

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Frishe offered the following:

2
3 **Amendment to Amendment (038815) (with directory and title**
4 **amendments)**

5 Remove lines 5-15 and insert:

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

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

11 61.046 Definitions.--As used in this chapter:

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

14 (2) "Clerk of Court Child Support Collection System" or
15 "CLERC System" means the automated system established pursuant
16 to s. 61.181(2)(b)1., integrating all clerks of court and

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17 depositories and through which payment data and State Case
18 Registry data is transmitted to the department's automated child
19 support enforcement system.

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

23 (3) ~~(4)~~ "Department" means the Department of Revenue.

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

31 (5) "Electronic communication" means contact, other than
32 face-to-face contact, facilitated by tools such as telephones,
33 electronic mail (e-mail), web cams, video-conferencing equipment
34 and software or other wired or wireless technologies, or other
35 means of communication to supplement face-to-face contact
36 between a parent and that parent's minor child.

37 (6) "Federal Case Registry of Child Support Orders" means
38 the automated registry of support order abstracts and other
39 information established and maintained by the United States
40 Department of Health and Human Services as provided by 42 U.S.C.
41 s. 653(h).

42 (7) "Income" means any form of payment to an individual,
43 regardless of source, including, but not limited to: wages,
44 salary, commissions and bonuses, compensation as an independent
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45 contractor, worker's compensation, disability benefits, annuity
46 and retirement benefits, pensions, dividends, interest,
47 royalties, trusts, and any other payments, made by any person,
48 private entity, federal or state government, or any unit of
49 local government. United States Department of Veterans Affairs
50 disability benefits and unemployment compensation, as defined in
51 chapter 443, are excluded from this definition of income except
52 for purposes of establishing an amount of support.

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

55 (9) "Local officer" means an elected or appointed
56 constitutional or charter government official including, but not
57 limited to, the state attorney and clerk of the circuit court.

58 (10) "National medical support notice" means the notice
59 required under 42 U.S.C. s. 666(a)(19).

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

62 (11)~~(12)~~ "Obligee" means the person to whom payments are
63 made pursuant to an order establishing, enforcing, or modifying
64 an obligation for alimony, for child support, or for alimony and
65 child support.

66 (12)~~(13)~~ "Obligor" means a person responsible for making
67 payments pursuant to an order establishing, enforcing, or
68 modifying an obligation for alimony, for child support, or for
69 alimony and child support.

70 (13) "Parenting plan" means a document created to govern
71 the relationship between the parties relating to the decisions
72 that must be made regarding the minor child and the time-sharing

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73 schedule between the parents and child. The issues concerning
74 the minor child may include, but are not limited to, the child's
75 education, health care, and physical, social, and emotional
76 well-being. When created, all circumstances between the parties,
77 including the parties historic relationship, domestic violence,
78 and other factors, must be taken into consideration. The
79 document shall be developed or agreed to by the parties and
80 approved by a court or, if the parents cannot agree, established
81 by the court.

82 (a) Any parenting plan formulated under this chapter must
83 address all jurisdictional issues, including, but not limited
84 to, the Uniform Child Custody Jurisdiction Enforcement Act, the
85 International Custody and Abduction Remedies Act, 42 U.S.C. s.
86 11601 et seq., the Parental Kidnapping Prevention Act, and the
87 Convention on the Civil Aspects of International Child Abduction
88 enacted at the Hague on October 25, 1980.

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

93 (c) For purposes of the International Custody and
94 Abduction Remedies Act, 42 U.S.C. s. 11601 et seq., and the
95 Convention on the Civil Aspects of International Child
96 Abduction, enacted at the Hague on October 25, 1980, rights of
97 custody and rights of access shall be determined under the
98 parenting plan under this part.

99 (14) "Parenting plan recommendation" means a nonbinding
100 recommendation, made by a licensed mental health professional or
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101 any other individual designated by a court, concerning the
102 parenting plan that will govern the relationship between the
103 parents.

104 (15)~~(14)~~ "Payor" means an employer or former employer or
105 any other person or agency providing or administering income to
106 the obligor.

107 (16)~~(15)~~ "Shared parental responsibility" means a court-
108 ordered relationship in which both parents retain full parental
109 rights and responsibilities with respect to their minor child
110 and in which both parents confer with each other so that major
111 decisions affecting the welfare of the child will be determined
112 jointly.

113 (17)~~(16)~~ "Sole parental responsibility" means a court-
114 ordered relationship in which one parent makes decisions
115 regarding the minor child.

116 (18)~~(17)~~ "State Case Registry" means the automated
117 registry maintained by the Title IV-D agency, containing records
118 of each Title IV-D case and of each support order established or
119 modified in the state on or after October 1, 1998. Such records
120 shall consist of data elements as required by the United States
121 Secretary of Health and Human Services.

122 (19)~~(18)~~ "State Disbursement Unit" means the unit
123 established and operated by the Title IV-D agency to provide one
124 central address for collection and disbursement of child support
125 payments made in cases enforced by the department pursuant to
126 Title IV-D of the Social Security Act and in cases not being
127 enforced by the department in which the support order was
128 initially issued in this state on or after January 1, 1994, and
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129 in which the obligor's child support obligation is being paid
130 through income deduction order.

131 ~~(20)~~(19) "Support order" means a judgment, decree, or
132 order, whether temporary or final, issued by a court of
133 competent jurisdiction or administrative agency for the support
134 and maintenance of a child which provides for monetary support,
135 health care, arrearages, or past support. When the child support
136 obligation is being enforced by the Department of Revenue, the
137 term "support order" also means a judgment, decree, or order,
138 whether temporary or final, issued by a court of competent
139 jurisdiction for the support and maintenance of a child and the
140 spouse or former spouse of the obligor with whom the child is
141 living which provides for monetary support, health care,
142 arrearages, or past support.

143 ~~(21)~~(20) "Support," unless otherwise specified, means:

144 (a) Child support and, when the child support obligation
145 is being enforced by the Department of Revenue, spousal support
146 or alimony for the spouse or former spouse of the obligor with
147 whom the child is living.

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

150 (22) "Time-sharing schedule" means a timetable that has
151 been developed by the parents of a minor child, incorporated
152 into a parenting plan, and approved by a court which specifies
153 the time that a minor child will spend with each of the child's
154 parents. If the parents cannot agree, the schedule shall be
155 established by the court.

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

158 61.052 Dissolution of marriage.--

159 (3) During any period of continuance, the court may make
160 appropriate orders for the support and alimony of the parties;
161 the parenting plan ~~primary residence, custody, rotating custody,~~
162 ~~visitation~~, support, maintenance, and education of the minor
163 child of the marriage; attorney's fees; and the preservation of
164 the property of the parties.

165 Section 4. Section 61.09, Florida Statutes, is amended to
166 read:

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

175 Section 5. Section 61.10, Florida Statutes, is amended to
176 read:

177 61.10 Adjudication of obligation to support spouse or
178 minor child unconnected with dissolution; parenting plan and
179 time-sharing schedule ~~child custody, child's primary residence,~~
180 ~~and visitation~~.--Except when relief is afforded by some other
181 pending civil action or proceeding, a spouse residing in this
182 state apart from his or her spouse and minor child, whether or
183 not such separation is through his or her fault, may obtain an

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184 adjudication of obligation to maintain the spouse and minor
185 child, if any. The court shall adjudicate his or her financial
186 obligations to the spouse and child and, shall establish the
187 parenting plan and time-sharing schedule for child's primary
188 ~~residence, and shall determine the custody and visitation rights~~
189 ~~of~~ the parties. Such an action does not preclude either party
190 from maintaining any other proceeding under this chapter for
191 other or additional relief at any time.

192 Section 6. Section 61.122, Florida Statutes, is amended to
193 read:

194 61.122 Parenting plan recommendation ~~Child custody~~
195 ~~evaluations~~; presumption of psychologist's good faith;
196 prerequisite to parent's filing suit; award of fees, costs,
197 reimbursement.--

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

209 (2) An administrative complaint against a court-appointed
210 psychologist which relates to a parenting plan recommendation
211 developed ~~child custody evaluation conducted~~ by the psychologist

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212 may not be filed anonymously. The individual who files ~~such~~ an
213 administrative complaint must include in the complaint his or
214 her name, address, and telephone number.

215 (3) A parent who desires ~~wishes~~ to file a legal action
216 against a court-appointed psychologist who has acted in good
217 faith in developing ~~conducting~~ a parenting plan recommendation
218 ~~child custody evaluation~~ must petition the judge who presided
219 over the dissolution of marriage, case of domestic violence, or
220 paternity action involving parent-child relationships, including
221 time-sharing of children, child custody proceeding to appoint
222 another psychologist. Upon the parent's showing of good cause,
223 the court shall appoint another psychologist. The court shall
224 determine ~~make a determination as to~~ who is responsible for all
225 court costs and attorney's fees associated with making such an
226 appointment.

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

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

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240 61.13 ~~Custody and Support, parenting, and time-sharing of~~
241 ~~children; visitation rights; power of court in making orders.--~~

242 (1) (a) In a proceeding under this chapter, the court may
243 at any time order either or both parents who owe a duty of
244 support to a child to pay support in accordance with the
245 guidelines in s. 61.30. The court initially entering an order
246 requiring one or both parents to make child support payments
247 shall have continuing jurisdiction after the entry of the
248 initial order to modify the amount and terms and conditions of
249 the child support payments when the modification is found
250 necessary by the court in the best interests of the child, when
251 the child reaches majority, or when there is a substantial
252 change in the circumstances of the parties. The court initially
253 entering a child support order shall also have continuing
254 jurisdiction to require the obligee to report to the court on
255 terms prescribed by the court regarding the disposition of the
256 child support payments.

257 (b) Each order for support shall contain a provision for
258 health care coverage for the minor child when the coverage is
259 reasonably available. Coverage is reasonably available if either
260 the obligor or obligee has access at a reasonable rate to a
261 group health plan. The court may require the obligor either to
262 provide health care coverage or to reimburse the obligee for the
263 cost of health care coverage for the minor child when coverage
264 is provided by the obligee. In either event, the court shall
265 apportion the cost of coverage, and any noncovered medical,
266 dental, and prescription medication expenses of the child, to
267 both parties by adding the cost to the basic obligation

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268 determined pursuant to s. 61.30(6). The court may order that
269 payment of uncovered medical, dental, and prescription
270 medication expenses of the minor child be made directly to the
271 obligee on a percentage basis.

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

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

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

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

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

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

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324 3. In a non-Title IV-D case, upon receipt of the order
325 pursuant to subparagraph 1., or upon application of the obligor
326 pursuant to the order, the union or employer shall enroll the
327 minor child as a beneficiary in the group health plan regardless
328 of any restrictions on the enrollment period and withhold any
329 required premium from the obligor's income. If more than one
330 plan is offered by the union or employer, the child shall be
331 enrolled in the group health plan in which the obligor is
332 enrolled.

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

348 b. If health care coverage or the obligor's employment is
349 terminated in a Title IV-D case, the union or employer that is
350 withholding premiums for health care coverage under a national
351 medical support notice must notify the department within 20 days

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352 after the termination and provide the obligor's last known
353 address and the name and address of the obligor's new employer,
354 if known.

355 5.a. The amount withheld by a union or employer in
356 compliance with a support order may not exceed the amount
357 allowed under s. 303(b) of the Consumer Credit Protection Act,
358 15 U.S.C. s. 1673(b), as amended. The union or employer shall
359 withhold the maximum allowed by the Consumer Credit Protection
360 Act in the following order:

361 (I) Current support, as ordered.

362 (II) Premium payments for health care coverage, as
363 ordered.

364 (III) Past due support, as ordered.

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

366 b. If the combined amount to be withheld for current
367 support plus the premium payment for health care coverage exceed
368 the amount allowed under the Consumer Credit Protection Act, and
369 the health care coverage cannot be obtained unless the full
370 amount of the premium is paid, the union or employer may not
371 withhold the premium payment. However, the union or employer
372 shall withhold the maximum allowed in the following order:

373 (I) Current support, as ordered.

374 (II) Past due support, as ordered.

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

376 6. An employer, union, or plan administrator who does not
377 comply with the requirements in sub-subparagraph 4.a. is subject
378 to a civil penalty not to exceed \$250 for the first violation
379 and \$500 for subsequent violations, plus attorney's fees and

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380 costs. The department may file a petition in circuit court to
381 enforce the requirements of this subsection.

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

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

390 (d)1. Unless the provisions of subparagraph 3. apply, all
391 child support orders entered on or after January 1, 1985, shall
392 direct that the payments of child support be made as provided in
393 s. 61.181 through the depository in the county where the court
394 is located. All child support orders shall provide the full name
395 and date of birth of each minor child who is the subject of the
396 child support order.

397 2. Unless the provisions of subparagraph 3. apply, all
398 child support orders entered before January 1, 1985, shall be
399 modified by the court to direct that payments of child support
400 shall be made through the depository in the county where the
401 court is located upon the subsequent appearance of either or
402 both parents to modify or enforce the order, or in any related
403 proceeding.

404 3. If both parties request and the court finds that it is
405 in the best interest of the child, support payments need not be
406 directed through the depository. The order of support shall
407 provide, or shall be deemed to provide, that either party may
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408 subsequently apply to the depository to require direction of the
409 payments through the depository. The court shall provide a copy
410 of the order to the depository.

411 4. If the parties elect not to require that support
412 payments be made through the depository, any party may
413 subsequently file an affidavit with the depository alleging a
414 default in payment of child support and stating that the party
415 wishes to require that payments be made through the depository.
416 The party shall provide copies of the affidavit to the court and
417 to each other party. Fifteen days after receipt of the
418 affidavit, the depository shall notify both parties that future
419 payments shall be paid through the depository.

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

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

432 (b) Any parenting plan approved by the court must, at a
433 minimum, adequately describe in detail how the parents will
434 share and be responsible for the daily tasks associated with the
435 upbringing of a child, the time-sharing schedule arrangements

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436 that specify the time that the minor child will spend with each
437 of his or her parents, a designation of who will be responsible
438 for any and all forms of health care, other activities, and
439 school-related matters and the methods and technologies that the
440 parents will use to communicate with each other and with the
441 child. Any parenting plan formulated under this part must
442 address all jurisdictional issues, including, but not limited
443 to, the Uniform Child Custody Jurisdiction Enforcement Act, the
444 International Custody and Abduction Remedies Act, 42 U.S.C. s.
445 11601 et seq., the Parental Kidnapping Prevention Act, and the
446 Convention on the Civil Aspects of International Child Abduction
447 enacted at the Hague on October 25, 1980.

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

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

485 a. In ordering shared parental responsibility, the court
486 may consider the expressed desires of the parents and may grant
487 to one party the ultimate responsibility over specific aspects
488 of the child's welfare or may divide those responsibilities
489 between the parties based on the best interests of the child.
490 Areas of responsibility may include ~~primary residence,~~

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491 education, healthcare ~~medical and dental care~~, and any other
492 responsibilities that the court finds unique to a particular
493 family.

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

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

510 ~~(d)-(e)~~ The circuit court in the county in which either
511 parent and the child reside or the circuit court in which the
512 original order approving or creating the parenting plan ~~award of~~
513 ~~custody~~ was entered has ~~have~~ jurisdiction to modify the
514 parenting plan ~~an award of child custody~~. The court may change
515 the venue in accordance with s. 47.122.

516 (3) For purposes of establishing, modifying parental
517 responsibility and creating, developing, approving, or modifying
518 a parenting plan, including a time-sharing schedule, which

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

539 (a) The demonstrated capacity and disposition of each
540 parent to facilitate and encourage a close and continuing
541 parent-child relationship between the child and the other
542 parent, to honor the time-sharing schedule, and to be reasonable
543 when changes are required.

544 (b) The anticipated division of parental responsibilities
545 after the litigation, including the extent to which parental
546 responsibilities will be delegated to third parties.

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547 (c) The demonstrated capacity and disposition of each
548 parent to determine, consider, and act upon the needs of the
549 child as opposed to the needs or desires of the parent. ~~shared~~
550 parental responsibility and primary residence, the best
551 interests of the child shall include an evaluation of all
552 factors affecting the welfare and interests of the child,
553 including, but not limited to:

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

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

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

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

565 (e) The geographic viability of the parenting plan, with
566 special attention paid to the needs of school-age children and
567 the amount of time to be spent traveling to effectuate the
568 parenting plan. This factor does not create a presumption for or
569 against relocation of either parent with a child. The
570 permanence, as a family unit, of the existing or proposed
571 eustodial home.

572 (f) The moral fitness of the parents.

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

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574 (h) The demonstrated capacity and disposition of each
575 parent to be informed of the circumstances surrounding the minor
576 child, such as the child's friends, teachers, medical care
577 providers, favorite activities, favorite foods, and clothes
578 sizes.

579 (i) The demonstrated capacity and disposition of each
580 parent to provide a consistent routine for the child, such as
581 forms of discipline and setting times for homework, meals, and
582 bedtime.

583 (j) The demonstrated capacity and disposition of each
584 parent to communicate with the other parent and to keep the
585 other parent informed of issues and activities regarding the
586 minor child, and the willingness of each parent to adopt a
587 unified front on all major issues when dealing with the child.

588 (k) Evidence of domestic violence, sexual violence, child
589 abuse, child abandonment, or child neglect, regardless of
590 whether a prior or pending action regarding those issues has
591 been brought.

592 (l) Evidence that either parent has knowingly provided
593 false information to the court regarding any prior or pending
594 action regarding domestic violence, sexual violence, child
595 abuse, child abandonment, or child neglect.

596 (m) The particular parenting tasks customarily performed
597 by each parent and the division of parental responsibilities
598 before the institution of litigation and during the pending
599 litigation, including the extent to which parental
600 responsibilities were undertaken by third parties.

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

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

607 (p) The capacity and disposition of each parent to protect
608 the child from the ongoing litigation as demonstrated by not
609 discussing the case with the child, not sharing documents or
610 electronic media related to the case with the child, and not
611 making disparaging comments about the other parent to the child.

612 (q) The developmental stages and needs of the child and
613 the demonstrated capacity and disposition of each parent to meet
614 the child's developmental needs.

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

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

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

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

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

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

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

633 (4) (a) When a ~~nonecustodial~~ parent who is ordered to pay
634 child support or alimony and ~~who is awarded visitation rights~~
635 fails to pay child support or alimony, the ~~custodial~~ parent who
636 should have received the child support or alimony may shall not
637 refuse to honor the time-sharing schedule presently in effect
638 between the parents nonecustodial parent's visitation rights.

639 (b) When a ~~custodial~~ parent refuses to honor the other a
640 nonecustodial parent's visitation rights under the time-sharing
641 schedule, the ~~nonecustodial~~ parent whose time-sharing rights were
642 violated shall continue not fail to pay any ordered child
643 support or alimony.

644 (c) When a ~~custodial~~ parent refuses to honor the time-
645 sharing schedule in the parenting plan a nonecustodial parent's
646 or grandparent's visitation rights without proper cause, the
647 court:

648 1. Shall, after calculating the amount of time-sharing
649 visitation improperly denied, award the nonecustodial parent
650 denied time-sharing or grandparent a sufficient amount of extra
651 time-sharing visitation to compensate for the time-sharing
652 missed, and such time-sharing the nonecustodial parent or
653 grandparent, which visitation shall be ordered as expeditiously
654 as possible in a manner consistent with the best interests of
655 the child and scheduled in a manner that is convenient for the

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656 ~~parent person~~ deprived of time-sharing visitation. In ordering
657 any makeup time-sharing visitation, the court shall schedule
658 such time-sharing visitation in a manner that is consistent with
659 the best interests of the child or children and that is
660 convenient for the nonoffending nonecustodial parent and at the
661 expense of the noncompliant parent ~~or grandparent~~. ~~In addition,~~
662 ~~the court:~~

663 ~~2.1-~~ May order the eustodial parent who did not provide
664 time-sharing or did not properly exercise time-sharing under the
665 time-sharing schedule to pay reasonable court costs and
666 attorney's fees incurred by the nonoffending nonecustodial parent
667 ~~or grandparent~~ to enforce the time-sharing schedule ~~their~~
668 ~~visitation rights or make up improperly denied visitation;~~

669 ~~3.2-~~ May order the eustodial parent who did not provide
670 time-sharing or did not properly exercise time-sharing under the
671 time-sharing schedule to attend a the parenting course approved
672 by the judicial circuit;

673 ~~4.3-~~ May order the eustodial parent who did not provide
674 time-sharing or did not properly exercise time-sharing under the
675 time-sharing schedule to do community service if the order will
676 not interfere with the welfare of the child;

677 ~~5.4-~~ May order the eustodial parent who did not provide
678 time-sharing or did not properly exercise time-sharing under the
679 time-sharing schedule to have the financial burden of promoting
680 frequent and continuing contact when the custodial parent and
681 child reside further than 60 miles from the noncustodial parent;

682 ~~6.5-~~ May ~~award custody, rotating custody, or primary~~
683 ~~residence to the noncustodial parent~~, upon the request of the
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684 ~~noncustodial~~ parent who did not violate the time-sharing
685 schedule, modify the parenting plan, if modification the award
686 is in the best interests of the child; or

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

692 8.6- May impose any other reasonable sanction as a result
693 of noncompliance.

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

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

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

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712 ~~upon the parent's or grandparent's agreement~~ to observe measures
713 approved by the Centers for Disease Control and Prevention of
714 the United States Public Health Service or by the Department of
715 Health for preventing the spread of human immunodeficiency virus
716 to the child.

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

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

733 (b) Pursuant to the federal Personal Responsibility and
734 Work Opportunity Reconciliation Act of 1996, each party is
735 required to provide his or her social security number in
736 accordance with this section. Disclosure of social security
737 numbers obtained through this requirement shall be limited to
738 the purpose of administration of the Title IV-D program for
739 child support enforcement.

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740 (c) Beginning July 1, 1997, in any subsequent Title IV-D
741 child support enforcement action between the parties, upon
742 sufficient showing that diligent effort has been made to
743 ascertain the location of such a party, the court of competent
744 jurisdiction shall deem state due process requirements for
745 notice and service of process to be met with respect to the
746 party, upon delivery of written notice to the most recent
747 residential or employer address filed with the tribunal and
748 State Case Registry pursuant to paragraph (a). Beginning October
749 1, 1998, in any subsequent non-Title IV-D child support
750 enforcement action between the parties, the same requirements
751 for service shall apply.

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

766 Section 8. Section 61.13001, Florida Statutes, is amended
767 to read:

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768 61.13001 Parental relocation with a child.--

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

770 (a) "Change of residence address" means the relocation of
771 a child to a principal residence more than 50 miles away from
772 his or her principal place of residence at the time of the entry
773 of the last order establishing or modifying the parenting plan
774 or time-sharing arrangement for ~~designation of the primary~~
775 ~~residential parent or the custody of~~ the minor child, unless the
776 move places the principal residence of the minor child less than
777 50 miles from either ~~the nonresidential~~ parent.

778 (b) "Child" means any person who is under the jurisdiction
779 of a state court pursuant to the Uniform Child Custody
780 Jurisdiction and Enforcement Act or is the subject of any order
781 granting to a parent or other person any right to time-sharing,
782 residential care, or kinship, ~~custody, or visitation~~ as provided
783 under state law.

784 (c) "Court" means the circuit court in an original
785 proceeding which has proper venue and jurisdiction in accordance
786 with the Uniform Child Custody Jurisdiction and Enforcement Act,
787 the circuit court in the county in which either parent and the
788 child reside, or the circuit court in which the original action
789 was adjudicated.

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

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

801 ~~(f) "Person entitled to be the primary residential parent~~
802 ~~of a child" means a person so designated by court order or by an~~
803 ~~express written agreement that is subject to court enforcement~~
804 ~~or a person seeking such a designation, or, when neither parent~~
805 ~~has been designated as primary residential parent, the person~~
806 ~~seeking to relocate with a child.~~

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

811 ~~(f)(h)~~ "Relocation" means a change in any ~~the~~ principal
812 residence of a child for a period of 60 consecutive days or more
813 but does not include a temporary absence from the ~~principal~~
814 residence for purposes of vacation, education, or the provision
815 of health care for the child.

816 (2) RELOCATION BY AGREEMENT.--

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

822 1. Reflects the consent to the relocation;

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

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

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

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

845 (a) The parent seeking to relocate shall prepare a Notice
846 of Intent to Relocate. The following information must be
847 included with the Notice of Intent to Relocate and signed under
848 oath under penalty of perjury:

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

873

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

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877 OF INTENT TO RELOCATE. IF YOU FAIL TO TIMELY OBJECT TO THE
878 RELOCATION, THE RELOCATION WILL BE ALLOWED, UNLESS IT IS NOT IN
879 THE BEST INTERESTS OF THE CHILD, WITHOUT FURTHER NOTICE AND
880 WITHOUT A HEARING.

881 8. The mailing address of the parent or other person
882 seeking to relocate to which the objection filed under
883 subsection (5) to the Notice of Intent to Relocate should be
884 sent.

885
886 The contents of the Notice of Intent to Relocate are not
887 privileged. For purposes of encouraging amicable resolution of
888 the relocation issue, a copy of the Notice of Intent to Relocate
889 shall initially not be filed with the court but instead served
890 upon the nonrelocating parent, other person, and every other
891 person entitled to time-sharing ~~visitation~~ with the child, and
892 the original thereof shall be maintained by the parent or other
893 person seeking to relocate.

894 (b) The parent seeking to relocate shall also prepare a
895 Certificate of Filing Notice of Intent to Relocate. The
896 certificate shall certify the date that the Notice of Intent to
897 Relocate was served on the other parent and on every other
898 person entitled to time-sharing ~~visitation~~ with the child.

899 (c) The Notice of Intent to Relocate, and the Certificate
900 of Filing Notice of Intent to Relocate, shall be served on the
901 other parent and on every other person entitled to time-sharing
902 ~~visitation~~ with the child. If there is a pending court action
903 regarding the child, service of process may be according to
904 court rule. Otherwise, service of process shall be according to

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905 chapters 48 and 49 or via certified mail, restricted delivery,
906 return receipt requested.

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

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

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

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

935 1. A factor in making a determination regarding the
936 relocation of a child.

937 2. A factor in determining whether the parenting plan or
938 the designation of the primary residential parent or the
939 residence, contact, access, visitation, or time-sharing schedule
940 arrangements should be modified.

941 3. A basis for ordering the temporary or permanent return
942 of the child.

943 4. Sufficient cause to order the parent or other person
944 seeking to relocate the child to pay reasonable expenses and
945 attorney's fees incurred by the party objecting to the
946 relocation.

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

950 (4) APPLICABILITY OF PUBLIC RECORDS LAW.--If the parent or
951 other person seeking to relocate a child, or the child, is
952 entitled to prevent disclosure of location information under any
953 public records exemption applicable to that person, the court
954 may enter any order necessary to modify the disclosure
955 requirements of this section in compliance with the public
956 records exemption.

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

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961 specific factual basis supporting the reasons for seeking a
962 prohibition of the relocation, including a statement of the
963 amount of participation or involvement the objecting party
964 currently has or has had in the life of the child.

965 (6) TEMPORARY ORDER.--

966 (a) The court may grant a temporary order restraining the
967 relocation of a child or ordering the return of the child, if a
968 relocation has previously taken place, or other appropriate
969 remedial relief, if the court finds:

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

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

974 3. From an examination of the evidence presented at the
975 preliminary hearing that there is a likelihood that upon final
976 hearing the court will not approve the relocation of the ~~primary~~
977 ~~residence of the~~ child.

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

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

982 2. Finds from an examination of the evidence presented at
983 the preliminary hearing that there is a likelihood that on final
984 hearing the court will approve the relocation of the ~~primary~~
985 ~~residence of the~~ child, which findings must be supported by the
986 same factual basis as would be necessary to support the
987 permitting of relocation in a final judgment.

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

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

997 (7) NO PRESUMPTION; FACTORS TO DETERMINE CONTESTED
998 RELOCATION.--A ~~No~~ presumption does not shall arise in favor of
999 or against a request to relocate with the child when a ~~primary~~
1000 ~~residential~~ parent seeks to move the child and the move will
1001 materially affect the current schedule of contact, access, and
1002 time-sharing with the nonrelocating parent or other person. In
1003 reaching its decision regarding a proposed temporary or
1004 permanent relocation, the court shall evaluate all of the
1005 following factors:

1006 (a) The nature, quality, extent of involvement, and
1007 duration of the child's relationship with the parent proposing
1008 to relocate with the child and with the nonrelocating parent,
1009 other persons, siblings, half-siblings, and other significant
1010 persons in the child's life.

1011 (b) The age and developmental stage of the child, the
1012 needs of the child, and the likely impact the relocation will
1013 have on the child's physical, educational, and emotional
1014 development, taking into consideration any special needs of the
1015 child.

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1016 (c) The feasibility of preserving the relationship between
1017 the nonrelocating parent or other person and the child through
1018 substitute arrangements that take into consideration the
1019 logistics of contact, access, ~~visitation~~, and time-sharing, as
1020 well as the financial circumstances of the parties; whether
1021 those factors are sufficient to foster a continuing meaningful
1022 relationship between the child and the nonrelocating parent or
1023 other person; and the likelihood of compliance with the
1024 substitute arrangements by the relocating parent once he or she
1025 is out of the jurisdiction of the court.

1026 (d) The child's preference, taking into consideration the
1027 age and maturity of the child.

1028 (e) Whether the relocation will enhance the general
1029 quality of life for both the parent seeking the relocation and
1030 the child, including, but not limited to, financial or emotional
1031 benefits or educational opportunities.

1032 (f) The reasons of each parent or other person for seeking
1033 or opposing the relocation.

1034 (g) The current employment and economic circumstances of
1035 each parent or other person and whether or not the proposed
1036 relocation is necessary to improve the economic circumstances of
1037 the parent or other person seeking relocation of the child.

1038 (h) That the relocation is sought in good faith and the
1039 extent to which the objecting parent has fulfilled his or her
1040 financial obligations to the parent or other person seeking
1041 relocation, including child support, spousal support, and
1042 marital property and marital debt obligations.

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1043 (i) The career and other opportunities available to the
1044 objecting parent or objecting other person if the relocation
1045 occurs.

1046 (j) A history of substance abuse or domestic violence as
1047 defined in s. 741.28 or which meets the criteria of s.
1048 39.806(1)(d) by either parent, including a consideration of the
1049 severity of such conduct and the failure or success of any
1050 attempts at rehabilitation.

1051 (k) Whether the proposed move will be poorly understood,
1052 tolerated, or accepted by a child who has an autism spectrum
1053 disorder or related condition that may prevent the child from
1054 adapting well to a new environment and new circumstances.

1055 (l)~~(k)~~ Any other factor affecting the best interest of the
1056 child or as set forth in s. 61.13.

1057 (8) BURDEN OF PROOF.--The parent or other person wishing
1058 to relocate has the burden of proof if an objection is filed and
1059 must then initiate a proceeding seeking court permission for
1060 relocation. The initial burden is on the parent or person
1061 wishing to relocate to prove by a preponderance of the evidence
1062 that relocation is in the best interest of the child. If that
1063 burden of proof is met, the burden shifts to the nonrelocating
1064 parent or other person to show by a preponderance of the
1065 evidence that the proposed relocation is not in the best
1066 interest of the child.

1067 (9) ORDER REGARDING RELOCATION.--If relocation is
1068 permitted:

1069 (a) The court may, in its discretion, order contact with
1070 the nonrelocating parent, including access, ~~visitation,~~ time-

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1071 sharing, telephone, Internet, web-cam, and other arrangements
1072 sufficient to ensure that the child has frequent, continuing,
1073 and meaningful contact, access, ~~visitation~~, and time-sharing
1074 with the nonrelocating parent or other persons, if contact is
1075 financially affordable and in the best interest of the child.

1076 (b) If applicable, the court shall specify how the
1077 transportation costs will be allocated between the parents and
1078 other persons entitled to contact, access, ~~visitation~~, and time-
1079 sharing and may adjust the child support award, as appropriate,
1080 considering the costs of transportation and the respective net
1081 incomes of the parents in accordance with state child support
1082 guidelines.

1083 (10) PRIORITY FOR HEARING OR TRIAL.--An evidentiary
1084 hearing or nonjury trial on a pleading seeking temporary or
1085 permanent relief filed under ~~pursuant to~~ this section shall be
1086 accorded priority on the court's calendar.

1087 (11) APPLICABILITY.--

1088 (a) ~~The provisions of~~ This section applies ~~apply~~:

1089 1. To orders entered before October 1, 2006, if the
1090 existing order defining custody, primary residence, or time-
1091 sharing ~~visitation~~ of or with the child does not expressly
1092 govern the relocation of the child.

1093 2. To an order, whether temporary or permanent, regarding
1094 the parenting plan, custody, primary residence, time-sharing or
1095 visitation of or with the child entered on or after October 1,
1096 2006.

1097 3. To any relocation or proposed relocation, whether
1098 permanent or temporary, of a child during any proceeding pending
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1099 on October 1, 2006, wherein the parenting plan, custody, primary
1100 residence, time-sharing or visitation of or with the child is an
1101 issue.

1102 (b) To the extent that a provision of this section
1103 conflicts with an order existing on October 1, 2006, this
1104 section does not apply to the terms of that order which
1105 expressly govern relocation of the child or a change in the
1106 principal residence address of a parent.

1107 Section 9. Paragraph (d) of subsection (3) of section
1108 61.181, Florida Statutes, is amended to read:

1109 61.181 Depository for alimony transactions, support,
1110 maintenance, and support payments; fees.--

1111 (3)

1112 (d) When time-sharing ~~custody~~ of a child is relinquished
1113 by a ~~custodial~~ parent who is entitled to receive child support
1114 moneys from the depository to a licensed or registered long-term
1115 care child agency, that agency may request from the court an
1116 order directing that child support payments that ~~which~~ would
1117 otherwise be distributed to the ~~custodial~~ parent be distributed
1118 to the agency for the period of time that ~~custody~~ of the child
1119 is with ~~by~~ the agency. Thereafter, payments shall be distributed
1120 to the agency as if the agency were the ~~custodial~~ parent until
1121 further order of the court.

1122 Section 10. Subsection (1) of section 61.1827, Florida
1123 Statutes, is amended to read:

1124 61.1827 Identifying information concerning applicants for
1125 and recipients of child support services.--

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1126 (1) Any information that reveals the identity of
1127 applicants for or recipients of child support services,
1128 including the name, address, and telephone number of such
1129 persons, held by a non-Title IV-D county child support
1130 enforcement agency is confidential and exempt from s. 119.07(1)
1131 and s. 24(a) of Art. I of the State Constitution. The use or
1132 disclosure of such information by the non-Title IV-D county
1133 child support enforcement agency is limited to the purposes
1134 directly connected with:

1135 (a) Any investigation, prosecution, or criminal or civil
1136 proceeding connected with the administration of any non-Title
1137 IV-D county child support enforcement program;

1138 (b) Mandatory disclosure of identifying and location
1139 information as provided in s. 61.13(7) ~~s. 61.13(8)~~ by the non-
1140 Title IV-D county child support enforcement agency when
1141 providing non-Title IV-D services;

1142 (c) Mandatory disclosure of information as required by ss.
1143 409.2577, 61.181, 61.1825, and 61.1826 and Title IV-D of the
1144 Social Security Act; or

1145 (d) Disclosure to an authorized person, as defined in 45
1146 C.F.R. s. 303.15, for purposes of enforcing any state or federal
1147 law with respect to the unlawful taking or restraint of a child
1148 or making or enforcing a parenting plan ~~child custody or~~
1149 ~~visitation determination~~. As used in this paragraph, the term
1150 "authorized person" includes a noncustodial parent, unless a
1151 court has entered an order under s. 741.30, s. 741.31, or s.
1152 784.046.

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1153 Section 11. Section 61.20, Florida Statutes, is amended to
1154 read:

1155 61.20 Social investigation and recommendations when a
1156 parenting plan ~~child custody~~ is at ~~in~~ issue.--

1157 (1) In any action where the parenting plan ~~custody of a~~
1158 ~~minor child~~ is at ~~in~~ issue, the court may order a social
1159 investigation and study concerning all pertinent details
1160 relating to the child and each parent when such an investigation
1161 has not been done and the study therefrom provided to the court
1162 by the parties or when the court determines that the
1163 investigation and study that have been done are insufficient.
1164 The agency, staff, or person conducting the investigation and
1165 study ordered by the court pursuant to this section shall
1166 furnish the court and all parties of record in the proceeding a
1167 written study containing recommendations, including a written
1168 statement of facts found in the social investigation on which
1169 the recommendations are based. The court may consider the
1170 information contained in the study in making a decision on the
1171 parenting plan, ~~child's custody~~ and the technical rules of
1172 evidence do not exclude the study from consideration.

1173 (2) A social investigation and study, when ordered by the
1174 court, shall be conducted by qualified staff of the court; a
1175 child-placing agency licensed pursuant to s. 409.175; a
1176 psychologist licensed pursuant to chapter 490; or a clinical
1177 social worker, marriage and family therapist, or mental health
1178 counselor licensed pursuant to chapter 491. If a certification
1179 of indigence based on an affidavit filed with the court pursuant
1180 to s. 57.081 is provided by an adult party to the proceeding and

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1181 the court does not have qualified staff to perform the
1182 investigation and study, the court may request that the
1183 Department of Children and Family Services conduct the
1184 investigation and study.

1185 (3) Except as to persons who obtain certification of
1186 indigence as specified in subsection (2), for whom no costs
1187 shall be incurred, the adult parties involved in a ~~child-custody~~
1188 proceeding to determine a parenting plan wherein the court has
1189 ordered the performance of a social investigation and study
1190 ~~performed~~ shall be responsible for the payment of the costs of
1191 such investigation and study. Upon submission of the study to
1192 the court, the agency, staff, or person performing the study
1193 shall include a bill for services, which shall be taxed and
1194 ordered paid as costs in the proceeding.

1195 Section 12. Paragraph (c) of subsection (1) and subsection
1196 (6) of section 61.21, Florida Statutes, are amended to read:

1197 61.21 Parenting course authorized; fees; required
1198 attendance authorized; contempt.--

1199 (1) LEGISLATIVE FINDINGS; PURPOSE.--It is the finding of
1200 the Legislature that:

1201 (c) It has been found to be beneficial to parents who are
1202 separating or divorcing to have available an educational program
1203 that will provide general information regarding:

1204 1. The issues and legal procedures for resolving time-
1205 sharing custody and child support disputes.

1206 2. The emotional experiences and problems of divorcing
1207 adults.

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1208 3. The family problems and the emotional concerns and
1209 needs of the children.

1210 4. The availability of community services and resources.

1211 (6) All parties to a modification of a final judgment
1212 involving a parenting plan or a time-sharing schedule ~~shared~~
1213 ~~parental responsibilities, custody, or visitation~~ may be
1214 required to complete a court-approved parenting course prior to
1215 the entry of an order modifying the final judgment.

1216 Section 13. Paragraph (a) of subsection (1), paragraph (b)
1217 of subsection (2), and subsections (7), (8), (11), and (17) of
1218 section 61.30, Florida Statutes, are amended to read:

1219 61.30 Child support guidelines; retroactive child
1220 support.--

1221 (1)(a) The child support guideline amount as determined by
1222 this section presumptively establishes the amount the trier of
1223 fact shall order as child support in an initial proceeding for
1224 such support or in a proceeding for modification of an existing
1225 order for such support, whether the proceeding arises under this
1226 or another chapter. The trier of fact may order payment of
1227 child support which varies, plus or minus 5 percent, from the
1228 guideline amount, after considering all relevant factors,
1229 including the needs of the child or children, age, station in
1230 life, standard of living, and the financial status and ability
1231 of each parent. The trier of fact may order payment of child
1232 support in an amount which varies more than 5 percent from such
1233 guideline amount only upon a written finding explaining why
1234 ordering payment of such guideline amount would be unjust or
1235 inappropriate. Notwithstanding the variance limitations of this

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1236 section, the trier of fact shall order payment of child support
1237 which varies from the guideline amount as provided in paragraph
1238 (11) (b) whenever any of the children are required by court order
1239 or mediation agreement to spend a substantial amount of time
1240 with both ~~the primary and secondary residential~~ parents. This
1241 requirement applies to any living arrangement, whether temporary
1242 or permanent.

1243 (2) Income shall be determined on a monthly basis for the
1244 obligor and for the obligee as follows:

1245 (b) Income on a monthly basis shall be imputed to an
1246 unemployed or underemployed parent when such employment or
1247 underemployment is found to be voluntary on that parent's part,
1248 absent physical or mental incapacity or other circumstances over
1249 which the parent has no control. In the event of such voluntary
1250 unemployment or underemployment, the employment potential and
1251 probable earnings level of the parent shall be determined based
1252 upon his or her recent work history, occupational
1253 qualifications, and prevailing earnings level in the community;
1254 however, the court may refuse to impute income to a ~~primary~~
1255 ~~residential~~ parent if the court finds it necessary for the
1256 parent to stay home with the child.

1257 (7) Child care costs incurred on behalf of the children
1258 due to employment, job search, or education calculated to result
1259 in employment or to enhance income of current employment of
1260 either parent shall be reduced by 25 percent and then shall be
1261 added to the basic obligation. After the adjusted child care
1262 costs are added to the basic obligation, any moneys prepaid by
1263 one ~~the noncustodial~~ parent for child care costs for the child

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1264 or children of this action shall be deducted from that
1265 ~~noncustodial~~ parent's child support obligation for that child or
1266 those children. Child care costs may ~~shall~~ not exceed the level
1267 required to provide quality care from a licensed source for the
1268 children.

1269 (8) Health insurance costs resulting from coverage ordered
1270 pursuant to s. 61.13(1)(b), and any noncovered medical, dental,
1271 and prescription medication expenses of the child, shall be
1272 added to the basic obligation unless these expenses have been
1273 ordered to be separately paid on a percentage basis. After the
1274 health insurance costs are added to the basic obligation, any
1275 moneys prepaid by the ~~noncustodial~~ parent for health-related
1276 costs for the child or children of this action shall be deducted
1277 from that ~~noncustodial~~ parent's child support obligation for
1278 that child or those children.

1279 (11)(a) The court may adjust the minimum child support
1280 award, or either or both parents' share of the minimum child
1281 support award, based upon the following considerations:

1282 1. Extraordinary medical, psychological, educational, or
1283 dental expenses.

1284 2. Independent income of the child, not to include moneys
1285 received by a child from supplemental security income.

1286 3. The payment of support for a parent which regularly has
1287 been paid and for which there is a demonstrated need.

1288 4. Seasonal variations in one or both parents' incomes or
1289 expenses.

1290 5. The age of the child, taking into account the greater
1291 needs of older children.

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1292 6. Special needs, such as costs that may be associated
1293 with the disability of a child, that have traditionally been met
1294 within the family budget even though the fulfilling of those
1295 needs will cause the support to exceed the proposed guidelines.

1296 7. Total available assets of the obligee, obligor, and the
1297 child.

1298 8. The impact of the Internal Revenue Service dependency
1299 exemption and waiver of that exemption. The court may order one
1300 ~~the primary residential~~ parent to execute a waiver of the
1301 Internal Revenue Service dependency exemption if the paying
1302 ~~noncustodial~~ parent is current in support payments.

1303 9. When application of the child support guidelines
1304 requires a person to pay another person more than 55 percent of
1305 his or her gross income for a child support obligation for
1306 current support resulting from a single support order.

1307 10. The particular parenting plan and time-sharing ~~shared~~
1308 ~~parental~~ arrangement, such as where the child spends a
1309 significant amount of time, but less than 40 percent of the
1310 overnights, with one ~~the noncustodial~~ parent, thereby reducing
1311 the financial expenditures incurred by the other ~~primary~~
1312 ~~residential~~ parent; or the refusal of a ~~the noncustodial~~ parent
1313 to become involved in the activities of the child.

1314 11. Any other adjustment which is needed to achieve an
1315 equitable result which may include, but not be limited to, a
1316 reasonable and necessary existing expense or debt. Such expense
1317 or debt may include, but is not limited to, a reasonable and
1318 necessary expense or debt which the parties jointly incurred
1319 during the marriage.

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1320 (b) Whenever a particular time-sharing ~~shared parental~~
1321 arrangement provides that each child spend a substantial amount
1322 of time with each parent, the court shall adjust any award of
1323 child support, as follows:

1324 1. In accordance with subsections (9) and (10), calculate
1325 the amount of support obligation apportioned to each the
1326 ~~noncustodial~~ parent without including day care and health
1327 insurance costs in the calculation and multiply the amount by
1328 1.5.

1329 ~~2. In accordance with subsections (9) and (10), calculate~~
1330 ~~the amount of support obligation apportioned to the custodial~~
1331 ~~parent without including day care and health insurance costs in~~
1332 ~~the calculation and multiply the amount by 1.5.~~

1333 ~~2.3.~~ Calculate the percentage of overnight stays the child
1334 spends with each parent.

1335 ~~3.4.~~ Multiply each the ~~noncustodial~~ parent's support
1336 obligation as calculated in subparagraph 1. by the percentage of
1337 the custodial parent's overnight stays with the child as
1338 calculated in subparagraph ~~2. 3.~~

1339 ~~5. Multiply the custodial parent's support obligation as~~
1340 ~~calculated in subparagraph 2. by the percentage of the~~
1341 ~~noncustodial parent's overnight stays with the child as~~
1342 ~~calculated in subparagraph 3.~~

1343 ~~4.6.~~ The difference between the amounts calculated in
1344 subparagraphs ~~3. 4. and 4. 5.~~ shall be the monetary transfer
1345 necessary between the ~~custodial and noncustodial~~ parents for the
1346 care of the child, subject to an adjustment for day care and
1347 health insurance expenses.

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1348 ~~5.7.~~ Pursuant to subsections (7) and (8), calculate the
1349 net amounts owed by the ~~custodial and noncustodial~~ parents for
1350 the expenses incurred for day care and health insurance coverage
1351 for the child. Day care shall be calculated without regard to
1352 the 25-percent reduction applied by subsection (7).

1353 ~~6.8.~~ Adjust the support obligation owed by the ~~custodial~~
1354 ~~or noncustodial~~ parent pursuant to subparagraph ~~4. 6.~~ by
1355 crediting or debiting the amount calculated in subparagraph 5.
1356 ~~7.~~ This amount represents the child support which must be
1357 exchanged between the ~~custodial and noncustodial~~ parents.

1358 ~~7.9.~~ The court may deviate from the child support amount
1359 calculated pursuant to subparagraph ~~6. 8.~~ based upon the
1360 considerations set forth in paragraph (a)~~7~~, as well as either the
1361 ~~custodial~~ parent's low income and ability to maintain the basic
1362 necessities of the home for the child, the likelihood that
1363 either the ~~noncustodial~~ parent will actually exercise the time-
1364 sharing visitation granted by the court, and whether all of the
1365 children are exercising the same time-sharing ~~shared parental~~
1366 arrangement.

1367 ~~8.10.~~ For purposes of adjusting any award of child support
1368 under this paragraph, "substantial amount of time" means that
1369 the parents divide time with the child on at least a 60-percent
1370 to 40-percent division ~~noncustodial parent exercises visitation~~
1371 ~~at least 40 percent~~ of the overnights of the year.

1372 (c) A ~~noncustodial~~ parent's failure to regularly exercise
1373 court-ordered or agreed time-sharing ~~visitation~~ not caused by
1374 the other ~~custodial~~ parent which resulted in the adjustment of
1375 the amount of child support pursuant to subparagraph (a)10. or
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1376 paragraph (b) shall be deemed a substantial change of
1377 circumstances for purposes of modifying the child support award.
1378 A modification pursuant to this paragraph is ~~shall be~~
1379 retroactive to the date the ~~noncustodial~~ parent first failed to
1380 regularly exercise court-ordered or agreed time-sharing
1381 visitation.

1382 (17) In an initial determination of child support, whether
1383 in a paternity action, dissolution of marriage action, or
1384 petition for support during the marriage, the court has
1385 discretion to award child support retroactive to the date when
1386 the parents did not reside together in the same household with
1387 the child, not to exceed a period of 24 months preceding the
1388 filing of the petition, regardless of whether that date precedes
1389 the filing of the petition. In determining the retroactive
1390 award in such cases, the court shall consider the following:

1391 (a) The court shall apply the guidelines in effect at the
1392 time of the hearing subject to the obligor's demonstration of
1393 his or her actual income, as defined by subsection (2), during
1394 the retroactive period. Failure of the obligor to so
1395 demonstrate shall result in the court using the obligor's income
1396 at the time of the hearing in computing child support for the
1397 retroactive period.

1398 (b) The court shall consider the time-sharing arrangement
1399 exercised by the parents during the separation period in
1400 determining the appropriate percentage of overnights exercised
1401 by each parent so as to apply the substantial time-sharing
1402 method of calculating support according to paragraph (11)(b), if
1403 appropriate.

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1404 ~~(c)(b)~~ All actual payments made by one ~~the noncustodial~~
1405 parent to the other ~~custodial~~ parent or the child or third
1406 parties for the benefit of the child throughout the proposed
1407 retroactive period.

1408 ~~(d)(e)~~ The court should consider an installment payment
1409 plan for the payment of retroactive child support.

1410 Section 14. Section 61.401, Florida Statutes, is amended
1411 to read:

1412 61.401 Appointment of guardian ad litem.--In an action
1413 involving a parenting plan or a time-sharing schedule ~~for~~
1414 ~~dissolution of marriage, modification, parental responsibility,~~
1415 ~~custody, or visitation~~, if the court finds it is in the best
1416 interest of the child, the court may appoint a guardian ad litem
1417 to act as next friend of the child, investigator or evaluator,
1418 not as attorney or advocate. The court in its discretion may
1419 also appoint legal counsel for a child to act as attorney or
1420 advocate; however, the guardian and the legal counsel shall not
1421 be the same person. In such actions which involve an allegation
1422 of child abuse, abandonment, or neglect as defined in s. 39.01,
1423 which allegation is verified and determined by the court to be
1424 well-founded, the court shall appoint a guardian ad litem for
1425 the child. The guardian ad litem shall be a party to any
1426 judicial proceeding from the date of the appointment until the
1427 date of discharge.

1428 Section 15. Section 61.45, Florida Statutes, is amended to
1429 read:

1430 61.45 Court-ordered parenting plan ~~Court order of~~
1431 ~~visitation or custody~~; risk of violation; bond.--

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1432 (1) In a proceeding in which the court enters a parenting
1433 plan, including a time-sharing schedule ~~an order of child~~
1434 ~~custody or visitation~~, including in a modification proceeding,
1435 upon the presentation of competent substantial evidence that
1436 there is a risk that one party may violate the court's parenting
1437 plan ~~order of visitation or custody~~ by removing a child from
1438 this state or country or by concealing the whereabouts of a
1439 child, or upon stipulation of the parties, the court may:

1440 (a) Order that a parent may not remove the child from this
1441 state without the notarized written permission of both parents
1442 or further court order;

1443 (b) Order that a parent may not remove the child from this
1444 country without the notarized written permission of both parents
1445 or further court order;

1446 (c) Order that a parent may not take the child to a
1447 country that has not ratified or acceded to the Hague
1448 Convention on the Civil Aspects of International Child Abduction
1449 unless the other parent agrees in writing that the child may be
1450 taken to the country;

1451 (d) Require a parent to surrender the passport of the
1452 child; or

1453 (e) Require that party to post bond or other security.

1454 (2) If the court enters a parenting plan ~~an order of child~~
1455 ~~custody or visitation~~, including in a modification proceeding,
1456 that includes a provision entered under paragraph (1)(b) or
1457 paragraph (1)(c), a certified copy of the order should be sent
1458 by the parent who requested the restriction to the Passport
1459 Services Office of the United States Department of State

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1460 requesting that they not issue a passport to the child without
1461 their signature or further court order.

1462 (3) In assessing the need for a bond or other security,
1463 the court may consider any reasonable factor bearing upon the
1464 risk that a party may violate a parenting plan ~~visitation or~~
1465 ~~custody order~~ by removing a child from this state or country or
1466 by concealing the whereabouts of a child, including but not
1467 limited to whether:

1468 (a) A court has previously found that a party previously
1469 removed a child from Florida or another state in violation of a
1470 parenting plan ~~custody or visitation order~~, or whether a court
1471 had found that a party has threatened to take a child out of
1472 Florida or another state in violation of a parenting plan
1473 ~~custody or visitation order~~;

1474 (b) The party has strong family and community ties to
1475 Florida or to other states or countries, including whether the
1476 party or child is a citizen of another country;

1477 (c) The party has strong financial reasons to remain in
1478 Florida or to relocate to another state or country;

1479 (d) The party has engaged in activities that suggest plans
1480 to leave Florida, such as quitting employment; sale of a
1481 residence or termination of a lease on a residence, without
1482 efforts to acquire an alternative residence in the state;
1483 closing bank accounts or otherwise liquidating assets; or
1484 applying for a passport;

1485 (e) Either party has had a history of domestic violence as
1486 either a victim or perpetrator, child abuse or child neglect
1487 evidenced by criminal history, including but not limited to,
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1488 arrest, an injunction for protection against domestic violence
1489 issued after notice and hearing under s. 741.30, medical
1490 records, affidavits, or any other relevant information; or

1491 (f) The party has a criminal record.

1492 (4) The court must consider the party's financial
1493 resources prior to setting the bond amount under this section.
1494 Under no circumstances may the court set a bond that is
1495 unreasonable.

1496 (5) Any deficiency of bond or security shall not absolve
1497 the violating party of responsibility to pay the full amount of
1498 damages determined by the court.

1499 (6) (a) Upon a material violation of any parenting plan
1500 ~~eustody or visitation order~~ by removing a child from this state
1501 or this country or by concealing the whereabouts of a child, the
1502 court may order the bond or other security forfeited in whole or
1503 in part.

1504 (b) This section, including the requirement to post a bond
1505 or other security, does not apply to a parent who, in a
1506 proceeding to order or modify a parenting plan or time-sharing
1507 schedule, is determined by the court to be ~~child eustody or~~
1508 ~~visitation, the court determines is~~ a victim of an act of
1509 domestic violence or provides the court with ~~has~~ reasonable
1510 cause to believe that he or she is about to become the victim of
1511 an act of domestic violence, as defined in s. 741.28. An
1512 injunction for protection against domestic violence issued
1513 pursuant to s. 741.30 for a parent as the petitioner which is in
1514 effect at the time of the court proceeding shall be one means of
1515 demonstrating sufficient evidence that the parent is a victim of

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1516 domestic violence or is about to become the victim of an act of
1517 domestic violence, as defined in s. 741.28, and shall exempt the
1518 parent from this section, including the requirement to post a
1519 bond or other security. A parent who is determined by the court
1520 to be exempt from the requirements of this section must meet the
1521 requirements of s. 787.03(6) if an offense of interference with
1522 the parenting plan or time-sharing schedule ~~custody~~ is
1523 committed.

1524 (7) (a) Upon an order of forfeiture, the proceeds of any
1525 bond or other security posted pursuant to this subsection may
1526 only be used to:

1527 1. Reimburse the nonviolating party for actual costs or
1528 damages incurred in upholding the court's parenting plan ~~order~~
1529 ~~of custody or visitation~~.

1530 2. Locate and return the child to the residence as set
1531 forth in the parenting plan ~~visitation or custody order~~.

1532 3. Reimburse reasonable fees and costs as determined by
1533 the court.

1534 (b) Any remaining proceeds shall be held as further
1535 security if deemed necessary by the court, and if further
1536 security is not found to be necessary; applied to any child
1537 support arrears owed by the parent against whom the bond was
1538 required, and if no arrears exists; all remaining proceeds will
1539 be allocated by the court in the best interest of the child.

1540 (8) At any time after the forfeiture of the bond or other
1541 security, the party who posted the bond or other security, or
1542 the court on its own motion may request that the party provide
1543 documentation substantiating that the proceeds received as a
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1544 result of the forfeiture have been used solely in accordance
1545 with this subsection. Any party using such proceeds for
1546 purposes not in accordance with this section may be found in
1547 contempt of court.

1548 Section 16. Paragraphs (b) and (c) of subsection (3) of
1549 section 741.0306, Florida Statutes, are amended to read:

1550 741.30 Domestic violence; injunction; powers and duties of
1551 court and clerk; petition; notice and hearing; temporary
1552 injunction; issuance of injunction; statewide verification
1553 system; enforcement.--

1554 (3)

1555 (b) The sworn petition shall be in substantially the
1556 following form:

1557 PETITION FOR
1558 INJUNCTION FOR PROTECTION
1559 AGAINST DOMESTIC VIOLENCE

1560
1561 Before me, the undersigned authority, personally appeared
1562 Petitioner (Name) , who has been sworn and says that the
1563 following statements are true:

1564 (a) Petitioner resides at: (address)

1565 (Petitioner may furnish address to the court in a separate
1566 confidential filing if, for safety reasons, the petitioner
1567 requires the location of the current residence to be
1568 confidential.)

1569 (b) Respondent resides at: (last known address)

1570 (c) Respondent's last known place of employment: (name
1571 of business and address)

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1572 (d) Physical description of respondent: _____

1573 Race _____

1574 Sex _____

1575 Date of birth _____

1576 Height _____

1577 Weight _____

1578 Eye color _____

1579 Hair color _____

1580 Distinguishing marks or scars _____

1581 (e) Aliases of respondent: _____

1582 (f) Respondent is the spouse or former spouse of the
1583 petitioner or is any other person related by blood or marriage
1584 to the petitioner or is any other person who is or was residing
1585 within a single dwelling unit with the petitioner, as if a
1586 family, or is a person with whom the petitioner has a child in
1587 common, regardless of whether the petitioner and respondent are
1588 or were married or residing together, as if a family.

1589 (g) The following describes any other cause of action
1590 currently pending between the petitioner and respondent:

1591
1592 The petitioner should also describe any previous or pending
1593 attempts by the petitioner to obtain an injunction for
1594 protection against domestic violence in this or any other
1595 circuit, and the results of that attempt

1596
1597 Case numbers should be included if available.

1598 (h) Petitioner is either a victim of domestic violence or
1599 has reasonable cause to believe he or she is in imminent danger

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1600 of becoming a victim of domestic violence because respondent has
1601 _____ (mark all sections that apply and describe in the spaces
1602 below the incidents of violence or threats of violence,
1603 specifying when and where they occurred, including, but not
1604 limited to, locations such as a home, school, place of
1605 employment, or visitation exchange) _____:

1606 _____ committed or threatened to commit domestic violence
1607 defined in s. 741.28, Florida Statutes, as any assault,
1608 aggravated assault, battery, aggravated battery, sexual assault,
1609 sexual battery, stalking, aggravated stalking, kidnapping, false
1610 imprisonment, or any criminal offense resulting in physical
1611 injury or death of one family or household member by another.
1612 With the exception of persons who are parents of a child in
1613 common, the family or household members must be currently
1614 residing or have in the past resided together in the same single
1615 dwelling unit.

1616 _____ previously threatened, harassed, stalked, or
1617 physically abused the petitioner.

1618 _____ attempted to harm the petitioner or family members or
1619 individuals closely associated with the petitioner.

1620 _____ threatened to conceal, kidnap, or harm the
1621 petitioner's child or children.

1622 _____ intentionally injured or killed a family pet.

1623 _____ used, or has threatened to use, against the petitioner
1624 any weapons such as guns or knives.

1625 _____ physically restrained the petitioner from leaving the
1626 home or calling law enforcement.

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1627 | _____ a criminal history involving violence or the threat of
1628 | violence (if known).

1629 | _____ another order of protection issued against him or her
1630 | previously or from another jurisdiction (if known).

1631 | _____ destroyed personal property, including, but not
1632 | limited to, telephones or other communication equipment,
1633 | clothing, or other items belonging to the petitioner.

1634 | _____ engaged in any other behavior or conduct that leads
1635 | the petitioner to have reasonable cause to believe he or she is
1636 | in imminent danger of becoming a victim of domestic violence.

1637 | (i) Petitioner alleges the following additional specific
1638 | facts: (mark appropriate sections)

1639 | _____ A minor child or minor children reside with the
1640 | ~~petitioner is the custodian of a minor child or children~~ whose
1641 | names and ages are as follows:

1642 |
1643 | _____ Petitioner needs the exclusive use and possession of
1644 | the dwelling that the parties share.

1645 | _____ Petitioner is unable to obtain safe alternative
1646 | housing because:

1647 | _____ Petitioner genuinely fears that respondent imminently
1648 | will abuse, remove, or hide the minor child or children from
1649 | petitioner because:

1650 |
1651 | (j) Petitioner genuinely fears imminent domestic violence
1652 | by respondent.

1653 | (k) Petitioner seeks an injunction: (mark appropriate
1654 | section or sections)

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1655 _____ Immediately restraining the respondent from committing
1656 any acts of domestic violence.

1657 _____ Restraining the respondent from committing any acts of
1658 domestic violence.

1659 _____ Awarding to the petitioner the temporary exclusive use
1660 and possession of the dwelling that the parties share or
1661 excluding the respondent from the residence of the petitioner.

1662 _____ Providing a temporary parenting plan, including a
1663 temporary time-sharing schedule, Awarding temporary custody of,
1664 or temporary visitation rights with regard to, the minor child
1665 or children of the parties which might involve, or prohibiting
1666 or limiting time-sharing or requiring that it be visitation to
1667 that which is supervised by a third party.

1668 _____ Establishing temporary support for the minor child or
1669 children or the petitioner.

1670 _____ Directing the respondent to participate in a
1671 batterers' intervention program or other treatment pursuant to
1672 s. 39.901, Florida Statutes.

1673 _____ Providing any terms the court deems necessary for the
1674 protection of a victim of domestic violence, or any minor
1675 children of the victim, including any injunctions or directives
1676 to law enforcement agencies.

1677 (d) If the sworn petition seeks to determine a parenting
1678 plan and time-sharing schedule ~~issues of custody or visitation~~
1679 with regard to the minor child or children of the parties, the
1680 sworn petition shall be accompanied by or shall incorporate the
1681 allegations required by s. 61.522 of the Uniform Child Custody
1682 Jurisdiction and Enforcement Act.

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1683 (5) (a) When it appears to the court that an immediate and
1684 present danger of domestic violence exists, the court may grant
1685 a temporary injunction ex parte, pending a full hearing, and may
1686 grant such relief as the court deems proper, including an
1687 injunction:

1688 1. Restraining the respondent from committing any acts of
1689 domestic violence.

1690 2. Awarding to the petitioner the temporary exclusive use
1691 and possession of the dwelling that the parties share or
1692 excluding the respondent from the residence of the petitioner.

1693 3. On the same basis as provided in s. 61.13, providing
1694 the petitioner with 100 percent of the time-sharing that shall
1695 remain granting to the petitioner temporary custody of a minor
1696 child. An order of temporary custody remains in effect until the
1697 order expires or an order is entered by a court of competent
1698 jurisdiction in a pending or subsequent civil action or
1699 proceeding affecting the placement of, access to, parental time
1700 with, adoption of, or parental rights and responsibilities for
1701 the minor child.

1702 (6) (a) Upon notice and hearing, when it appears to the
1703 court that the petitioner is either the victim of domestic
1704 violence as defined by s. 741.28 or has reasonable cause to
1705 believe he or she is in imminent danger of becoming a victim of
1706 domestic violence, the court may grant such relief as the court
1707 deems proper, including an injunction:

1708 1. Restraining the respondent from committing any acts of
1709 domestic violence.

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1710 2. Awarding to the petitioner the exclusive use and
1711 possession of the dwelling that the parties share or excluding
1712 the respondent from the residence of the petitioner.

1713 3. On the same basis as provided in chapter 61, providing
1714 the petitioner with 100 percent of the time-sharing in a
1715 temporary parenting plan that shall remain ~~awarding temporary~~
1716 ~~e custody of, or temporary visitation rights with regard to, a~~
1717 ~~minor child or children of the parties. An order of temporary~~
1718 ~~e custody or visitation remains~~ in effect until the order expires
1719 or an order is entered by a court of competent jurisdiction in a
1720 pending or subsequent civil action or proceeding affecting the
1721 placement of, access to, parental time with, adoption of, or
1722 parental rights and responsibilities for the minor child.

1723 4. On the same basis as provided in chapter 61,
1724 establishing temporary support for a minor child or children or
1725 the petitioner. An order of temporary support remains in effect
1726 until the order expires or an order is entered by a court of
1727 competent jurisdiction in a pending or subsequent civil action
1728 or proceeding affecting child support.

1729 5. Ordering the respondent to participate in treatment,
1730 intervention, or counseling services to be paid for by the
1731 respondent. When the court orders the respondent to participate
1732 in a batterers' intervention program, the court, or any entity
1733 designated by the court, must provide the respondent with a list
1734 of all certified batterers' intervention programs and all
1735 programs which have submitted an application to the Department
1736 of Children and Family Services to become certified under s.
1737 741.32, from which the respondent must choose a program in which
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1738 to participate. If there are no certified batterers'
1739 intervention programs in the circuit, the court shall provide a
1740 list of acceptable programs from which the respondent must
1741 choose a program in which to participate.

1742 6. Referring a petitioner to a certified domestic violence
1743 center. The court must provide the petitioner with a list of
1744 certified domestic violence centers in the circuit which the
1745 petitioner may contact.

1746 7. Ordering such other relief as the court deems necessary
1747 for the protection of a victim of domestic violence, including
1748 injunctions or directives to law enforcement agencies, as
1749 provided in this section.

1750 Section 17. Subsections (1) and (2) of section 742.031,
1751 Florida Statutes, are amended to read:

1752 742.031 Hearings; court orders for support, hospital
1753 expenses, and attorney's fee.--

1754 (1) Hearings for the purpose of establishing or refuting
1755 the allegations of the complaint and answer shall be held in the
1756 chambers and may be restricted to persons, in addition to the
1757 parties involved and their counsel, as the judge in his or her
1758 discretion may direct. The court shall determine the issues of
1759 paternity of the child and the ability of the parents to support
1760 the child. Each party's social security number shall be
1761 recorded in the file containing the adjudication of paternity.
1762 If the court finds that the alleged father is the father of the
1763 child, it shall so order. If appropriate, the court shall order
1764 the father to pay the complainant, her guardian, or any other
1765 person assuming responsibility for the child moneys sufficient
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1766 to pay reasonable attorney's fees, hospital or medical expenses,
1767 cost of confinement, and any other expenses incident to the
1768 birth of the child and to pay all costs of the proceeding.
1769 Bills for pregnancy, childbirth, and scientific testing are
1770 admissible as evidence without requiring third-party foundation
1771 testimony, and shall constitute prima facie evidence of amounts
1772 incurred for such services or for testing on behalf of the
1773 child. The court shall order either or both parents owing a
1774 duty of support to the child to pay support pursuant to s.
1775 61.30. The court shall issue, upon motion by a party, a
1776 temporary order requiring ~~the provision of~~ child support
1777 pursuant to s. 61.30 pending an administrative or judicial
1778 determination of parentage, if there is clear and convincing
1779 evidence of paternity on the basis of genetic tests or other
1780 evidence. The court may also make a determination of an
1781 appropriate parenting plan, including a time-sharing schedule ~~as~~
1782 ~~to the parental responsibility and residential care and custody~~
1783 ~~of the minor children~~ in accordance with chapter 61.

1784 (2) If a judgment of paternity contains only a child
1785 support award with no parenting plan or time-sharing schedule,
1786 the obligee parent shall receive all of the time-sharing and
1787 sole parental responsibility ~~no explicit award of custody, the~~
1788 ~~establishment of a support obligation or of visitation rights in~~
1789 ~~one parent shall be considered a judgment granting primary~~
1790 ~~residential care and custody to the other parent without~~
1791 ~~prejudice to the obligor parent.~~ If a paternity judgment
1792 contains no such provisions, ~~custody shall be presumed to be~~

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1793 ~~with~~ the mother shall be presumed to have all of the time-
1794 sharing and sole parental responsibility.

1795 Section 18. For the purpose of incorporating the
1796 amendments made by this act to section 741.30, Florida Statutes,
1797 in a reference thereto, paragraph (a) of subsection (3) of
1798 section 61.1825, Florida Statutes, is reenacted to read:

1799 61.1825 State Case Registry.--

1800 (3) (a) For the purpose of this section, a family violence
1801 indicator must be placed on a record when:

1802 1. A party executes a sworn statement requesting that a
1803 family violence indicator be placed on that party's record which
1804 states that the party has reason to believe that release of
1805 information to the Federal Case Registry may result in physical
1806 or emotional harm to the party or the child; or

1807 2. A temporary or final injunction for protection against
1808 domestic violence has been granted pursuant to s. 741.30(6), an
1809 injunction for protection against domestic violence has been
1810 issued by a court of a foreign state pursuant to s. 741.315, or
1811 a temporary or final injunction for protection against repeat
1812 violence has been granted pursuant to s. 784.046; or

1813 3. The department has received information on a Title IV-D
1814 case from the Domestic Violence and Repeat Violence Injunction
1815 Statewide Verification System, established pursuant to s.
1816 784.046(8)(b), that a court has granted a party a domestic
1817 violence or repeat violence injunction.

1818 Section 19. Section 61.121, Florida Statutes, is repealed.

1819

1820 ===== T I T L E A M E N D M E N T =====

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1821 Remove lines 71-73 and insert:
1822 An act relating to child support; retitling ch. 61, F.S.;
1823 amending s. 61.046, F.S.; deleting, revising, and providing
1824 definitions; amending s. 61.052, F.S.; authorizing the court to
1825 issue an appropriate order for a parenting plan; amending s.
1826 61.09, F.S.; authorizing the parent who is not receiving child
1827 support to apply to the court for support of the child; amending
1828 s. 61.10, F.S.; providing for the court to adjudicate parenting
1829 plans and the time-sharing schedules when unconnected with the
1830 dissolution of a marriage; amending s. 61.122, F.S.; providing
1831 for developing a parenting plan recommendation; amending s.
1832 61.13, F.S.; authorizing the court to make orders relating to
1833 time-sharing and parenting of children; requiring equal
1834 treatment for mothers and fathers in parenting decisions;
1835 providing for the creation or modification of a parenting plan
1836 or time-sharing schedule; establishing criteria for determining
1837 the best interests of a child; providing that a parent may not
1838 refuse to obey time-sharing orders even if the other parent has
1839 not paid alimony or child support; authorizing a court to order
1840 additional time-sharing if the custodial parent refuses to abide
1841 by the time-sharing agreement or order; amending s. 61.13001,
1842 F.S.; providing for relocation of a child; providing for a
1843 relocation agreement between the parents; providing procedures
1844 for relocation when an agreement cannot be reached; requiring a
1845 court to consider the impact of a relocation on a child with
1846 certain health conditions; amending s. 61.181, F.S.; providing
1847 for distributing child support funds; amending s. 61.1827, F.S.,
1848 relating to child support services; conforming provisions to
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HOUSE AMENDMENT

Bill No. HB 863

Amendment No.

1849 changes made by the act; amending s. 61.20, F.S.; providing for
1850 the court to order a social service investigation if a parenting
1851 plan is at issue; amending s. 61.21, F.S.; providing that
1852 parties to a parenting plan or a time-sharing schedule may be
1853 required by the court to attend a parenting course; amending s.
1854 61.30, F.S.; revising calculations for child support awards;
1855 amending s. 61.401, F.S.; authorizing the court to appoint a
1856 guardian ad litem in cases involving a parenting plan or a time-
1857 sharing schedule; amending s. 61.45, F.S.; providing for court
1858 orders for parenting plans and time-sharing schedules; amending
1859 s. 741.0306, F.S.; including material on parenting plans and
1860 time-sharing schedules in the family law handbook prepared by
1861 The Florida Bar; amending s. 741.30, F.S., relating to
1862 injunctions against domestic violence; conforming provisions to
1863 changes made by the act; amending s. 742.031, F.S.; providing
1864 for parenting plans and time-sharing schedules in proceedings to
1865 determine paternity; reenacting s. 61.1825(3)(a), F.S., relating
1866 to the State Case Registry, to incorporate the amendments made
1867 to s. 741.30, F.S., in a reference thereto; repealing s. 61.121,
1868 F.S., relating to court orders for rotating custody between
1869 parents if it is in the best interests of the child; creating s.
1870 61.13002, F.S.;

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