

1 A bill to be entitled
2 An act relating to child custody and support; providing a
3 directive to the Division of Statutory Revision to retitle
4 ch. 61, F.S.; amending s. 61.046, F.S.; defining the terms
5 "parenting plan," "parenting plan recommendation," and
6 "time-sharing schedule"; deleting definitions of the terms
7 "custodial parent" and "noncustodial parent"; amending ss.
8 61.052, 61.09, and 61.10, F.S.; conforming provisions to
9 changes in terminology; repealing s. 61.121, F.S.,
10 relating to rotating custody; amending s. 61.122, F.S.;
11 conforming provisions to changes in terminology; revising
12 provisions relating to a presumption of good faith for
13 psychologists making specified determinations; amending s.
14 61.13, F.S.; revising provisions relating to modification
15 of support; conforming provisions to changes in
16 terminology; revising provisions relating to development
17 of a parenting plan; amending s. 61.13001, F.S.;
18 conforming provisions to changes in terminology; deleting
19 obsolete definitions; amending s. 61.13002, F.S.;
20 providing for orders of temporary support for children
21 whose custody is temporarily modified due to a parent's
22 military service; amending ss. 61.14, 61.181, and 61.1827,
23 F.S.; conforming provisions to changes in terminology;
24 conforming a cross-reference; amending s. 61.20, F.S.;
25 conforming provisions to changes in terminology; revising
26 provisions relating to social investigation and
27 recommendations regarding a parenting plan; amending s.
28 61.21, F.S.; conforming provisions to changes in

29 terminology; amending s. 61.30, F.S.; conforming
30 provisions to changes in terminology; revising the child
31 support guidelines schedule; revising provisions relating
32 to determining of total minimum child support need and
33 total minimum child support award; providing for
34 adjustments of child support in light of the time-sharing
35 plan; amending ss. 61.401, 61.45, 409.2554, and 409.2558,
36 F.S.; conforming provisions to changes in terminology;
37 amending s. 409.2563, F.S.; conforming provisions to
38 changes in terminology; revising provisions relating to
39 presumption of a parent's income for the purpose of
40 establishing a support obligation; deleting an obsolete
41 provision concerning a study by the Office of Program
42 Policy Analysis and Government Accountability; amending
43 ss. 409.2564, 409.25657, 409.25659, and 409.2577, F.S.;
44 conforming provisions to changes in terminology; amending
45 s. 409.2579, F.S.; conforming a cross-reference; amending
46 ss. 409.811, 414.0252, 414.065, 414.085, 414.095, 414.295,
47 and 445.024, F.S.; conforming provisions to changes in
48 terminology; amending s. 741.0306, F.S.; revising
49 requirements for a family law handbook; conforming
50 provisions to changes in terminology; amending s. 741.30,
51 F.S.; conforming provisions to changes in terminology;
52 amending s. 742.031, F.S.; conforming provisions to
53 changes in terminology; providing for time-sharing and
54 parental responsibility in paternity judgments; amending
55 ss. 753.01 and 827.06, F.S.; conforming provisions to
56 changes in terminology; reenacting s. 61.1825(3)(a), F.S.,

57 relating to relating to the State Case Registry, to
 58 incorporate the amendments made to s. 741.30, F.S., in a
 59 reference thereto; providing an effective date.

60

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

62

63 Section 1. The Division of Statutory Revision is directed
 64 to redesignate chapter 61, Florida Statutes, as "Dissolution of
 65 Marriage; Support; Time-sharing."

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

68 61.046 Definitions.--As used in this chapter:

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

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

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

80 (3)~~(4)~~ "Department" means the Department of Revenue.

81 (4)~~(5)~~ "Depository" means the central governmental
 82 depository established pursuant to s. 61.181, created by special
 83 act of the Legislature or other entity established before June
 84 1, 1985, to perform depository functions and to receive, record,

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85 | report, disburse, monitor, and otherwise handle alimony and
86 | child support payments not otherwise required to be processed by
87 | the State Disbursement Unit.

88 | (5)~~(6)~~ "Electronic communication" means contact, other
89 | than face-to-face contact, facilitated by tools such as
90 | telephones, electronic mail or e-mail, webcams, video-
91 | conferencing equipment and software or other wired or wireless
92 | technologies, or other means of communication to supplement
93 | face-to-face contact between a parent and that parent's minor
94 | child.

95 | (6)~~(7)~~ "Federal Case Registry of Child Support Orders"
96 | means the automated registry of support order abstracts and
97 | other information established and maintained by the United
98 | States Department of Health and Human Services as provided by 42
99 | U.S.C. s. 653(h).

100 | (7)~~(8)~~ "Income" means any form of payment to an
101 | individual, regardless of source, including, but not limited to:
102 | wages, salary, commissions and bonuses, compensation as an
103 | independent contractor, worker's compensation, disability
104 | benefits, annuity and retirement benefits, pensions, dividends,
105 | interest, royalties, trusts, and any other payments, made by any
106 | person, private entity, federal or state government, or any unit
107 | of local government. United States Department of Veterans
108 | Affairs disability benefits and unemployment compensation, as
109 | defined in chapter 443, are excluded from this definition of
110 | income except for purposes of establishing an amount of support.

111 | (8)~~(9)~~ "IV-D" means services provided pursuant to Title
112 | IV-D of the Social Security Act, 42 U.S.C. ss. 651 et seq.

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113 ~~(9)-(10)~~ "Local officer" means an elected or appointed
114 constitutional or charter government official including, but not
115 limited to, the state attorney and clerk of the circuit court.

116 ~~(10)-(11)~~ "National medical support notice" means the
117 notice required under 42 U.S.C. s. 666(a)(19).

118 ~~(12)~~ "~~Noncustodial parent~~" ~~means the parent with whom the~~
119 ~~child does not maintain his or her primary residence.~~

120 ~~(11)-(13)~~ "Obligee" means the person to whom payments are
121 made pursuant to an order establishing, enforcing, or modifying
122 an obligation for alimony, for child support, or for alimony and
123 child support.

124 ~~(12)-(14)~~ "Obligor" means a person responsible for making
125 payments pursuant to an order establishing, enforcing, or
126 modifying an obligation for alimony, for child support, or for
127 alimony and child support.

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

140 (a) Any parenting plan formulated under this chapter must
141 address all jurisdictional issues, including, but not limited
142 to, the Uniform Child Custody Jurisdiction and Enforcement Act,
143 part II of this chapter, the International Child Abduction
144 Remedies Act, 42 U.S.C. ss. 11601 et seq., the Parental
145 Kidnapping Prevention Act, and the Convention on the Civil
146 Aspects of International Child Abduction enacted at the Hague on
147 October 25, 1980.

148 (b) For purposes of the application of the Uniform Child
149 Custody Jurisdiction and Enforcement Act, part II of this
150 chapter, a judgment or order incorporating a parenting plan
151 under this part is a child custody determination under part II
152 of this chapter.

153 (c) For purposes of the International Child Abduction
154 Remedies Act, 42 U.S.C. ss. 11601 et seq., and the Convention on
155 the Civil Aspects of International Child Abduction, enacted at
156 the Hague on October 25, 1980, rights of custody shall be
157 determined under the parenting plan under this part.

158 (14) "Parenting plan recommendation" means a nonbinding
159 recommendation made by a licensed mental health professional or
160 any other individual designated by a court under s. 61.20
161 concerning the parenting plan.

162 (15) "Payor" means an employer or former employer or any
163 other person or agency providing or administering income to the
164 obligor.

165 (16) "Shared parental responsibility" means a court-
166 ordered relationship in which both parents retain full parental
167 rights and responsibilities with respect to their child and in

168 | which both parents confer with each other so that major
169 | decisions affecting the welfare of the child will be determined
170 | jointly.

171 | (17) "Sole parental responsibility" means a court-ordered
172 | relationship in which one parent makes decisions regarding the
173 | minor child.

174 | (18) "State Case Registry" means the automated registry
175 | maintained by the Title IV-D agency, containing records of each
176 | Title IV-D case and of each support order established or
177 | modified in the state on or after October 1, 1998. Such records
178 | shall consist of data elements as required by the United States
179 | Secretary of Health and Human Services.

180 | (19) "State Disbursement Unit" means the unit established
181 | and operated by the Title IV-D agency to provide one central
182 | address for collection and disbursement of child support
183 | payments made in cases enforced by the department pursuant to
184 | Title IV-D of the Social Security Act and in cases not being
185 | enforced by the department in which the support order was
186 | initially issued in this state on or after January 1, 1994, and
187 | in which the obligor's child support obligation is being paid
188 | through income deduction order.

189 | (20) "Support order" means a judgment, decree, or order,
190 | whether temporary or final, issued by a court of competent
191 | jurisdiction or administrative agency for the support and
192 | maintenance of a child which provides for monetary support,
193 | health care, arrearages, or past support. When the child support
194 | obligation is being enforced by the Department of Revenue, the
195 | term "support order" also means a judgment, decree, or order,

196 whether temporary or final, issued by a court of competent
 197 jurisdiction for the support and maintenance of a child and the
 198 spouse or former spouse of the obligor with whom the child is
 199 living which provides for monetary support, health care,
 200 arrearages, or past support.

201 (21) "Support," unless otherwise specified, means:

202 (a) Child support and, when the child support obligation
 203 is being enforced by the Department of Revenue, spousal support
 204 or alimony for the spouse or former spouse of the obligor with
 205 whom the child is living.

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

208 (22) "Time-sharing schedule" means a timetable that must
 209 be included in the parenting plan that specifies the time,
 210 including overnights and holidays, that a minor child will spend
 211 with each parent. If developed and agreed to by the parents of a
 212 minor child, it must be approved by the court. If the parents
 213 cannot agree, the schedule shall be established by the court.

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

216 61.052 Dissolution of marriage.--

217 (3) During any period of continuance, the court may make
 218 appropriate orders for the support and alimony of the parties;
 219 the parenting plan ~~primary residence, custody, rotating custody,~~
 220 ~~visitation,~~ support, maintenance, and education of the minor
 221 child of the marriage; attorney's fees; and the preservation of
 222 the property of the parties.

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223 Section 4. Section 61.09, Florida Statutes, is amended to
 224 read:

225 61.09 Alimony and child support unconnected with
 226 dissolution.--If a person having the ability to contribute to
 227 the maintenance of his or her spouse and support of his or her
 228 minor child fails to do so, the spouse who is not receiving
 229 support ~~or who has custody of the child or with whom the child~~
 230 ~~has primary residence~~ may apply to the court for alimony and for
 231 support for the child without seeking dissolution of marriage,
 232 and the court shall enter an order as it deems just and proper.

233 Section 5. Section 61.10, Florida Statutes, is amended to
 234 read:

235 61.10 Adjudication of obligation to support spouse or
 236 minor child unconnected with dissolution; parenting plan ~~child~~
 237 ~~custody, child's primary residence, and visitation.~~--Except when
 238 relief is afforded by some other pending civil action or
 239 proceeding, a spouse residing in this state apart from his or
 240 her spouse and minor child, whether or not such separation is
 241 through his or her fault, may obtain an adjudication of
 242 obligation to maintain the spouse and minor child, if any. The
 243 court shall adjudicate his or her financial obligations to the
 244 spouse and child and, shall establish the parenting plan for
 245 ~~child's primary residence, and shall determine the custody and~~
 246 ~~visitation rights~~ of the parties. Such an action does not
 247 preclude either party from maintaining any other proceeding
 248 under this chapter for other or additional relief at any time.

249 Section 6. Section 61.121, Florida Statutes, is repealed.

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250 Section 7. Section 61.122, Florida Statutes, is amended to
 251 read:

252 61.122 Parenting plan recommendation ~~Child custody~~
 253 ~~evaluations~~; presumption of psychologist's good faith;
 254 prerequisite to parent's filing suit; award of fees, costs,
 255 reimbursement.--

256 (1) A psychologist who has been appointed by the court to
 257 develop a parenting plan recommendation ~~conduct a child custody~~
 258 ~~evaluation~~ in a dissolution of marriage, a case of domestic
 259 violence, or a paternity matter involving the relationship of a
 260 child and a parent, including time-sharing of children, judicial
 261 ~~proceeding~~ is presumed to be acting in good faith if the
 262 psychologist's recommendation ~~evaluation~~ has been reached under
 263 ~~conducted pursuant to~~ standards that a reasonable psychologist
 264 would use to develop a parenting plan recommendation ~~have used~~
 265 ~~as recommended by the American Psychological Association's~~
 266 ~~guidelines for child custody evaluation in divorce proceedings.~~

267 (2) An administrative complaint against a court-appointed
 268 psychologist which relates to a parenting plan recommendation
 269 ~~child custody evaluation~~ conducted by the psychologist may not
 270 be filed anonymously. The individual who files ~~such~~ an
 271 administrative complaint must include in the complaint his or
 272 her name, address, and telephone number.

273 (3) A parent who desires ~~wishes~~ to file a legal action
 274 against a court-appointed psychologist who has acted in good
 275 faith in developing ~~conducting~~ a parenting plan recommendation
 276 ~~child custody evaluation~~ must petition the judge who presided
 277 over the dissolution of marriage, case of domestic violence, or

278 paternity matter involving the relationship of a child and a
 279 parent, including time-sharing of children, ~~child custody~~
 280 ~~proceeding~~ to appoint another psychologist. Upon the parent's
 281 showing of good cause, the court shall appoint another
 282 psychologist. The court shall determine ~~make a determination~~ as
 283 to who is responsible for all court costs and attorney's fees
 284 associated with making such an appointment.

285 (4) If a legal action, whether it be a civil action, a
 286 criminal action, or an administrative proceeding, is filed
 287 against a court-appointed psychologist in a dissolution of
 288 marriage, case of domestic violence, or paternity matter
 289 involving the relationship of a child and a parent, including
 290 time-sharing of children ~~child custody proceeding~~, the claimant
 291 is responsible for all reasonable costs and reasonable
 292 attorney's fees associated with the action for both parties if
 293 the psychologist is held not liable. If the psychologist is held
 294 liable in civil court, the psychologist must pay all reasonable
 295 costs and reasonable attorney's fees for the claimant.

296 Section 8. Section 61.13, Florida Statutes, is amended to
 297 read:

298 61.13 ~~Custody and~~ Support of children; parenting and time-
 299 sharing visitation rights; powers ~~power~~ of court in ~~making~~
 300 ~~orders.--~~

301 (1)(a) In a proceeding under this chapter, the court may
 302 at any time order either or both parents who owe a duty of
 303 support to a child to pay support to the other parent or, in the
 304 case of both parents, to the person with custody in accordance
 305 with the child support guidelines schedule in s. 61.30. The

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306 court initially entering an order requiring one or both parents
307 to make child support payments has ~~shall have~~ continuing
308 jurisdiction after the entry of the initial order to modify the
309 amount and terms and conditions of the child support payments
310 when the modification is found necessary by the court in the
311 best interests of the child, when the child reaches majority, ~~or~~
312 when there is a substantial change in the circumstances of the
313 parties, when s. 743.07(2) applies, or when a child is
314 emancipated, marries, joins the armed services, or dies. The
315 court initially entering a child support order has ~~shall also~~
316 ~~have~~ continuing jurisdiction to require the obligee to report to
317 the court on terms prescribed by the court regarding the
318 disposition of the child support payments.

319 (b) Each order for support shall contain a provision for
320 health care coverage for the minor child when the coverage is
321 reasonably available. Coverage is reasonably available if either
322 the obligor or obligee has access at a reasonable rate to a
323 group health plan. The court may require the obligor either to
324 provide health care coverage or to reimburse the obligee for the
325 cost of health care coverage for the minor child when coverage
326 is provided by the obligee. In either event, the court shall
327 apportion the cost of coverage, and any noncovered medical,
328 dental, and prescription medication expenses of the child, to
329 both parties by adding the cost to the basic obligation
330 determined pursuant to s. 61.30(6). The court may order that
331 payment of uncovered medical, dental, and prescription
332 medication expenses of the minor child be made directly to the
333 obligee on a percentage basis.

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

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

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

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

347 2.a. A support order enforced under Title IV-D of the
 348 Social Security Act which requires that the obligor provide
 349 health care coverage is enforceable by the department through
 350 the use of the national medical support notice, and an amendment
 351 to the support order is not required. The department shall
 352 transfer the national medical support notice to the obligor's
 353 union or employer. The department shall notify the obligor in
 354 writing that the notice has been sent to the obligor's union or
 355 employer, and the written notification must include the
 356 obligor's rights and duties under the national medical support
 357 notice. The obligor may contest the withholding required by the
 358 national medical support notice based on a mistake of fact. To
 359 contest the withholding, the obligor must file a written notice
 360 of contest with the department within 15 business days after the
 361 date the obligor receives written notification of the national

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362 medical support notice from the department. Filing with the
363 department is complete when the notice is received by the person
364 designated by the department in the written notification. The
365 notice of contest must be in the form prescribed by the
366 department. Upon the timely filing of a notice of contest, the
367 department shall, within 5 business days, schedule an informal
368 conference with the obligor to discuss the obligor's factual
369 dispute. If the informal conference resolves the dispute to the
370 obligor's satisfaction or if the obligor fails to attend the
371 informal conference, the notice of contest is deemed withdrawn.
372 If the informal conference does not resolve the dispute, the
373 obligor may request an administrative hearing under chapter 120
374 within 5 business days after the termination of the informal
375 conference, in a form and manner prescribed by the department.
376 However, the filing of a notice of contest by the obligor does
377 not delay the withholding of premium payments by the union,
378 employer, or health plan administrator. The union, employer, or
379 health plan administrator must implement the withholding as
380 directed by the national medical support notice unless notified
381 by the department that the national medical support notice is
382 terminated.

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

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

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390 of any restrictions on the enrollment period and withhold any
391 required premium from the obligor's income. If more than one
392 plan is offered by the union or employer, the child shall be
393 enrolled in the group health plan in which the obligor is
394 enrolled.

395 4.a. Upon receipt of the national medical support notice
396 under subparagraph 2. in a Title IV-D case, the union or
397 employer shall transfer the notice to the appropriate group
398 health plan administrator within 20 business days after the date
399 on the notice. The plan administrator must enroll the child as a
400 beneficiary in the group health plan regardless of any
401 restrictions on the enrollment period, and the union or employer
402 must withhold any required premium from the obligor's income
403 upon notification by the plan administrator that the child is
404 enrolled. The child shall be enrolled in the group health plan
405 in which the obligor is enrolled. If the group health plan in
406 which the obligor is enrolled is not available where the child
407 resides or if the obligor is not enrolled in group coverage, the
408 child shall be enrolled in the lowest cost group health plan
409 that is available where the child resides.

410 b. If health care coverage or the obligor's employment is
411 terminated in a Title IV-D case, the union or employer that is
412 withholding premiums for health care coverage under a national
413 medical support notice must notify the department within 20 days
414 after the termination and provide the obligor's last known
415 address and the name and address of the obligor's new employer,
416 if known.

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417 5.a. The amount withheld by a union or employer in
418 compliance with a support order may not exceed the amount
419 allowed under s. 303(b) of the Consumer Credit Protection Act,
420 15 U.S.C. s. 1673(b), as amended. The union or employer shall
421 withhold the maximum allowed by the Consumer Credit Protection
422 Act in the following order:

423 (I) Current support, as ordered.

424 (II) Premium payments for health care coverage, as
425 ordered.

426 (III) Past due support, as ordered.

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

428 b. If the combined amount to be withheld for current
429 support plus the premium payment for health care coverage exceed
430 the amount allowed under the Consumer Credit Protection Act, and
431 the health care coverage cannot be obtained unless the full
432 amount of the premium is paid, the union or employer may not
433 withhold the premium payment. However, the union or employer
434 shall withhold the maximum allowed in the following order:

435 (I) Current support, as ordered.

436 (II) Past due support, as ordered.

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

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

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

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

452 (d)1. Unless the provisions of subparagraph 3. apply, all
453 child support orders entered on or after January 1, 1985, shall
454 direct that the payments of child support be made as provided in
455 s. 61.181 through the depository in the county where the court
456 is located. All child support orders shall provide the full name
457 and date of birth of each minor child who is the subject of the
458 child support order.

459 2. Unless the provisions of subparagraph 3. apply, all
460 child support orders entered before January 1, 1985, shall be
461 modified by the court to direct that payments of child support
462 shall be made through the depository in the county where the
463 court is located upon the subsequent appearance of either or
464 both parents to modify or enforce the order, or in any related
465 proceeding.

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

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471 payments through the depository. The court shall provide a copy
472 of the order to the depository.

473 4. If the parties elect not to require that support
474 payments be made through the depository, any party may
475 subsequently file an affidavit with the depository alleging a
476 default in payment of child support and stating that the party
477 wishes to require that payments be made through the depository.
478 The party shall provide copies of the affidavit to the court and
479 to each other party. Fifteen days after receipt of the
480 affidavit, the depository shall notify both parties that future
481 payments shall be paid through the depository.

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

485 (2) (a) The court shall have jurisdiction to approve,
486 grant, or modify a parenting plan ~~determine custody,~~
487 notwithstanding that the child is not physically present in this
488 state at the time of filing any proceeding under this chapter,
489 if it appears to the court that the child was removed from this
490 state for the primary purpose of removing the child from the
491 jurisdiction of the court in an attempt to avoid the court's
492 approval, creation, or modification of a parenting plan ~~a~~
493 ~~determination or modification of custody.~~

494 (b) Any parenting plan approved by the court must, at
495 minimum, describe in adequate detail how the parents will share
496 and be responsible for the daily tasks associated with the
497 upbringing of the child, the time-sharing schedule arrangements
498 that specify the time that the minor child will spend with each

499 parent, a designation of who will be responsible for any and all
 500 forms of health care, school-related matters, other activities,
 501 and the methods and technologies that the parents will use to
 502 communicate with the child.

503 (c)~~(b)~~1. The court shall determine all matters relating to
 504 parenting and time-sharing ~~custody~~ of each minor child of the
 505 parties in accordance with the best interests of the child and
 506 in accordance with the Uniform Child Custody Jurisdiction and
 507 Enforcement Act. It is the public policy of this state to assure
 508 that each minor child has frequent and continuing contact with
 509 both parents after the parents separate or the marriage of the
 510 parties is dissolved and to encourage parents to share the
 511 rights and responsibilities, and joys, of childrearing. There is
 512 no presumption for or against ~~After considering all relevant~~
 513 ~~facts,~~ the father or mother of the child when creating or
 514 modifying the parenting plan ~~shall be given the same~~
 515 ~~consideration as the mother in determining the primary residence~~
 516 ~~of a child irrespective of the age or sex of the child.~~

517 2. The court shall order that the parental responsibility
 518 for a minor child be shared by both parents unless the court
 519 finds that shared parental responsibility would be detrimental
 520 to the child. Evidence that a parent has been convicted of a
 521 felony of the third degree or higher involving domestic
 522 violence, as defined in s. 741.28 and chapter 775, or meets the
 523 criteria of s. 39.806(1)(d), creates a rebuttable presumption of
 524 detriment to the child. If the presumption is not rebutted,
 525 shared parental responsibility, including time-sharing with
 526 ~~visitation, residence of~~ the child, and decisions made regarding

527 the child, may not be granted to the convicted parent. However,
 528 the convicted parent is not relieved of any obligation to
 529 provide financial support. If the court determines that shared
 530 parental responsibility would be detrimental to the child, it
 531 may order sole parental responsibility and make such
 532 arrangements for time-sharing as specified in the parenting plan
 533 ~~visitation~~ as will best protect the child or abused spouse from
 534 further harm. Whether or not there is a conviction of any
 535 offense of domestic violence or child abuse or the existence of
 536 an injunction for protection against domestic violence, the
 537 court shall consider evidence of domestic violence or child
 538 abuse as evidence of detriment to the child.

539 a. In ordering shared parental responsibility, the court
 540 may consider the expressed desires of the parents and may grant
 541 to one party the ultimate responsibility over specific aspects
 542 of the child's welfare or may divide those responsibilities
 543 between the parties based on the best interests of the child.
 544 Areas of responsibility may include ~~primary residence,~~
 545 education, health care ~~medical and dental care,~~ and any other
 546 responsibilities that the court finds unique to a particular
 547 family.

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

552 3. Access to records and information pertaining to a minor
 553 child, including, but not limited to, medical, dental, and
 554 school records, may not be denied to either a parent ~~because the~~

555 ~~parent is not the child's primary residential parent.~~ Full
 556 rights under this subparagraph apply to either parent unless a
 557 court order specifically revokes these rights, including any
 558 restrictions on these rights as provided in a domestic violence
 559 injunction. A parent having rights under this subparagraph has
 560 the same rights upon request as to form, substance, and manner
 561 of access as are available to the other parent of a child,
 562 including, without limitation, the right to in-person
 563 communication with medical, dental, and education providers.

564 (d)~~(e)~~ The circuit court in the county in which either
 565 parent and the child reside or the circuit court in which the
 566 original order approving or creating the parenting plan ~~award of~~
 567 ~~custody~~ was entered has ~~have~~ jurisdiction to modify the
 568 parenting plan ~~an award of child custody~~. The court may change
 569 the venue in accordance with s. 47.122.

570 (3) For purposes of establishing or modifying parental
 571 responsibility and creating, developing, approving, or modifying
 572 a parenting plan, including a time-sharing schedule, which
 573 governs each parent's relationship with his or her minor child
 574 and the relationship between each parent with regard to his or
 575 her minor child, the best interest of the child shall be the
 576 primary consideration. There shall be no presumption for or
 577 against either parent when establishing, creating, developing,
 578 approving, or modifying the parenting plan, including the time-
 579 sharing schedule, as well as determining decisionmaking,
 580 regardless of the age or sex of the child, giving due
 581 consideration to the developmental needs of the child. The
 582 parenting plan must be in the best interests of the minor child,

583 and evidence that a parent has been convicted of a felony of the
 584 third degree or higher involving domestic violence, as defined
 585 in s. 741.28 or chapter 775, or meets the criteria of s.
 586 39.806(1)(d), creates a rebuttable presumption of detriment to
 587 the child. If the presumption is not rebutted, the time-sharing
 588 with the child and decisions made regarding the child may not be
 589 granted to the convicted parent. Otherwise, determination of the
 590 best interests of the child shall be made by evaluating all of
 591 the factors affecting the welfare and interests of the minor
 592 child, including, but not limited to:

593 (a) The demonstrated capacity and disposition of each
 594 parent to facilitate and encourage a close and continuing
 595 parent-child relationship, to honor the time-sharing schedule,
 596 and to be reasonable when changes are required.

597 (b) The anticipated division of parental responsibilities
 598 after the litigation, including the extent to which parental
 599 responsibilities will be delegated to third parties.

600 (c) The demonstrated capacity and disposition of each
 601 parent to determine, consider, and act upon the needs of the
 602 child as opposed to the needs or desires of the parent. ~~shared~~
 603 ~~parental responsibility and primary residence, the best~~
 604 ~~interests of the child shall include an evaluation of all~~
 605 ~~factors affecting the welfare and interests of the child,~~
 606 ~~including, but not limited to:~~

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

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

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

615 (d) The length of time the child has lived in a stable,
616 satisfactory environment and the desirability of maintaining
617 continuity.

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

624 (f) The moral fitness of the parents.

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

626 (h) The demonstrated knowledge, capacity, and disposition
627 of each parent to be informed of the circumstances of the minor
628 child, including, but not limited to, the child's friends,
629 teachers, medical care providers, daily activities, and favorite
630 things ~~The home, school, and community record of the child.~~

631 (i) The demonstrated capacity and disposition of each
632 parent to provide a consistent routine for the child, such as
633 discipline, and daily schedules for homework, meals, and bedtime
634 ~~The reasonable preference of the child, if the court deems the~~
635 ~~child to be of sufficient intelligence, understanding, and~~
636 ~~experience to express a preference.~~

637 (j) The demonstrated capacity of each parent to
638 communicate with the other parent and keep the other parent

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639 informed of issues and activities regarding the minor child, and
640 the willingness of each parent to adopt a unified front on all
641 major issues when dealing with the child ~~The willingness and~~
642 ~~ability of each parent to facilitate and encourage a close and~~
643 ~~continuing parent-child relationship between the child and the~~
644 ~~other parent.~~

645 (k) Evidence of domestic violence, sexual violence, child
646 abuse, child abandonment, or child neglect, regardless of
647 whether a prior or pending action regarding those issues has
648 been brought ~~that any party has knowingly provided false~~
649 ~~information to the court regarding a domestic violence~~
650 ~~proceeding pursuant to s. 741.30.~~

651 (l) Evidence that either parent has knowingly provided
652 false information to the court regarding any prior or pending
653 action regarding domestic violence, sexual violence, child
654 abuse, child abandonment, or child neglect ~~of domestic violence~~
655 ~~or child abuse.~~

656 (m) The particular parenting tasks customarily performed
657 by each parent and the division of parental responsibilities
658 before the institution of litigations and during the pending
659 litigation, including the extent to which parenting
660 responsibilities were undertaken by third parties ~~Any other fact~~
661 ~~considered by the court to be relevant.~~

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

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

668 (p) The capacity and disposition of each parent to protect
 669 the child from the ongoing litigation as demonstrated by not
 670 discussing the litigation with the child, not sharing documents
 671 or electronic media related to the litigation with the child,
 672 and refraining from disparaging comments about the other parent
 673 to the child.

674 (q) The developmental stages and needs of the child and
 675 the demonstrated capacity and disposition of each parent to meet
 676 the child's developmental needs.

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

680 (4) (a) When a ~~noncustodial~~ parent who is ordered to pay
 681 child support or alimony and ~~who is awarded visitation rights~~
 682 fails to pay child support or alimony, the ~~custodial~~ parent who
 683 should have received the child support or alimony may shall not
 684 refuse to honor the time-sharing schedule presently in effect
 685 between the parents ~~noncustodial parent's visitation rights.~~

686 (b) When a ~~custodial~~ parent refuses to honor the other a
 687 ~~noncustodial~~ parent's visitation rights under the time-sharing
 688 schedule, the ~~noncustodial~~ parent whose time-sharing rights were
 689 not violated shall continue ~~not fail~~ to pay any ordered child
 690 support or alimony.

691 (c) When a ~~custodial~~ parent refuses to honor the time-
 692 sharing schedule in the parenting plan a ~~noncustodial parent's~~

693 ~~or grandparent's visitation rights~~ without proper cause, the
 694 court:

695 1. Shall, after calculating the amount of time-sharing
 696 ~~visitation~~ improperly denied, award the ~~noncustodial~~ parent
 697 denied time ~~or grandparent~~ a sufficient amount of extra time-
 698 sharing visitation to compensate for the time-sharing missed,
 699 and such time-sharing ~~the noncustodial parent or grandparent,~~
 700 ~~which visitation~~ shall be ordered as expeditiously as possible
 701 in a manner consistent with the best interests of the child and
 702 scheduled in a manner that is convenient for the parent ~~person~~
 703 deprived of time-sharing visitation. In ordering any makeup
 704 time-sharing visitation, the court shall schedule such time-
 705 sharing visitation in a manner that is consistent with the best
 706 interests of the child or children and that is convenient for
 707 the nonoffending ~~noncustodial~~ parent and at the expense of the
 708 noncompliant parent. ~~or grandparent.~~ In addition, ~~the court:~~

709 2.1- May order the custodial parent who did not provide
 710 time-sharing or did not properly exercise time-sharing under the
 711 time-sharing schedule to pay reasonable court costs and
 712 attorney's fees incurred by the nonoffending ~~noncustodial~~ parent
 713 ~~or grandparent~~ to enforce the time-sharing schedule. ~~their~~
 714 ~~visitation rights or make up improperly denied visitation;~~

715 3.2- May order the custodial parent who did not provide
 716 time-sharing or did not properly exercise time-sharing under the
 717 time-sharing schedule to attend a the parenting course approved
 718 by the judicial circuit. ~~→~~

719 4.3- May order the custodial parent who did not provide
 720 time-sharing or did not properly exercise time-sharing under the

721 time-sharing schedule to do community service if the order will
 722 not interfere with the welfare of the child.~~†~~

723 ~~5.4.~~ May order the ~~custodial~~ parent who did not provide
 724 time-sharing or did not properly exercise time-sharing under the
 725 time-sharing schedule to have the financial burden of promoting
 726 frequent and continuing contact when that ~~the custodial~~ parent
 727 and child reside further than 60 miles from the other
 728 ~~noncustodial~~ parent.~~†~~

729 ~~6.5.~~ May ~~award custody, rotating custody, or primary~~
 730 ~~residence to the noncustodial parent~~, upon the request of the
 731 ~~noncustodial~~ parent who did not violate the time-sharing
 732 schedule, modify the parenting plan if modification ~~the award~~ is
 733 in the best interests of the child.~~†~~ ~~or~~

734 ~~7.6.~~ May impose any other reasonable sanction as a result
 735 of noncompliance.

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

739 (5) The court may make specific orders regarding the
 740 parenting plan and time-sharing schedule ~~for the care and~~
 741 ~~custody of the minor child~~ as such orders relate to ~~from~~ the
 742 circumstances of the parties and the nature of the case and are
 743 ~~is~~ equitable and provide for child support in accordance with
 744 the guidelines schedule in s. 61.30. An order for equal time-
 745 sharing for ~~award of shared parental responsibility of a minor~~
 746 child does not preclude the court from entering an order for
 747 child support of the child.

748 (6) In any proceeding under this section, the court may
 749 not deny shared parental responsibility and time-sharing,
 750 ~~custody, or visitation~~ rights to a parent ~~or grandparent~~ solely
 751 because that parent ~~or grandparent~~ is or is believed to be
 752 infected with human immunodeficiency virus, + but the court may
 753 condition such rights to require that parent in an order
 754 approving the parenting plan upon the parent's or grandparent's
 755 ~~agreement~~ to observe measures approved by the Centers for
 756 Disease Control and Prevention of the United States Public
 757 Health Service or by the Department of Health for preventing the
 758 spread of human immunodeficiency virus to the child.

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

764 (7)(8)(a) ~~Beginning July 1, 1997,~~ Each party to any
 765 paternity or support proceeding is required to file with the
 766 tribunal as defined in s. 88.1011(22) and State Case Registry
 767 upon entry of an order, and to update as appropriate,
 768 information on location and identity of the party, including
 769 social security number, residential and mailing addresses,
 770 telephone number, driver's license number, and name, address,
 771 and telephone number of employer. ~~Beginning October 1, 1998,~~
 772 Each party to any paternity or child support proceeding in a
 773 non-Title IV-D case shall meet the above requirements for
 774 updating the tribunal and State Case Registry.

775 (b) Pursuant to the federal Personal Responsibility and

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776 Work Opportunity Reconciliation Act of 1996, each party is
777 required to provide his or her social security number in
778 accordance with this section. Disclosure of social security
779 numbers obtained through this requirement shall be limited to
780 the purpose of administration of the Title IV-D program for
781 child support enforcement.

782 (c) ~~Beginning July 1, 1997,~~ In any subsequent Title IV-D
783 child support enforcement action between the parties, upon
784 sufficient showing that diligent effort has been made to
785 ascertain the location of such a party, the court of competent
786 jurisdiction shall deem state due process requirements for
787 notice and service of process to be met with respect to the
788 party, upon delivery of written notice to the most recent
789 residential or employer address filed with the tribunal and
790 State Case Registry pursuant to paragraph (a). ~~Beginning October~~
791 ~~1, 1998,~~ In any subsequent non-Title IV-D child support
792 enforcement action between the parties, the same requirements
793 for service shall apply.

794 (8)~~(9)~~ At the time an order for child support is entered,
795 each party is required to provide his or her social security
796 number and date of birth to the court, as well as the name, date
797 of birth, and social security number of each minor child that is
798 the subject of such child support order. Pursuant to the federal
799 Personal Responsibility and Work Opportunity Reconciliation Act
800 of 1996, each party is required to provide his or her social
801 security number in accordance with this section. All social
802 security numbers required by this section shall be provided by
803 the parties and maintained by the depository as a separate

804 attachment in the file. Disclosure of social security numbers
 805 obtained through this requirement shall be limited to the
 806 purpose of administration of the Title IV-D program for child
 807 support enforcement.

808 Section 9. Section 61.13001, Florida Statutes, is amended
 809 to read:

810 61.13001 Parental relocation with a child.--

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

812 (a) "Change of residence address" means the relocation of
 813 a child to a principal residence more than 50 miles away from
 814 his or her principal place of residence at the time of the entry
 815 of the last order establishing or modifying the parenting plan
 816 or the time-sharing schedule or both for designation of the
 817 primary residential parent or the custody of the minor child,
 818 unless the move places the principal residence of the minor
 819 child less than 50 miles from either ~~the nonresidential~~ parent.

820 (b) "Child" means any person who is under the jurisdiction
 821 of a state court pursuant to the Uniform Child Custody
 822 Jurisdiction and Enforcement Act or is the subject of any order
 823 granting to a parent or other person any right to time-sharing,
 824 residential care, kinship, or custody, ~~or visitation~~ as provided
 825 under state law.

826 (c) "Court" means the circuit court in an original
 827 proceeding which has proper venue and jurisdiction in accordance
 828 with the Uniform Child Custody Jurisdiction and Enforcement Act,
 829 the circuit court in the county in which either parent and the
 830 child reside, or the circuit court in which the original action
 831 was adjudicated.

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

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

839 ~~(f) "Person entitled to be the primary residential parent~~
 840 ~~of a child" means a person so designated by court order or by an~~
 841 ~~express written agreement that is subject to court enforcement~~
 842 ~~or a person seeking such a designation, or, when neither parent~~
 843 ~~has been designated as primary residential parent, the person~~
 844 ~~seeking to relocate with a child.~~

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

849 (f)~~(h)~~ "Relocation" means a change in the principal
 850 residence of a child for a period of 60 consecutive days or more
 851 but does not include a temporary absence from the principal
 852 residence for purposes of vacation, education, or the provision
 853 of health care for the child.

854 (2) RELOCATION BY AGREEMENT.--

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

- 860 1. Reflects the consent to the relocation;
- 861 2. Defines a time-sharing schedule ~~the visitation rights~~
- 862 for the nonrelocating parent and any other persons who are
- 863 entitled to time-sharing ~~visitation~~; and
- 864 3. Describes, if necessary, any transportation
- 865 arrangements related to the visitation.

866 (b) If there is an existing cause of action, judgment, or
 867 decree of record pertaining to the child's ~~primary~~ residence or
 868 a time-sharing schedule ~~visitation~~, the parties shall seek
 869 ratification of the agreement by court order without the
 870 necessity of an evidentiary hearing unless a hearing is
 871 requested, in writing, by one or more of the parties to the
 872 agreement within 10 days after the date the agreement is filed
 873 with the court. If a hearing is not timely requested, it shall
 874 be presumed that the relocation is in the best interest of the
 875 child and the court may ratify the agreement without an
 876 evidentiary hearing.

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

884 (a) The parent seeking to relocate shall prepare a Notice
 885 of Intent to Relocate. The following information must be
 886 included with the Notice of Intent to Relocate and signed under
 887 oath under penalty of perjury:

- 888 1. A description of the location of the intended new
- 889 residence, including the state, city, and specific physical
- 890 address, if known.
- 891 2. The mailing address of the intended new residence, if
- 892 not the same as the physical address, if known.
- 893 3. The home telephone number of the intended new
- 894 residence, if known.
- 895 4. The date of the intended move or proposed relocation.
- 896 5. A detailed statement of the specific reasons for the
- 897 proposed relocation of the child. If one of the reasons is based
- 898 upon a job offer which has been reduced to writing, that written
- 899 job offer must be attached to the Notice of Intent to Relocate.
- 900 6. A proposal for the revised postrelocation schedule of
- 901 time-sharing ~~visitation~~ together with a proposal for the
- 902 postrelocation transportation arrangements necessary to
- 903 effectuate time-sharing ~~visitation~~ with the child. Absent the
- 904 existence of a current, valid order abating, terminating, or
- 905 restricting visitation or other good cause predating the Notice
- 906 of Intent to Relocate, failure to comply with this provision
- 907 renders the Notice of Intent to Relocate legally insufficient.
- 908 7. Substantially the following statement, in all capital
- 909 letters and in the same size type, or larger, as the type in the
- 910 remainder of the notice:

911

912 AN OBJECTION TO THE PROPOSED RELOCATION MUST BE MADE IN WRITING,

913 FILED WITH THE COURT, AND SERVED ON THE PARENT OR OTHER PERSON

914 SEEKING TO RELOCATE WITHIN 30 DAYS AFTER SERVICE OF THIS NOTICE

915 OF INTENT TO RELOCATE. IF YOU FAIL TO TIMELY OBJECT TO THE

916 RELOCATION, THE RELOCATION WILL BE ALLOWED, UNLESS IT IS NOT IN
 917 THE BEST INTERESTS OF THE CHILD, WITHOUT FURTHER NOTICE AND
 918 WITHOUT A HEARING.

919 8. The mailing address of the parent or other person
 920 seeking to relocate to which the objection filed under
 921 subsection (5) to the Notice of Intent to Relocate should be
 922 sent.

923
 924 The contents of the Notice of Intent to Relocate are not
 925 privileged. For purposes of encouraging amicable resolution of
 926 the relocation issue, a copy of the Notice of Intent to Relocate
 927 shall initially not be filed with the court but instead served
 928 upon the nonrelocating parent, other person, and every other
 929 person entitled to time-sharing ~~visitation~~ with the child, and
 930 the original thereof shall be maintained by the parent or other
 931 person seeking to relocate.

932 (b) The parent seeking to relocate shall also prepare a
 933 Certificate of Serving ~~Filing~~ Notice of Intent to Relocate. The
 934 certificate shall certify the date that the Notice of Intent to
 935 Relocate was served on the other parent and on every other
 936 person entitled to time-sharing ~~visitation~~ with the child.

937 (c) The Notice of Intent to Relocate, and the Certificate
 938 of Serving ~~Filing~~ Notice of Intent to Relocate, shall be served
 939 on the other parent and on every other person entitled to time-
 940 sharing ~~visitation~~ with the child. If there is a pending court
 941 action regarding the child, service of process may be according
 942 to court rule. Otherwise, service of process shall be according

943 to chapters 48 and 49 or via certified mail, restricted
 944 delivery, return receipt requested.

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

949 (e) If the other parent and any other person entitled to
 950 time-sharing ~~visitation~~ with the child fails to timely file an
 951 objection, it shall be presumed that the relocation is in the
 952 best interest of the child, the relocation shall be allowed, and
 953 the court shall, absent good cause, enter an order, attaching a
 954 copy of the Notice of Intent to Relocate, reflecting that the
 955 order is entered as a result of the failure to object to the
 956 Notice of Intent to Relocate, and adopting the time-sharing
 957 ~~visitation~~ schedule and transportation arrangements contained in
 958 the Notice of Intent to Relocate. The order may issue in an
 959 expedited manner without the necessity of an evidentiary
 960 hearing. If an objection is timely filed, the burden returns to
 961 the parent or person seeking to relocate to initiate court
 962 proceedings to obtain court permission to relocate before ~~prior~~
 963 ~~to~~ doing so.

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

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

973 1. A factor in making a determination regarding the
 974 relocation of a child.

975 2. A factor in determining whether the parenting plan or
 976 the designation of the primary residential parent or the
 977 residence, contact, access, visitation, or time-sharing schedule
 978 arrangements should be modified.

979 3. A basis for ordering the temporary or permanent return
 980 of the child.

981 4. Sufficient cause to order the parent or other person
 982 seeking to relocate the child to pay reasonable expenses and
 983 attorney's fees incurred by the party objecting to the
 984 relocation.

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

988 (4) APPLICABILITY OF PUBLIC RECORDS LAW.--If the parent or
 989 other person seeking to relocate a child, or the child, is
 990 entitled to prevent disclosure of location information under any
 991 public records exemption applicable to that person, the court
 992 may enter any order necessary to modify the disclosure
 993 requirements of this section in compliance with the public
 994 records exemption.

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

999 specific factual basis supporting the reasons for seeking a
 1000 prohibition of the relocation, including a statement of the
 1001 amount of participation or involvement the objecting party
 1002 currently has or has had in the life of the child.

1003 (6) TEMPORARY ORDER.--

1004 (a) The court may grant a temporary order restraining the
 1005 relocation of a child or ordering the return of the child, if a
 1006 relocation has previously taken place, or other appropriate
 1007 remedial relief, if the court finds:

1008 1. The required notice of a proposed relocation of a child
 1009 was not provided in a timely manner;

1010 2. The child already has been relocated without notice or
 1011 written agreement of the parties or without court approval; or

1012 3. From an examination of the evidence presented at the
 1013 preliminary hearing that there is a likelihood that upon final
 1014 hearing the court will not approve the relocation of the primary
 1015 ~~residence of the~~ child.

1016 (b) The court may grant a temporary order permitting the
 1017 relocation of the child pending final hearing, if the court:

1018 1. Finds that the required Notice of Intent to Relocate
 1019 was provided in a timely manner; and

1020 2. Finds from an examination of the evidence presented at
 1021 the preliminary hearing that there is a likelihood that on final
 1022 hearing the court will approve the relocation of the primary
 1023 ~~residence of the~~ child, which findings must be supported by the
 1024 same factual basis as would be necessary to support the
 1025 permitting of relocation in a final judgment.

1026 (c) If the court has issued a temporary order authorizing
 1027 a party seeking to relocate or move a child before a final
 1028 judgment is rendered, the court may not give any weight to the
 1029 temporary relocation as a factor in reaching its final decision.

1030 (d) If temporary relocation of a child is permitted, the
 1031 court may require the person relocating the child to provide
 1032 reasonable security, financial or otherwise, and guarantee that
 1033 the court-ordered contact with the child will not be interrupted
 1034 or interfered with by the relocating party.

1035 (7) NO PRESUMPTION; FACTORS TO DETERMINE CONTESTED
 1036 RELOCATION.--A ~~No~~ presumption does not shall arise in favor of
 1037 or against a request to relocate with the child when a ~~primary~~
 1038 ~~residential~~ parent seeks to move the child and the move will
 1039 materially affect the current schedule of contact, access, and
 1040 time-sharing with the nonrelocating parent or other person. In
 1041 reaching its decision regarding a proposed temporary or
 1042 permanent relocation, the court shall evaluate all of the
 1043 following factors:

1044 (a) The nature, quality, extent of involvement, and
 1045 duration of the child's relationship with the parent proposing
 1046 to relocate with the child and with the nonrelocating parent,
 1047 other persons, siblings, half-siblings, and other significant
 1048 persons in the child's life.

1049 (b) The age and developmental stage of the child, the
 1050 needs of the child, and the likely impact the relocation will
 1051 have on the child's physical, educational, and emotional
 1052 development, taking into consideration any special needs of the
 1053 child.

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1054 (c) The feasibility of preserving the relationship between
1055 the nonrelocating parent or other person and the child through
1056 substitute arrangements that take into consideration the
1057 logistics of contact, access, ~~visitation~~, and time-sharing, as
1058 well as the financial circumstances of the parties; whether
1059 those factors are sufficient to foster a continuing meaningful
1060 relationship between the child and the nonrelocating parent or
1061 other person; and the likelihood of compliance with the
1062 substitute arrangements by the relocating parent once he or she
1063 is out of the jurisdiction of the court.

1064 (d) The child's preference, taking into consideration the
1065 age and maturity of the child.

1066 (e) Whether the relocation will enhance the general
1067 quality of life for both the parent seeking the relocation and
1068 the child, including, but not limited to, financial or emotional
1069 benefits or educational opportunities.

1070 (f) The reasons of each parent or other person for seeking
1071 or opposing the relocation.

1072 (g) The current employment and economic circumstances of
1073 each parent or other person and whether or not the proposed
1074 relocation is necessary to improve the economic circumstances of
1075 the parent or other person seeking relocation of the child.

1076 (h) That the relocation is sought in good faith and the
1077 extent to which the objecting parent has fulfilled his or her
1078 financial obligations to the parent or other person seeking
1079 relocation, including child support, spousal support, and
1080 marital property and marital debt obligations.

1081 (i) The career and other opportunities available to the
 1082 objecting parent or objecting other person if the relocation
 1083 occurs.

1084 (j) A history of substance abuse or domestic violence as
 1085 defined in s. 741.28 or which meets the criteria of s.
 1086 39.806(1)(d) by either parent, including a consideration of the
 1087 severity of such conduct and the failure or success of any
 1088 attempts at rehabilitation.

1089 (k) Any other factor affecting the best interest of the
 1090 child or as set forth in s. 61.13.

1091 (9) ORDER REGARDING RELOCATION.--If relocation is
 1092 permitted:

1093 (a) The court may, in its discretion, order contact with
 1094 the nonrelocating parent, including access, ~~visitation~~, time-
 1095 sharing, telephone, Internet, webcam, and other arrangements
 1096 sufficient to ensure that the child has frequent, continuing,
 1097 and meaningful contact, access, ~~visitation~~, and time-sharing
 1098 with the nonrelocating parent or other persons, if contact is
 1099 financially affordable and in the best interest of the child.

1100 (b) If applicable, the court shall specify how the
 1101 transportation costs will be allocated between the parents and
 1102 other persons entitled to contact, access, ~~visitation~~, and time-
 1103 sharing and may adjust the child support award, as appropriate,
 1104 considering the costs of transportation and the respective net
 1105 incomes of the parents in accordance with state child support
 1106 guidelines schedule.

1107 (10) PRIORITY FOR HEARING OR TRIAL.--An evidentiary
 1108 hearing or nonjury trial on a pleading seeking temporary or

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1109 permanent relief filed under ~~pursuant to~~ this section shall be
 1110 accorded priority on the court's calendar.

1111 (11) APPLICABILITY.--

1112 (a) ~~The provisions of~~ This section applies ~~apply~~:

1113 1. To orders entered before October 1, 2006, if the
 1114 existing order defining custody, primary residence, time-
 1115 sharing, or visitation of or with the child does not expressly
 1116 govern the relocation of the child.

1117 2. To an order, whether temporary or permanent, regarding
 1118 the parenting plan, custody, primary residence, time-sharing, or
 1119 visitation of or with the child entered on or after October 1,
 1120 2006.

1121 3. To any relocation or proposed relocation, whether
 1122 permanent or temporary, of a child during any proceeding pending
 1123 on October 1, 2006, wherein the parenting plan, custody, primary
 1124 residence, time-sharing, or visitation of or with the child is
 1125 an issue.

1126 (b) To the extent that a provision of this section
 1127 conflicts with an order existing on October 1, 2006, this
 1128 section does not apply to the terms of that order which
 1129 expressly govern relocation of the child or a change in the
 1130 principal residence address of a parent.

1131 Section 10. Subsection (3) of section 61.13002, Florida
 1132 Statutes, is renumbered as subsection (4), and a new subsection
 1133 (3) is added to that section to read:

1134 61.13002 Temporary time-sharing modification ~~child custody~~
 1135 and child support modification due to military service.--

1136 (3) If a temporary order is entered under this section,
 1137 the court may address the issue of support for the child for
 1138 whom custody is temporarily modified by:

1139 (a) Entering an order of temporary support from the
 1140 service member to the temporary custodial parent under s. 61.30;

1141 (b) Requiring the activated, deployed, or temporarily
 1142 assigned service member to enroll the child as a military
 1143 dependant with DEERs, TriCare, or other similar benefits
 1144 available to military dependents as provided by the service
 1145 member's branch of service and federal regulations; or

1146 (c) Suspending, abating, or reducing the child support
 1147 obligation of the non-service member until the custody judgment
 1148 or order previously in effect is reinstated.

1149 Section 11. Paragraph (a) of subsection (1) of section
 1150 61.14, Florida Statutes, is amended to read:

1151 61.14 Enforcement and modification of support,
 1152 maintenance, or alimony agreements or orders.--

1153 (1) (a) When the parties enter into an agreement for
 1154 payments for, or instead of, support, maintenance, or alimony,
 1155 whether in connection with a proceeding for dissolution or
 1156 separate maintenance or with any voluntary property settlement,
 1157 or when a party is required by court order to make any payments,
 1158 and the circumstances or the financial ability of either party
 1159 changes or the child who is a beneficiary of an agreement or
 1160 court order as described herein reaches majority after the
 1161 execution of the agreement or the rendition of the order, either
 1162 party may apply to the circuit court of the circuit in which the
 1163 parties, or either of them, resided at the date of the execution

1164 of the agreement or reside at the date of the application, or in
 1165 which the agreement was executed or in which the order was
 1166 rendered, for an order decreasing or increasing the amount of
 1167 support, maintenance, or alimony, and the court has jurisdiction
 1168 to make orders as equity requires, with due regard to the
 1169 changed circumstances or the financial ability of the parties or
 1170 the child, decreasing, increasing, or confirming the amount of
 1171 separate support, maintenance, or alimony provided for in the
 1172 agreement or order. A finding that medical insurance is
 1173 reasonably available or the child support guidelines schedule in
 1174 s. 61.30 may constitute changed circumstances. Except as
 1175 otherwise provided in s. 61.30(11)(c), the court may modify an
 1176 order of support, maintenance, or alimony by increasing or
 1177 decreasing the support, maintenance, or alimony retroactively to
 1178 the date of the filing of the action or supplemental action for
 1179 modification as equity requires, giving due regard to the
 1180 changed circumstances or the financial ability of the parties or
 1181 the child.

1182 Section 12. Paragraph (d) of subsection (3) of section
 1183 61.181, Florida Statutes, is amended to read:

1184 61.181 Depository for alimony transactions, support,
 1185 maintenance, and support payments; fees.--

1186 (3)

1187 (d) When time-sharing ~~custody~~ of a child is relinquished
 1188 by a ~~custodial~~ parent who is entitled to receive child support
 1189 moneys from the depository to a licensed or registered long-term
 1190 care child agency, that agency may request from the court an
 1191 order directing child support payments that ~~which~~ would

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1192 otherwise be distributed to the ~~custodial~~ parent be distributed
 1193 to the agency for the period of time that ~~custody of~~ the child
 1194 is with ~~by~~ the agency. Thereafter, payments shall be distributed
 1195 to the agency as if the agency were the ~~custodial~~ parent until
 1196 further order of the court.

1197 Section 13. Paragraphs (b) and (d) of subsection (1) of
 1198 section 61.1827, Florida Statutes, are amended to read:

1199 61.1827 Identifying information concerning applicants for
 1200 and recipients of child support services.--

1201 (1) Any information that reveals the identity of
 1202 applicants for or recipients of child support services,
 1203 including the name, address, and telephone number of such
 1204 persons, held by a non-Title IV-D county child support
 1205 enforcement agency is confidential and exempt from s. 119.07(1)
 1206 and s. 24(a) of Art. I of the State Constitution. The use or
 1207 disclosure of such information by the non-Title IV-D county
 1208 child support enforcement agency is limited to the purposes
 1209 directly connected with:

1210 (b) Mandatory disclosure of identifying and location
 1211 information as provided in s. 61.13(7)~~(8)~~ by the non-Title IV-D
 1212 county child support enforcement agency when providing non-Title
 1213 IV-D services;

1214 (d) Disclosure to an authorized person, as defined in 45
 1215 C.F.R. s. 303.15, for purposes of enforcing any state or federal
 1216 law with respect to the unlawful taking or restraint of a child
 1217 or making or enforcing a parenting plan ~~child custody or~~
 1218 ~~visitation determination~~. As used in this paragraph, the term
 1219 "authorized person" includes a ~~noncustodial~~ parent with whom the

1220 child does not currently reside, unless a court has entered an
 1221 order under s. 741.30, s. 741.31, or s. 784.046.

1222 Section 14. Subsections (1) and (3) of section 61.20,
 1223 Florida Statutes, are amended to read:

1224 61.20 Social investigation and recommendations regarding a
 1225 parenting plan ~~when child custody is in issue.--~~

1226 (1) In any action where the parenting plan ~~custody of a~~
 1227 ~~minor child~~ is at in issue because the parents are unable to
 1228 agree, the court may order a social investigation and study
 1229 concerning all pertinent details relating to the child and each
 1230 parent when such an investigation has not been done and the
 1231 study therefrom provided to the court by the parties or when the
 1232 court determines that the investigation and study that have been
 1233 done are insufficient. The agency, staff, or person conducting
 1234 the investigation and study ordered by the court pursuant to
 1235 this section shall furnish the court and all parties of record
 1236 in the proceeding a written study containing recommendations,
 1237 including a written statement of facts found in the social
 1238 investigation on which the recommendations are based. The court
 1239 may consider the information contained in the study in making a
 1240 decision on the parenting plan ~~child's custody~~ and the technical
 1241 rules of evidence do not exclude the study from consideration.

1242 (3) Except as to persons who obtain certification of
 1243 indigence as specified in subsection (2), for whom no costs
 1244 shall be incurred, the adult parties involved in a ~~child custody~~
 1245 proceeding to determine a parenting plan wherein the court has
 1246 ordered the performance of a social investigation and study
 1247 ~~performed~~ shall be responsible for the payment of the costs of

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1248 such investigation and study. Upon submission of the study to
 1249 the court, the agency, staff, or person performing the study
 1250 shall include a bill for services, which shall be taxed and
 1251 ordered paid as costs in the proceeding.

1252 Section 15. Paragraph (c) of subsection (1) and subsection
 1253 (6) of section 61.21, Florida Statutes, are amended to read:

1254 61.21 Parenting course authorized; fees; required
 1255 attendance authorized; contempt.--

1256 (1) LEGISLATIVE FINDINGS; PURPOSE.--It is the finding of
 1257 the Legislature that:

1258 (c) It has been found to be beneficial to parents who are
 1259 separating or divorcing to have available an educational program
 1260 that will provide general information regarding:

1261 1. The issues and legal procedures for resolving time-
 1262 sharing ~~custody~~ and child support disputes.

1263 2. The emotional experiences and problems of divorcing
 1264 adults.

1265 3. The family problems and the emotional concerns and
 1266 needs of the children.

1267 4. The availability of community services and resources.

1268 (6) All parties to a modification of a final judgment
 1269 involving a parenting plan or a time-sharing schedule ~~shared~~
 1270 ~~parental responsibilities, custody, or visitation~~ may be
 1271 required to complete a court-approved parenting course prior to
 1272 the entry of an order modifying the final judgment.

1273 Section 16. Section 61.30, Florida Statutes, is amended to
 1274 read:

1275 61.30 Child support guidelines; retroactive child
 1276 support.--

1277 (1) (a) The child support guideline amount as determined by
 1278 this section presumptively establishes the amount the trier of
 1279 fact shall order as child support in an initial proceeding for
 1280 such support or in a proceeding for modification of an existing
 1281 order for such support, whether the proceeding arises under this
 1282 or another chapter. The trier of fact may order payment of child
 1283 support which varies, plus or minus 5 percent, from the
 1284 guideline amount, after considering all relevant factors,
 1285 including the needs of the child or children, age, station in
 1286 life, standard of living, and the financial status and ability
 1287 of each parent. The trier of fact may order payment of child
 1288 support in an amount which varies more than 5 percent from such
 1289 guideline amount only upon a written finding explaining why
 1290 ordering payment of such guideline amount would be unjust or
 1291 inappropriate. Notwithstanding the variance limitations of this
 1292 section, the trier of fact shall order payment of child support
 1293 which varies from the guideline amount as provided in paragraph
 1294 (11) (b) whenever any of the children are required by court order
 1295 or mediation agreement to spend a substantial amount of time
 1296 with either parent ~~the primary and secondary residential~~
 1297 ~~parents~~. This requirement applies to any living arrangement,
 1298 whether temporary or permanent.

1299 (b) The guidelines may provide the basis for proving a
 1300 substantial change in circumstances upon which a modification of
 1301 an existing order may be granted. However, the difference
 1302 between the existing monthly obligation and the amount provided

1303 for under the guidelines shall be at least 15 percent or \$50,
 1304 whichever amount is greater, before the court may find that the
 1305 guidelines provide a substantial change in circumstances.

1306 (c) For each support order reviewed by the department as
 1307 required by s. 409.2564(11), if the amount of the child support
 1308 award under the order differs by at least 10 percent but not
 1309 less than \$25 from the amount that would be awarded under s.
 1310 61.30, the department shall seek to have the order modified and
 1311 any modification shall be made without a requirement for proof
 1312 or showing of a change in circumstances.

1313 (2) Income shall be determined on a monthly basis for each
 1314 parent ~~the obligor and for the obligee~~ as follows:

1315 (a) Gross income shall include, but is not limited to, the
 1316 following ~~items~~:

- 1317 1. Salary or wages.
- 1318 2. Bonuses, commissions, allowances, overtime, tips, and
 1319 other similar payments.
- 1320 3. Business income from sources such as self-employment,
 1321 partnership, close corporations, and independent contracts.
 1322 "Business income" means gross receipts minus ordinary and
 1323 necessary expenses required to produce income.
- 1324 4. Disability benefits.
- 1325 5. All workers' compensation benefits and settlements.
- 1326 6. Unemployment compensation.
- 1327 7. Pension, retirement, or annuity payments.
- 1328 8. Social security benefits.
- 1329 9. Spousal support received from a previous marriage or
 1330 court ordered in the marriage before the court.

1331 10. Interest and dividends.

1332 11. Rental income, which is gross receipts minus ordinary
1333 and necessary expenses required to produce the income.

1334 12. Income from royalties, trusts, or estates.

1335 13. Reimbursed expenses or in kind payments to the extent
1336 that they reduce living expenses.

1337 14. Gains derived from dealings in property, unless the
1338 gain is nonrecurring.

1339 (b) Income on a monthly basis shall be imputed to an
1340 unemployed or underemployed parent when such employment or
1341 underemployment is found by the court to be voluntary on that
1342 parent's part, absent a finding of fact by the court of physical
1343 or mental incapacity or other circumstances over which the
1344 parent has no control. In the event of such voluntary
1345 unemployment or underemployment, the employment potential and
1346 probable earnings level of the parent shall be determined based
1347 upon his or her recent work history, occupational
1348 qualifications, and prevailing earnings level in the community
1349 as provided in this paragraph; however, the court may refuse to
1350 impute income to a ~~primary residential~~ parent if the court finds
1351 it necessary for the parent to stay home with the child who is
1352 the subject of a child support calculation.

1353 (c) Public assistance as defined in s. 409.2554 shall be
1354 excluded from gross income.

1355 (3) Net income is obtained by subtracting allowable
1356 deductions from gross income. Allowable deductions shall
1357 include:

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1358 (a) Federal, state, and local income tax deductions,
 1359 adjusted for actual filing status and allowable dependents and
 1360 income tax liabilities.

1361 (b) Federal insurance contributions or self-employment
 1362 tax.

1363 (c) Mandatory union dues.

1364 (d) Mandatory retirement payments.

1365 (e) Health insurance payments, excluding payments for
 1366 coverage of the minor child.

1367 (f) Court-ordered support for other children which is
 1368 actually paid.

1369 (g) Spousal support paid pursuant to a court order from a
 1370 previous marriage or the marriage before the court.

1371 (4) Net income for each parent ~~the obligor and net income~~
 1372 ~~for the obligee~~ shall be computed by subtracting allowable
 1373 deductions from gross income.

1374 (5) Net income for each parent ~~the obligor and net income~~
 1375 ~~for the obligee~~ shall be added together for a combined net
 1376 income.

1377 (6) The following guidelines schedule ~~schedules~~ shall be
 1378 applied to the combined net income to determine the minimum
 1379 child support need:

1380

Combined Monthly <u>Net</u>					Child or
Available Income					Children
	One	Two	Three	Four	Five Six

1381

1382

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1383	650.00	74	75	75	76	77	78
1384	700.00	119	120	121	123	124	125
1385	750.00	164	166	167	169	171	173
1386	800.00	190	211	213	216	218	220
1387	850.00	202	257	259	262	265	268
1388	900.00	213	302	305	309	312	315
1389	950.00	224	347	351	355	359	363
1390	1000.00	235	365	397	402	406	410
1391	1050.00	246	382	443	448	453	458
1392	1100.00	258	400	489	495	500	505
1393	1150.00	269	417	522	541	547	553
1394	1200.00	280	435	544	588	594	600
1395	1250.00	290	451	565	634	641	648
1396	1300.00	300	467	584	659	688	695

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1397	1350.00	310	482	603	681	735	743
1398	1400.00	320	498	623	702	765	790
1399	1450.00	330	513	642	724	789	838
1400	1500.00	340	529	662	746	813	869
1401	1550.00	350	544	681	768	836	895
1402	1600.00	360	560	701	790	860	920
1403	1650.00	370	575	720	812	884	945
1404	1700.00	380	591	740	833	907	971
1405	1750.00	390	606	759	855	931	996
1406	1800.00	400	622	779	877	955	1022
1407	1850.00	410	638	798	900	979	1048
1408	1900.00	421	654	818	923	1004	1074
1409	1950.00	431	670	839	946	1029	1101
1410	2000.00	442	686	859	968	1054	1128

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1411	2050.00	452	702	879	991	1079	1154
1412	2100.00	463	718	899	1014	1104	1181
1413	2150.00	473	734	919	1037	1129	1207
1414	2200.00	484	751	940	1060	1154	1234
1415	2250.00	494	767	960	1082	1179	1261
1416	2300.00	505	783	980	1105	1204	1287
1417	2350.00	515	799	1000	1128	1229	1314
1418	2400.00	526	815	1020	1151	1254	1340
1419	2450.00	536	831	1041	1174	1279	1367
1420	2500.00	547	847	1061	1196	1304	1394
1421	2550.00	557	864	1081	1219	1329	1420
1422	2600.00	568	880	1101	1242	1354	1447
1423	2650.00	578	896	1121	1265	1379	1473
1424	2700.00	588	912	1141	1287	1403	1500

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1425	2750.00	597	927	1160	1308	1426	1524
1426	2800.00	607	941	1178	1328	1448	1549
1427	2850.00	616	956	1197	1349	1471	1573
1428	2900.00	626	971	1215	1370	1494	1598
1429	2950.00	635	986	1234	1391	1517	1622
1430	3000.00	644	1001	1252	1412	1540	1647
1431	3050.00	654	1016	1271	1433	1563	1671
1432	3100.00	663	1031	1289	1453	1586	1695
1433	3150.00	673	1045	1308	1474	1608	1720
1434	3200.00	682	1060	1327	1495	1631	1744
1435	3250.00	691	1075	1345	1516	1654	1769
1436	3300.00	701	1090	1364	1537	1677	1793
1437	3350.00	710	1105	1382	1558	1700	1818
1438	3400.00	720	1120	1401	1579	1723	1842

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1439	3450.00	729	1135	1419	1599	1745	1867
1440	3500.00	738	1149	1438	1620	1768	1891
1441	3550.00	748	1164	1456	1641	1791	1915
1442	3600.00	757	1179	1475	1662	1814	1940
1443	3650.00	767	1194	1493	1683	1837	1964
1444	3700.00	776	1208	1503	1702	1857	1987
1445	3750.00	784	1221	1520	1721	1878	2009
1446	3800.00	793	1234	1536	1740	1899	2031
1447	3850.00	802	1248	1553	1759	1920	2053
1448	3900.00	811	1261	1570	1778	1940	2075
1449	3950.00	819	1275	1587	1797	1961	2097
1450	4000.00	828	1288	1603	1816	1982	2119
1451	4050.00	837	1302	1620	1835	2002	2141
1452	4100.00	846	1315	1637	1854	2023	2163

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1453	4150.00	854	1329	1654	1873	2044	2185
1454	4200.00	863	1342	1670	1892	2064	2207
1455	4250.00	872	1355	1687	1911	2085	2229
1456	4300.00	881	1369	1704	1930	2106	2251
1457	4350.00	889	1382	1721	1949	2127	2273
1458	4400.00	898	1396	1737	1968	2147	2295
1459	4450.00	907	1409	1754	1987	2168	2317
1460	4500.00	916	1423	1771	2006	2189	2339
1461	4550.00	924	1436	1788	2024	2209	2361
1462	4600.00	933	1450	1804	2043	2230	2384
1463	4650.00	942	1463	1821	2062	2251	2406
1464	4700.00	951	1477	1838	2081	2271	2428
1465	4750.00	959	1490	1855	2100	2292	2450
1466	4800.00	968	1503	1871	2119	2313	2472

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1467	4850.00	977	1517	1888	2138	2334	2494
1468	4900.00	986	1530	1905	2157	2354	2516
1469	4950.00	993	1542	1927	2174	2372	2535
1470	5000.00	1000	1551	1939	2188	2387	2551
1471	5050.00	1006	1561	1952	2202	2402	2567
1472	5100.00	1013	1571	1964	2215	2417	2583
1473	5150.00	1019	1580	1976	2229	2432	2599
1474	5200.00	1025	1590	1988	2243	2447	2615
1475	5250.00	1032	1599	2000	2256	2462	2631
1476	5300.00	1038	1609	2012	2270	2477	2647
1477	5350.00	1045	1619	2024	2283	2492	2663
1478	5400.00	1051	1628	2037	2297	2507	2679
1479	5450.00	1057	1638	2049	2311	2522	2695
1480	5500.00	1064	1647	2061	2324	2537	2711

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1481	5550.00	1070	1657	2073	2338	2552	2727
1482	5600.00	1077	1667	2085	2352	2567	2743
1483	5650.00	1083	1676	2097	2365	2582	2759
1484	5700.00	1089	1686	2109	2379	2597	2775
1485	5750.00	1096	1695	2122	2393	2612	2791
1486	5800.00	1102	1705	2134	2406	2627	2807
1487	5850.00	1107	1713	2144	2418	2639	2820
1488	5900.00	1111	1721	2155	2429	2651	2833
1489	5950.00	1116	1729	2165	2440	2663	2847
1490	6000.00	1121	1737	2175	2451	2676	2860
1491	6050.00	1126	1746	2185	2462	2688	2874
1492	6100.00	1131	1754	2196	2473	2700	2887
1493	6150.00	1136	1762	2206	2484	2712	2900
1494	6200.00	1141	1770	2216	2495	2724	2914

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1495	6250.00	1145	1778	2227	2506	2737	2927
1496	6300.00	1150	1786	2237	2517	2749	2941
1497	6350.00	1155	1795	2247	2529	2761	2954
1498	6400.00	1160	1803	2258	2540	2773	2967
1499	6450.00	1165	1811	2268	2551	2785	2981
1500	6500.00	1170	1819	2278	2562	2798	2994
1501	6550.00	1175	1827	2288	2573	2810	3008
1502	6600.00	1179	1835	2299	2584	2822	3021
1503	6650.00	1184	1843	2309	2595	2834	3034
1504	6700.00	1189	1850	2317	2604	2845	3045
1505	6750.00	1193	1856	2325	2613	2854	3055
1506	6800.00	1196	1862	2332	2621	2863	3064
1507	6850.00	1200	1868	2340	2630	2872	3074
1508	6900.00	1204	1873	2347	2639	2882	3084

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1509	6950.00	1208	1879	2355	2647	2891	3094
1510	7000.00	1212	1885	2362	2656	2900	3103
1511	7050.00	1216	1891	2370	2664	2909	3113
1512	7100.00	1220	1897	2378	2673	2919	3123
1513	7150.00	1224	1903	2385	2681	2928	3133
1514	7200.00	1228	1909	2393	2690	2937	3142
1515	7250.00	1232	1915	2400	2698	2946	3152
1516	7300.00	1235	1921	2408	2707	2956	3162
1517	7350.00	1239	1927	2415	2716	2965	3172
1518	7400.00	1243	1933	2423	2724	2974	3181
1519	7450.00	1247	1939	2430	2733	2983	3191
1520	7500.00	1251	1945	2438	2741	2993	3201
1521	7550.00	1255	1951	2446	2750	3002	3211
1522	7600.00	1259	1957	2453	2758	3011	3220

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1523	7650.00	1263	1963	2461	2767	3020	3230
1524	7700.00	1267	1969	2468	2775	3030	3240
1525	7750.00	1271	1975	2476	2784	3039	3250
1526	7800.00	1274	1981	2483	2792	3048	3259
1527	7850.00	1278	1987	2491	2801	3057	3269
1528	7900.00	1282	1992	2498	2810	3067	3279
1529	7950.00	1286	1998	2506	2818	3076	3289
1530	8000.00	1290	2004	2513	2827	3085	3298
1531	8050.00	1294	2010	2521	2835	3094	3308
1532	8100.00	1298	2016	2529	2844	3104	3318
1533	8150.00	1302	2022	2536	2852	3113	3328
1534	8200.00	1306	2028	2544	2861	3122	3337
1535	8250.00	1310	2034	2551	2869	3131	3347
1536	8300.00	1313	2040	2559	2878	3141	3357

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1537	8350.00	1317	2046	2566	2887	3150	3367
1538	8400.00	1321	2052	2574	2895	3159	3376
1539	8450.00	1325	2058	2581	2904	3168	3386
1540	8500.00	1329	2064	2589	2912	3178	3396
1541	8550.00	1333	2070	2597	2921	3187	3406
1542	8600.00	1337	2076	2604	2929	3196	3415
1543	8650.00	1341	2082	2612	2938	3205	3425
1544	8700.00	1345	2088	2619	2946	3215	3435
1545	8750.00	1349	2094	2627	2955	3224	3445
1546	8800.00	1352	2100	2634	2963	3233	3454
1547	8850.00	1356	2106	2642	2972	3242	3464
1548	8900.00	1360	2111	2649	2981	3252	3474
1549	8950.00	1364	2117	2657	2989	3261	3484
1550	9000.00	1368	2123	2664	2998	3270	3493

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1551	9050.00	1372	2129	2672	3006	3279	3503
1552	9100.00	1376	2135	2680	3015	3289	3513
1553	9150.00	1380	2141	2687	3023	3298	3523
1554	9200.00	1384	2147	2695	3032	3307	3532
1555	9250.00	1388	2153	2702	3040	3316	3542
1556	9300.00	1391	2159	2710	3049	3326	3552
1557	9350.00	1395	2165	2717	3058	3335	3562
1558	9400.00	1399	2171	2725	3066	3344	3571
1559	9450.00	1403	2177	2732	3075	3353	3581
1560	9500.00	1407	2183	2740	3083	3363	3591
1561	9550.00	1411	2189	2748	3092	3372	3601
1562	9600.00	1415	2195	2755	3100	3381	3610
1563	9650.00	1419	2201	2763	3109	3390	3620
1564	9700.00	1422	2206	2767	3115	3396	3628

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1565	9750.00	1425	2210	2772	3121	3402	3634
1566	9800.00	1427	2213	2776	3126	3408	3641
1567	9850.00	1430	2217	2781	3132	3414	3647
1568	9900.00	1432	2221	2786	3137	3420	3653
1569	9950.00	1435	2225	2791	3143	3426	3659
1570	10000.00	1437	2228	2795	3148	3432	3666

1571 For combined monthly available income less than the amount set
 1572 out on the above guidelines schedule ~~schedules~~, the parent
 1573 should be ordered to pay a child support amount, determined on a
 1574 case-by-case basis, to establish the principle of payment and
 1575 lay the basis for increased orders should the parent's income
 1576 increase in the future. For combined monthly available income
 1577 greater than the amount set out in the above guidelines schedule
 1578 ~~schedules~~, the obligation shall be the minimum amount of support
 1579 provided by the guidelines schedule plus the following
 1580 percentages multiplied by the amount of income over \$10,000:

1581 Child or Children

1582 One Two Three Four Five Six

1583

5.0% 7.5% 9.5% 11.0% 12.0% 12.5%

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

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

(9) Each parent's percentage share of the child support need shall be determined by dividing each parent's net monthly income by the combined net monthly income.

(10) The total minimum child support need shall be determined by adding child care costs and health insurance costs

1611 to the minimum child support need. Each parent's actual dollar
 1612 share of the total minimum child support need shall be
 1613 determined by multiplying the minimum child support need by each
 1614 parent's percentage share of the combined monthly net income.

1615 (11) (a) The court may adjust the total minimum child
 1616 support award, or either or both parents' share of the total
 1617 minimum child support award, based upon the following deviation
 1618 factors ~~considerations~~:

1619 1. Extraordinary medical, psychological, educational, or
 1620 dental expenses.

1621 2. Independent income of the child, not to include moneys
 1622 received by a child from supplemental security income.

1623 3. The payment of support for a parent which regularly has
 1624 been paid and for which there is a demonstrated need.

1625 4. Seasonal variations in one or both parents' incomes or
 1626 expenses.

1627 5. The age of the child, taking into account the greater
 1628 needs of older children.

1629 6. Special needs, such as costs that may be associated
 1630 with the disability of a child, that have traditionally been met
 1631 within the family budget even though the fulfilling of those
 1632 needs will cause the support to exceed the presumptive amount
 1633 established by the ~~proposed~~ guidelines.

1634 7. Total available assets of the obligee, obligor, and the
 1635 child.

1636 8. The impact of the Internal Revenue Service dependency
 1637 exemption and waiver of that exemption and the impact of any
 1638 federal child care tax credit. The court may order a ~~the primary~~

1639 ~~residential~~ parent to execute a waiver of the Internal Revenue
 1640 Service dependency exemption if the payor ~~noncustodial~~ parent is
 1641 current in support payments.

1642 9. When application of the child support guidelines
 1643 schedule requires a person to pay another person more than 55
 1644 percent of his or her gross income for a child support
 1645 obligation for current support resulting from a single support
 1646 order.

1647 10. The particular parenting ~~shared parental~~ arrangement,
 1648 such as where the child spends a significant amount of time, but
 1649 less than 40 percent of the overnights, with one ~~the~~
 1650 ~~noncustodial~~ parent, thereby reducing the financial expenditures
 1651 incurred by the other ~~primary residential~~ parent; or the refusal
 1652 of a ~~the noncustodial~~ parent to become involved in the
 1653 activities of the child.

1654 11. Any other adjustment which is needed to achieve an
 1655 equitable result which may include, but not be limited to, a
 1656 reasonable and necessary existing expense or debt. Such expense
 1657 or debt may include, but is not limited to, a reasonable and
 1658 necessary expense or debt which the parties jointly incurred
 1659 during the marriage.

1660 (b) Whenever a particular parenting plan ~~shared parental~~
 1661 ~~arrangement~~ provides that each child spend a substantial amount
 1662 of time with each parent, the court shall adjust any award of
 1663 child support, as follows:

1664 1. In accordance with subsections (9) and (10), calculate
 1665 the amount of support obligation apportioned to each ~~the~~
 1666 ~~noncustodial~~ parent without including day care and health

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1667 insurance costs in the calculation and multiply the amount by
1668 1.5.

1669 ~~2. In accordance with subsections (9) and (10), calculate~~
1670 ~~the amount of support obligation apportioned to the custodial~~
1671 ~~parent without including day care and health insurance costs in~~
1672 ~~the calculation and multiply the amount by 1.5.~~

1673 2.3. Calculate the percentage of overnight stays the child
1674 spends with each parent.

1675 3.4. Multiply each ~~the noncustodial~~ parent's support
1676 obligation as calculated in subparagraph 1. by the percentage of
1677 the other ~~custodial~~ parent's overnight stays with the child as
1678 calculated in subparagraph 2. ~~3.~~

1679 ~~5. Multiply the custodial parent's support obligation as~~
1680 ~~calculated in subparagraph 2. by the percentage of the~~
1681 ~~noncustodial parent's overnight stays with the child as~~
1682 ~~calculated in subparagraph 3.~~

1683 4.6. The difference between the amounts calculated in
1684 subparagraph 3. ~~subparagraphs 4. and 5.~~ shall be the monetary
1685 transfer necessary between the ~~custodial and noncustodial~~
1686 parents for the care of the child, subject to an adjustment for
1687 day care and health insurance expenses.

1688 5.7. Pursuant to subsections (7) and (8), calculate the
1689 net amounts owed by each parent ~~the custodial and noncustodial~~
1690 ~~parents~~ for the expenses incurred for day care and health
1691 insurance coverage for the child. ~~Day care shall be calculated~~
1692 ~~without regard to the 25 percent reduction applied by subsection~~
1693 ~~(7).~~

1694 6.8. Adjust the support obligation owed by each the
 1695 ~~eustodial or noneustodial~~ parent pursuant to subparagraph 4. 6.
 1696 by crediting or debiting the amount calculated in subparagraph
 1697 5. 7. This amount represents the child support which must be
 1698 exchanged between the ~~eustodial and noneustodial~~ parents.
 1699 However, if the amount to be paid is more than the child support
 1700 that would be paid had the child support been calculated without
 1701 adjustment for substantial time-sharing, the court shall order
 1702 child support to be paid without making the otherwise mandatory
 1703 adjustment required by this subparagraph.

1704 7.9. The court may deviate from the child support amount
 1705 calculated pursuant to subparagraph 6. 8. based upon the
 1706 deviation factors ~~considerations set forth~~ in paragraph (a), as
 1707 well as either ~~the eustodial~~ parent's low income and ability to
 1708 maintain the basic necessities of the home for the child, the
 1709 likelihood that either ~~the noneustodial~~ parent will actually
 1710 exercise the time-sharing schedule set forth in the parenting
 1711 plan ~~visitation~~ granted by the court, and whether all of the
 1712 children are exercising the same time-sharing schedule ~~shared~~
 1713 ~~parental arrangement.~~

1714 8.10. For purposes of adjusting any award of child support
 1715 under this paragraph, "substantial amount of time" means that a
 1716 ~~the noneustodial~~ parent exercises visitation at least 40 percent
 1717 of the overnights of the year.

1718 (c) A ~~noneustodial~~ parent's failure to regularly exercise
 1719 court-ordered or agreed time-sharing schedule ~~visitation~~ not
 1720 caused by the other ~~eustodial~~ parent which resulted in the
 1721 adjustment of the amount of child support pursuant to

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1722 subparagraph (a)10. or paragraph (b) shall be deemed a
1723 substantial change of circumstances for purposes of modifying
1724 the child support award. A modification pursuant to this
1725 paragraph shall be retroactive to the date the noncustodial
1726 parent first failed to regularly exercise court-ordered or
1727 agreed time-sharing schedule ~~visitation~~.

1728 (12) (a) A parent with a support obligation may have other
1729 children living with him or her who were born or adopted after
1730 the support obligation arose. If such subsequent children exist,
1731 the court, when considering an upward modification of an
1732 existing award, may disregard the income from secondary
1733 employment obtained in addition to the parent's primary
1734 employment if the court determines that the employment was
1735 obtained primarily to support the subsequent children.

1736 (b) Except as provided in paragraph (a), the existence of
1737 such subsequent children should not as a general rule be
1738 considered by the court as a basis for disregarding the amount
1739 provided in the guidelines schedule. The parent with a support
1740 obligation for subsequent children may raise the existence of
1741 such subsequent children as a justification for deviation from
1742 the guidelines schedule. However, if the existence of such
1743 subsequent children is raised, the income of the other parent of
1744 the subsequent children shall be considered by the court in
1745 determining whether or not there is a basis for deviation from
1746 the guideline amount.

1747 (c) The issue of subsequent children under paragraph (a)
1748 or paragraph (b) may only be raised in a proceeding for an

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1749 upward modification of an existing award and may not be applied
 1750 to justify a decrease in an existing award.

1751 (13) If the recurring income is not sufficient to meet the
 1752 needs of the child, the court may order child support to be paid
 1753 from nonrecurring income or assets.

1754 (14) Every petition for child support or for modification
 1755 of child support shall be accompanied by an affidavit which
 1756 shows the party's income, allowable deductions, and net income
 1757 computed in accordance with this section. The affidavit shall be
 1758 served at the same time that the petition is served. The
 1759 respondent, whether or not a stipulation is entered, shall make
 1760 an affidavit which shows the party's income, allowable
 1761 deductions, and net income computed in accordance with this
 1762 section. The respondent shall include his or her affidavit with
 1763 the answer to the petition or as soon thereafter as is
 1764 practicable, but in any case at least 72 hours prior to any
 1765 hearing on the finances of either party.

1766 (15) For purposes of establishing an obligation for
 1767 support in accordance with this section, if a person who is
 1768 receiving public assistance is found to be noncooperative as
 1769 defined in s. 409.2572, the IV-D agency is authorized to submit
 1770 to the court an affidavit attesting to the income of that ~~the~~
 1771 ~~custodial~~ parent based upon information available to the IV-D
 1772 agency.

1773 (16) The Legislature shall review the guidelines schedule
 1774 established in this section at least every 4 years beginning in
 1775 1997.

1776 (17) In an initial determination of child support, whether
 1777 in a paternity action, dissolution of marriage action, or
 1778 petition for support during the marriage, the court has
 1779 discretion to award child support retroactive to the date when
 1780 the parents did not reside together in the same household with
 1781 the child, not to exceed a period of 24 months preceding the
 1782 filing of the petition, regardless of whether that date precedes
 1783 the filing of the petition. In determining the retroactive award
 1784 in such cases, the court shall consider the following:

1785 (a) The court shall apply the guidelines schedule in
 1786 effect at the time of the hearing subject to the obligor's
 1787 demonstration of his or her actual income, as defined by
 1788 subsection (2), during the retroactive period. Failure of the
 1789 obligor to so demonstrate shall result in the court using the
 1790 obligor's income at the time of the hearing in computing child
 1791 support for the retroactive period.

1792 (b) All actual payments made by a ~~the noncustodial~~ parent
 1793 to the other ~~custodial~~ parent or the child or third parties for
 1794 the benefit of the child throughout the proposed retroactive
 1795 period.

1796 (c) The court should consider an installment payment plan
 1797 for the payment of retroactive child support.

1798 Section 17. Section 61.401, Florida Statutes, is amended
 1799 to read:

1800 61.401 Appointment of guardian ad litem.--In an action
 1801 where the parties have been unable to agree to a parenting plan
 1802 ~~for dissolution of marriage, modification, parental~~
 1803 ~~responsibility, custody, or visitation~~, if the court finds it is

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1804 in the best interest of the child, the court may appoint a
 1805 guardian ad litem to act as next friend of the child,
 1806 investigator or evaluator, not as attorney or advocate. The
 1807 court in its discretion may also appoint legal counsel for a
 1808 child to act as attorney or advocate; however, the guardian and
 1809 the legal counsel shall not be the same person. In such actions
 1810 which involve an allegation of child abuse, abandonment, or
 1811 neglect as defined in s. 39.01, which allegation is verified and
 1812 determined by the court to be well-founded, the court shall
 1813 appoint a guardian ad litem for the child. The guardian ad litem
 1814 shall be a party to any judicial proceeding from the date of the
 1815 appointment until the date of discharge.

1816 Section 18. Section 61.45, Florida Statutes, is amended to
 1817 read:

1818 61.45 Court-ordered parenting plan ~~Court order of~~
 1819 ~~visitation or custody~~; risk of violation; bond.--

1820 (1) In any ~~a~~ proceeding in which the court enters a
 1821 parenting plan, including a time-sharing schedule ~~an order of~~
 1822 ~~child custody or visitation~~, including in a modification
 1823 proceeding, upon the presentation of competent substantial
 1824 evidence that there is a risk that one party may violate the
 1825 court's parenting plan ~~order of visitation or custody~~ by
 1826 removing a child from this state or country or by concealing the
 1827 whereabouts of a child, or upon stipulation of the parties, the
 1828 court may:

1829 (a) Order that a parent may not remove the child from this
 1830 state without the notarized written permission of both parents
 1831 or further court order;

1832 (b) Order that a parent may not remove the child from this
 1833 country without the notarized written permission of both parents
 1834 or further court order;

1835 (c) Order that a parent may not take the child to a
 1836 country that has not ratified or acceded to the Hague Convention
 1837 on the Civil Aspects of International Child Abduction unless the
 1838 other parent agrees in writing that the child may be taken to
 1839 the country;

1840 (d) Require a parent to surrender the passport of the
 1841 child; or

1842 (e) Require that party to post bond or other security.

1843 (2) If the court enters a parenting plan, including a
 1844 time-sharing schedule ~~an order of child custody or visitation,~~
 1845 including in a modification proceeding, that includes a
 1846 provision entered under paragraph (1) (b) or paragraph (1) (c), a
 1847 certified copy of the order should be sent by the parent who
 1848 requested the restriction to the Passport Services Office of the
 1849 United States Department of State requesting that they not issue
 1850 a passport to the child without their signature or further court
 1851 order.

1852 (3) In assessing the need for a bond or other security,
 1853 the court may consider any reasonable factor bearing upon the
 1854 risk that a party may violate a parenting plan ~~visitation or~~
 1855 ~~custody order~~ by removing a child from this state or country or
 1856 by concealing the whereabouts of a child, including but not
 1857 limited to whether:

1858 (a) A court has previously found that a party previously
 1859 removed a child from Florida or another state in violation of a

1860 parenting plan ~~e custody or visitation order~~, or whether a court
 1861 had found that a party has threatened to take a child out of
 1862 Florida or another state in violation of a parenting plan
 1863 ~~e custody or visitation order~~;

1864 (b) The party has strong family and community ties to
 1865 Florida or to other states or countries, including whether the
 1866 party or child is a citizen of another country;

1867 (c) The party has strong financial reasons to remain in
 1868 Florida or to relocate to another state or country;

1869 (d) The party has engaged in activities that suggest plans
 1870 to leave Florida, such as quitting employment; sale of a
 1871 residence or termination of a lease on a residence, without
 1872 efforts to acquire an alternative residence in the state;
 1873 closing bank accounts or otherwise liquidating assets; or
 1874 applying for a passport;

1875 (e) Either party has had a history of domestic violence as
 1876 either a victim or perpetrator, child abuse or child neglect
 1877 evidenced by criminal history, including but not limited to,
 1878 arrest, an injunction for protection against domestic violence
 1879 issued after notice and hearing under s. 741.30, medical
 1880 records, affidavits, or any other relevant information; or

1881 (f) The party has a criminal record.

1882 (4) The court must consider the party's financial
 1883 resources prior to setting the bond amount under this section.
 1884 Under no circumstances may the court set a bond that is
 1885 unreasonable.

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1886 (5) Any deficiency of bond or security shall not absolve
 1887 the violating party of responsibility to pay the full amount of
 1888 damages determined by the court.

1889 (6) (a) Upon a material violation of any parenting plan
 1890 ~~custody or visitation order~~ by removing a child from this state
 1891 or this country or by concealing the whereabouts of a child, the
 1892 court may order the bond or other security forfeited in whole or
 1893 in part.

1894 (b) This section, including the requirement to post a bond
 1895 or other security, does not apply to a parent who, in a
 1896 proceeding to order or modify a parenting plan or time-sharing
 1897 schedule, is determined by the court to be ~~child custody or~~
 1898 ~~visitation, the court determines is~~ a victim of an act of
 1899 domestic violence or provides the court with ~~has~~ reasonable
 1900 cause to believe that he or she is about to become the victim of
 1901 an act of domestic violence, as defined in s. 741.28. An
 1902 injunction for protection against domestic violence issued
 1903 pursuant to s. 741.30 for a parent as the petitioner which is in
 1904 effect at the time of the court proceeding shall be one means of
 1905 demonstrating sufficient evidence that the parent is a victim of
 1906 domestic violence or is about to become the victim of an act of
 1907 domestic violence, as defined in s. 741.28, and shall exempt the
 1908 parent from this section, including the requirement to post a
 1909 bond or other security. A parent who is determined by the court
 1910 to be exempt from the requirements of this section must meet the
 1911 requirements of s. 787.03(6) if an offense of interference with
 1912 the parenting plan or time-sharing schedule ~~custody~~ is
 1913 committed.

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1914 (7) (a) Upon an order of forfeiture, the proceeds of any
 1915 bond or other security posted pursuant to this subsection may
 1916 only be used to:

1917 1. Reimburse the nonviolating party for actual costs or
 1918 damages incurred in upholding the court's parenting plan ~~order~~
 1919 ~~of custody or visitation~~.

1920 2. Locate and return the child to the residence as set
 1921 forth in the parenting plan ~~visitation or custody order~~.

1922 3. Reimburse reasonable fees and costs as determined by
 1923 the court.

1924 (b) Any remaining proceeds shall be held as further
 1925 security if deemed necessary by the court, and if further
 1926 security is not found to be necessary; applied to any child
 1927 support arrears owed by the parent against whom the bond was
 1928 required, and if no arrears exists; all remaining proceeds will
 1929 be allocated by the court in the best interest of the child.

1930 (8) At any time after the forfeiture of the bond or other
 1931 security, the party who posted the bond or other security, or
 1932 the court on its own motion may request that the party provide
 1933 documentation substantiating that the proceeds received as a
 1934 result of the forfeiture have been used solely in accordance
 1935 with this subsection. Any party using such proceeds for purposes
 1936 not in accordance with this section may be found in contempt of
 1937 court.

1938 Section 19. Subsection (14) of section 409.2554, Florida
 1939 Statutes, is amended to read:

1940 409.2554 Definitions; ss. 409.2551-409.2598.--As used in
 1941 ss. 409.2551-409.2598, the term:

1942 (14) "Unidentifiable collection" means a payment received
 1943 by the department for which a ~~the noncustodial~~ parent, ~~custodial~~
 1944 ~~parent~~, depository or circuit civil numbers, or source of the
 1945 payment cannot be identified.

1946 Section 20. Paragraphs (b) and (c) of subsection (2) and
 1947 subsection (4) of section 409.2558, Florida Statutes, are
 1948 amended to read:

1949 409.2558 Support distribution and disbursement.--

1950 (2) UNDISTRIBUTABLE COLLECTIONS.--

1951 (b) Collections that are determined to be undistributable
 1952 shall be processed in the following order of priority:

1953 1. Apply the payment to any assigned arrears on the
 1954 obligee's ~~custodial parent's~~ case; then

1955 2. Apply the payment to any administrative costs ordered
 1956 by the court pursuant to s. 409.2567 associated with the
 1957 obligee's ~~custodial parent's~~ case; then

1958 3. When the obligor ~~noncustodial parent~~ is subject to a
 1959 valid order to support another child in a case with a different
 1960 obligee ~~custodial parent~~ and the obligation is being enforced by
 1961 the department, the department shall send by certified mail,
 1962 restricted delivery, return receipt requested, to the obligor
 1963 ~~noncustodial parent~~ at the most recent address provided by the
 1964 obligor ~~noncustodial parent~~ to the tribunal that issued the
 1965 order, a notice stating the department's intention to apply the
 1966 payment pursuant to this subparagraph, and advising the obligor
 1967 ~~noncustodial parent~~ of the right to contest the department's
 1968 proposed action in the circuit court by filing and serving a
 1969 petition on the department within 30 days after the mailing of

1970 the notice. If the obligor ~~noncustodial parent~~ does not file and
 1971 serve a petition within the 30 days after mailing of the notice,
 1972 or upon a disposition of the judicial action favorable to the
 1973 department, the department shall apply the payment toward his or
 1974 her other support obligation. If there is more than one such
 1975 other case, the department shall allocate the remaining
 1976 undistributable amount as specified by s. 61.1301(4)(c); then

1977 4. Return the payment to the obligor ~~noncustodial parent~~;
 1978 then

1979 5. If the obligor ~~noncustodial parent~~ cannot be located
 1980 after diligent efforts by the department, the federal share of
 1981 the payment shall be credited to the Federal Government and the
 1982 state share shall be transferred to the General Revenue Fund.

1983 (c) Refunds to obligors ~~noncustodial parents~~ that are
 1984 determined to be undistributable shall be processed in the
 1985 following manner:

1986 1. The federal share of the refund shall be sent to the
 1987 Federal Government.

1988 2. The state share shall be credited to the General
 1989 Revenue Fund.

1990 (4) RECLAIMING COLLECTIONS DECLARED TO BE UNDISTRIBUTABLE
 1991 OR UNIDENTIFIABLE.--At such time as an undistributable or
 1992 unidentifiable collection that has been transferred to the
 1993 Federal Government and to the General Revenue Fund in the
 1994 relevant method above becomes distributable or identified,
 1995 meaning either the obligor ~~noncustodial parent~~ or the obligee
 1996 ~~custodial parent~~ is identified or located, the department shall
 1997 retrieve the transferred moneys in the following manner:

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1998 (a) Offset the next credit to the Federal Government in an
 1999 amount equal to the share of the collection which had been
 2000 transferred; and

2001 (b) Offset the next transfer to the General Revenue Fund
 2002 in an amount equal to the state share of the collection which
 2003 had been transferred to the General Revenue Fund.

2004
 2005 The collection shall then be processed, as appropriate.

2006 Section 21. Paragraph (a) of subsection (1), paragraphs
 2007 (b), (c), (d), and (f) of subsection (2), subsection (4),
 2008 paragraphs (a) and (c) of subsection (5), subsection (6),
 2009 paragraphs (b), (c), (d), and (e) of subsection (7), paragraphs
 2010 (a) and (b) of subsection (10), and subsections (13) and (17) of
 2011 section 409.2563, Florida Statutes, are amended to read:

2012 409.2563 Administrative establishment of child support
 2013 obligations.--

2014 (1) DEFINITIONS.--As used in this section, the term:

2015 (a) "Administrative support order" means a final order
 2016 rendered by or on behalf of the department pursuant to this
 2017 section establishing or modifying the obligation of a
 2018 ~~noncustodial~~ parent to contribute to the support and maintenance
 2019 of his or her child or children, which may include provisions
 2020 for monetary support, retroactive support, health care, and
 2021 other elements of support pursuant to chapter 61.

2022 (2) PURPOSE AND SCOPE.--

2023 (b) The administrative procedure set forth in this section
 2024 concerns only the establishment of child support obligations.
 2025 This section does not grant jurisdiction to the department or

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2026 the Division of Administrative Hearings to hear or determine
 2027 issues of dissolution of marriage, separation, alimony or
 2028 spousal support, termination of parental rights, dependency,
 2029 disputed paternity, except for a determination of paternity as
 2030 provided in s. 409.256, award of or change of time-sharing
 2031 ~~custody, or visitation~~. This paragraph notwithstanding, the
 2032 department and the Division of Administrative Hearings may make
 2033 findings of fact that are necessary for a proper determination
 2034 of a ~~noncustodial~~ parent's support obligation as authorized by
 2035 this section.

2036 (c) If there is no support order for a child in a Title
 2037 IV-D case whose paternity has been established or is presumed by
 2038 law, or whose paternity is the subject of a proceeding under s.
 2039 409.256, the department may establish a ~~the noncustodial~~
 2040 parent's child support obligation pursuant to this section, s.
 2041 61.30, and other relevant provisions of state law. The
 2042 ~~noncustodial~~ parent's obligation determined by the department
 2043 may include any obligation to pay retroactive support and any
 2044 obligation to provide for health care for a child, whether
 2045 through insurance coverage, reimbursement of expenses, or both.
 2046 The department may proceed on behalf of:

- 2047 1. An applicant or recipient of public assistance, as
 2048 provided by ss. 409.2561 and 409.2567;
- 2049 2. A former recipient of public assistance, as provided by
 2050 s. 409.2569;
- 2051 3. An individual who has applied for services as provided
 2052 by s. 409.2567;
- 2053 4. Itself or the child, as provided by s. 409.2561; or

2054 5. A state or local government of another state, as
 2055 provided by chapter 88.

2056 (d) Either parent, or a caretaker relative if applicable,
 2057 may at any time file a civil action in a circuit court having
 2058 jurisdiction and proper venue to determine the other
 2059 ~~noncustodial~~ parent's child support obligations, if any. A
 2060 support order issued by a circuit court prospectively supersedes
 2061 an administrative support order rendered by the department.

2062 (f) The department shall terminate the administrative
 2063 proceeding and file an action in circuit court to determine
 2064 support if within 20 days after receipt of the initial notice
 2065 the ~~noncustodial~~ parent from whom support is being sought
 2066 requests in writing that the department proceed in circuit court
 2067 or states in writing his or her ~~the noncustodial parent's~~
 2068 intention to address issues concerning custody or rights to
 2069 parental contact in court and if within 10 days after receipt of
 2070 the department's petition and waiver of service the ~~noncustodial~~
 2071 parent from whom support is being sought signs and returns the
 2072 waiver of service form to the department.

2073 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE
 2074 SUPPORT ORDER.--To commence a proceeding under this section, the
 2075 department shall provide to the ~~custodial~~ parent from whom
 2076 support is not being sought and serve the ~~noncustodial~~ parent
 2077 from whom support is being sought with a notice of proceeding to
 2078 establish administrative support order and a blank financial
 2079 affidavit form. The notice must state:

2080 (a) The names of both parents, the name of the caretaker
 2081 relative, if any, and the name and date of birth of the child or
 2082 children;

2083 (b) That the department intends to establish an
 2084 administrative support order as defined in this section;

2085 (c) That both parents must submit a completed financial
 2086 affidavit to the department within 20 days after receiving the
 2087 notice, as provided by paragraph (13) (a);

2088 (d) That both parents, or parent and caretaker relative if
 2089 applicable, are required to furnish to the department
 2090 information regarding their identities and locations, as
 2091 provided by paragraph (13) (b);

2092 (e) That both parents, or parent and caretaker relative if
 2093 applicable, are required to promptly notify the department of
 2094 any change in their mailing addresses to ensure receipt of all
 2095 subsequent pleadings, notices, and orders, as provided by
 2096 paragraph (13) (c);

2097 (f) That the department will calculate support obligations
 2098 based on the child support guidelines schedule in s. 61.30 and
 2099 using all available information, as provided by paragraph
 2100 (5) (a), and will incorporate such obligations into a proposed
 2101 administrative support order;

2102 (g) That the department will send by regular mail to both
 2103 parents, or parent and caretaker relative if applicable, a copy
 2104 of the proposed administrative support order, the department's
 2105 child support worksheet, and any financial affidavits submitted
 2106 by a parent or prepared by the department;

2107 (h) That the ~~noncustodial~~ parent from whom support is
 2108 being sought may file a request for a hearing in writing within
 2109 20 days after the date of mailing or other service of the
 2110 proposed administrative support order or will be deemed to have
 2111 waived the right to request a hearing;

2112 (i) That if the ~~noncustodial~~ parent from whom support is
 2113 being sought does not file a timely request for hearing after
 2114 service of the proposed administrative support order, the
 2115 department will issue an administrative support order that
 2116 incorporates the findings of the proposed administrative support
 2117 order, and will send by regular mail a copy of the
 2118 administrative support order to both parents, or parent and
 2119 caretaker relative if applicable;

2120 (j) That after an administrative support order is
 2121 rendered, the department will file a copy of the order with the
 2122 clerk of the circuit court;

2123 (k) That after an administrative support order is
 2124 rendered, the department may enforce the administrative support
 2125 order by any lawful means;

2126 (l) That either parent, or caretaker relative if
 2127 applicable, may file at any time a civil action in a circuit
 2128 court having jurisdiction and proper venue to determine the
 2129 other ~~noncustodial~~ parent's child support obligations, if any,
 2130 and that a support order issued by a circuit court supersedes an
 2131 administrative support order rendered by the department;

2132 (m) That, neither the department nor the Division of
 2133 Administrative Hearings has jurisdiction to award or change

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2134 child custody or rights of parental contact or time-sharing and
2135 these issues may only be addressed in circuit court.

2136 1. A ~~The noncustodial~~ parent may request in writing that
2137 the department proceed in circuit court to determine his or her
2138 support obligations.

2139 2. A ~~The noncustodial~~ parent may state in writing to the
2140 department his or her intention to address issues concerning
2141 custody or rights to parental contact in circuit court.

2142 3. If a ~~the noncustodial~~ parent submits the request
2143 authorized in subparagraph 1., or the statement authorized in
2144 subparagraph 2. to the department within 20 days after the
2145 receipt of the initial notice, the department shall file a
2146 petition in circuit court for the determination of the
2147 ~~noncustodial~~ parent's child support obligations, and shall send
2148 to the ~~noncustodial~~ parent a copy of its petition, a notice of
2149 commencement of action, and a request for waiver of service of
2150 process as provided in the Florida Rules of Civil Procedure.

2151 4. If, within 10 days after receipt of the department's
2152 petition and waiver of service, the ~~noncustodial~~ parent signs
2153 and returns the waiver of service form to the department, the
2154 department shall terminate the administrative proceeding without
2155 prejudice and proceed in circuit court.

2156 5. In any circuit court action filed by the department
2157 pursuant to this paragraph or filed by a ~~noncustodial~~ parent or
2158 other person pursuant to paragraph (1) or paragraph (n), the
2159 department shall be a party only with respect to those issues of
2160 support allowed and reimbursable under Title IV-D of the Social
2161 Security Act. It is the responsibility of the ~~noncustodial~~

2162 parent or other person to take the necessary steps to present
 2163 other issues for the court to consider.

2164 (n) That if a ~~the noncustodial~~ parent files an action in
 2165 circuit court and serves the department with a copy of the
 2166 petition within 20 days after being served notice under this
 2167 subsection, the administrative process ends without prejudice
 2168 and the action must proceed in circuit court;

2169 (o) Information provided by the Office of State Courts
 2170 Administrator concerning the availability and location of self-
 2171 help programs for those who wish to file an action in circuit
 2172 court but who cannot afford an attorney.

2173
 2174 The department may serve the notice of proceeding to establish
 2175 administrative support order by certified mail, restricted
 2176 delivery, return receipt requested. Alternatively, the
 2177 department may serve the notice by any means permitted for
 2178 service of process in a civil action. For purposes of this
 2179 section, an authorized employee of the department may serve the
 2180 notice and execute an affidavit of service. Service by certified
 2181 mail is completed when the certified mail is received or refused
 2182 by the addressee or by an authorized agent as designated by the
 2183 addressee in writing. If a person other than the addressee signs
 2184 the return receipt, the department shall attempt to reach the
 2185 addressee by telephone to confirm whether the notice was
 2186 received, and the department shall document any telephonic
 2187 communications. If someone other than the addressee signs the
 2188 return receipt, the addressee does not respond to the notice,
 2189 and the department is unable to confirm that the addressee has

2190 received the notice, service is not completed and the department
 2191 shall attempt to have the addressee served personally. The
 2192 department shall provide the ~~custodial~~ parent from whom support
 2193 is not being sought or caretaker relative with a copy of the
 2194 notice by regular mail to the last known address of the
 2195 ~~custodial~~ parent from whom support is not being sought or
 2196 caretaker.

2197 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.--

2198 (a) After serving notice upon a ~~the noncustodial~~ parent in
 2199 accordance with subsection (4), the department shall calculate
 2200 that the noncustodial parent's child support obligation under
 2201 the child support guidelines schedule as provided by s. 61.30,
 2202 based on any timely financial affidavits received and other
 2203 information available to the department. If either parent fails
 2204 to comply with the requirement to furnish a financial affidavit,
 2205 the department may proceed on the basis of information available
 2206 from any source, if such information is sufficiently reliable
 2207 and detailed to allow calculation of guideline schedule amounts
 2208 under s. 61.30. If a ~~the custodial~~ parent receives public
 2209 assistance and fails to submit a financial affidavit, the
 2210 department may submit a financial affidavit for that the
 2211 ~~custodial~~ parent pursuant to s. 61.30(15). If there is a lack of
 2212 sufficient reliable information concerning a parent's actual
 2213 earnings for a current or past period, it shall be presumed for
 2214 the purpose of establishing a support obligation that the parent
 2215 had an earning capacity equal to the federal minimum wage during
 2216 the applicable period.

2217 (c) The department shall provide a notice of rights with
 2218 the proposed administrative support order, which notice must
 2219 inform the noncustodial parent that:

2220 1. The ~~noncustodial~~ parent from whom support is being
 2221 sought may, within 20 days after the date of mailing or other
 2222 service of the proposed administrative support order, request a
 2223 hearing by filing a written request for hearing in a form and
 2224 manner specified by the department;

2225 2. If the ~~noncustodial~~ parent from whom support is being
 2226 sought files a timely request for a hearing, the case shall be
 2227 transferred to the Division of Administrative Hearings, which
 2228 shall conduct further proceedings and may enter an
 2229 administrative support order;

2230 3. A ~~noncustodial~~ parent from whom support is being sought
 2231 who fails to file a timely request for a hearing shall be deemed
 2232 to have waived the right to a hearing, and the department may
 2233 render an administrative support order pursuant to paragraph
 2234 (7) (b);

2235 4. The ~~noncustodial~~ parent from whom support is being
 2236 sought may consent in writing to entry of an administrative
 2237 support order without a hearing;

2238 5. The ~~noncustodial~~ parent from whom support is being
 2239 sought may, within 10 days after the date of mailing or other
 2240 service of the proposed administrative support order, contact a
 2241 department representative, at the address or telephone number
 2242 specified in the notice, to informally discuss the proposed
 2243 administrative support order and, if informal discussions are
 2244 requested timely, the time for requesting a hearing will be

2245 extended until 10 days after the department notifies the
 2246 ~~noncustodial~~ parent that the informal discussions have been
 2247 concluded; and

2248 6. If an administrative support order that establishes a
 2249 ~~noncustodial~~ parent's support obligation is rendered, whether
 2250 after a hearing or without a hearing, the department may enforce
 2251 the administrative support order by any lawful means.

2252 (6) HEARING.--If the ~~noncustodial~~ parent from whom support
 2253 is being sought files a timely request for hearing, the
 2254 department shall refer the hearing request to the Division of
 2255 Administrative Hearings. Unless otherwise provided by this
 2256 section, chapter 120 and the Uniform Rules of Procedure shall
 2257 govern the conduct of the proceedings. The administrative law
 2258 judge shall consider all available and admissible information
 2259 and any presumptions that apply as provided by paragraph (5)(a).

2260 (7) ADMINISTRATIVE SUPPORT ORDER.--

2261 (b) If the ~~noncustodial~~ parent from whom support is being
 2262 sought does not file a timely request for a hearing, the
 2263 ~~noncustodial~~ parent will be deemed to have waived the right to
 2264 request a hearing.

2265 (c) If the ~~noncustodial~~ parent from whom support is being
 2266 sought waives the right to a hearing, or consents in writing to
 2267 the entry of an order without a hearing, the department may
 2268 render an administrative support order.

2269 (d) The department shall send by regular mail a copy of
 2270 the administrative support order, or the final order denying an
 2271 administrative support order, to both parents, or a parent and
 2272 caretaker relative if applicable. The ~~noncustodial~~ parent from

2273 whom support is being sought shall be notified of the right to
 2274 seek judicial review of the administrative support order in
 2275 accordance with s. 120.68.

2276 (e) An administrative support order must comply with s.
 2277 61.30. The department shall develop a standard form or forms for
 2278 administrative support orders. An administrative support order
 2279 must provide and state findings, if applicable, concerning:

- 2280 1. The full name and date of birth of the child or
 2281 children;
- 2282 2. The name of the ~~noncustodial~~ parent from whom support
 2283 is being sought and the custodial parent or caretaker relative;
- 2284 3. The ~~noncustodial~~ parent's duty and ability to provide
 2285 support;
- 2286 4. The amount of the ~~noncustodial~~ parent's monthly support
 2287 obligation ;
- 2288 5. Any obligation to pay retroactive support;
- 2289 6. The ~~noncustodial~~ parent's obligation to provide for the
 2290 health care needs of each child, whether through insurance
 2291 coverage, contribution towards the cost of insurance coverage,
 2292 payment or reimbursement of health care expenses for the child,
 2293 or any combination thereof;
- 2294 7. The beginning date of any required monthly payments and
 2295 health care coverage;
- 2296 8. That all support payments ordered must be paid to the
 2297 Florida State Disbursement Unit as provided by s. 61.1824;
- 2298 9. That the parents, or caretaker relative if applicable,
 2299 must file with the department when the administrative support
 2300 order is rendered, if they have not already done so, and update

2301 as appropriate the information required pursuant to paragraph
 2302 (13) (b);

2303 10. That both parents, or parent and caretaker relative if
 2304 applicable, are required to promptly notify the department of
 2305 any change in their mailing addresses pursuant to paragraph
 2306 (13) (c); and

2307 11. That if the ~~noncustodial~~ parent ordered to pay support
 2308 receives unemployment compensation benefits, the payor shall
 2309 withhold, and transmit to the department, 40 percent of the
 2310 benefits for payment of support, not to exceed the amount owed.

2311
 2312 An income deduction order as provided by s. 61.1301 must be
 2313 incorporated into the administrative support order or, if not
 2314 incorporated into the administrative support order, the
 2315 department or the Division of Administrative Hearings shall
 2316 render a separate income deduction order.

2317 (10) JUDICIAL REVIEW, ENFORCEMENT, OR COURT ORDER
 2318 SUPERSEDING ADMINISTRATIVE SUPPORT ORDER.--

2319 (a) A ~~noncustodial~~ parent has the right to seek judicial
 2320 review of an administrative support order or a final order
 2321 denying an administrative support order in accordance with s.
 2322 120.68. The department has the right to seek judicial review, in
 2323 accordance with s. 120.68, of an administrative support order or
 2324 a final order denying an administrative support order entered by
 2325 an administrative law judge of the Division of Administrative
 2326 Hearings.

2327 (b) An administrative support order rendered under this
 2328 section has the same force and effect as a court order and may

2329 be enforced by any circuit court in the same manner as a support
 2330 order issued by the court, except for contempt. If the circuit
 2331 court issues its own order enforcing the administrative support
 2332 order, the circuit court may enforce its own order by contempt.
 2333 The presumption of ability to pay and purge contempt established
 2334 in s. 61.14(5)(a) applies to an administrative support order
 2335 that includes a finding of present ability to pay. Enforcement
 2336 by the court, without any change by the court in the support
 2337 obligations established in the administrative support order,
 2338 does not supersede the administrative support order or affect
 2339 the department's authority to modify the administrative support
 2340 order as provided by subsection (12). An order by the court that
 2341 requires a ~~the noncustodial~~ parent to make periodic payments on
 2342 arrearages does not constitute a change in the support
 2343 obligations established in the administrative support order and
 2344 does not supersede the administrative order.

2345 (13) REQUIRED DISCLOSURES; PRESUMPTIONS; NOTICE SENT TO
 2346 ADDRESS OF RECORD.--In all proceedings pursuant to this section:

2347 (a) Each ~~The noncustodial~~ parent and ~~custodial~~ parent must
 2348 execute and furnish to the department, no later than 20 days
 2349 after receipt of the notice of proceeding to establish
 2350 administrative support order, a financial affidavit in the form
 2351 prescribed by the department. An updated financial affidavit
 2352 must be executed and furnished to the department at the
 2353 inception of each proceeding to modify an administrative support
 2354 order. Caretaker relatives are not required to furnish financial
 2355 affidavits.

2356 (b) Each ~~The noncustodial parent, custodial parent,~~ and
 2357 caretaker relative if applicable, shall disclose to the
 2358 department, no later than 20 days after receipt of the notice of
 2359 proceeding to establish administrative support order, and update
 2360 as appropriate, information regarding his or her ~~their~~ identity
 2361 and location, including names he or she is ~~they are~~ known by;
 2362 social security number ~~numbers~~; residential and mailing
 2363 addresses; telephone numbers; driver's license numbers; and
 2364 names, addresses, and telephone numbers of employers. Pursuant
 2365 to the federal Personal Responsibility and Work Opportunity
 2366 Reconciliation Act of 1996, each person must provide his or her
 2367 social security number in accordance with this section.
 2368 Disclosure of social security numbers obtained through this
 2369 requirement shall be limited to the purpose of administration of
 2370 the Title IV-D program for child support enforcement.

2371 (c) Each ~~The noncustodial parent, custodial parent,~~ and
 2372 caretaker relative, if applicable, have a continuing obligation
 2373 to promptly inform the department in writing of any change in
 2374 his or her ~~their~~ mailing address ~~addresses~~ to ensure receipt of
 2375 all subsequent pleadings, notices, payments, statements, and
 2376 orders, and receipt is presumed if sent by regular mail to the
 2377 most recent address furnished by the person.

2378 ~~(17) EVALUATION. The Office of Program Policy Analysis~~
 2379 ~~and Government Accountability shall conduct an evaluation of the~~
 2380 ~~statewide implementation of the administrative process for~~
 2381 ~~establishing child support provided for in this section. This~~
 2382 ~~evaluation shall examine whether these processes have been~~
 2383 ~~effectively implemented and administered statewide and are~~

2384 ~~operating to the benefit of the children, including, but not~~
 2385 ~~limited to the ability of Title IV-D parents to easily access~~
 2386 ~~the court system for necessary court action. The Office of~~
 2387 ~~Program Policy Analysis and Government Accountability shall~~
 2388 ~~submit an evaluation report on the statewide implementation of~~
 2389 ~~the administrative processes for establishing child support by~~
 2390 ~~June 30, 2006.~~

2391 Section 22. Subsections (1), (4), and (11) of section
 2392 409.2564, Florida Statutes, are amended to read:

2393 409.2564 Actions for support.--

2394 (1) In each case in which regular support payments are not
 2395 being made as provided herein, the department shall institute,
 2396 within 30 days after determination of the obligor's reasonable
 2397 ability to pay, action as is necessary to secure the obligor's
 2398 payment of current support and any arrearage which may have
 2399 accrued under an existing order of support. The department shall
 2400 notify the program attorney in the judicial circuit in which the
 2401 recipient resides setting forth the facts in the case, including
 2402 the obligor's address, if known, and the public assistance case
 2403 number. Whenever applicable, the procedures established under
 2404 the provisions of chapter 88, Uniform Interstate Family Support
 2405 Act, chapter 61, Dissolution of Marriage; Support; Time-sharing
 2406 Custody, chapter 39, Proceedings Relating to Children, chapter
 2407 984, Children and Families in Need of Services, and chapter 985,
 2408 Delinquency; Interstate Compact on Juveniles, may govern actions
 2409 instituted under the provisions of this act, except that actions
 2410 for support under chapter 39, chapter 984, or chapter 985

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2411 brought pursuant to this act shall not require any additional
2412 investigation or supervision by the department.

2413 (4) Whenever the Department of Revenue has undertaken an
2414 action for enforcement of support, the Department of Revenue may
2415 enter into an agreement with the obligor for the entry of a
2416 judgment determining paternity, if applicable, and for periodic
2417 child support payments based on the child support guidelines
2418 schedule in s. 61.30. Prior to entering into this agreement, the
2419 obligor shall be informed that a judgment will be entered based
2420 on the agreement. The clerk of the court shall file the
2421 agreement without the payment of any fees or charges, and the
2422 court, upon entry of the judgment, shall forward a copy of the
2423 judgment to the parties to the action. To encourage out-of-court
2424 settlement and promote support order compliance, if the obligor
2425 and the Department of Revenue agree on entry of a support order
2426 and its terms, the guideline amount owed for retroactive support
2427 that is permanently assigned to the state shall be reduced by 25
2428 percent.

2429 (11) The Title IV-D agency shall review child support
2430 orders in IV-D cases at least every 3 years upon request by
2431 either party, or the agency in cases where there is an
2432 assignment of support to the state under s. 414.095(7), and may
2433 seek adjustment of the order if appropriate under the guidelines
2434 schedule established in s. 61.30. Not less than once every 3
2435 years the IV-D agency shall provide notice to the parties
2436 subject to the order informing them of their right to request a
2437 review and, if appropriate, an adjustment of the child support
2438 order. Said notice requirement may be met by including

2439 appropriate language in the initial support order or any
 2440 subsequent orders.

2441 Section 23. Paragraph (a) of subsection (2) of section
 2442 409.25657, Florida Statutes, is amended to read:

2443 409.25657 Requirements for financial institutions.--

2444 (2) The department shall develop procedures to enter into
 2445 agreements with financial institutions doing business in the
 2446 state, in coordination with such financial institutions and with
 2447 the Federal Parent Locator Service in the case of financial
 2448 institutions doing business in two or more states, to develop
 2449 and operate a data match system, using automated data exchanges
 2450 to the maximum extent feasible, in which each financial
 2451 institution is required to provide for each calendar quarter the
 2452 name, record address, social security number or other taxpayer
 2453 identification number, average daily account balance, and other
 2454 identifying information for:

2455 (a) Each ~~noncustodial~~ parent who maintains an account at
 2456 such institution and who owes past due support, as identified by
 2457 the department by name and social security number or other
 2458 taxpayer identification number; or

2459 Section 24. Subsections (2) and (5) of section 409.25659,
 2460 Florida Statutes, are amended to read:

2461 409.25659 Insurance claim data exchange.--

2462 (2) The department shall develop and operate a data match
 2463 system after consultation with one or more insurers, using
 2464 automated data exchanges to the maximum extent feasible, in
 2465 which an insurer may voluntarily provide the department monthly
 2466 with the name, address, and, if known, date of birth and social

2467 security number or other taxpayer identification number for each
 2468 ~~noneustodial~~ parent who has a claim with the insurer and who
 2469 owes past due support, and the claim number maintained by the
 2470 insurer for each claim. An insurer may provide such data by:

2471 (a) Authorizing an insurance claim data collection
 2472 organization, to which the insurer subscribes and to which the
 2473 insurer submits the required claim data on at least a monthly
 2474 basis, to:

2475 1. Receive or access a data file from the department and
 2476 conduct a data match of all ~~noneustodial~~ parents who have a
 2477 claim with the insurer and who owe past due support and submit
 2478 the required data for each such ~~noneustodial~~ parent to the
 2479 department; or

2480 2. Submit a data file to the department which contains the
 2481 required data for each claim being maintained by the insurer for
 2482 the department to conduct a data match;

2483 (b) Providing the required data for each claim being
 2484 maintained by the insurer directly to the department in an
 2485 electronic medium; or

2486 (c) Receiving or accessing a data file from the department
 2487 and conducting a data match of all ~~noneustodial~~ parents who have
 2488 a claim with the insurer and who owe past due support and
 2489 submitting the required data for each such ~~noneustodial~~ parent
 2490 to the department.

2491 (5) The department and insurers may only use the data
 2492 obtained pursuant to subsection (2) for the purpose of
 2493 identifying ~~noneustodial~~ parents who owe past due support. If
 2494 the department does not match such data with a ~~noneustodial~~

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2495 parent who owes past due support, such data shall be destroyed
2496 immediately and shall not be maintained by the department.

2497 Section 25. Section 409.2577, Florida Statutes, is amended
2498 to read:

2499 409.2577 Parent locator service.--The department shall
2500 establish a parent locator service to assist in locating parents
2501 who have deserted their children and other persons liable for
2502 support of dependent children. The department shall use all
2503 sources of information available, including the Federal Parent
2504 Locator Service, and may request and shall receive information
2505 from the records of any person or the state or any of its
2506 political subdivisions or any officer thereof. Any agency as
2507 defined in s. 120.52, any political subdivision, and any other
2508 person shall, upon request, provide the department any
2509 information relating to location, salary, insurance, social
2510 security, income tax, and employment history necessary to locate
2511 parents who owe or potentially owe a duty of support pursuant to
2512 Title IV-D of the Social Security Act. This provision shall
2513 expressly take precedence over any other statutory nondisclosure
2514 provision which limits the ability of an agency to disclose such
2515 information, except that law enforcement information as provided
2516 in s. 119.071(4)(d) is not required to be disclosed, and except
2517 that confidential taxpayer information possessed by the
2518 Department of Revenue shall be disclosed only to the extent
2519 authorized in s. 213.053(16). Nothing in this section requires
2520 the disclosure of information if such disclosure is prohibited
2521 by federal law. Information gathered or used by the parent
2522 locator service is confidential and exempt from the provisions

2523 of s. 119.07(1). Additionally, the department is authorized to
 2524 collect any additional information directly bearing on the
 2525 identity and whereabouts of a person owing or asserted to be
 2526 owing an obligation of support for a dependent child. The
 2527 department shall, upon request, make information available only
 2528 to public officials and agencies of this state; political
 2529 subdivisions of this state, including any agency thereof
 2530 providing child support enforcement services to non-Title IV-D
 2531 clients; the ~~custodial~~ parent owed support, legal guardian,
 2532 attorney, or agent of the child; and other states seeking to
 2533 locate parents who have deserted their children and other
 2534 persons liable for support of dependents, for the sole purpose
 2535 of establishing, modifying, or enforcing their liability for
 2536 support, and shall make such information available to the
 2537 Department of Children and Family Services for the purpose of
 2538 diligent search activities pursuant to chapter 39. If the
 2539 department has reasonable evidence of domestic violence or child
 2540 abuse and the disclosure of information could be harmful to the
 2541 ~~custodial~~ parent owed support or the child of such parent, the
 2542 child support program director or designee shall notify the
 2543 Department of Children and Family Services and the Secretary of
 2544 the United States Department of Health and Human Services of
 2545 this evidence. Such evidence is sufficient grounds for the
 2546 department to disapprove an application for location services.

2547 Section 26. Paragraph (e) of subsection (1) of section
 2548 409.2579, Florida Statutes, is amended to read:
 2549 409.2579 Safeguarding Title IV-D case file information.--

2550 (1) Information concerning applicants for or recipients of
 2551 Title IV-D child support services is confidential and exempt
 2552 from the provisions of s. 119.07(1). The use or disclosure of
 2553 such information by the IV-D program is limited to purposes
 2554 directly connected with:

2555 (e) Mandatory disclosure of identifying and location
 2556 information as provided in s. 61.13(7)~~(8)~~ by the IV-D program
 2557 when providing Title IV-D services.

2558 Section 27. Subsection (11) of section 409.811, Florida
 2559 Statutes, is amended to read:

2560 409.811 Definitions relating to Florida Kidcare Act.--As
 2561 used in ss. 409.810-409.820, the term:

2562 (11) "Family" means the group or the individuals whose
 2563 income is considered in determining eligibility for the Florida
 2564 Kidcare program. The family includes a child with a ~~custodial~~
 2565 parent or caretaker relative who resides in the same house or
 2566 living unit or, in the case of a child whose disability of
 2567 nonage has been removed under chapter 743, the child. The family
 2568 may also include other individuals whose income and resources
 2569 are considered in whole or in part in determining eligibility of
 2570 the child.

2571 Section 28. Subsection (5) of section 414.0252, Florida
 2572 Statutes, is amended to read:

2573 414.0252 Definitions.--As used in ss. 414.025-414.55, the
 2574 term:

2575 (5) "Family" means the assistance group or the individuals
 2576 whose needs, resources, and income are considered when
 2577 determining eligibility for temporary assistance. The family for

2578 purposes of temporary assistance includes the minor child, a
 2579 ~~eustodial~~ parent, or caretaker relative who resides in the same
 2580 house or living unit. The family may also include individuals
 2581 whose income and resources are considered in whole or in part in
 2582 determining eligibility for temporary assistance but whose
 2583 needs, due to federal or state restrictions, are not considered.
 2584 These individuals include, but are not limited to, ineligible
 2585 noncitizens or sanctioned individuals.

2586 Section 29. Paragraph (a) of subsection (4) and subsection
 2587 (5) of section 414.065, Florida Statutes, are amended to read:

2588 414.065 Noncompliance with work requirements.--

2589 (4) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.--Unless
 2590 otherwise provided, the situations listed in this subsection
 2591 shall constitute exceptions to the penalties for noncompliance
 2592 with participation requirements, except that these situations do
 2593 not constitute exceptions to the applicable time limit for
 2594 receipt of temporary cash assistance:

2595 (a) Noncompliance related to child care.--Temporary cash
 2596 assistance may not be terminated for refusal to participate in
 2597 work activities if the individual is a single ~~eustodial~~ parent
 2598 caring for a child who has not attained 6 years of age, and the
 2599 adult proves to the regional workforce board an inability to
 2600 obtain needed child care for one or more of the following
 2601 reasons, as defined in the Child Care and Development Fund State
 2602 Plan required by 45 C.F.R. part 98:

2603 1. Unavailability of appropriate child care within a
 2604 reasonable distance from the individual's home or worksite.

2605 2. Unavailability or unsuitability of informal child care
2606 by a relative or under other arrangements.

2607 3. Unavailability of appropriate and affordable formal
2608 child care arrangements.

2609 (5) WORK ACTIVITY REQUIREMENTS FOR ~~NONCUSTODIAL~~ PARENTS.--

2610 (a) The court may order a ~~noncustodial~~ parent who is
2611 delinquent in support payments, pursuant to the terms of a
2612 support order, to participate in work activities under this
2613 chapter, or as provided in s. 61.14(5)(b), so that the parent
2614 may obtain employment and fulfill the obligation to provide
2615 support payments. A ~~noncustodial~~ parent who fails to
2616 satisfactorily engage in court-ordered work activities may be
2617 held in contempt.

2618 (b) The court may order a ~~noncustodial~~ parent to
2619 participate in work activities under this chapter if the child
2620 of the ~~noncustodial~~ parent has been placed with a relative, in
2621 an emergency shelter, in foster care, or in other substitute
2622 care, and:

2623 1. The case plan requires the ~~noncustodial~~ parent to
2624 participate in work activities; or

2625 2. The ~~noncustodial~~ parent would be eligible to
2626 participate in work activities and subject to work activity
2627 requirements if the child were living with the parent.

2628
2629 If a ~~noncustodial~~ parent fails to comply with the case plan, the
2630 ~~noncustodial~~ parent may be removed from program participation.

2631 Section 30. Paragraph (c) of subsection (1) of section
2632 414.085, Florida Statutes, is amended to read:

2633 414.085 Income eligibility standards.--

2634 (1) For purposes of program simplification and effective
 2635 program management, certain income definitions, as outlined in
 2636 the food stamp regulations at 7 C.F.R. s. 273.9, shall be
 2637 applied to the temporary cash assistance program as determined
 2638 by the department to be consistent with federal law regarding
 2639 temporary cash assistance and Medicaid for needy families,
 2640 except as to the following:

2641 (c) The first \$50 of child support paid to a ~~eustodial~~
 2642 parent receiving temporary cash assistance may not be
 2643 disregarded in calculating the amount of temporary cash
 2644 assistance for the family, unless such exclusion is required by
 2645 federal law.

2646 Section 31. Subsection (2) and paragraph (a) of subsection
 2647 (6) of section 414.095, Florida Statutes, are amended to read:

2648 414.095 Determining eligibility for temporary cash
 2649 assistance.--

2650 (2) ADDITIONAL ELIGIBILITY REQUIREMENTS.--

2651 (a) To be eligible for services or temporary cash
 2652 assistance and Medicaid:

2653 1. An applicant must be a United States citizen, or a
 2654 qualified noncitizen, as defined in this section.

2655 2. An applicant must be a legal resident of the state.

2656 3. Each member of a family must provide to the department
 2657 the member's social security number or shall provide proof of
 2658 application for a social security number. An individual who
 2659 fails to provide a social security number, or proof of

2660 application for a social security number, is not eligible to
 2661 participate in the program.

2662 4. A minor child must reside with a ~~custodial~~ parent or
 2663 parents, with a relative caretaker who is within the specified
 2664 degree of blood relationship as defined by 45 C.F.R. part 233,
 2665 or, if the minor is a teen parent with a child, in a setting
 2666 approved by the department as provided in subsection (14).

2667 5. Each family must have a minor child and meet the income
 2668 and resource requirements of the program. All minor children who
 2669 live in the family, as well as the parents of the minor
 2670 children, shall be included in the eligibility determination
 2671 unless specifically excluded.

2672 (b) The following members of a family are eligible to
 2673 participate in the program if all eligibility requirements are
 2674 met:

2675 1. A minor child who resides with a ~~custodial~~ parent or
 2676 other adult caretaker relative.

2677 2. The parent of a minor child with whom the child
 2678 resides.

2679 3. The caretaker relative with whom the minor child
 2680 resides who chooses to have her or his needs and income included
 2681 in the family.

2682 4. Unwed minor children and their children if the unwed
 2683 minor child lives at home or in an adult-supervised setting and
 2684 if temporary cash assistance is paid to an alternative payee.

2685 5. A pregnant woman.

2686 (6) CHILD SUPPORT ENFORCEMENT.--As a condition of
 2687 eligibility for public assistance, the family must cooperate

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2688 with the state agency responsible for administering the child
 2689 support enforcement program in establishing the paternity of the
 2690 child, if the child is born out of wedlock, and in obtaining
 2691 support for the child or for the parent or caretaker relative
 2692 and the child. Cooperation is defined as:

2693 (a) Assisting in identifying and locating a ~~noncustodial~~
 2694 parent with an obligation to pay child support and providing
 2695 complete and accurate information on that parent;

2696
 2697 This subsection does not apply if the state agency that
 2698 administers the child support enforcement program determines
 2699 that the parent or caretaker relative has good cause for failing
 2700 to cooperate.

2701 Section 32. Subsection (1) of section 414.295, Florida
 2702 Statutes, is amended to read:

2703 414.295 Temporary cash assistance programs; public records
 2704 exemption.--

2705 (1) Personal identifying information of a temporary cash
 2706 assistance program participant, a participant's family, or a
 2707 participant's family or household member, except for information
 2708 identifying a ~~noncustodial~~ parent with an obligation to pay
 2709 child support, held by the department, the Agency for Workforce
 2710 Innovation, Workforce Florida, Inc., the Department of Health,
 2711 the Department of Revenue, the Department of Education, or a
 2712 regional workforce board or local committee created pursuant to
 2713 s. 445.007 is confidential and exempt from s. 119.07(1) and s.
 2714 24(a), Art. I of the State Constitution. Such confidential and

2715 exempt information may be released for purposes directly
 2716 connected with:

2717 (a) The administration of the temporary assistance for
 2718 needy families plan under Title IV-A of the Social Security Act,
 2719 as amended, by the department, the Agency for Workforce
 2720 Innovation, Workforce Florida, Inc., the Department of Military
 2721 Affairs, the Department of Health, the Department of Revenue,
 2722 the Department of Education, a regional workforce board or local
 2723 committee created pursuant to s. 445.007, or a school district.

2724 (b) The administration of the state's plan or program
 2725 approved under Title IV-B, Title IV-D, or Title IV-E of the
 2726 Social Security Act, as amended, or under Title I, Title X,
 2727 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the
 2728 Social Security Act, as amended.

2729 (c) Any investigation, prosecution, or any criminal,
 2730 civil, or administrative proceeding conducted in connection with
 2731 the administration of any of the plans or programs specified in
 2732 paragraph (a) or paragraph (b) by a federal, state, or local
 2733 governmental entity, upon request by that entity, when such
 2734 request is made pursuant to the proper exercise of that entity's
 2735 duties and responsibilities.

2736 (d) The administration of any other state, federal, or
 2737 federally assisted program that provides assistance or services
 2738 on the basis of need, in cash or in kind, directly to a
 2739 participant.

2740 (e) Any audit or similar activity, such as a review of
 2741 expenditure reports or financial review, conducted in connection
 2742 with the administration of any of the plans or programs

2743 specified in paragraph (a) or paragraph (b) by a governmental
 2744 entity authorized by law to conduct such audit or activity.

2745 (f) The administration of the unemployment compensation
 2746 program.

2747 (g) The reporting to the appropriate agency or official of
 2748 information about known or suspected instances of physical or
 2749 mental injury, sexual abuse or exploitation, or negligent
 2750 treatment or maltreatment of a child or elderly person receiving
 2751 assistance, if circumstances indicate that the health or welfare
 2752 of the child or elderly person is threatened.

2753 (h) The administration of services to elderly persons
 2754 under ss. 430.601-430.606.

2755 Section 33. Paragraph (c) of subsection (3) of section
 2756 445.024, Florida Statutes, is amended to read:

2757 445.024 Work requirements.--

2758 (3) EXEMPTION FROM WORK ACTIVITY REQUIREMENTS.--The
 2759 following individuals are exempt from work activity
 2760 requirements:

2761 (c) A single ~~custodial~~ parent of a child under 3 months of
 2762 age, except that the parent may be required to attend parenting
 2763 classes or other activities to better prepare for the
 2764 responsibilities of raising a child.

2765 Section 34. Paragraphs (b), (c), and (d) of subsection (3)
 2766 of section 741.0306, Florida Statutes, are amended to read:

2767 741.0306 Creation of a family law handbook.--

2768 (3) The information contained in the handbook or other
 2769 electronic media presentation may be reviewed and updated
 2770 annually, and may include, but need not be limited to:

2771 (b) Shared parental responsibility for children and, the
 2772 determination of a parenting plan, including a time-sharing
 2773 schedule ~~primary residence or custody and secondary residence or~~
 2774 ~~routine visitation, holiday, summer, and vacation visitation~~
 2775 ~~arrangements, telephone access, and the process for notice for~~
 2776 ~~changes.~~

2777 (c) Permanent relocation restrictions ~~on parents with~~
 2778 ~~primary residential responsibility.~~

2779 (d) Child support for minor children; both parents are
 2780 obligated for support in accordance with applicable child
 2781 support guidelines schedule.

2782 Section 35. Paragraphs (b) and (d) of subsection (3),
 2783 paragraph (a) of subsection (5), and paragraph (a) of subsection
 2784 (6) of section 741.30, Florida Statutes, are amended to read:

2785 741.30 Domestic violence; injunction; powers and duties of
 2786 court and clerk; petition; notice and hearing; temporary
 2787 injunction; issuance of injunction; statewide verification
 2788 system; enforcement.--

2789 (3)

2790 (b) The sworn petition shall be in substantially the
 2791 following form:

2792
 2793 PETITION FOR
 2794 INJUNCTION FOR PROTECTION
 2795 AGAINST DOMESTIC VIOLENCE
 2796

2797 Before me, the undersigned authority, personally appeared
 2798 Petitioner (Name) , who has been sworn and says that the
 2799 following statements are true:
 2800 (a) Petitioner resides at: (address)
 2801 (Petitioner may furnish address to the court in a separate
 2802 confidential filing if, for safety reasons, the petitioner
 2803 requires the location of the current residence to be
 2804 confidential.)
 2805 (b) Respondent resides at: (last known address)
 2806 (c) Respondent's last known place of employment: (name
 2807 of business and address)
 2808 (d) Physical description of respondent: _____
 2809 Race _____
 2810 Sex _____
 2811 Date of birth _____
 2812 Height _____
 2813 Weight _____
 2814 Eye color _____
 2815 Hair color _____
 2816 Distinguishing marks or scars _____
 2817 (e) Aliases of respondent: _____
 2818 (f) Respondent is the spouse or former spouse of the
 2819 petitioner or is any other person related by blood or marriage
 2820 to the petitioner or is any other person who is or was residing
 2821 within a single dwelling unit with the petitioner, as if a
 2822 family, or is a person with whom the petitioner has a child in
 2823 common, regardless of whether the petitioner and respondent are
 2824 or were married or residing together, as if a family.

2825 (g) The following describes any other cause of action
 2826 currently pending between the petitioner and respondent:

2827
 2828 The petitioner should also describe any previous or pending
 2829 attempts by the petitioner to obtain an injunction for
 2830 protection against domestic violence in this or any other
 2831 circuit, and the results of that attempt

2832
 2833 Case numbers should be included if available.

2834 (h) Petitioner is either a victim of domestic violence or
 2835 has reasonable cause to believe he or she is in imminent danger
 2836 of becoming a victim of domestic violence because respondent has
 2837 _____(mark all sections that apply and describe in the spaces
 2838 below the incidents of violence or threats of violence,
 2839 specifying when and where they occurred, including, but not
 2840 limited to, locations such as a home, school, place of
 2841 employment, or visitation exchange)_____:

2842 _____committed or threatened to commit domestic violence
 2843 defined in s. 741.28, Florida Statutes, as any assault,
 2844 aggravated assault, battery, aggravated battery, sexual assault,
 2845 sexual battery, stalking, aggravated stalking, kidnapping, false
 2846 imprisonment, or any criminal offense resulting in physical
 2847 injury or death of one family or household member by another.
 2848 With the exception of persons who are parents of a child in
 2849 common, the family or household members must be currently
 2850 residing or have in the past resided together in the same single
 2851 dwelling unit.

2852 | _____ previously threatened, harassed, stalked, or
 2853 | physically abused the petitioner.
 2854 | _____ attempted to harm the petitioner or family members or
 2855 | individuals closely associated with the petitioner.
 2856 | _____ threatened to conceal, kidnap, or harm the
 2857 | petitioner's child or children.
 2858 | _____ intentionally injured or killed a family pet.
 2859 | _____ used, or has threatened to use, against the petitioner
 2860 | any weapons such as guns or knives.
 2861 | _____ physically restrained the petitioner from leaving the
 2862 | home or calling law enforcement.
 2863 | _____ a criminal history involving violence or the threat of
 2864 | violence (if known).
 2865 | _____ another order of protection issued against him or her
 2866 | previously or from another jurisdiction (if known).
 2867 | _____ destroyed personal property, including, but not
 2868 | limited to, telephones or other communication equipment,
 2869 | clothing, or other items belonging to the petitioner.
 2870 | _____ engaged in any other behavior or conduct that leads
 2871 | the petitioner to have reasonable cause to believe he or she is
 2872 | in imminent danger of becoming a victim of domestic violence.
 2873 | (i) Petitioner alleges the following additional specific
 2874 | facts: (mark appropriate sections)
 2875 | _____ A minor child or minor children reside with the
 2876 | ~~petitioner is the custodian of a minor child or children~~ whose
 2877 | names and ages are as follows:
 2878 |

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2879 _____Petitioner needs the exclusive use and possession of
 2880 the dwelling that the parties share.

2881 _____Petitioner is unable to obtain safe alternative
 2882 housing because:

2883 _____Petitioner genuinely fears that respondent imminently
 2884 will abuse, remove, or hide the minor child or children from
 2885 petitioner because:

2886
 2887 (j) Petitioner genuinely fears imminent domestic violence
 2888 by respondent.

2889 (k) Petitioner seeks an injunction: (mark appropriate
 2890 section or sections)

2891 _____Immediately restraining the respondent from committing
 2892 any acts of domestic violence.

2893 _____Restraining the respondent from committing any acts of
 2894 domestic violence.

2895 _____Awarding to the petitioner the temporary exclusive use
 2896 and possession of the dwelling that the parties share or
 2897 excluding the respondent from the residence of the petitioner.

2898 Providing a temporary parenting plan, including a
 2899 temporary time-sharing schedule ~~Awarding temporary custody of,~~
 2900 ~~or temporary visitation rights~~ with regard to, the minor child
 2901 or children of the parties which might involve, ~~or~~ prohibiting
 2902 or limiting time-sharing or requiring that it be ~~visitation to~~
 2903 ~~that which is~~ supervised by a third party.

2904 _____Establishing temporary support for the minor child or
 2905 children or the petitioner.

2906 _____ Directing the respondent to participate in a
 2907 batterers' intervention program or other treatment pursuant to
 2908 s. 39.901, Florida Statutes.

2909 _____ Providing any terms the court deems necessary for the
 2910 protection of a victim of domestic violence, or any minor
 2911 children of the victim, including any injunctions or directives
 2912 to law enforcement agencies.

2913 (d) If the sworn petition seeks to determine a parenting
 2914 plan and time-sharing schedule ~~issues of custody or visitation~~
 2915 with regard to the minor child or children of the parties, the
 2916 sworn petition shall be accompanied by or shall incorporate the
 2917 allegations required by s. 61.522 of the Uniform Child Custody
 2918 Jurisdiction and Enforcement Act.

2919 (5) (a) When it appears to the court that an immediate and
 2920 present danger of domestic violence exists, the court may grant
 2921 a temporary injunction ex parte, pending a full hearing, and may
 2922 grant such relief as the court deems proper, including an
 2923 injunction:

2924 1. Restraining the respondent from committing any acts of
 2925 domestic violence.

2926 2. Awarding to the petitioner the temporary exclusive use
 2927 and possession of the dwelling that the parties share or
 2928 excluding the respondent from the residence of the petitioner.

2929 3. On the same basis as provided in s. 61.13, providing
 2930 the petitioner with 100 percent of the time-sharing that shall
 2931 remain ~~granting to the petitioner temporary custody of a minor~~
 2932 ~~child. An order of temporary custody remains in effect until the~~
 2933 order expires or an order is entered by a court of competent

2934 jurisdiction in a pending or subsequent civil action or
 2935 proceeding affecting the placement of, access to, parental time
 2936 with, adoption of, or parental rights and responsibilities for
 2937 the minor child.

2938 (6) (a) Upon notice and hearing, when it appears to the
 2939 court that the petitioner is either the victim of domestic
 2940 violence as defined by s. 741.28 or has reasonable cause to
 2941 believe he or she is in imminent danger of becoming a victim of
 2942 domestic violence, the court may grant such relief as the court
 2943 deems proper, including an injunction:

2944 1. Restraining the respondent from committing any acts of
 2945 domestic violence.

2946 2. Awarding to the petitioner the exclusive use and
 2947 possession of the dwelling that the parties share or excluding
 2948 the respondent from the residence of the petitioner.

2949 3. On the same basis as provided in chapter 61, providing
 2950 the petitioner with 100 percent of the time-sharing in a
 2951 temporary parenting plan that shall remain awarding temporary
 2952 custody of, or temporary visitation rights with regard to, a
 2953 minor child or children of the parties. An order of temporary
 2954 custody or visitation remains in effect until the order expires
 2955 or an order is entered by a court of competent jurisdiction in a
 2956 pending or subsequent civil action or proceeding affecting the
 2957 placement of, access to, parental time with, adoption of, or
 2958 parental rights and responsibilities for the minor child.

2959 4. On the same basis as provided in chapter 61,
 2960 establishing temporary support for a minor child or children or
 2961 the petitioner. An order of temporary support remains in effect

2962 until the order expires or an order is entered by a court of
 2963 competent jurisdiction in a pending or subsequent civil action
 2964 or proceeding affecting child support.

2965 5. Ordering the respondent to participate in treatment,
 2966 intervention, or counseling services to be paid for by the
 2967 respondent. When the court orders the respondent to participate
 2968 in a batterers' intervention program, the court, or any entity
 2969 designated by the court, must provide the respondent with a list
 2970 of all certified batterers' intervention programs and all
 2971 programs which have submitted an application to the Department
 2972 of Children and Family Services to become certified under s.
 2973 741.32, from which the respondent must choose a program in which
 2974 to participate. If there are no certified batterers'
 2975 intervention programs in the circuit, the court shall provide a
 2976 list of acceptable programs from which the respondent must
 2977 choose a program in which to participate.

2978 6. Referring a petitioner to a certified domestic violence
 2979 center. The court must provide the petitioner with a list of
 2980 certified domestic violence centers in the circuit which the
 2981 petitioner may contact.

2982 7. Ordering such other relief as the court deems necessary
 2983 for the protection of a victim of domestic violence, including
 2984 injunctions or directives to law enforcement agencies, as
 2985 provided in this section.

2986 Section 36. Subsections (1) and (2) of section 742.031,
 2987 Florida Statutes, are amended to read:

2988 742.031 Hearings; court orders for support, hospital
 2989 expenses, and attorney's fee.--

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2990 (1) Hearings for the purpose of establishing or refuting
2991 the allegations of the complaint and answer shall be held in the
2992 chambers and may be restricted to persons, in addition to the
2993 parties involved and their counsel, as the judge in his or her
2994 discretion may direct. The court shall determine the issues of
2995 paternity of the child and the ability of the parents to support
2996 the child. Each party's social security number shall be recorded
2997 in the file containing the adjudication of paternity. If the
2998 court finds that the alleged father is the father of the child,
2999 it shall so order. If appropriate, the court shall order the
3000 father to pay the complainant, her guardian, or any other person
3001 assuming responsibility for the child moneys sufficient to pay
3002 reasonable attorney's fees, hospital or medical expenses, cost
3003 of confinement, and any other expenses incident to the birth of
3004 the child and to pay all costs of the proceeding. Bills for
3005 pregnancy, childbirth, and scientific testing are admissible as
3006 evidence without requiring third-party foundation testimony, and
3007 shall constitute prima facie evidence of amounts incurred for
3008 such services or for testing on behalf of the child. The court
3009 shall order either or both parents owing a duty of support to
3010 the child to pay support pursuant to s. 61.30. The court shall
3011 issue, upon motion by a party, a temporary order requiring ~~the~~
3012 ~~provision of~~ child support pursuant to s. 61.30 pending an
3013 administrative or judicial determination of parentage, if there
3014 is clear and convincing evidence of paternity on the basis of
3015 genetic tests or other evidence. The court may also make a
3016 determination of an appropriate parenting plan, including a
3017 time-sharing schedule, ~~as to the parental responsibility and~~

3018 ~~residential care and custody of the minor children~~ in accordance
 3019 with chapter 61.

3020 (2) If a judgment of paternity contains only a child
 3021 support award with no parenting plan or time-sharing schedule,
 3022 the obligee parent shall receive all of the time-sharing and
 3023 sole parental responsibility ~~no explicit award of custody, the~~
 3024 ~~establishment of a support obligation or of visitation rights in~~
 3025 ~~one parent shall be considered a judgment granting primary~~
 3026 ~~residential care and custody to the other parent~~ without
 3027 prejudice to the obligor parent. If a paternity judgment
 3028 contains no such provisions, ~~custody shall be presumed to be~~
 3029 ~~with the mother~~ shall be presumed to have all of the time-
 3030 sharing and sole parental responsibility.

3031 Section 37. Subsection (3) of section 753.01, Florida
 3032 Statutes, is amended to read:

3033 753.01 Definitions.--As used in this chapter, the term:

3034 (3) "Exchange monitoring" means supervision of movement of
 3035 a child from one parent ~~the custodial~~ to the other ~~noncustodial~~
 3036 parent at the start of the visit and back to the first ~~custodial~~
 3037 parent at the end of the visit.

3038 Section 38. Subsection (1) of section 827.06, Florida
 3039 Statutes, is amended to read:

3040 827.06 Nonsupport of dependents.--

3041 (1) The Legislature finds that most ~~noncustodial~~ parents
 3042 want to support their children and remain connected to their
 3043 families. The Legislature also finds that while many
 3044 ~~noncustodial~~ parents lack the financial resources and other
 3045 skills necessary to provide that support, some parents willfully

3046 fail to provide support to their children even when they are
 3047 aware of the obligation and have the ability to do so. The
 3048 Legislature further finds that existing statutory provisions for
 3049 civil enforcement of support have not proven sufficiently
 3050 effective or efficient in gaining adequate support for all
 3051 children. Recognizing that it is the public policy of this state
 3052 that children shall be maintained primarily from the resources
 3053 of their parents, thereby relieving, at least in part, the
 3054 burden presently borne by the general citizenry through public
 3055 assistance programs, it is the intent of the Legislature that
 3056 the criminal penalties provided for in this section are to be
 3057 pursued in all appropriate cases where civil enforcement has not
 3058 resulted in payment.

3059 Section 39. For the purpose of incorporating the amendment
 3060 made by this act to section 741.30, Florida Statutes, in a
 3061 reference thereto, paragraph (a) of subsection (3) of section
 3062 61.1825, Florida Statutes, is reenacted to read:

3063 61.1825 State Case Registry.--

3064 (3)(a) For the purpose of this section, a family violence
 3065 indicator must be placed on a record when:

3066 1. A party executes a sworn statement requesting that a
 3067 family violence indicator be placed on that party's record which
 3068 states that the party has reason to believe that release of
 3069 information to the Federal Case Registry may result in physical
 3070 or emotional harm to the party or the child; or

3071 2. A temporary or final injunction for protection against
 3072 domestic violence has been granted pursuant to s. 741.30(6), an
 3073 injunction for protection against domestic violence has been

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3074 | issued by a court of a foreign state pursuant to s. 741.315, or
3075 | a temporary or final injunction for protection against repeat
3076 | violence has been granted pursuant to s. 784.046; or

3077 | 3. The department has received information on a Title IV-D
3078 | case from the Domestic Violence and Repeat Violence Injunction
3079 | Statewide Verification System, established pursuant to s.
3080 | 784.046(8)(b), that a court has granted a party a domestic
3081 | violence or repeat violence injunction.

3082 | Section 40. This act shall take effect October 1, 2008.