

20 | ~~(c)(b)~~ All actual payments made by one the
21 | ~~noncustodial~~ parent to the other ~~custodial~~ parent or the child
22 | or third parties for the benefit of the child throughout the
23 | proposed retroactive period.

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

26 | Section 14. Section 61.401, Florida Statutes, is
27 | amended to read:

28 | 61.401 Appointment of guardian ad litem.--In an action
29 | involving a parenting plan or a time-sharing schedule for
30 | ~~dissolution of marriage, modification, parental~~
31 | ~~responsibility, custody, or visitation~~, if the court finds it

1 is in the best interest of the child, the court may appoint a
2 guardian ad litem to act as next friend of the child,
3 investigator or evaluator, not as attorney or advocate. The
4 court in its discretion may also appoint legal counsel for a
5 child to act as attorney or advocate; however, the guardian
6 and the legal counsel shall not be the same person. In such
7 actions which involve an allegation of child abuse,
8 abandonment, or neglect as defined in s. 39.01, which
9 allegation is verified and determined by the court to be
10 well-founded, the court shall appoint a guardian ad litem for
11 the child. The guardian ad litem shall be a party to any
12 judicial proceeding from the date of the appointment until the
13 date of discharge.

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

16 61.45 Court-ordered parenting plan ~~Court order of~~
17 ~~visitation or custody~~; risk of violation; bond.--

18 (1) In a proceeding in which the court enters a
19 parenting plan, including a time-sharing schedule ~~an order of~~
20 ~~child custody or visitation~~, including in a modification
21 proceeding, upon the presentation of competent substantial
22 evidence that there is a risk that one party may violate the
23 court's parenting plan ~~order of visitation or custody~~ by
24 removing a child from this state or country or by concealing
25 the whereabouts of a child, or upon stipulation of the
26 parties, the court may:

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

30
31

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

4 (c) Order that a parent may not take the child to a
5 country that has not ratified or acceded to the Hague
6 Convention on the Civil Aspects of International Child
7 Abduction unless the other parent agrees in writing that the
8 child may be taken to the country;

9 (d) Require a parent to surrender the passport of the
10 child; or

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

12 (2) If the court enters a parenting plan ~~an order of~~
13 ~~child custody or visitation~~, including in a modification
14 proceeding, that includes a provision entered under paragraph
15 (1)(b) or paragraph (1)(c), a certified copy of the order
16 should be sent by the parent who requested the restriction to
17 the Passport Services Office of the United States Department
18 of State requesting that they not issue a passport to the
19 child without their signature or further court order.

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

26 (a) A court has previously found that a party
27 previously removed a child from Florida or another state in
28 violation of a parenting plan ~~custody or visitation order~~, or
29 whether a court had found that a party has threatened to take
30 a child out of Florida or another state in violation of a
31 parenting plan ~~custody or visitation order~~;

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

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

6 (d) The party has engaged in activities that suggest
7 plans to leave Florida, such as quitting employment; sale of a
8 residence or termination of a lease on a residence, without
9 efforts to acquire an alternative residence in the state;
10 closing bank accounts or otherwise liquidating assets; or
11 applying for a passport;

12 (e) Either party has had a history of domestic
13 violence as either a victim or perpetrator, child abuse or
14 child neglect evidenced by criminal history, including but not
15 limited to, arrest, an injunction for protection against
16 domestic violence issued after notice and hearing under s.
17 741.30, medical records, affidavits, or any other relevant
18 information; or

19 (f) The party has a criminal record.

20 (4) The court must consider the party's financial
21 resources prior to setting the bond amount under this section.
22 Under no circumstances may the court set a bond that is
23 unreasonable.

24 (5) Any deficiency of bond or security shall not
25 absolve the violating party of responsibility to pay the full
26 amount of damages determined by the court.

27 (6)(a) Upon a material violation of any parenting plan
28 ~~custody or visitation order~~ by removing a child from this
29 state or this country or by concealing the whereabouts of a
30 child, the court may order the bond or other security
31 forfeited in whole or in part.

1 (b) This section, including the requirement to post a
2 bond or other security, does not apply to a parent who, in a
3 proceeding to order or modify a parenting plan or time-sharing
4 schedule, is determined by the court to be ~~child custody or~~
5 ~~visitation, the court determines is~~ a victim of an act of
6 domestic violence or provides the court with ~~has~~ reasonable
7 cause to believe that he or she is about to become the victim
8 of an act of domestic violence, as defined in s. 741.28. An
9 injunction for protection against domestic violence issued
10 pursuant to s. 741.30 for a parent as the petitioner which is
11 in effect at the time of the court proceeding shall be one
12 means of demonstrating sufficient evidence that the parent is
13 a victim of domestic violence or is about to become the victim
14 of an act of domestic violence, as defined in s. 741.28, and
15 shall exempt the parent from this section, including the
16 requirement to post a bond or other security. A parent who is
17 determined by the court to be exempt from the requirements of
18 this section must meet the requirements of s. 787.03(6) if an
19 offense of interference with the parenting plan or
20 time-sharing schedule ~~custody~~ is committed.

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

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

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

29 3. Reimburse reasonable fees and costs as determined
30 by the court.

31

1 (b) Any remaining proceeds shall be held as further
2 security if deemed necessary by the court, and if further
3 security is not found to be necessary; applied to any child
4 support arrears owed by the parent against whom the bond was
5 required, and if no arrears exists; all remaining proceeds
6 will be allocated by the court in the best interest of the
7 child.

8 (8) At any time after the forfeiture of the bond or
9 other security, the party who posted the bond or other
10 security, or the court on its own motion may request that the
11 party provide documentation substantiating that the proceeds
12 received as a result of the forfeiture have been used solely
13 in accordance with this subsection. Any party using such
14 proceeds for purposes not in accordance with this section may
15 be found in contempt of court.

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

18 741.0306 Creation of a family law handbook.--

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

22 (b) Shared parental responsibility for children and
23 the determination of a parenting plan including a time-sharing
24 schedule ~~primary residence or custody and secondary residence~~
25 ~~or routine visitation, holiday, summer, and vacation~~
26 ~~visitation arrangements, telephone access, and the process for~~
27 ~~notice for changes.~~

28 (c) Permanent relocation restrictions ~~on parents with~~
29 ~~primary residential responsibility.~~

30 Section 17. Paragraphs (b) and (d) of subsection (3),
31 paragraph (a) of subsection (5), and paragraph (a) of

1 subsection (6) of section 741.30, Florida Statutes, are
2 amended to read:

3 741.30 Domestic violence; injunction; powers and
4 duties of court and clerk; petition; notice and hearing;
5 temporary injunction; issuance of injunction; statewide
6 verification system; enforcement.--

7 (3)

8 (b) The sworn petition shall be in substantially the
9 following form:

10

11

PETITION FOR

12

INJUNCTION FOR PROTECTION

13

AGAINST DOMESTIC VIOLENCE

14

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

18

(a) Petitioner resides at: ...(address)...

19

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

23

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

24

(c) Respondent's last known place of employment:

25

...(name of business and address)...

26

(d) Physical description of respondent:

27

Race....

28

Sex....

29

Date of birth....

30

Height....

31

Weight....

1 Eye color....
2 Hair color....
3 Distinguishing marks or scars....
4 (e) Aliases of respondent:
5 (f) Respondent is the spouse or former spouse of the
6 petitioner or is any other person related by blood or marriage
7 to the petitioner or is any other person who is or was
8 residing within a single dwelling unit with the petitioner, as
9 if a family, or is a person with whom the petitioner has a
10 child in common, regardless of whether the petitioner and
11 respondent are or were married or residing together, as if a
12 family.
13 (g) The following describes any other cause of action
14 currently pending between the petitioner and respondent:
15
16 The petitioner should also describe any previous or
17 pending attempts by the petitioner to obtain an injunction for
18 protection against domestic violence in this or any other
19 circuit, and the results of that attempt.....
20
21 Case numbers should be included if available.
22 (h) Petitioner is either a victim of domestic violence
23 or has reasonable cause to believe he or she is in imminent
24 danger of becoming a victim of domestic violence because
25 respondent has(mark all sections that apply and describe
26 in the spaces below the incidents of violence or threats of
27 violence, specifying when and where they occurred, including,
28 but not limited to, locations such as a home, school, place of
29 employment, or visitation exchange)....:
30 committed or threatened to commit domestic violence
31 defined in s. 741.28, Florida Statutes, as any assault,

1 aggravated assault, battery, aggravated battery, sexual
2 assault, sexual battery, stalking, aggravated stalking,
3 kidnapping, false imprisonment, or any criminal offense
4 resulting in physical injury or death of one family or
5 household member by another. With the exception of persons who
6 are parents of a child in common, the family or household
7 members must be currently residing or have in the past resided
8 together in the same single dwelling unit.

9 ...previously threatened, harassed, stalked, or
10 physically abused the petitioner.

11 ...attempted to harm the petitioner or family members
12 or individuals closely associated with the petitioner.

13 ...threatened to conceal, kidnap, or harm the
14 petitioner's child or children.

15 ...intentionally injured or killed a family pet.

16 ...used, or has threatened to use, against the
17 petitioner any weapons such as guns or knives.

18 ...physically restrained the petitioner from leaving
19 the home or calling law enforcement.

20 ...a criminal history involving violence or the threat
21 of violence (if known).

22 ...another order of protection issued against him or
23 her previously or from another jurisdiction (if known).

24 ...destroyed personal property, including, but not
25 limited to, telephones or other communication equipment,
26 clothing, or other items belonging to the petitioner.

27 ...engaged in any other behavior or conduct that leads
28 the petitioner to have reasonable cause to believe he or she
29 is in imminent danger of becoming a victim of domestic
30 violence.

31

1 (i) Petitioner alleges the following additional
2 specific facts: (mark appropriate sections)

3A minor child or minor children reside with the
4 ~~petitioner is the custodian of a minor child or children~~ whose
5 names and ages are as follows:
6

7Petitioner needs the exclusive use and possession
8 of the dwelling that the parties share.

9Petitioner is unable to obtain safe alternative
10 housing because:

11Petitioner genuinely fears that respondent
12 imminently will abuse, remove, or hide the minor child or
13 children from petitioner because:
14

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

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

19Immediately restraining the respondent from
20 committing any acts of domestic violence.

21Restraining the respondent from committing any acts
22 of domestic violence.

23Awarding to the petitioner the temporary exclusive
24 use and possession of the dwelling that the parties share or
25 excluding the respondent from the residence of the petitioner.

26Providing a temporary parenting plan, including a
27 temporary time-sharing schedule ~~Awarding temporary custody of,~~
28 ~~or temporary visitation rights~~ with regard to, the minor child
29 or children of the parties which might involve, ~~or~~ prohibiting
30 or limiting time-sharing or requiring that it be ~~visitation to~~
31 ~~that which is~~ supervised by a third party.

1 Establishing temporary support for the minor child
2 or children or the petitioner.

3 Directing the respondent to participate in a
4 batterers' intervention program or other treatment pursuant to
5 s. 39.901, Florida Statutes.

6 Providing any terms the court deems necessary for
7 the protection of a victim of domestic violence, or any minor
8 children of the victim, including any injunctions or
9 directives to law enforcement agencies.

10 (d) If the sworn petition seeks to determine a
11 parenting plan and time-sharing schedule ~~issues of custody or~~
12 ~~visitation~~ with regard to the minor child or children of the
13 parties, the sworn petition shall be accompanied by or shall
14 incorporate the allegations required by s. 61.522 of the
15 Uniform Child Custody Jurisdiction and Enforcement Act.

16 (5)(a) When it appears to the court that an immediate
17 and present danger of domestic violence exists, the court may
18 grant a temporary injunction ex parte, pending a full hearing,
19 and may grant such relief as the court deems proper, including
20 an injunction:

21 1. Restraining the respondent from committing any acts
22 of domestic violence.

23 2. Awarding to the petitioner the temporary exclusive
24 use and possession of the dwelling that the parties share or
25 excluding the respondent from the residence of the petitioner.

26 3. On the same basis as provided in s. 61.13,
27 providing the petitioner with 100 percent of the time-sharing
28 that shall remain ~~granting to the petitioner temporary custody~~
29 ~~of a minor child. An order of temporary custody remains in~~
30 effect until the order expires or an order is entered by a
31 court of competent jurisdiction in a pending or subsequent

1 civil action or proceeding affecting the placement of, access
2 to, parental time with, adoption of, or parental rights and
3 responsibilities for the minor child.

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

10 1. Restraining the respondent from committing any acts
11 of domestic violence.

12 2. Awarding to the petitioner the exclusive use and
13 possession of the dwelling that the parties share or excluding
14 the respondent from the residence of the petitioner.

15 3. On the same basis as provided in chapter 61,
16 providing the petitioner with 100 percent of the time-sharing
17 in a temporary parenting plan that shall remain awarding
18 ~~temporary custody of, or temporary visitation rights with~~
19 ~~regard to, a minor child or children of the parties. An order~~
20 ~~of temporary custody or visitation remains~~ in effect until the
21 order expires or an order is entered by a court of competent
22 jurisdiction in a pending or subsequent civil action or
23 proceeding affecting the placement of, access to, parental
24 time with, adoption of, or parental rights and
25 responsibilities for the minor child.

26 4. On the same basis as provided in chapter 61,
27 establishing temporary support for a minor child or children
28 or the petitioner. An order of temporary support remains in
29 effect until the order expires or an order is entered by a
30 court of competent jurisdiction in a pending or subsequent
31 civil action or proceeding affecting child support.

1 5. Ordering the respondent to participate in
2 treatment, intervention, or counseling services to be paid for
3 by the respondent. When the court orders the respondent to
4 participate in a batterers' intervention program, the court,
5 or any entity designated by the court, must provide the
6 respondent with a list of all certified batterers'
7 intervention programs and all programs which have submitted an
8 application to the Department of Children and Family Services
9 to become certified under s. 741.32, from which the respondent
10 must choose a program in which to participate. If there are no
11 certified batterers' intervention programs in the circuit, the
12 court shall provide a list of acceptable programs from which
13 the respondent must choose a program in which to participate.

14 6. Referring a petitioner to a certified domestic
15 violence center. The court must provide the petitioner with a
16 list of certified domestic violence centers in the circuit
17 which the petitioner may contact.

18 7. Ordering such other relief as the court deems
19 necessary for the protection of a victim of domestic violence,
20 including injunctions or directives to law enforcement
21 agencies, as provided in this section.

22 Section 18. Subsections (1) and (2) of section
23 742.031, Florida Statutes, are amended to read:

24 742.031 Hearings; court orders for support, hospital
25 expenses, and attorney's fee.--

26 (1) Hearings for the purpose of establishing or
27 refuting the allegations of the complaint and answer shall be
28 held in the chambers and may be restricted to persons, in
29 addition to the parties involved and their counsel, as the
30 judge in his or her discretion may direct. The court shall
31 determine the issues of paternity of the child and the ability

1 of the parents to support the child. Each party's social
2 security number shall be recorded in the file containing the
3 adjudication of paternity. If the court finds that the alleged
4 father is the father of the child, it shall so order. If
5 appropriate, the court shall order the father to pay the
6 complainant, her guardian, or any other person assuming
7 responsibility for the child moneys sufficient to pay
8 reasonable attorney's fees, hospital or medical expenses, cost
9 of confinement, and any other expenses incident to the birth
10 of the child and to pay all costs of the proceeding. Bills
11 for pregnancy, childbirth, and scientific testing are
12 admissible as evidence without requiring third-party
13 foundation testimony, and shall constitute prima facie
14 evidence of amounts incurred for such services or for testing
15 on behalf of the child. The court shall order either or both
16 parents owing a duty of support to the child to pay support
17 pursuant to s. 61.30. The court shall issue, upon motion by a
18 party, a temporary order requiring ~~the provision of child~~
19 ~~support pursuant to s. 61.30 pending an administrative or~~
20 ~~judicial determination of parentage, if there is clear and~~
21 ~~convincing evidence of paternity on the basis of genetic tests~~
22 ~~or other evidence. The court may also make a determination of~~
23 an appropriate parenting plan, including a time-sharing
24 schedule as to the parental responsibility and residential
25 care and custody of the minor children in accordance with
26 chapter 61.

27 (2) If a judgment of paternity contains only a child
28 support award with no parenting plan or time-sharing schedule,
29 the obligee parent shall receive all of the time-sharing and
30 sole parental responsibility ~~no explicit award of custody, the~~
31 ~~establishment of a support obligation or of visitation rights~~

1 ~~in one parent shall be considered a judgment granting primary~~
2 ~~residential care and custody to the other parent without~~
3 ~~prejudice to the obligor parent.~~ If a paternity judgment
4 contains no such provisions, ~~custody shall be presumed to be~~
5 ~~with the mother shall be presumed to have all of the~~
6 time-sharing and sole parental responsibility.

7 Section 19. For the purpose of incorporating the
8 amendments made by this act to section 741.30, Florida
9 Statutes, in a reference thereto, paragraph (a) of subsection
10 (3) of section 61.1825, Florida Statutes, is reenacted to
11 read:

12 61.1825 State Case Registry.--

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

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

20 2. A temporary or final injunction for protection
21 against domestic violence has been granted pursuant to s.
22 741.30(6), an injunction for protection against domestic
23 violence has been issued by a court of a foreign state
24 pursuant to s. 741.315, or a temporary or final injunction for
25 protection against repeat violence has been granted pursuant
26 to s. 784.046; or

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

1 Section 20. Section 61.121, Florida Statutes, is
2 repealed.

3 Section 21. This act shall take effect upon becoming a
4 law.

5
6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 SB 1896

9 This committee substitute differs from the underlying bill in
10 that it:

- 11 -- Deletes from existing law the definition of the term
"noncustodial parent";
- 12 -- Clarifies that a time-sharing schedule is part of a
13 parenting plan;
- 14 -- Requires a parenting plan to address jurisdictional
15 issues;
- 16 -- Provides that a parenting plan is a custody determination
for purposes of the Uniform Child Custody Jurisdiction
and Enforcement Act;
- 17 -- Provides that the rights of child custody and access
18 under the International Custody and Abduction Remedies
Act and the Convention on the Civil Aspects of
19 International Child Abduction are determined under a
parenting plan;
- 20 -- Requires courts to consider which parent is best able to
21 raise a child with a serious medical condition for
purposes of a parenting plan;
- 22 -- Provides that a putative father does not have standing to
23 object to a mother's proposed relocation with a child;
- 24 -- Provides that a court must consider how a proposed
25 relocation will affect a child with an autism spectrum
disorder or related condition; and
- 26 -- Provides for the bill to take effect upon becoming a law
instead of July 1, 2007.