

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 time-sharing is temporarily modified due to a
22 parent's military service; conforming provisions to
23 changes in terminology; amending ss. 61.14, 61.181, and
24 61.1827, F.S.; conforming provisions to changes in
25 terminology; conforming a cross-reference; amending s.
26 61.20, F.S.; conforming provisions to changes in
27 terminology; revising provisions relating to social
28 investigation and recommendations regarding a parenting

29 | plan; amending s. 61.21, F.S.; conforming provisions to
30 | changes in terminology; amending ss. 61.30, 61.401, 61.45,
31 | 409.2554, and 409.2558, F.S.; conforming provisions to
32 | changes in terminology; amending s. 409.2563, F.S.;
33 | conforming provisions to changes in terminology; revising
34 | provisions relating to presumption of a parent's income
35 | for the purpose of establishing a support obligation;
36 | deleting an obsolete provision concerning a study by the
37 | Office of Program Policy Analysis and Government
38 | Accountability; amending ss. 409.2564, 409.25657,
39 | 409.25659, and 409.2577, F.S.; conforming provisions to
40 | changes in terminology; amending s. 409.2579, F.S.;
41 | conforming a cross-reference; amending ss. 409.811,
42 | 414.0252, 414.065, 414.085, 414.095, 414.295, and 445.024,
43 | F.S.; conforming provisions to changes in terminology;
44 | amending s. 741.0306, F.S.; revising requirements for a
45 | family law handbook; conforming provisions to changes in
46 | terminology; requiring a review of the handbook and a
47 | report to the Legislature; amending s. 741.30, F.S.;
48 | conforming provisions to changes in terminology; amending
49 | s. 742.031, F.S.; conforming provisions to changes in
50 | terminology; providing for time-sharing and parental
51 | responsibility in paternity judgments; amending ss. 753.01
52 | and 827.06, F.S.; conforming provisions to changes in
53 | terminology; reenacting s. 61.1825(3)(a), F.S., relating
54 | to relating to the State Case Registry, to incorporate the
55 | amendments made to s. 741.30, F.S., in a reference
56 | thereto; providing an effective date.

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

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

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

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

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

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

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

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

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

85 (5)~~(6)~~ "Electronic communication" means contact, other
86 than face-to-face contact, facilitated by tools such as
87 telephones, electronic mail or e-mail, webcams, video-
88 conferencing equipment and software or other wired or wireless
89 technologies, or other means of communication to supplement
90 face-to-face contact between a parent and that parent's minor
91 child.

92 (6)~~(7)~~ "Federal Case Registry of Child Support Orders"
93 means the automated registry of support order abstracts and
94 other information established and maintained by the United
95 States Department of Health and Human Services as provided by 42
96 U.S.C. s. 653(h).

97 (7)~~(8)~~ "Income" means any form of payment to an
98 individual, regardless of source, including, but not limited to:
99 wages, salary, commissions and bonuses, compensation as an
100 independent contractor, worker's compensation, disability
101 benefits, annuity and retirement benefits, pensions, dividends,
102 interest, royalties, trusts, and any other payments, made by any
103 person, private entity, federal or state government, or any unit
104 of local government. United States Department of Veterans
105 Affairs disability benefits and unemployment compensation, as
106 defined in chapter 443, are excluded from this definition of
107 income except for purposes of establishing an amount of support.

108 (8)~~(9)~~ "IV-D" means services provided pursuant to Title
109 IV-D of the Social Security Act, 42 U.S.C. ss. 651 et seq.

110 (9)~~(10)~~ "Local officer" means an elected or appointed
111 constitutional or charter government official including, but not
112 limited to, the state attorney and clerk of the circuit court.

113 ~~(10)-(11)~~ "National medical support notice" means the
 114 notice required under 42 U.S.C. s. 666(a)(19).

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

117 (11)-(13) "Obligee" means the person to whom payments are
 118 made pursuant to an order establishing, enforcing, or modifying
 119 an obligation for alimony, for child support, or for alimony and
 120 child support.

121 ~~(12)-(14)~~ "Obligor" means a person responsible for making
 122 payments pursuant to an order establishing, enforcing, or
 123 modifying an obligation for alimony, for child support, or for
 124 alimony and child support.

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

137 (a) Any parenting plan formulated under this chapter must
 138 address all jurisdictional issues, including, but not limited
 139 to, the Uniform Child Custody Jurisdiction and Enforcement Act,
 140 part II of this chapter, the International Child Abduction

141 Remedies Act, 42 U.S.C. ss. 11601 et seq., the Parental
142 Kidnapping Prevention Act, and the Convention on the Civil
143 Aspects of International Child Abduction enacted at the Hague on
144 October 25, 1980.

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

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

155 (14) "Parenting plan recommendation" means a nonbinding
156 recommendation made by a psychologist licensed under chapter
157 490.

158 (15) "Payor" means an employer or former employer or any
159 other person or agency providing or administering income to the
160 obligor.

161 (16) "Shared parental responsibility" means a court-
162 ordered relationship in which both parents retain full parental
163 rights and responsibilities with respect to their child and in
164 which both parents confer with each other so that major
165 decisions affecting the welfare of the child will be determined
166 jointly.

167 (17) "Sole parental responsibility" means a court-ordered
168 relationship in which one parent makes decisions regarding the
169 minor child.

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

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

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

195 living which provides for monetary support, health care,
 196 arrearages, or past support.

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

198 (a) Child support and, when the child support obligation
 199 is being enforced by the Department of Revenue, spousal support
 200 or alimony for the spouse or former spouse of the obligor with
 201 whom the child is living.

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

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

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

212 61.052 Dissolution of marriage.--

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

219 Section 4. Section 61.09, Florida Statutes, is amended to
 220 read:

221 61.09 Alimony and child support unconnected with
 222 dissolution.--If a person having the ability to contribute to

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223 the maintenance of his or her spouse and support of his or her
 224 minor child fails to do so, the spouse who is not receiving
 225 support ~~or who has custody of the child or with whom the child~~
 226 ~~has primary residence~~ may apply to the court for alimony and for
 227 support for the child without seeking dissolution of marriage,
 228 and the court shall enter an order as it deems just and proper.

229 Section 5. Section 61.10, Florida Statutes, is amended to
 230 read:

231 61.10 Adjudication of obligation to support spouse or
 232 minor child unconnected with dissolution; parenting plan ~~child~~
 233 ~~custody, child's primary residence, and visitation.~~ --Except when
 234 relief is afforded by some other pending civil action or
 235 proceeding, a spouse residing in this state apart from his or
 236 her spouse and minor child, whether or not such separation is
 237 through his or her fault, may obtain an adjudication of
 238 obligation to maintain the spouse and minor child, if any. The
 239 court shall adjudicate his or her financial obligations to the
 240 spouse and child and, shall establish the parenting plan for
 241 ~~child's primary residence, and shall determine the custody and~~
 242 ~~visitation rights~~ of the parties. Such an action does not
 243 preclude either party from maintaining any other proceeding
 244 under this chapter for other or additional relief at any time.

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

246 Section 7. Section 61.122, Florida Statutes, is amended to
 247 read:

248 61.122 Parenting plan recommendation ~~Child custody~~
 249 ~~evaluations~~; presumption of psychologist's good faith;

250 prerequisite to parent's filing suit; award of fees, costs,
 251 reimbursement.--

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

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

269 (3) A parent who desires ~~wishes~~ to file a legal action
 270 against a court-appointed psychologist who has acted in good
 271 faith in developing ~~conducting~~ a parenting plan recommendation
 272 ~~child custody evaluation~~ must petition the judge who presided
 273 over the dissolution of marriage, case of domestic violence, or
 274 paternity matter involving the relationship of a child and a
 275 parent, including time-sharing of children, child custody
 276 ~~proceeding~~ to appoint another psychologist. Upon the parent's
 277 showing of good cause, the court shall appoint another

278 psychologist. The court shall determine ~~make a determination~~ as
 279 to who is responsible for all court costs and attorney's fees
 280 associated with making such an appointment.

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

292 Section 8. Section 61.13, Florida Statutes, is amended to
 293 read:

294 61.13 ~~Custody and~~ Support of children; parenting and time-
 295 sharing ~~visitation rights~~; powers ~~power~~ of court ~~in making~~
 296 ~~orders~~--

297 (1) (a) In a proceeding under this chapter, the court may
 298 at any time order either or both parents who owe a duty of
 299 support to a child to pay support to the other parent or, in the
 300 case of both parents, to the person with custody in accordance
 301 with the child support guidelines schedule in s. 61.30. The
 302 court initially entering an order requiring one or both parents
 303 to make child support payments has ~~shall have~~ continuing
 304 jurisdiction after the entry of the initial order to modify the
 305 amount and terms and conditions of the child support payments

306 when the modification is found necessary by the court in the
 307 best interests of the child, when the child reaches majority, ~~or~~
 308 when there is a substantial change in the circumstances of the
 309 parties, when s. 743.07(2) applies, or when a child is
 310 emancipated, marries, joins the armed services, or dies. The
 311 court initially entering a child support order has ~~shall also~~
 312 ~~have~~ continuing jurisdiction to require the obligee to report to
 313 the court on terms prescribed by the court regarding the
 314 disposition of the child support payments.

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

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

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

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

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

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

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

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

382 3. In a non-Title IV-D case, upon receipt of the order
383 pursuant to subparagraph 1., or upon application of the obligor
384 pursuant to the order, the union or employer shall enroll the
385 minor child as a beneficiary in the group health plan regardless
386 of any restrictions on the enrollment period and withhold any
387 required premium from the obligor's income. If more than one
388 plan is offered by the union or employer, the child shall be

389 enrolled in the group health plan in which the obligor is
390 enrolled.

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

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

413 5.a. The amount withheld by a union or employer in
414 compliance with a support order may not exceed the amount
415 allowed under s. 303(b) of the Consumer Credit Protection Act,
416 15 U.S.C. s. 1673(b), as amended. The union or employer shall

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417 withhold the maximum allowed by the Consumer Credit Protection
 418 Act in the following order:

419 (I) Current support, as ordered.

420 (II) Premium payments for health care coverage, as
 421 ordered.

422 (III) Past due support, as ordered.

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

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

431 (I) Current support, as ordered.

432 (II) Past due support, as ordered.

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

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

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

443 (c) To the extent necessary to protect an award of child
 444 support, the court may order the obligor to purchase or maintain

445 a life insurance policy or a bond, or to otherwise secure the
 446 child support award with any other assets which may be suitable
 447 for that purpose.

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

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

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

469 4. If the parties elect not to require that support
 470 payments be made through the depository, any party may
 471 subsequently file an affidavit with the depository alleging a
 472 default in payment of child support and stating that the party

473 wishes to require that payments be made through the depository.
 474 The party shall provide copies of the affidavit to the court and
 475 to each other party. Fifteen days after receipt of the
 476 affidavit, the depository shall notify both parties that future
 477 payments shall be paid through the depository.

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

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

490 (b) Any parenting plan approved by the court must, at
 491 minimum, describe in adequate detail how the parents will share
 492 and be responsible for the daily tasks associated with the
 493 upbringing of the child, the time-sharing schedule arrangements
 494 that specify the time that the minor child will spend with each
 495 parent, a designation of who will be responsible for any and all
 496 forms of health care, school-related matters, other activities,
 497 and the methods and technologies that the parents will use to
 498 communicate with the child.

499 (c) ~~(b)~~1. The court shall determine all matters relating to
 500 parenting and time-sharing ~~custody~~ of each minor child of the

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

513 2. The court shall order that the parental responsibility
 514 for a minor child be shared by both parents unless the court
 515 finds that shared parental responsibility would be detrimental
 516 to the child. Evidence that a parent has been convicted of a
 517 felony of the third degree or higher involving domestic
 518 violence, as defined in s. 741.28 and chapter 775, or meets the
 519 criteria of s. 39.806(1)(d), creates a rebuttable presumption of
 520 detriment to the child. If the presumption is not rebutted,
 521 shared parental responsibility, including time-sharing with
 522 ~~visitation, residence of~~ the child, and decisions made regarding
 523 the child, may not be granted to the convicted parent. However,
 524 the convicted parent is not relieved of any obligation to
 525 provide financial support. If the court determines that shared
 526 parental responsibility would be detrimental to the child, it
 527 may order sole parental responsibility and make such
 528 arrangements for time-sharing as specified in the parenting plan

529 ~~visitation~~ as will best protect the child or abused spouse from
530 further harm. Whether or not there is a conviction of any
531 offense of domestic violence or child abuse or the existence of
532 an injunction for protection against domestic violence, the
533 court shall consider evidence of domestic violence or child
534 abuse as evidence of detriment to the child.

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

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

548 3. Access to records and information pertaining to a minor
549 child, including, but not limited to, medical, dental, and
550 school records, may not be denied to either a parent ~~because the~~
551 ~~parent is not the child's primary residential parent.~~ Full
552 rights under this subparagraph apply to either parent unless a
553 court order specifically revokes these rights, including any
554 restrictions on these rights as provided in a domestic violence
555 injunction. A parent having rights under this subparagraph has
556 the same rights upon request as to form, substance, and manner

557 of access as are available to the other parent of a child,
 558 including, without limitation, the right to in-person
 559 communication with medical, dental, and education providers.

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

566 (3) For purposes of establishing or modifying parental
 567 responsibility and creating, developing, approving, or modifying
 568 a parenting plan, including a time-sharing schedule, which
 569 governs each parent's relationship with his or her minor child
 570 and the relationship between each parent with regard to his or
 571 her minor child, the best interest of the child shall be the
 572 primary consideration. Determination of the best interests of
 573 the child shall be made by evaluating all of the factors
 574 affecting the welfare and interests of the minor child,
 575 including, but not limited to:

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

580 (b) The anticipated division of parental responsibilities
 581 after the litigation, including the extent to which parental
 582 responsibilities will be delegated to third parties.

583 (c) The demonstrated capacity and disposition of each
 584 parent to determine, consider, and act upon the needs of the

585 child as opposed to the needs or desires of the parent. ~~shared~~
 586 ~~parental responsibility and primary residence, the best~~
 587 ~~interests of the child shall include an evaluation of all~~
 588 ~~factors affecting the welfare and interests of the child,~~
 589 ~~including, but not limited to:~~

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

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

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

598 (d) The length of time the child has lived in a stable,
 599 satisfactory environment and the desirability of maintaining
 600 continuity.

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

607 (f) The moral fitness of the parents.

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

609 (h) The demonstrated knowledge, capacity, and disposition
 610 of each parent to be informed of the circumstances of the minor
 611 child, including, but not limited to, the child's friends,

612 teachers, medical care providers, daily activities, and favorite
 613 things ~~The home, school, and community record of the child.~~

614 (i) The demonstrated capacity and disposition of each
 615 parent to provide a consistent routine for the child, such as
 616 discipline, and daily schedules for homework, meals, and bedtime
 617 ~~The reasonable preference of the child, if the court deems the~~
 618 ~~child to be of sufficient intelligence, understanding, and~~
 619 ~~experience to express a preference.~~

620 (j) The demonstrated capacity of each parent to
 621 communicate with the other parent and keep the other parent
 622 informed of issues and activities regarding the minor child, and
 623 the willingness of each parent to adopt a unified front on all
 624 major issues when dealing with the child ~~The willingness and~~
 625 ~~ability of each parent to facilitate and encourage a close and~~
 626 ~~continuing parent child relationship between the child and the~~
 627 ~~other parent.~~

628 (k) Evidence of domestic violence, sexual violence, child
 629 abuse, child abandonment, or child neglect, regardless of
 630 whether a prior or pending action regarding those issues has
 631 been brought ~~that any party has knowingly provided false~~
 632 ~~information to the court regarding a domestic violence~~
 633 ~~proceeding pursuant to s. 741.30.~~

634 (l) Evidence that either parent has knowingly provided
 635 false information to the court regarding any prior or pending
 636 action regarding domestic violence, sexual violence, child
 637 abuse, child abandonment, or child neglect ~~of domestic violence~~
 638 ~~or child abuse.~~

639 (m) The particular parenting tasks customarily performed
 640 by each parent and the division of parental responsibilities
 641 before the institution of litigation and during the pending
 642 litigation, including the extent to which parenting
 643 responsibilities were undertaken by third parties ~~Any other fact~~
 644 ~~considered by the court to be relevant.~~

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

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

651 (p) The capacity and disposition of each parent to protect
 652 the child from the ongoing litigation as demonstrated by not
 653 discussing the litigation with the child, not sharing documents
 654 or electronic media related to the litigation with the child,
 655 and refraining from disparaging comments about the other parent
 656 to the child.

657 (q) The developmental stages and needs of the child and
 658 the demonstrated capacity and disposition of each parent to meet
 659 the child's developmental needs.

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

663 (4) (a) When a ~~nonecustodial~~ parent who is ordered to pay
 664 child support or alimony ~~and who is awarded visitation rights~~
 665 fails to pay child support or alimony, the ~~custodial~~ parent who
 666 should have received the child support or alimony may shall not

667 refuse to honor the time-sharing schedule presently in effect
 668 between the parents ~~noncustodial parent's visitation rights~~.

669 (b) When a ~~custodial~~ parent refuses to honor the other a
 670 ~~noncustodial~~ parent's ~~visitation~~ rights under the time-sharing
 671 schedule, the ~~noncustodial~~ parent whose time-sharing rights were
 672 violated shall continue ~~not fail~~ to pay any ordered child
 673 support or alimony.

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

678 1. Shall, after calculating the amount of time-sharing
 679 ~~visitation~~ improperly denied, award the ~~noncustodial~~ parent
 680 denied time ~~or grandparent~~ a sufficient amount of extra time-
 681 sharing visitation to compensate for the time-sharing missed,
 682 and such time-sharing ~~the noncustodial parent or grandparent,~~
 683 ~~which visitation~~ shall be ordered as expeditiously as possible
 684 in a manner consistent with the best interests of the child and
 685 scheduled in a manner that is convenient for the parent ~~person~~
 686 deprived of time-sharing visitation. In ordering any makeup
 687 time-sharing visitation, the court shall schedule such time-
 688 sharing visitation in a manner that is consistent with the best
 689 interests of the child or children and that is convenient for
 690 the nonoffending ~~noncustodial~~ parent and at the expense of the
 691 noncompliant parent. ~~or grandparent.~~ In addition, the court:

692 2. ~~1.~~ May order the ~~custodial~~ parent who did not provide
 693 time-sharing or did not properly exercise time-sharing under the
 694 time-sharing schedule to pay reasonable court costs and

695 attorney's fees incurred by the nonoffending ~~nonecustodial~~ parent
 696 ~~or grandparent~~ to enforce the time-sharing schedule. ~~their~~
 697 ~~visitation rights or make up improperly denied visitation.~~

698 ~~3.2.~~ May order the ~~custodial~~ parent who did not provide
 699 time-sharing or did not properly exercise time-sharing under the
 700 time-sharing schedule to attend a ~~the~~ parenting course approved
 701 by the judicial circuit.~~†~~

702 ~~4.3.~~ May order the ~~custodial~~ parent who did not provide
 703 time-sharing or did not properly exercise time-sharing under the
 704 time-sharing schedule to do community service if the order will
 705 not interfere with the welfare of the child.~~†~~

706 ~~5.4.~~ May order the ~~custodial~~ parent who did not provide
 707 time-sharing or did not properly exercise time-sharing under the
 708 time-sharing schedule to have the financial burden of promoting
 709 frequent and continuing contact when that ~~the~~ ~~custodial~~ parent
 710 and child reside further than 60 miles from the other
 711 ~~nonecustodial~~ parent.~~†~~

712 ~~6.5.~~ May ~~award custody, rotating custody, or primary~~
 713 ~~residence to the nonecustodial parent,~~ upon the request of the
 714 ~~nonecustodial~~ parent who did not violate the time-sharing
 715 schedule, modify the parenting plan if modification ~~the award~~ is
 716 in the best interests of the child.~~†~~ ~~or~~

717 ~~7.6.~~ May impose any other reasonable sanction as a result
 718 of noncompliance.

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

722 (5) The court may make specific orders regarding the
 723 parenting plan and time-sharing schedule ~~for the care and~~
 724 ~~e custody of the minor child~~ as such orders relate to ~~from~~ the
 725 circumstances of the parties and the nature of the case and are
 726 ~~is~~ equitable and provide for child support in accordance with
 727 the guidelines schedule in s. 61.30. An order for equal time-
 728 sharing for ~~award of shared parental responsibility of~~ a minor
 729 child does not preclude the court from entering an order for
 730 child support of the child.

731 (6) In any proceeding under this section, the court may
 732 not deny shared parental responsibility and time-sharing~~,~~
 733 ~~e custody, or visitation~~ rights to a parent ~~or grandparent~~ solely
 734 because that parent ~~or grandparent~~ is or is believed to be
 735 infected with human immunodeficiency virus,~~,~~ but the court may
 736 condition such rights to require that parent in an order
 737 approving the parenting plan ~~upon the parent's or grandparent's~~
 738 ~~agreement~~ to observe measures approved by the Centers for
 739 Disease Control and Prevention of the United States Public
 740 Health Service or by the Department of Health for preventing the
 741 spread of human immunodeficiency virus to the child.

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

747 (7)(8)(a) ~~Beginning July 1, 1997,~~ Each party to any
 748 paternity or support proceeding is required to file with the
 749 tribunal as defined in s. 88.1011(22) and State Case Registry

750 upon entry of an order, and to update as appropriate,
 751 information on location and identity of the party, including
 752 social security number, residential and mailing addresses,
 753 telephone number, driver's license number, and name, address,
 754 and telephone number of employer. ~~Beginning October 1, 1998,~~
 755 Each party to any paternity or child support proceeding in a
 756 non-Title IV-D case shall meet the above requirements for
 757 updating the tribunal and State Case Registry.

758 (b) Pursuant to the federal Personal Responsibility and
 759 Work Opportunity Reconciliation Act of 1996, each party is
 760 required to provide his or her social security number in
 761 accordance with this section. Disclosure of social security
 762 numbers obtained through this requirement shall be limited to
 763 the purpose of administration of the Title IV-D program for
 764 child support enforcement.

765 (c) ~~Beginning July 1, 1997,~~ In any subsequent Title IV-D
 766 child support enforcement action between the parties, upon
 767 sufficient showing that diligent effort has been made to
 768 ascertain the location of such a party, the court of competent
 769 jurisdiction shall deem state due process requirements for
 770 notice and service of process to be met with respect to the
 771 party, upon delivery of written notice to the most recent
 772 residential or employer address filed with the tribunal and
 773 State Case Registry pursuant to paragraph (a). ~~Beginning October~~
 774 ~~1, 1998,~~ In any subsequent non-Title IV-D child support
 775 enforcement action between the parties, the same requirements
 776 for service shall apply.

777 (8)~~(9)~~ At the time an order for child support is entered,

778 each party is required to provide his or her social security
 779 number and date of birth to the court, as well as the name, date
 780 of birth, and social security number of each minor child that is
 781 the subject of such child support order. Pursuant to the federal
 782 Personal Responsibility and Work Opportunity Reconciliation Act
 783 of 1996, each party is required to provide his or her social
 784 security number in accordance with this section. All social
 785 security numbers required by this section shall be provided by
 786 the parties and maintained by the depository as a separate
 787 attachment in the file. Disclosure of social security numbers
 788 obtained through this requirement shall be limited to the
 789 purpose of administration of the Title IV-D program for child
 790 support enforcement.

791 Section 9. Section 61.13001, Florida Statutes, is amended
 792 to read:

793 61.13001 Parental relocation with a child.--

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

795 (a) "Change of residence address" means the relocation of
 796 a child to a principal residence more than 50 miles away from
 797 his or her principal place of residence at the time of the entry
 798 of the last order establishing or modifying the parenting plan
 799 or the time-sharing schedule or both for designation of the
 800 primary residential parent or the custody of the minor child,
 801 unless the move places the principal residence of the minor
 802 child less than 50 miles from either ~~the nonresidential~~ parent.

803 (b) "Child" means any person who is under the jurisdiction
 804 of a state court pursuant to the Uniform Child Custody
 805 Jurisdiction and Enforcement Act or is the subject of any order

806 | granting to a parent or other person any right to time-sharing,
 807 | residential care, kinship, or custody, ~~or visitation~~ as provided
 808 | under state law.

809 | (c) "Court" means the circuit court in an original
 810 | proceeding which has proper venue and jurisdiction in accordance
 811 | with the Uniform Child Custody Jurisdiction and Enforcement Act,
 812 | the circuit court in the county in which either parent and the
 813 | child reside, or the circuit court in which the original action
 814 | was adjudicated.

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

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

822 | ~~(f) "Person entitled to be the primary residential parent~~
 823 | ~~of a child" means a person so designated by court order or by an~~
 824 | ~~express written agreement that is subject to court enforcement~~
 825 | ~~or a person seeking such a designation, or, when neither parent~~
 826 | ~~has been designated as primary residential parent, the person~~
 827 | ~~seeking to relocate with a child.~~

828 | ~~(g) "Principal residence of a child" means the home of the~~
 829 | ~~designated primary residential parent. For purposes of this~~
 830 | ~~section only, when rotating custody is in effect, each parent~~
 831 | ~~shall be considered to be the primary residential parent.~~

832 | (f) ~~(h)~~ "Relocation" means a change in the principal
 833 | residence of a child for a period of 60 consecutive days or more

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834 but does not include a temporary absence from the principal
835 residence for purposes of vacation, education, or the provision
836 of health care for the child.

837 (2) RELOCATION BY AGREEMENT.--

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

- 843 1. Reflects the consent to the relocation;
- 844 2. Defines a time-sharing schedule ~~the visitation rights~~
845 for the nonrelocating parent and any other persons who are
846 entitled to time-sharing visitation; and
- 847 3. Describes, if necessary, any transportation
848 arrangements related to the visitation.

849 (b) If there is an existing cause of action, judgment, or
850 decree of record pertaining to the child's ~~primary~~ residence or
851 a time-sharing schedule visitation, the parties shall seek
852 ratification of the agreement by court order without the
853 necessity of an evidentiary hearing unless a hearing is
854 requested, in writing, by one or more of the parties to the
855 agreement within 10 days after the date the agreement is filed
856 with the court. If a hearing is not timely requested, it shall
857 be presumed that the relocation is in the best interest of the
858 child and the court may ratify the agreement without an
859 evidentiary hearing.

860 (3) NOTICE OF INTENT TO RELOCATE WITH A CHILD.--Unless an
861 agreement has been entered as described in subsection (2), a

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862 parent who is entitled to time-sharing with ~~primary residence~~ of
863 the child shall notify the other parent, and every other person
864 entitled to time-sharing ~~visitation~~ with the child, of a
865 proposed relocation of the child's ~~principal~~ residence. The form
866 of notice shall be according to this section:

867 (a) The parent seeking to relocate shall prepare a Notice
868 of Intent to Relocate. The following information must be
869 included with the Notice of Intent to Relocate and signed under
870 oath under penalty of perjury:

871 1. A description of the location of the intended new
872 residence, including the state, city, and specific physical
873 address, if known.

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

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

878 4. The date of the intended move or proposed relocation.

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

883 6. A proposal for the revised postrelocation schedule of
884 time-sharing ~~visitation~~ together with a proposal for the
885 postrelocation transportation arrangements necessary to
886 effectuate time-sharing ~~visitation~~ with the child. Absent the
887 existence of a current, valid order abating, terminating, or
888 restricting visitation or other good cause predating the Notice

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889 of Intent to Relocate, failure to comply with this provision
 890 renders the Notice of Intent to Relocate legally insufficient.

891 7. Substantially the following statement, in all capital
 892 letters and in the same size type, or larger, as the type in the
 893 remainder of the notice:

894
 895 AN OBJECTION TO THE PROPOSED RELOCATION MUST BE MADE IN WRITING,
 896 FILED WITH THE COURT, AND SERVED ON THE PARENT OR OTHER PERSON
 897 SEEKING TO RELOCATE WITHIN 30 DAYS AFTER SERVICE OF THIS NOTICE
 898 OF INTENT TO RELOCATE. IF YOU FAIL TO TIMELY OBJECT TO THE
 899 RELOCATION, THE RELOCATION WILL BE ALLOWED, UNLESS IT IS NOT IN
 900 THE BEST INTERESTS OF THE CHILD, WITHOUT FURTHER NOTICE AND
 901 WITHOUT A HEARING.

902 8. The mailing address of the parent or other person
 903 seeking to relocate to which the objection filed under
 904 subsection (5) to the Notice of Intent to Relocate should be
 905 sent.

906
 907 The contents of the Notice of Intent to Relocate are not
 908 privileged. For purposes of encouraging amicable resolution of
 909 the relocation issue, a copy of the Notice of Intent to Relocate
 910 shall initially not be filed with the court but instead served
 911 upon the nonrelocating parent, other person, and every other
 912 person entitled to time-sharing ~~visitation~~ with the child, and
 913 the original thereof shall be maintained by the parent or other
 914 person seeking to relocate.

915 (b) The parent seeking to relocate shall also prepare a
 916 Certificate of Serving ~~Filing~~ Notice of Intent to Relocate. The

917 certificate shall certify the date that the Notice of Intent to
 918 Relocate was served on the other parent and on every other
 919 person entitled to time-sharing ~~visitation~~ with the child.

920 (c) The Notice of Intent to Relocate, and the Certificate
 921 of Serving ~~Filing~~ Notice of Intent to Relocate, shall be served
 922 on the other parent and on every other person entitled to time-
 923 sharing ~~visitation~~ with the child. If there is a pending court
 924 action regarding the child, service of process may be according
 925 to court rule. Otherwise, service of process shall be according
 926 to chapters 48 and 49 or via certified mail, restricted
 927 delivery, return receipt requested.

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

932 (e) If the other parent and any other person entitled to
 933 time-sharing ~~visitation~~ with the child fails to timely file an
 934 objection, it shall be presumed that the relocation is in the
 935 best interest of the child, the relocation shall be allowed, and
 936 the court shall, absent good cause, enter an order, attaching a
 937 copy of the Notice of Intent to Relocate, reflecting that the
 938 order is entered as a result of the failure to object to the
 939 Notice of Intent to Relocate, and adopting the time-sharing
 940 ~~visitation~~ schedule and transportation arrangements contained in
 941 the Notice of Intent to Relocate. The order may issue in an
 942 expedited manner without the necessity of an evidentiary
 943 hearing. If an objection is timely filed, the burden returns to
 944 the parent or person seeking to relocate to initiate court

945 | proceedings to obtain court permission to relocate before ~~prior~~
 946 | ~~to~~ doing so.

947 | (f) The act of relocating the child after failure to
 948 | comply with the notice of intent to relocate procedure described
 949 | in this subsection subjects the party in violation thereof to
 950 | contempt and other proceedings to compel the return of the child
 951 | and may be taken into account by the court in any initial or
 952 | postjudgment action seeking a determination or modification of
 953 | the parenting plan or the time-sharing schedule, or both,
 954 | ~~designation of the primary residential parent or of the~~
 955 | ~~residence, custody, or visitation with the child~~ as:

956 | 1. A factor in making a determination regarding the
 957 | relocation of a child.

958 | 2. A factor in determining whether the parenting plan or
 959 | the ~~designation of the primary residential parent or the~~
 960 | ~~residence, contact, access, visitation, or time-sharing~~ schedule
 961 | ~~arrangements~~ should be modified.

962 | 3. A basis for ordering the temporary or permanent return
 963 | of the child.

964 | 4. Sufficient cause to order the parent or other person
 965 | seeking to relocate the child to pay reasonable expenses and
 966 | attorney's fees incurred by the party objecting to the
 967 | relocation.

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

971 | (4) APPLICABILITY OF PUBLIC RECORDS LAW.--If the parent or
 972 | other person seeking to relocate a child, or the child, is

973 | entitled to prevent disclosure of location information under any
 974 | public records exemption applicable to that person, the court
 975 | may enter any order necessary to modify the disclosure
 976 | requirements of this section in compliance with the public
 977 | records exemption.

978 | (5) CONTENT OF OBJECTION TO RELOCATION.--An objection
 979 | seeking to prevent the relocation of a child must ~~shall~~ be
 980 | verified and served within 30 days after service of the Notice
 981 | of Intent to Relocate. The objection must ~~shall~~ include the
 982 | specific factual basis supporting the reasons for seeking a
 983 | prohibition of the relocation, including a statement of the
 984 | amount of participation or involvement the objecting party
 985 | currently has or has had in the life of the child.

986 | (6) TEMPORARY ORDER.--

987 | (a) The court may grant a temporary order restraining the
 988 | relocation of a child or ordering the return of the child, if a
 989 | relocation has previously taken place, or other appropriate
 990 | remedial relief, if the court finds:

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

993 | 2. The child already has been relocated without notice or
 994 | written agreement of the parties or without court approval; or

995 | 3. From an examination of the evidence presented at the
 996 | preliminary hearing that there is a likelihood that upon final
 997 | hearing the court will not approve the relocation of the ~~primary~~
 998 | ~~residence of the~~ child.

999 | (b) The court may grant a temporary order permitting the
 1000 | relocation of the child pending final hearing, if the court:

1001 1. Finds that the required Notice of Intent to Relocate
 1002 was provided in a timely manner; and

1003 2. Finds from an examination of the evidence presented at
 1004 the preliminary hearing that there is a likelihood that on final
 1005 hearing the court will approve the relocation of the ~~primary~~
 1006 ~~residence of the~~ child, which findings must be supported by the
 1007 same factual basis as would be necessary to support the
 1008 permitting of relocation in a final judgment.

1009 (c) If the court has issued a temporary order authorizing
 1010 a party seeking to relocate or move a child before a final
 1011 judgment is rendered, the court may not give any weight to the
 1012 temporary relocation as a factor in reaching its final decision.

1013 (d) If temporary relocation of a child is permitted, the
 1014 court may require the person relocating the child to provide
 1015 reasonable security, financial or otherwise, and guarantee that
 1016 the court-ordered contact with the child will not be interrupted
 1017 or interfered with by the relocating party.

1018 (7) NO PRESUMPTION; FACTORS TO DETERMINE CONTESTED
 1019 RELOCATION.--A ~~No~~ presumption does not shall arise in favor of
 1020 or against a request to relocate with the child when a ~~primary~~
 1021 ~~residential~~ parent seeks to move the child and the move will
 1022 materially affect the current schedule of contact, access, and
 1023 time-sharing with the nonrelocating parent or other person. In
 1024 reaching its decision regarding a proposed temporary or
 1025 permanent relocation, the court shall evaluate all of the
 1026 following factors:

1027 (a) The nature, quality, extent of involvement, and
 1028 duration of the child's relationship with the parent proposing

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1029 | to relocate with the child and with the nonrelocating parent,
1030 | other persons, siblings, half-siblings, and other significant
1031 | persons in the child's life.

1032 | (b) The age and developmental stage of the child, the
1033 | needs of the child, and the likely impact the relocation will
1034 | have on the child's physical, educational, and emotional
1035 | development, taking into consideration any special needs of the
1036 | child.

1037 | (c) The feasibility of preserving the relationship between
1038 | the nonrelocating parent or other person and the child through
1039 | substitute arrangements that take into consideration the
1040 | logistics of contact, access, ~~visitation~~, and time-sharing, as
1041 | well as the financial circumstances of the parties; whether
1042 | those factors are sufficient to foster a continuing meaningful
1043 | relationship between the child and the nonrelocating parent or
1044 | other person; and the likelihood of compliance with the
1045 | substitute arrangements by the relocating parent once he or she
1046 | is out of the jurisdiction of the court.

1047 | (d) The child's preference, taking into consideration the
1048 | age and maturity of the child.

1049 | (e) Whether the relocation will enhance the general
1050 | quality of life for both the parent seeking the relocation and
1051 | the child, including, but not limited to, financial or emotional
1052 | benefits or educational opportunities.

1053 | (f) The reasons of each parent or other person for seeking
1054 | or opposing the relocation.

1055 | (g) The current employment and economic circumstances of
1056 | each parent or other person and whether or not the proposed

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1057 relocation is necessary to improve the economic circumstances of
 1058 the parent or other person seeking relocation of the child.

1059 (h) That the relocation is sought in good faith and the
 1060 extent to which the objecting parent has fulfilled his or her
 1061 financial obligations to the parent or other person seeking
 1062 relocation, including child support, spousal support, and
 1063 marital property and marital debt obligations.

1064 (i) The career and other opportunities available to the
 1065 objecting parent or objecting other person if the relocation
 1066 occurs.

1067 (j) A history of substance abuse or domestic violence as
 1068 defined in s. 741.28 or which meets the criteria of s.
 1069 39.806(1)(d) by either parent, including a consideration of the
 1070 severity of such conduct and the failure or success of any
 1071 attempts at rehabilitation.

1072 (k) Any other factor affecting the best interest of the
 1073 child or as set forth in s. 61.13.

1074 (9) ORDER REGARDING RELOCATION.--If relocation is
 1075 permitted:

1076 (a) The court may, in its discretion, order contact with
 1077 the nonrelocating parent, including access, ~~visitation~~, time-
 1078 sharing, telephone, Internet, webcam, and other arrangements
 1079 sufficient to ensure that the child has frequent, continuing,
 1080 and meaningful contact, access, ~~visitation~~, and time-sharing
 1081 with the nonrelocating parent or other persons, if contact is
 1082 financially affordable and in the best interest of the child.

1083 (b) If applicable, the court shall specify how the
 1084 transportation costs will be allocated between the parents and

1085 other persons entitled to contact, access, ~~visitation~~, and time-
 1086 sharing and may adjust the child support award, as appropriate,
 1087 considering the costs of transportation and the respective net
 1088 incomes of the parents in accordance with state child support
 1089 guidelines schedule.

1090 (10) PRIORITY FOR HEARING OR TRIAL.--An evidentiary
 1091 hearing or nonjury trial on a pleading seeking temporary or
 1092 permanent relief filed under ~~pursuant to~~ this section shall be
 1093 accorded priority on the court's calendar.

1094 (11) APPLICABILITY.--

1095 (a) ~~The provisions of~~ This section applies ~~apply~~:

1096 1. To orders entered before October 1, 2006, if the
 1097 existing order defining custody, primary residence, time-
 1098 sharing, or visitation of or with the child does not expressly
 1099 govern the relocation of the child.

1100 2. To an order, whether temporary or permanent, regarding
 1101 the parenting plan, custody, primary residence, time-sharing, or
 1102 visitation of or with the child entered on or after October 1,
 1103 2006.

1104 3. To any relocation or proposed relocation, whether
 1105 permanent or temporary, of a child during any proceeding pending
 1106 on October 1, 2006, wherein the parenting plan, custody, primary
 1107 residence, time-sharing, or visitation of or with the child is
 1108 an issue.

1109 (b) To the extent that a provision of this section
 1110 conflicts with an order existing on October 1, 2006, this
 1111 section does not apply to the terms of that order which

1112 expressly govern relocation of the child or a change in the
 1113 principal residence address of a parent.

1114 Section 10. Section 61.13002, Florida Statutes, is amended
 1115 to read:

1116 61.13002 Temporary time-sharing modification ~~child custody~~
 1117 and child support modification due to military service.--

1118 (1) If a supplemental petition ~~to modify~~ or a motion for
 1119 modification of time-sharing ~~change of child custody~~ and
 1120 parental responsibility is filed because ~~during the time~~ a
 1121 parent is activated, deployed, or temporarily assigned to
 1122 military service and the parent's ability to comply with time-
 1123 sharing ~~continue as the primary caretaker of a minor child~~ is
 1124 materially affected as a result, the court may not issue an
 1125 order or modify or amend a previous judgment or order that
 1126 changes time-sharing ~~custody~~ as it existed on the date the
 1127 parent was activated, deployed, or temporarily assigned to
 1128 military service, except that a court may enter a temporary
 1129 order to modify or amend time-sharing ~~custody~~ if there is clear
 1130 and convincing evidence that the temporary modification or
 1131 amendment is in the best interests of the child. When entering a
 1132 temporary order under this section, the court shall consider and
 1133 provide for, if feasible, contact between the military
 1134 servicemember and his or her child, including, but not limited
 1135 to, electronic communication by webcam, telephone, or other
 1136 available means. The court shall also permit liberal time-
 1137 sharing during periods of leave from military service, as it is
 1138 in the child's best interests to maintain the parent-child bond
 1139 during the parent's military service.

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1140 (2) If a temporary order is issued under this section, the
 1141 court shall reinstate the time-sharing ~~custody~~ judgment or order
 1142 previously in effect upon the servicemember parent's return from
 1143 active military service, deployment, or temporary assignment.

1144 (3) If a temporary order is entered under this section,
 1145 the court may address the issue of support for the child by:

1146 (a) Entering an order of temporary support from the
 1147 servicemember to the other parent under s. 61.30;

1148 (b) Requiring the servicemember to enroll the child as a
 1149 military dependant with DEERs, TriCare, or other similar
 1150 benefits available to military dependents as provided by the
 1151 servicemember's branch of service and federal regulations; or

1152 (c) Suspending, abating, or reducing the child support
 1153 obligation of the non-servicemember until the custody judgment
 1154 or time-share order previously in effect is reinstated.

1155 ~~(4)(3)~~ This section does not apply to permanent change of
 1156 station moves by military personnel, which shall be governed by
 1157 s. 61.13001.

1158 Section 11. Paragraph (a) of subsection (1) of section
 1159 61.14, Florida Statutes, is amended to read:

1160 61.14 Enforcement and modification of support,
 1161 maintenance, or alimony agreements or orders.--

1162 (1) (a) When the parties enter into an agreement for
 1163 payments for, or instead of, support, maintenance, or alimony,
 1164 whether in connection with a proceeding for dissolution or
 1165 separate maintenance or with any voluntary property settlement,
 1166 or when a party is required by court order to make any payments,
 1167 and the circumstances or the financial ability of either party

1168 changes or the child who is a beneficiary of an agreement or
 1169 court order as described herein reaches majority after the
 1170 execution of the agreement or the rendition of the order, either
 1171 party may apply to the circuit court of the circuit in which the
 1172 parties, or either of them, resided at the date of the execution
 1173 of the agreement or reside at the date of the application, or in
 1174 which the agreement was executed or in which the order was
 1175 rendered, for an order decreasing or increasing the amount of
 1176 support, maintenance, or alimony, and the court has jurisdiction
 1177 to make orders as equity requires, with due regard to the
 1178 changed circumstances or the financial ability of the parties or
 1179 the child, decreasing, increasing, or confirming the amount of
 1180 separate support, maintenance, or alimony provided for in the
 1181 agreement or order. A finding that medical insurance is
 1182 reasonably available or the child support guidelines schedule in
 1183 s. 61.30 may constitute changed circumstances. Except as
 1184 otherwise provided in s. 61.30(11)(c), the court may modify an
 1185 order of support, maintenance, or alimony by increasing or
 1186 decreasing the support, maintenance, or alimony retroactively to
 1187 the date of the filing of the action or supplemental action for
 1188 modification as equity requires, giving due regard to the
 1189 changed circumstances or the financial ability of the parties or
 1190 the child.

1191 Section 12. Paragraph (d) of subsection (3) of section
 1192 61.181, Florida Statutes, is amended to read:

1193 61.181 Depository for alimony transactions, support,
 1194 maintenance, and support payments; fees.--

1195 (3)

1196 (d) When time-sharing ~~custody~~ of a child is relinquished
 1197 by a ~~custodial~~ parent who is entitled to receive child support
 1198 moneys from the depository to the custody of a licensed or
 1199 registered long-term care child agency, that agency may request
 1200 from the court an order directing child support payments that
 1201 ~~which~~ would otherwise be distributed to the ~~custodial~~ parent be
 1202 distributed to the agency for the period of time that ~~custody of~~
 1203 the child is with ~~by~~ the agency. Thereafter, payments shall be
 1204 distributed to the agency as if the agency were the ~~custodial~~
 1205 parent until further order of the court.

1206 Section 13. Paragraphs (b) and (d) of subsection (1) of
 1207 section 61.1827, Florida Statutes, are amended to read:

1208 61.1827 Identifying information concerning applicants for
 1209 and recipients of child support services.--

1210 (1) Any information that reveals the identity of
 1211 applicants for or recipients of child support services,
 1212 including the name, address, and telephone number of such
 1213 persons, held by a non-Title IV-D county child support
 1214 enforcement agency is confidential and exempt from s. 119.07(1)
 1215 and s. 24(a) of Art. I of the State Constitution. The use or
 1216 disclosure of such information by the non-Title IV-D county
 1217 child support enforcement agency is limited to the purposes
 1218 directly connected with:

1219 (b) Mandatory disclosure of identifying and location
 1220 information as provided in s. 61.13 (7) ~~(8)~~ by the non-Title IV-D
 1221 county child support enforcement agency when providing non-Title
 1222 IV-D services;

1223 (d) Disclosure to an authorized person, as defined in 45
 1224 C.F.R. s. 303.15, for purposes of enforcing any state or federal
 1225 law with respect to the unlawful taking or restraint of a child
 1226 or making or enforcing a parenting plan ~~child custody or~~
 1227 ~~visitation determination~~. As used in this paragraph, the term
 1228 "authorized person" includes a ~~noncustodial~~ parent with whom the
 1229 child does not currently reside, unless a court has entered an
 1230 order under s. 741.30, s. 741.31, or s. 784.046.

1231 Section 14. Subsections (1) and (3) of section 61.20,
 1232 Florida Statutes, are amended to read:

1233 61.20 Social investigation and recommendations regarding a
 1234 parenting plan ~~when child custody is in issue.--~~

1235 (1) In any action where the parenting plan ~~custody of a~~
 1236 ~~minor child~~ is at in issue because the parents are unable to
 1237 agree, the court may order a social investigation and study
 1238 concerning all pertinent details relating to the child and each
 1239 parent when such an investigation has not been done and the
 1240 study therefrom provided to the court by the parties or when the
 1241 court determines that the investigation and study that have been
 1242 done are insufficient. The agency, staff, or person conducting
 1243 the investigation and study ordered by the court pursuant to
 1244 this section shall furnish the court and all parties of record
 1245 in the proceeding a written study containing recommendations,
 1246 including a written statement of facts found in the social
 1247 investigation on which the recommendations are based. The court
 1248 may consider the information contained in the study in making a
 1249 decision on the parenting plan ~~child's custody~~ and the technical
 1250 rules of evidence do not exclude the study from consideration.

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1251 (3) Except as to persons who obtain certification of
 1252 indigence as specified in subsection (2), for whom no costs
 1253 shall be incurred, the adult parties involved in a ~~child-custody~~
 1254 proceeding to determine a parenting plan wherein the court has
 1255 ordered the performance of a social investigation and study
 1256 ~~performed~~ shall be responsible for the payment of the costs of
 1257 such investigation and study. Upon submission of the study to
 1258 the court, the agency, staff, or person performing the study
 1259 shall include a bill for services, which shall be taxed and
 1260 ordered paid as costs in the proceeding.

1261 Section 15. Paragraph (c) of subsection (1) and subsection
 1262 (6) of section 61.21, Florida Statutes, are amended to read:

1263 61.21 Parenting course authorized; fees; required
 1264 attendance authorized; contempt.--

1265 (1) LEGISLATIVE FINDINGS; PURPOSE.--It is the finding of
 1266 the Legislature that:

1267 (c) It has been found to be beneficial to parents who are
 1268 separating or divorcing to have available an educational program
 1269 that will provide general information regarding:

1270 1. The issues and legal procedures for resolving time-
 1271 sharing custody and child support disputes.

1272 2. The emotional experiences and problems of divorcing
 1273 adults.

1274 3. The family problems and the emotional concerns and
 1275 needs of the children.

1276 4. The availability of community services and resources.

1277 (6) All parties to a modification of a final judgment
 1278 involving a parenting plan or a time-sharing schedule ~~shared~~

1279 ~~parental responsibilities, custody, or visitation~~ may be
 1280 required to complete a court-approved parenting course prior to
 1281 the entry of an order modifying the final judgment.

1282 Section 16. Section 61.30, Florida Statutes, is amended to
 1283 read:

1284 61.30 Child support guidelines; retroactive child
 1285 support.--

1286 (1)(a) The child support guideline amount as determined by
 1287 this section presumptively establishes the amount the trier of
 1288 fact shall order as child support in an initial proceeding for
 1289 such support or in a proceeding for modification of an existing
 1290 order for such support, whether the proceeding arises under this
 1291 or another chapter. The trier of fact may order payment of child
 1292 support which varies, plus or minus 5 percent, from the
 1293 guideline amount, after considering all relevant factors,
 1294 including the needs of the child or children, age, station in
 1295 life, standard of living, and the financial status and ability
 1296 of each parent. The trier of fact may order payment of child
 1297 support in an amount which varies more than 5 percent from such
 1298 guideline amount only upon a written finding explaining why
 1299 ordering payment of such guideline amount would be unjust or
 1300 inappropriate. Notwithstanding the variance limitations of this
 1301 section, the trier of fact shall order payment of child support
 1302 which varies from the guideline amount as provided in paragraph
 1303 (11)(b) whenever any of the children are required by court order
 1304 or mediation agreement to spend a substantial amount of time
 1305 with either parent ~~the primary and secondary residential~~

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1306 ~~parents~~. This requirement applies to any living arrangement,
 1307 whether temporary or permanent.

1308 (b) The guidelines may provide the basis for proving a
 1309 substantial change in circumstances upon which a modification of
 1310 an existing order may be granted. However, the difference
 1311 between the existing monthly obligation and the amount provided
 1312 for under the guidelines shall be at least 15 percent or \$50,
 1313 whichever amount is greater, before the court may find that the
 1314 guidelines provide a substantial change in circumstances.

1315 (c) For each support order reviewed by the department as
 1316 required by s. 409.2564(11), if the amount of the child support
 1317 award under the order differs by at least 10 percent but not
 1318 less than \$25 from the amount that would be awarded under s.
 1319 61.30, the department shall seek to have the order modified and
 1320 any modification shall be made without a requirement for proof
 1321 or showing of a change in circumstances.

1322 (2) Income shall be determined on a monthly basis for each
 1323 parent ~~the obligor and for the obligee~~ as follows:

1324 (a) Gross income shall include, but is not limited to, the
 1325 following items:

- 1326 1. Salary or wages.
- 1327 2. Bonuses, commissions, allowances, overtime, tips, and
 1328 other similar payments.
- 1329 3. Business income from sources such as self-employment,
 1330 partnership, close corporations, and independent contracts.
 1331 "Business income" means gross receipts minus ordinary and
 1332 necessary expenses required to produce income.
- 1333 4. Disability benefits.

- 1334 5. All workers' compensation benefits and settlements.
- 1335 6. Unemployment compensation.
- 1336 7. Pension, retirement, or annuity payments.
- 1337 8. Social security benefits.
- 1338 9. Spousal support received from a previous marriage or
- 1339 court ordered in the marriage before the court.
- 1340 10. Interest and dividends.
- 1341 11. Rental income, which is gross receipts minus ordinary
- 1342 and necessary expenses required to produce the income.
- 1343 12. Income from royalties, trusts, or estates.
- 1344 13. Reimbursed expenses or in kind payments to the extent
- 1345 that they reduce living expenses.
- 1346 14. Gains derived from dealings in property, unless the
- 1347 gain is nonrecurring.
- 1348 (b) Income on a monthly basis shall be imputed to an
- 1349 unemployed or underemployed parent when such employment or
- 1350 underemployment is found by the court to be voluntary on that
- 1351 parent's part, absent a finding of fact by the court of physical
- 1352 or mental incapacity or other circumstances over which the
- 1353 parent has no control. In the event of such voluntary
- 1354 unemployment or underemployment, the employment potential and
- 1355 probable earnings level of the parent shall be determined based
- 1356 upon his or her recent work history, occupational
- 1357 qualifications, and prevailing earnings level in the community
- 1358 as provided in this paragraph; however, the court may refuse to
- 1359 impute income to a ~~primary residential~~ parent if the court finds
- 1360 it necessary for the parent to stay home with the child who is
- 1361 the subject of a child support calculation.

1362 (c) Public assistance as defined in s. 409.2554 shall be
 1363 excluded from gross income.

1364 (3) Net income is obtained by subtracting allowable
 1365 deductions from gross income. Allowable deductions shall
 1366 include:

1367 (a) Federal, state, and local income tax deductions,
 1368 adjusted for actual filing status and allowable dependents and
 1369 income tax liabilities.

1370 (b) Federal insurance contributions or self-employment
 1371 tax.

1372 (c) Mandatory union dues.

1373 (d) Mandatory retirement payments.

1374 (e) Health insurance payments, excluding payments for
 1375 coverage of the minor child.

1376 (f) Court-ordered support for other children which is
 1377 actually paid.

1378 (g) Spousal support paid pursuant to a court order from a
 1379 previous marriage or the marriage before the court.

1380 (4) Net income for each parent ~~the obligor and net income~~
 1381 ~~for the obligee~~ shall be computed by subtracting allowable
 1382 deductions from gross income.

1383 (5) Net income for each parent ~~the obligor and net income~~
 1384 ~~for the obligee~~ shall be added together for a combined net
 1385 income.

1386 (6) The following guidelines schedule ~~schedules~~ shall be
 1387 applied to the combined net income to determine the minimum
 1388 child support need:

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	Combined Monthly <u>Net</u> <u>Available</u> Income	Child or Children					
		One	Two	Three	Four	Five	Six
1390							
1391	650.00	74	75	75	76	77	78
1392	700.00	119	120	121	123	124	125
1393	750.00	164	166	167	169	171	173
1394	800.00	190	211	213	216	218	220
1395	850.00	202	257	259	262	265	268
1396	900.00	213	302	305	309	312	315
1397	950.00	224	347	351	355	359	363
1398	1000.00	235	365	397	402	406	410
1399	1050.00	246	382	443	448	453	458
1400	1100.00	258	400	489	495	500	505
1401	1150.00	269	417	522	541	547	553
1402							

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1403	1200.00	280	435	544	588	594	600
1404	1250.00	290	451	565	634	641	648
1405	1300.00	300	467	584	659	688	695
1406	1350.00	310	482	603	681	735	743
1407	1400.00	320	498	623	702	765	790
1408	1450.00	330	513	642	724	789	838
1409	1500.00	340	529	662	746	813	869
1410	1550.00	350	544	681	768	836	895
1411	1600.00	360	560	701	790	860	920
1412	1650.00	370	575	720	812	884	945
1413	1700.00	380	591	740	833	907	971
1414	1750.00	390	606	759	855	931	996
1415	1800.00	400	622	779	877	955	1022
1416	1850.00	410	638	798	900	979	1048

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1417	1900.00	421	654	818	923	1004	1074
1418	1950.00	431	670	839	946	1029	1101
1419	2000.00	442	686	859	968	1054	1128
1420	2050.00	452	702	879	991	1079	1154
1421	2100.00	463	718	899	1014	1104	1181
1422	2150.00	473	734	919	1037	1129	1207
1423	2200.00	484	751	940	1060	1154	1234
1424	2250.00	494	767	960	1082	1179	1261
1425	2300.00	505	783	980	1105	1204	1287
1426	2350.00	515	799	1000	1128	1229	1314
1427	2400.00	526	815	1020	1151	1254	1340
1428	2450.00	536	831	1041	1174	1279	1367
1429	2500.00	547	847	1061	1196	1304	1394
1430	2550.00	557	864	1081	1219	1329	1420

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1431	2600.00	568	880	1101	1242	1354	1447
1432	2650.00	578	896	1121	1265	1379	1473
1433	2700.00	588	912	1141	1287	1403	1500
1434	2750.00	597	927	1160	1308	1426	1524
1435	2800.00	607	941	1178	1328	1448	1549
1436	2850.00	616	956	1197	1349	1471	1573
1437	2900.00	626	971	1215	1370	1494	1598
1438	2950.00	635	986	1234	1391	1517	1622
1439	3000.00	644	1001	1252	1412	1540	1647
1440	3050.00	654	1016	1271	1433	1563	1671
1441	3100.00	663	1031	1289	1453	1586	1695
1442	3150.00	673	1045	1308	1474	1608	1720
1443	3200.00	682	1060	1327	1495	1631	1744
1444	3250.00	691	1075	1345	1516	1654	1769

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1445	3300.00	701	1090	1364	1537	1677	1793
1446	3350.00	710	1105	1382	1558	1700	1818
1447	3400.00	720	1120	1401	1579	1723	1842
1448	3450.00	729	1135	1419	1599	1745	1867
1449	3500.00	738	1149	1438	1620	1768	1891
1450	3550.00	748	1164	1456	1641	1791	1915
1451	3600.00	757	1179	1475	1662	1814	1940
1452	3650.00	767	1194	1493	1683	1837	1964
1453	3700.00	776	1208	1503	1702	1857	1987
1454	3750.00	784	1221	1520	1721	1878	2009
1455	3800.00	793	1234	1536	1740	1899	2031
1456	3850.00	802	1248	1553	1759	1920	2053
1457	3900.00	811	1261	1570	1778	1940	2075
1458	3950.00	819	1275	1587	1797	1961	2097

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1459	4000.00	828	1288	1603	1816	1982	2119
1460	4050.00	837	1302	1620	1835	2002	2141
1461	4100.00	846	1315	1637	1854	2023	2163
1462	4150.00	854	1329	1654	1873	2044	2185
1463	4200.00	863	1342	1670	1892	2064	2207
1464	4250.00	872	1355	1687	1911	2085	2229
1465	4300.00	881	1369	1704	1930	2106	2251
1466	4350.00	889	1382	1721	1949	2127	2273
1467	4400.00	898	1396	1737	1968	2147	2295
1468	4450.00	907	1409	1754	1987	2168	2317
1469	4500.00	916	1423	1771	2006	2189	2339
1470	4550.00	924	1436	1788	2024	2209	2361
1471	4600.00	933	1450	1804	2043	2230	2384
1472	4650.00	942	1463	1821	2062	2251	2406

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1473	4700.00	951	1477	1838	2081	2271	2428
1474	4750.00	959	1490	1855	2100	2292	2450
1475	4800.00	968	1503	1871	2119	2313	2472
1476	4850.00	977	1517	1888	2138	2334	2494
1477	4900.00	986	1530	1905	2157	2354	2516
1478	4950.00	993	1542	1927	2174	2372	2535
1479	5000.00	1000	1551	1939	2188	2387	2551
1480	5050.00	1006	1561	1952	2202	2402	2567
1481	5100.00	1013	1571	1964	2215	2417	2583
1482	5150.00	1019	1580	1976	2229	2432	2599
1483	5200.00	1025	1590	1988	2243	2447	2615
1484	5250.00	1032	1599	2000	2256	2462	2631
1485	5300.00	1038	1609	2012	2270	2477	2647
1486	5350.00	1045	1619	2024	2283	2492	2663

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1487	5400.00	1051	1628	2037	2297	2507	2679
1488	5450.00	1057	1638	2049	2311	2522	2695
1489	5500.00	1064	1647	2061	2324	2537	2711
1490	5550.00	1070	1657	2073	2338	2552	2727
1491	5600.00	1077	1667	2085	2352	2567	2743
1492	5650.00	1083	1676	2097	2365	2582	2759
1493	5700.00	1089	1686	2109	2379	2597	2775
1494	5750.00	1096	1695	2122	2393	2612	2791
1495	5800.00	1102	1705	2134	2406	2627	2807
1496	5850.00	1107	1713	2144	2418	2639	2820
1497	5900.00	1111	1721	2155	2429	2651	2833
1498	5950.00	1116	1729	2165	2440	2663	2847
1499	6000.00	1121	1737	2175	2451	2676	2860
1500	6050.00	1126	1746	2185	2462	2688	2874

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1501	6100.00	1131	1754	2196	2473	2700	2887
1502	6150.00	1136	1762	2206	2484	2712	2900
1503	6200.00	1141	1770	2216	2495	2724	2914
1504	6250.00	1145	1778	2227	2506	2737	2927
1505	6300.00	1150	1786	2237	2517	2749	2941
1506	6350.00	1155	1795	2247	2529	2761	2954
1507	6400.00	1160	1803	2258	2540	2773	2967
1508	6450.00	1165	1811	2268	2551	2785	2981
1509	6500.00	1170	1819	2278	2562	2798	2994
1510	6550.00	1175	1827	2288	2573	2810	3008
1511	6600.00	1179	1835	2299	2584	2822	3021
1512	6650.00	1184	1843	2309	2595	2834	3034
1513	6700.00	1189	1850	2317	2604	2845	3045
1514	6750.00	1193	1856	2325	2613	2854	3055

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1515	6800.00	1196	1862	2332	2621	2863	3064
1516	6850.00	1200	1868	2340	2630	2872	3074
1517	6900.00	1204	1873	2347	2639	2882	3084
1518	6950.00	1208	1879	2355	2647	2891	3094
1519	7000.00	1212	1885	2362	2656	2900	3103
1520	7050.00	1216	1891	2370	2664	2909	3113
1521	7100.00	1220	1897	2378	2673	2919	3123
1522	7150.00	1224	1903	2385	2681	2928	3133
1523	7200.00	1228	1909	2393	2690	2937	3142
1524	7250.00	1232	1915	2400	2698	2946	3152
1525	7300.00	1235	1921	2408	2707	2956	3162
1526	7350.00	1239	1927	2415	2716	2965	3172
1527	7400.00	1243	1933	2423	2724	2974	3181
1528	7450.00	1247	1939	2430	2733	2983	3191

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1529	7500.00	1251	1945	2438	2741	2993	3201
1530	7550.00	1255	1951	2446	2750	3002	3211
1531	7600.00	1259	1957	2453	2758	3011	3220
1532	7650.00	1263	1963	2461	2767	3020	3230
1533	7700.00	1267	1969	2468	2775	3030	3240
1534	7750.00	1271	1975	2476	2784	3039	3250
1535	7800.00	1274	1981	2483	2792	3048	3259
1536	7850.00	1278	1987	2491	2801	3057	3269
1537	7900.00	1282	1992	2498	2810	3067	3279
1538	7950.00	1286	1998	2506	2818	3076	3289
1539	8000.00	1290	2004	2513	2827	3085	3298
1540	8050.00	1294	2010	2521	2835	3094	3308
1541	8100.00	1298	2016	2529	2844	3104	3318
1542	8150.00	1302	2022	2536	2852	3113	3328

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1543	8200.00	1306	2028	2544	2861	3122	3337
1544	8250.00	1310	2034	2551	2869	3131	3347
1545	8300.00	1313	2040	2559	2878	3141	3357
1546	8350.00	1317	2046	2566	2887	3150	3367
1547	8400.00	1321	2052	2574	2895	3159	3376
1548	8450.00	1325	2058	2581	2904	3168	3386
1549	8500.00	1329	2064	2589	2912	3178	3396
1550	8550.00	1333	2070	2597	2921	3187	3406
1551	8600.00	1337	2076	2604	2929	3196	3415
1552	8650.00	1341	2082	2612	2938	3205	3425
1553	8700.00	1345	2088	2619	2946	3215	3435
1554	8750.00	1349	2094	2627	2955	3224	3445
1555	8800.00	1352	2100	2634	2963	3233	3454
1556	8850.00	1356	2106	2642	2972	3242	3464

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1557	8900.00	1360	2111	2649	2981	3252	3474
1558	8950.00	1364	2117	2657	2989	3261	3484
1559	9000.00	1368	2123	2664	2998	3270	3493
1560	9050.00	1372	2129	2672	3006	3279	3503
1561	9100.00	1376	2135	2680	3015	3289	3513
1562	9150.00	1380	2141	2687	3023	3298	3523
1563	9200.00	1384	2147	2695	3032	3307	3532
1564	9250.00	1388	2153	2702	3040	3316	3542
1565	9300.00	1391	2159	2710	3049	3326	3552
1566	9350.00	1395	2165	2717	3058	3335	3562
1567	9400.00	1399	2171	2725	3066	3344	3571
1568	9450.00	1403	2177	2732	3075	3353	3581
1569	9500.00	1407	2183	2740	3083	3363	3591
1570	9550.00	1411	2189	2748	3092	3372	3601

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1571	9600.00	1415	2195	2755	3100	3381	3610
1572	9650.00	1419	2201	2763	3109	3390	3620
1573	9700.00	1422	2206	2767	3115	3396	3628
1574	9750.00	1425	2210	2772	3121	3402	3634
1575	9800.00	1427	2213	2776	3126	3408	3641
1576	9850.00	1430	2217	2781	3132	3414	3647
1577	9900.00	1432	2221	2786	3137	3420	3653
1578	9950.00	1435	2225	2791	3143	3426	3659
1579	10000.00	1437	2228	2795	3148	3432	3666

1580 For combined monthly net available income less than the amount
 1581 set out on the above guidelines schedule ~~schedules~~, the parent
 1582 should be ordered to pay a child support amount, determined on a
 1583 case-by-case basis, to establish the principle of payment and
 1584 lay the basis for increased orders should the parent's income
 1585 increase in the future. For combined monthly net available
 1586 income greater than the amount set out in the above guidelines
 1587 schedule ~~schedules~~, the obligation shall be the minimum amount
 1588 of support provided by the guidelines schedule plus the

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1589 following percentages multiplied by the amount of income over
 1590 \$10,000:

1591 Child or Children

1592	One	Two	Three	Four	Five	Six
1593	5.0%	7.5%	9.5%	11.0%	12.0%	12.5%

1594
 1595 (7) Child care costs incurred on behalf of the children
 1596 due to employment, job search, or education calculated to result
 1597 in employment or to enhance income of current employment of
 1598 either parent shall be reduced by 25 percent and then shall be
 1599 added to the basic obligation. After the adjusted child care
 1600 costs are added to the basic obligation, any moneys prepaid by a
 1601 ~~the noncustodial~~ parent for child care costs for the child or
 1602 children of this action shall be deducted from that ~~noncustodial~~
 1603 parent's child support obligation for that child or those
 1604 children. Child care costs shall not exceed the level required
 1605 to provide quality care from a licensed source for the children.

1606 (8) Health insurance costs resulting from coverage ordered
 1607 pursuant to s. 61.13(1)(b), and any noncovered medical, dental,
 1608 and prescription medication expenses of the child, shall be
 1609 added to the basic obligation unless these expenses have been
 1610 ordered to be separately paid on a percentage basis. After the
 1611 health insurance costs are added to the basic obligation, any
 1612 moneys prepaid by a ~~the noncustodial~~ parent for health-related
 1613 costs for the child or children of this action shall be deducted

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1614 from that ~~noncustodial~~ parent's child support obligation for
 1615 that child or those children.

1616 (9) Each parent's percentage share of the child support
 1617 need shall be determined by dividing each parent's net monthly
 1618 income by the combined net monthly income.

1619 (10) Each parent's actual dollar share of the total
 1620 minimum child support need shall be determined by multiplying
 1621 the minimum child support need by each parent's percentage share
 1622 of the combined monthly net income.

1623 (11) (a) The court may adjust the total minimum child
 1624 support award, or either or both parents' share of the total
 1625 minimum child support award, based upon the following deviation
 1626 factors considerations:

1627 1. Extraordinary medical, psychological, educational, or
 1628 dental expenses.

1629 2. Independent income of the child, not to include moneys
 1630 received by a child from supplemental security income.

1631 3. The payment of support for a parent which regularly has
 1632 been paid and for which there is a demonstrated need.

1633 4. Seasonal variations in one or both parents' incomes or
 1634 expenses.

1635 5. The age of the child, taking into account the greater
 1636 needs of older children.

1637 6. Special needs, such as costs that may be associated
 1638 with the disability of a child, that have traditionally been met
 1639 within the family budget even though the fulfilling of those
 1640 needs will cause the support to exceed the presumptive amount
 1641 established by the ~~proposed~~ guidelines.

1642 7. Total available assets of the obligee, obligor, and the
1643 child.

1644 8. The impact of the Internal Revenue Service dependency
1645 exemption and waiver of that exemption. The court may order a
1646 ~~the primary residential~~ parent to execute a waiver of the
1647 Internal Revenue Service dependency exemption if the paying
1648 ~~noncustodial~~ parent is current in support payments.

1649 9. When application of the child support guidelines
1650 schedule requires a person to pay another person more than 55
1651 percent of his or her gross income for a child support
1652 obligation for current support resulting from a single support
1653 order.

1654 10. The particular parenting plan ~~shared parental~~
1655 ~~arrangement~~, such as where the child spends a significant amount
1656 of time, but less than 40 percent of the overnights, with one
1657 ~~the noncustodial~~ parent, thereby reducing the financial
1658 expenditures incurred by the other ~~primary residential~~ parent;
1659 or the refusal of a ~~the noncustodial~~ parent to become involved
1660 in the activities of the child.

1661 11. Any other adjustment which is needed to achieve an
1662 equitable result which may include, but not be limited to, a
1663 reasonable and necessary existing expense or debt. Such expense
1664 or debt may include, but is not limited to, a reasonable and
1665 necessary expense or debt which the parties jointly incurred
1666 during the marriage.

1667 (b) Whenever a particular parenting plan ~~shared parental~~
1668 ~~arrangement~~ provides that each child spend a substantial amount

1669 of time with each parent, the court shall adjust any award of
 1670 child support, as follows:

1671 1. In accordance with subsections (9) and (10), calculate
 1672 the amount of support obligation apportioned to each the
 1673 ~~noncustodial~~ parent without including day care and health
 1674 insurance costs in the calculation and multiply the amount by
 1675 1.5.

1676 ~~2. In accordance with subsections (9) and (10), calculate~~
 1677 ~~the amount of support obligation apportioned to the custodial~~
 1678 ~~parent without including day care and health insurance costs in~~
 1679 ~~the calculation and multiply the amount by 1.5.~~

1680 ~~2.3.~~ Calculate the percentage of overnight stays the child
 1681 spends with each parent.

1682 ~~3.4.~~ Multiply each the ~~noncustodial~~ parent's support
 1683 obligation as calculated in subparagraph 1. by the percentage of
 1684 the other ~~custodial~~ parent's overnight stays with the child as
 1685 calculated in subparagraph 2. ~~3.~~

1686 ~~5. Multiply the custodial parent's support obligation as~~
 1687 ~~calculated in subparagraph 2. by the percentage of the~~
 1688 ~~noncustodial parent's overnight stays with the child as~~
 1689 ~~calculated in subparagraph 3.~~

1690 ~~4.6.~~ The difference between the amounts calculated in
 1691 subparagraph 3. ~~subparagraphs 4. and 5.~~ shall be the monetary
 1692 transfer necessary between the ~~custodial and noncustodial~~
 1693 parents for the care of the child, subject to an adjustment for
 1694 day care and health insurance expenses.

1695 ~~5.7.~~ Pursuant to subsections (7) and (8), calculate the
 1696 net amounts owed by each parent the ~~custodial and noncustodial~~

1697 ~~parents~~ for the expenses incurred for day care and health
 1698 insurance coverage for the child. Day care shall be calculated
 1699 without regard to the 25-percent reduction applied by subsection
 1700 (7).

1701 ~~6.8.~~ Adjust the support obligation owed by each the
 1702 ~~custodial or noncustodial~~ parent pursuant to subparagraph ~~4. 6.~~
 1703 by crediting or debiting the amount calculated in subparagraph
 1704 ~~5. 7.~~ This amount represents the child support which must be
 1705 exchanged between the ~~custodial and noncustodial~~ parents.

1706 ~~7.9.~~ The court may deviate from the child support amount
 1707 calculated pursuant to subparagraph ~~6. 8.~~ based upon the
 1708 deviation factors ~~considerations set forth~~ in paragraph (a), as
 1709 well as the obligee ~~custodial~~ parent's low income and ability to
 1710 maintain the basic necessities of the home for the child, the
 1711 likelihood that either ~~the noncustodial~~ parent will actually
 1712 exercise the time-sharing schedule set forth in the parenting
 1713 plan visitation granted by the court, and whether all of the
 1714 children are exercising the same time-sharing schedule ~~shared~~
 1715 ~~parental arrangement~~.

1716 ~~8.10.~~ For purposes of adjusting any award of child support
 1717 under this paragraph, "substantial amount of time" means that a
 1718 ~~the noncustodial~~ parent exercises visitation at least 40 percent
 1719 of the overnights of the year.

1720 (c) A ~~noncustodial~~ parent's failure to regularly exercise
 1721 court-ordered or agreed time-sharing schedule ~~visitation~~ not
 1722 caused by the other ~~custodial~~ parent which resulted in the
 1723 adjustment of the amount of child support pursuant to
 1724 subparagraph (a)10. or paragraph (b) shall be deemed a

1725 substantial change of circumstances for purposes of modifying
1726 the child support award. A modification pursuant to this
1727 paragraph shall be retroactive to the date the noncustodial
1728 parent first failed to regularly exercise court-ordered or
1729 agreed time-sharing schedule visitation.

1730 (12) (a) A parent with a support obligation may have other
1731 children living with him or her who were born or adopted after
1732 the support obligation arose. If such subsequent children exist,
1733 the court, when considering an upward modification of an
1734 existing award, may disregard the income from secondary
1735 employment obtained in addition to the parent's primary
1736 employment if the court determines that the employment was
1737 obtained primarily to support the subsequent children.

1738 (b) Except as provided in paragraph (a), the existence of
1739 such subsequent children should not as a general rule be
1740 considered by the court as a basis for disregarding the amount
1741 provided in the guidelines schedule. The parent with a support
1742 obligation for subsequent children may raise the existence of
1743 such subsequent children as a justification for deviation from
1744 the guidelines schedule. However, if the existence of such
1745 subsequent children is raised, the income of the other parent of
1746 the subsequent children shall be considered by the court in
1747 determining whether or not there is a basis for deviation from
1748 the guideline amount.

1749 (c) The issue of subsequent children under paragraph (a)
1750 or paragraph (b) may only be raised in a proceeding for an
1751 upward modification of an existing award and may not be applied
1752 to justify a decrease in an existing award.

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1753 (13) If the recurring income is not sufficient to meet the
1754 needs of the child, the court may order child support to be paid
1755 from nonrecurring income or assets.

1756 (14) Every petition for child support or for modification
1757 of child support shall be accompanied by an affidavit which
1758 shows the party's income, allowable deductions, and net income
1759 computed in accordance with this section. The affidavit shall be
1760 served at the same time that the petition is served. The
1761 respondent, whether or not a stipulation is entered, shall make
1762 an affidavit which shows the party's income, allowable
1763 deductions, and net income computed in accordance with this
1764 section. The respondent shall include his or her affidavit with
1765 the answer to the petition or as soon thereafter as is
1766 practicable, but in any case at least 72 hours prior to any
1767 hearing on the finances of either party.

1768 (15) For purposes of establishing an obligation for
1769 support in accordance with this section, if a person who is
1770 receiving public assistance is found to be noncooperative as
1771 defined in s. 409.2572, the IV-D agency is authorized to submit
1772 to the court an affidavit attesting to the income of that ~~the~~
1773 ~~custodial~~ parent based upon information available to the IV-D
1774 agency.

1775 (16) The Legislature shall review the guidelines schedule
1776 established in this section at least every 4 years beginning in
1777 1997.

1778 (17) In an initial determination of child support, whether
1779 in a paternity action, dissolution of marriage action, or
1780 petition for support during the marriage, the court has

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1781 discretion to award child support retroactive to the date when
 1782 the parents did not reside together in the same household with
 1783 the child, not to exceed a period of 24 months preceding the
 1784 filing of the petition, regardless of whether that date precedes
 1785 the filing of the petition. In determining the retroactive award
 1786 in such cases, the court shall consider the following:

1787 (a) The court shall apply the guidelines schedule in
 1788 effect at the time of the hearing subject to the obligor's
 1789 demonstration of his or her actual income, as defined by
 1790 subsection (2), during the retroactive period. Failure of the
 1791 obligor to so demonstrate shall result in the court using the
 1792 obligor's income at the time of the hearing in computing child
 1793 support for the retroactive period.

1794 (b) All actual payments made by a the noncustodial parent
 1795 to the other ~~custodial~~ parent or the child or third parties for
 1796 the benefit of the child throughout the proposed retroactive
 1797 period.

1798 (c) The court should consider an installment payment plan
 1799 for the payment of retroactive child support.

1800 Section 17. Section 61.401, Florida Statutes, is amended
 1801 to read:

1802 61.401 Appointment of guardian ad litem.--In an action for
 1803 dissolution of marriage or for the creation, approval, or
 1804 modification of a parenting plan, ~~parental responsibility,~~
 1805 ~~custody, or visitation,~~ if the court finds it is in the best
 1806 interest of the child, the court may appoint a guardian ad litem
 1807 to act as next friend of the child, investigator or evaluator,
 1808 not as attorney or advocate. The court in its discretion may

1809 also appoint legal counsel for a child to act as attorney or
 1810 advocate; however, the guardian and the legal counsel shall not
 1811 be the same person. In such actions which involve an allegation
 1812 of child abuse, abandonment, or neglect as defined in s. 39.01,
 1813 which allegation is verified and determined by the court to be
 1814 well-founded, the court shall appoint a guardian ad litem for
 1815 the child. The guardian ad litem shall be a party to any
 1816 judicial proceeding from the date of the appointment until the
 1817 date of discharge.

1818 Section 18. Section 61.45, Florida Statutes, is amended to
 1819 read:

1820 61.45 Court-ordered parenting plan ~~Court order of~~
 1821 ~~visitation or custody~~; risk of violation; bond.--

1822 (1) In any ~~a~~ proceeding in which the court enters a
 1823 parenting plan, including a time-sharing schedule ~~an order of~~
 1824 ~~child custody or visitation~~, including in a modification
 1825 proceeding, upon the presentation of competent substantial
 1826 evidence that there is a risk that one party may violate the
 1827 court's parenting plan ~~order of visitation or custody~~ by
 1828 removing a child from this state or country or by concealing the
 1829 whereabouts of a child, or upon stipulation of the parties, the
 1830 court may:

1831 (a) Order that a parent may not remove the child from this
 1832 state without the notarized written permission of both parents
 1833 or further court order;

1834 (b) Order that a parent may not remove the child from this
 1835 country without the notarized written permission of both parents
 1836 or further court order;

1837 (c) Order that a parent may not take the child to a
 1838 country that has not ratified or acceded to the Hague Convention
 1839 on the Civil Aspects of International Child Abduction unless the
 1840 other parent agrees in writing that the child may be taken to
 1841 the country;

1842 (d) Require a parent to surrender the passport of the
 1843 child; or

1844 (e) Require that party to post bond or other security.

1845 (2) If the court enters a parenting plan, including a
 1846 time-sharing schedule ~~an order of child custody or visitation,~~
 1847 including in a modification proceeding, that includes a
 1848 provision entered under paragraph (1)(b) or paragraph (1)(c), a
 1849 certified copy of the order should be sent by the parent who
 1850 requested the restriction to the Passport Services Office of the
 1851 United States Department of State requesting that they not issue
 1852 a passport to the child without their signature or further court
 1853 order.

1854 (3) In assessing the need for a bond or other security,
 1855 the court may consider any reasonable factor bearing upon the
 1856 risk that a party may violate a parenting plan ~~visitation or~~
 1857 ~~custody order~~ by removing a child from this state or country or
 1858 by concealing the whereabouts of a child, including but not
 1859 limited to whether:

1860 (a) A court has previously found that a party previously
 1861 removed a child from Florida or another state in violation of a
 1862 parenting plan ~~custody or visitation order~~, or whether a court
 1863 had found that a party has threatened to take a child out of

1864 Florida or another state in violation of a parenting plan
 1865 ~~eustody or visitation order~~;

1866 (b) The party has strong family and community ties to
 1867 Florida or to other states or countries, including whether the
 1868 party or child is a citizen of another country;

1869 (c) The party has strong financial reasons to remain in
 1870 Florida or to relocate to another state or country;

1871 (d) The party has engaged in activities that suggest plans
 1872 to leave Florida, such as quitting employment; sale of a
 1873 residence or termination of a lease on a residence, without
 1874 efforts to acquire an alternative residence in the state;
 1875 closing bank accounts or otherwise liquidating assets; or
 1876 applying for a passport;

1877 (e) Either party has had a history of domestic violence as
 1878 either a victim or perpetrator, child abuse or child neglect
 1879 evidenced by criminal history, including but not limited to,
 1880 arrest, an injunction for protection against domestic violence
 1881 issued after notice and hearing under s. 741.30, medical
 1882 records, affidavits, or any other relevant information; or

1883 (f) The party has a criminal record.

1884 (4) The court must consider the party's financial
 1885 resources prior to setting the bond amount under this section.
 1886 Under no circumstances may the court set a bond that is
 1887 unreasonable.

1888 (5) Any deficiency of bond or security shall not absolve
 1889 the violating party of responsibility to pay the full amount of
 1890 damages determined by the court.

1891 (6) (a) Upon a material violation of any parenting plan
 1892 ~~custody or visitation order~~ by removing a child from this state
 1893 or this country or by concealing the whereabouts of a child, the
 1894 court may order the bond or other security forfeited in whole or
 1895 in part.

1896 (b) This section, including the requirement to post a bond
 1897 or other security, does not apply to a parent who, in a
 1898 proceeding to order or modify a parenting plan or time-sharing
 1899 schedule, is determined by the court to be ~~child custody or~~
 1900 ~~visitation, the court determines is~~ a victim of an act of
 1901 domestic violence or provides the court with ~~has~~ reasonable
 1902 cause to believe that he or she is about to become the victim of
 1903 an act of domestic violence, as defined in s. 741.28. An
 1904 injunction for protection against domestic violence issued
 1905 pursuant to s. 741.30 for a parent as the petitioner which is in
 1906 effect at the time of the court proceeding shall be one means of
 1907 demonstrating sufficient evidence that the parent is a victim of
 1908 domestic violence or is about to become the victim of an act of
 1909 domestic violence, as defined in s. 741.28, and shall exempt the
 1910 parent from this section, including the requirement to post a
 1911 bond or other security. A parent who is determined by the court
 1912 to be exempt from the requirements of this section must meet the
 1913 requirements of s. 787.03(6) if an offense of interference with
 1914 the parenting plan or time-sharing schedule ~~custody~~ is
 1915 committed.

1916 (7) (a) Upon an order of forfeiture, the proceeds of any
 1917 bond or other security posted pursuant to this subsection may
 1918 only be used to:

1919 1. Reimburse the nonviolating party for actual costs or
 1920 damages incurred in upholding the court's parenting plan ~~order~~
 1921 ~~of custody or visitation.~~

1922 2. Locate and return the child to the residence as set
 1923 forth in the parenting plan ~~visitation or custody order.~~

1924 3. Reimburse reasonable fees and costs as determined by
 1925 the court.

1926 (b) Any remaining proceeds shall be held as further
 1927 security if deemed necessary by the court, and if further
 1928 security is not found to be necessary; applied to any child
 1929 support arrears owed by the parent against whom the bond was
 1930 required, and if no arrears exists; all remaining proceeds will
 1931 be allocated by the court in the best interest of the child.

1932 (8) At any time after the forfeiture of the bond or other
 1933 security, the party who posted the bond or other security, or
 1934 the court on its own motion may request that the party provide
 1935 documentation substantiating that the proceeds received as a
 1936 result of the forfeiture have been used solely in accordance
 1937 with this subsection. Any party using such proceeds for purposes
 1938 not in accordance with this section may be found in contempt of
 1939 court.

1940 Section 19. Subsection (14) of section 409.2554, Florida
 1941 Statutes, is amended to read:

1942 409.2554 Definitions; ss. 409.2551-409.2598.--As used in
 1943 ss. 409.2551-409.2598, the term:

1944 (14) "Unidentifiable collection" means a payment received
 1945 by the department for which a ~~the noncustodial~~ parent, ~~custodial~~

1946 ~~parent~~, depository or circuit civil numbers, or source of the
 1947 payment cannot be identified.

1948 Section 20. Paragraphs (b) and (c) of subsection (2) and
 1949 subsection (4) of section 409.2558, Florida Statutes, are
 1950 amended to read:

1951 409.2558 Support distribution and disbursement.--

1952 (2) UNDISTRIBUTABLE COLLECTIONS.--

1953 (b) Collections that are determined to be undistributable
 1954 shall be processed in the following order of priority:

1955 1. Apply the payment to any assigned arrears on the
 1956 obligee's ~~custodial parent's~~ case; then

1957 2. Apply the payment to any administrative costs ordered
 1958 by the court pursuant to s. 409.2567 associated with the
 1959 obligee's ~~custodial parent's~~ case; then

1960 3. When the obligor ~~noncustodial parent~~ is subject to a
 1961 valid order to support another child in a case with a different
 1962 obligee ~~custodial parent~~ and the obligation is being enforced by
 1963 the department, the department shall send by certified mail,
 1964 restricted delivery, return receipt requested, to the obligor
 1965 ~~noncustodial parent~~ at the most recent address provided by the
 1966 obligor ~~noncustodial parent~~ to the tribunal that issued the
 1967 order, a notice stating the department's intention to apply the
 1968 payment pursuant to this subparagraph, and advising the obligor
 1969 ~~noncustodial parent~~ of the right to contest the department's
 1970 proposed action in the circuit court by filing and serving a
 1971 petition on the department within 30 days after the mailing of
 1972 the notice. If the obligor ~~noncustodial parent~~ does not file and
 1973 serve a petition within the 30 days after mailing of the notice,

1974 or upon a disposition of the judicial action favorable to the
 1975 department, the department shall apply the payment toward his or
 1976 her other support obligation. If there is more than one such
 1977 other case, the department shall allocate the remaining
 1978 undistributable amount as specified by s. 61.1301(4)(c); then

1979 4. Return the payment to the obligor ~~noncustodial parent~~;
 1980 then

1981 5. If the obligor ~~noncustodial parent~~ cannot be located
 1982 after diligent efforts by the department, the federal share of
 1983 the payment shall be credited to the Federal Government and the
 1984 state share shall be transferred to the General Revenue Fund.

1985 (c) Refunds to obligors ~~noncustodial parents~~ that are
 1986 determined to be undistributable shall be processed in the
 1987 following manner:

1988 1. The federal share of the refund shall be sent to the
 1989 Federal Government.

1990 2. The state share shall be credited to the General
 1991 Revenue Fund.

1992 (4) RECLAIMING COLLECTIONS DECLARED TO BE UNDISTRIBUTABLE
 1993 OR UNIDENTIFIABLE.--At such time as an undistributable or
 1994 unidentifiable collection that has been transferred to the
 1995 Federal Government and to the General Revenue Fund in the
 1996 relevant method above becomes distributable or identified,
 1997 meaning either the obligor ~~noncustodial parent~~ or the obligee
 1998 ~~custodial parent~~ is identified or located, the department shall
 1999 retrieve the transferred moneys in the following manner:

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2000 (a) Offset the next credit to the Federal Government in an
 2001 amount equal to the share of the collection which had been
 2002 transferred; and

2003 (b) Offset the next transfer to the General Revenue Fund
 2004 in an amount equal to the state share of the collection which
 2005 had been transferred to the General Revenue Fund.

2006

2007 The collection shall then be processed, as appropriate.

2008 Section 21. Paragraph (a) of subsection (1), paragraphs
 2009 (b), (c), (d), and (f) of subsection (2), subsection (4),
 2010 paragraphs (a) and (c) of subsection (5), subsection (6),
 2011 paragraphs (b), (c), (d), and (e) of subsection (7), paragraphs
 2012 (a) and (b) of subsection (10), and subsections (13) and (17) of
 2013 section 409.2563, Florida Statutes, are amended to read:

2014 409.2563 Administrative establishment of child support
 2015 obligations.--

2016 (1) DEFINITIONS.--As used in this section, the term:

2017 (a) "Administrative support order" means a final order
 2018 rendered by or on behalf of the department pursuant to this
 2019 section establishing or modifying the obligation of a
 2020 ~~noncustodial~~ parent to contribute to the support and maintenance
 2021 of his or her child or children, which may include provisions
 2022 for monetary support, retroactive support, health care, and
 2023 other elements of support pursuant to chapter 61.

2024 (2) PURPOSE AND SCOPE.--

2025 (b) The administrative procedure set forth in this section
 2026 concerns only the establishment of child support obligations.
 2027 This section does not grant jurisdiction to the department or

2028 | the Division of Administrative Hearings to hear or determine
 2029 | issues of dissolution of marriage, separation, alimony or
 2030 | spousal support, termination of parental rights, dependency,
 2031 | disputed paternity, except for a determination of paternity as
 2032 | provided in s. 409.256, award of or change of time-sharing
 2033 | ~~custody, or visitation~~. This paragraph notwithstanding, the
 2034 | department and the Division of Administrative Hearings may make
 2035 | findings of fact that are necessary for a proper determination
 2036 | of a ~~noncustodial~~ parent's support obligation as authorized by
 2037 | this section.

2038 | (c) If there is no support order for a child in a Title
 2039 | IV-D case whose paternity has been established or is presumed by
 2040 | law, or whose paternity is the subject of a proceeding under s.
 2041 | 409.256, the department may establish a ~~the noncustodial~~
 2042 | parent's child support obligation pursuant to this section, s.
 2043 | 61.30, and other relevant provisions of state law. The
 2044 | ~~noncustodial~~ parent's obligation determined by the department
 2045 | may include any obligation to pay retroactive support and any
 2046 | obligation to provide for health care for a child, whether
 2047 | through insurance coverage, reimbursement of expenses, or both.
 2048 | The department may proceed on behalf of:

- 2049 | 1. An applicant or recipient of public assistance, as
- 2050 | provided by ss. 409.2561 and 409.2567;
- 2051 | 2. A former recipient of public assistance, as provided by
- 2052 | s. 409.2569;
- 2053 | 3. An individual who has applied for services as provided
- 2054 | by s. 409.2567;
- 2055 | 4. Itself or the child, as provided by s. 409.2561; or

2056 5. A state or local government of another state, as
 2057 provided by chapter 88.

2058 (d) Either parent, or a caretaker relative if applicable,
 2059 may at any time file a civil action in a circuit court having
 2060 jurisdiction and proper venue to determine parental ~~the~~
 2061 ~~noncustodial parent's child~~ support obligations, if any. A
 2062 support order issued by a circuit court prospectively supersedes
 2063 an administrative support order rendered by the department.

2064 (f) The department shall terminate the administrative
 2065 proceeding and file an action in circuit court to determine
 2066 support if within 20 days after receipt of the initial notice
 2067 the ~~noncustodial~~ parent from whom support is being sought
 2068 requests in writing that the department proceed in circuit court
 2069 or states in writing his or her ~~the noncustodial parent's~~
 2070 intention to address issues concerning time-sharing ~~custody~~ or
 2071 rights to parental contact in court and if within 10 days after
 2072 receipt of the department's petition and waiver of service the
 2073 ~~noncustodial~~ parent from whom support is being sought signs and
 2074 returns the waiver of service form to the department.

2075 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE
 2076 SUPPORT ORDER.--To commence a proceeding under this section, the
 2077 department shall provide to the ~~custodial~~ parent from whom
 2078 support is not being sought and serve the ~~noncustodial~~ parent
 2079 from whom support is being sought with a notice of proceeding to
 2080 establish administrative support order and a blank financial
 2081 affidavit form. The notice must state:

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2082 (a) The names of both parents, the name of the caretaker
2083 relative, if any, and the name and date of birth of the child or
2084 children;

2085 (b) That the department intends to establish an
2086 administrative support order as defined in this section;

2087 (c) That both parents must submit a completed financial
2088 affidavit to the department within 20 days after receiving the
2089 notice, as provided by paragraph (13) (a);

2090 (d) That both parents, or parent and caretaker relative if
2091 applicable, are required to furnish to the department
2092 information regarding their identities and locations, as
2093 provided by paragraph (13) (b);

2094 (e) That both parents, or parent and caretaker relative if
2095 applicable, are required to promptly notify the department of
2096 any change in their mailing addresses to ensure receipt of all
2097 subsequent pleadings, notices, and orders, as provided by
2098 paragraph (13) (c);

2099 (f) That the department will calculate support obligations
2100 based on the child support guidelines schedule in s. 61.30 and
2101 using all available information, as provided by paragraph
2102 (5) (a), and will incorporate such obligations into a proposed
2103 administrative support order;

2104 (g) That the department will send by regular mail to both
2105 parents, or parent and caretaker relative if applicable, a copy
2106 of the proposed administrative support order, the department's
2107 child support worksheet, and any financial affidavits submitted
2108 by a parent or prepared by the department;

2109 (h) That the ~~noncustodial~~ parent from whom support is
 2110 being sought may file a request for a hearing in writing within
 2111 20 days after the date of mailing or other service of the
 2112 proposed administrative support order or will be deemed to have
 2113 waived the right to request a hearing;

2114 (i) That if the ~~noncustodial~~ parent from whom support is
 2115 being sought does not file a timely request for hearing after
 2116 service of the proposed administrative support order, the
 2117 department will issue an administrative support order that
 2118 incorporates the findings of the proposed administrative support
 2119 order, and will send by regular mail a copy of the
 2120 administrative support order to both parents, or parent and
 2121 caretaker relative if applicable;

2122 (j) That after an administrative support order is
 2123 rendered, the department will file a copy of the order with the
 2124 clerk of the circuit court;

2125 (k) That after an administrative support order is
 2126 rendered, the department may enforce the administrative support
 2127 order by any lawful means;

2128 (l) That either parent, or caretaker relative if
 2129 applicable, may file at any time a civil action in a circuit
 2130 court having jurisdiction and proper venue to determine the
 2131 parental ~~noncustodial parent's child~~ support obligations, if
 2132 any, and that a support order issued by a circuit court
 2133 supersedes an administrative support order rendered by the
 2134 department;

2135 (m) That, neither the department nor the Division of
 2136 Administrative Hearings has jurisdiction to award or change

2137 child custody or rights of parental contact or time-sharing and
 2138 these issues may only be addressed in circuit court.

2139 1. The parent from whom support is being sought
 2140 ~~noncustodial parent~~ may request in writing that the department
 2141 proceed in circuit court to determine his or her support
 2142 obligations.

2143 2. The parent from whom support is being sought
 2144 ~~noncustodial parent~~ may state in writing to the department his
 2145 or her intention to address issues concerning custody or rights
 2146 to parental contact in circuit court.

2147 3. If the parent from whom support is being sought
 2148 ~~noncustodial parent~~ submits the request authorized in
 2149 subparagraph 1., or the statement authorized in subparagraph 2.
 2150 to the department within 20 days after the receipt of the
 2151 initial notice, the department shall file a petition in circuit
 2152 court for the determination of the ~~noncustodial~~ parent's child
 2153 support obligations, and shall send to the parent from whom
 2154 support is being sought ~~noncustodial parent~~ a copy of its
 2155 petition, a notice of commencement of action, and a request for
 2156 waiver of service of process as provided in the Florida Rules of
 2157 Civil Procedure.

2158 4. If, within 10 days after receipt of the department's
 2159 petition and waiver of service, the parent from whom support is
 2160 being sought ~~noncustodial parent~~ signs and returns the waiver of
 2161 service form to the department, the department shall terminate
 2162 the administrative proceeding without prejudice and proceed in
 2163 circuit court.

2164 5. In any circuit court action filed by the department
 2165 pursuant to this paragraph or filed by a ~~noncustodial~~ parent or
 2166 other person pursuant to paragraph (l) or paragraph (n), the
 2167 department shall be a party only with respect to those issues of
 2168 support allowed and reimbursable under Title IV-D of the Social
 2169 Security Act. It is the responsibility of the ~~noncustodial~~
 2170 parent or other person to take the necessary steps to present
 2171 other issues for the court to consider.

2172 (n) That if the parent from whom support is being sought
 2173 ~~noncustodial parent~~ files an action in circuit court and serves
 2174 the department with a copy of the petition within 20 days after
 2175 being served notice under this subsection, the administrative
 2176 process ends without prejudice and the action must proceed in
 2177 circuit court;

2178 (o) Information provided by the Office of State Courts
 2179 Administrator concerning the availability and location of self-
 2180 help programs for those who wish to file an action in circuit
 2181 court but who cannot afford an attorney.

2182
 2183 The department may serve the notice of proceeding to establish
 2184 administrative support order by certified mail, restricted
 2185 delivery, return receipt requested. Alternatively, the
 2186 department may serve the notice by any means permitted for
 2187 service of process in a civil action. For purposes of this
 2188 section, an authorized employee of the department may serve the
 2189 notice and execute an affidavit of service. Service by certified
 2190 mail is completed when the certified mail is received or refused
 2191 by the addressee or by an authorized agent as designated by the

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2192 addressee in writing. If a person other than the addressee signs
 2193 the return receipt, the department shall attempt to reach the
 2194 addressee by telephone to confirm whether the notice was
 2195 received, and the department shall document any telephonic
 2196 communications. If someone other than the addressee signs the
 2197 return receipt, the addressee does not respond to the notice,
 2198 and the department is unable to confirm that the addressee has
 2199 received the notice, service is not completed and the department
 2200 shall attempt to have the addressee served personally. The
 2201 department shall provide the ~~custodial~~ parent from whom support
 2202 is not being sought or caretaker relative with a copy of the
 2203 notice by regular mail to the last known address of the
 2204 ~~custodial~~ parent from whom support is not being sought or
 2205 caretaker.

2206 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.--

2207 (a) After serving notice upon a ~~the noncustodial~~ parent in
 2208 accordance with subsection (4), the department shall calculate
 2209 that ~~the noncustodial~~ parent's child support obligation under
 2210 the child support guidelines schedule as provided by s. 61.30,
 2211 based on any timely financial affidavits received and other
 2212 information available to the department. If either parent fails
 2213 to comply with the requirement to furnish a financial affidavit,
 2214 the department may proceed on the basis of information available
 2215 from any source, if such information is sufficiently reliable
 2216 and detailed to allow calculation of guideline schedule amounts
 2217 under s. 61.30. If a ~~the custodial~~ parent receives public
 2218 assistance and fails to submit a financial affidavit, the
 2219 department may submit a financial affidavit for that ~~the~~

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2220 ~~custodial~~ parent pursuant to s. 61.30(15). If there is a lack of
 2221 sufficient reliable information concerning a parent's actual
 2222 earnings for a current or past period, it shall be presumed for
 2223 the purpose of establishing a support obligation that the parent
 2224 had an earning capacity equal to the federal minimum wage during
 2225 the applicable period.

2226 (c) The department shall provide a notice of rights with
 2227 the proposed administrative support order, which notice must
 2228 inform the parent from whom support is being sought ~~noncustodial~~
 2229 ~~parent~~ that:

2230 1. The ~~noncustodial~~ parent from whom support is being
 2231 sought may, within 20 days after the date of mailing or other
 2232 service of the proposed administrative support order, request a
 2233 hearing by filing a written request for hearing in a form and
 2234 manner specified by the department;

2235 2. If the ~~noncustodial~~ parent from whom support is being
 2236 sought files a timely request for a hearing, the case shall be
 2237 transferred to the Division of Administrative Hearings, which
 2238 shall conduct further proceedings and may enter an
 2239 administrative support order;

2240 3. A ~~noncustodial~~ parent from whom support is being sought
 2241 who fails to file a timely request for a hearing shall be deemed
 2242 to have waived the right to a hearing, and the department may
 2243 render an administrative support order pursuant to paragraph
 2244 (7) (b);

2245 4. The ~~noncustodial~~ parent from whom support is being
 2246 sought may consent in writing to entry of an administrative
 2247 support order without a hearing;

2248 5. The ~~noncustodial~~ parent from whom support is being
 2249 sought may, within 10 days after the date of mailing or other
 2250 service of the proposed administrative support order, contact a
 2251 department representative, at the address or telephone number
 2252 specified in the notice, to informally discuss the proposed
 2253 administrative support order and, if informal discussions are
 2254 requested timely, the time for requesting a hearing will be
 2255 extended until 10 days after the department notifies the
 2256 ~~noncustodial~~ parent that the informal discussions have been
 2257 concluded; and

2258 6. If an administrative support order that establishes a
 2259 ~~noncustodial~~ parent's support obligation is rendered, whether
 2260 after a hearing or without a hearing, the department may enforce
 2261 the administrative support order by any lawful means.

2262 (6) HEARING.--If the ~~noncustodial~~ parent from whom support
 2263 is being sought files a timely request for hearing, the
 2264 department shall refer the hearing request to the Division of
 2265 Administrative Hearings. Unless otherwise provided by this
 2266 section, chapter 120 and the Uniform Rules of Procedure shall
 2267 govern the conduct of the proceedings. The administrative law
 2268 judge shall consider all available and admissible information
 2269 and any presumptions that apply as provided by paragraph (5) (a).

2270 (7) ADMINISTRATIVE SUPPORT ORDER.--

2271 (b) If the ~~noncustodial~~ parent from whom support is being
 2272 sought does not file a timely request for a hearing, the
 2273 ~~noncustodial~~ parent will be deemed to have waived the right to
 2274 request a hearing.

2275 (c) If the ~~noncustodial~~ parent from whom support is being
 2276 sought waives the right to a hearing, or consents in writing to
 2277 the entry of an order without a hearing, the department may
 2278 render an administrative support order.

2279 (d) The department shall send by regular mail a copy of
 2280 the administrative support order, or the final order denying an
 2281 administrative support order, to both parents, or a parent and
 2282 caretaker relative if applicable. The ~~noncustodial~~ parent from
 2283 whom support is being sought shall be notified of the right to
 2284 seek judicial review of the administrative support order in
 2285 accordance with s. 120.68.

2286 (e) An administrative support order must comply with s.
 2287 61.30. The department shall develop a standard form or forms for
 2288 administrative support orders. An administrative support order
 2289 must provide and state findings, if applicable, concerning:

- 2290 1. The full name and date of birth of the child or
 2291 children;
- 2292 2. The name of the ~~noncustodial~~ parent from whom support
 2293 is being sought and the other ~~custodial~~ parent or caretaker
 2294 relative;
- 2295 3. The ~~noncustodial~~ parent's duty and ability to provide
 2296 support;
- 2297 4. The amount of the ~~noncustodial~~ parent's monthly support
 2298 obligation;
- 2299 5. Any obligation to pay retroactive support;
- 2300 6. The ~~noncustodial~~ parent's obligation to provide for the
 2301 health care needs of each child, whether through insurance
 2302 coverage, contribution towards the cost of insurance coverage,

2303 payment or reimbursement of health care expenses for the child,
 2304 or any combination thereof;

2305 7. The beginning date of any required monthly payments and
 2306 health care coverage;

2307 8. That all support payments ordered must be paid to the
 2308 Florida State Disbursement Unit as provided by s. 61.1824;

2309 9. That the parents, or caretaker relative if applicable,
 2310 must file with the department when the administrative support
 2311 order is rendered, if they have not already done so, and update
 2312 as appropriate the information required pursuant to paragraph
 2313 (13) (b);

2314 10. That both parents, or parent and caretaker relative if
 2315 applicable, are required to promptly notify the department of
 2316 any change in their mailing addresses pursuant to paragraph
 2317 (13) (c); and

2318 11. That if the ~~noncustodial~~ parent ordered to pay support
 2319 receives unemployment compensation benefits, the payor shall
 2320 withhold, and transmit to the department, 40 percent of the
 2321 benefits for payment of support, not to exceed the amount owed.

2322
 2323 An income deduction order as provided by s. 61.1301 must be
 2324 incorporated into the administrative support order or, if not
 2325 incorporated into the administrative support order, the
 2326 department or the Division of Administrative Hearings shall
 2327 render a separate income deduction order.

2328 (10) JUDICIAL REVIEW, ENFORCEMENT, OR COURT ORDER
 2329 SUPERSEDING ADMINISTRATIVE SUPPORT ORDER.--

2330 (a) The obligor ~~A noncustodial~~ parent has the right to
 2331 seek judicial review of an administrative support order or a
 2332 final order denying an administrative support order in
 2333 accordance with s. 120.68. The department has the right to seek
 2334 judicial review, in accordance with s. 120.68, of an
 2335 administrative support order or a final order denying an
 2336 administrative support order entered by an administrative law
 2337 judge of the Division of Administrative Hearings.

2338 (b) An administrative support order rendered under this
 2339 section has the same force and effect as a court order and may
 2340 be enforced by any circuit court in the same manner as a support
 2341 order issued by the court, except for contempt. If the circuit
 2342 court issues its own order enforcing the administrative support
 2343 order, the circuit court may enforce its own order by contempt.
 2344 The presumption of ability to pay and purge contempt established
 2345 in s. 61.14(5)(a) applies to an administrative support order
 2346 that includes a finding of present ability to pay. Enforcement
 2347 by the court, without any change by the court in the support
 2348 obligations established in the administrative support order,
 2349 does not supersede the administrative support order or affect
 2350 the department's authority to modify the administrative support
 2351 order as provided by subsection (12). An order by the court that
 2352 requires a ~~the noncustodial~~ parent to make periodic payments on
 2353 arrearages does not constitute a change in the support
 2354 obligations established in the administrative support order and
 2355 does not supersede the administrative order.

2356 (13) REQUIRED DISCLOSURES; PRESUMPTIONS; NOTICE SENT TO
 2357 ADDRESS OF RECORD.--In all proceedings pursuant to this section:

2358 (a) Each ~~The noncustodial parent and custodial parent~~ must
 2359 execute and furnish to the department, no later than 20 days
 2360 after receipt of the notice of proceeding to establish
 2361 administrative support order, a financial affidavit in the form
 2362 prescribed by the department. An updated financial affidavit
 2363 must be executed and furnished to the department at the
 2364 inception of each proceeding to modify an administrative support
 2365 order. Caretaker relatives are not required to furnish financial
 2366 affidavits.

2367 (b) Each ~~The noncustodial parent, custodial parent,~~ and
 2368 caretaker relative if applicable, shall disclose to the
 2369 department, no later than 20 days after receipt of the notice of
 2370 proceeding to establish administrative support order, and update
 2371 as appropriate, information regarding his or her ~~their~~ identity
 2372 and location, including names he or she is ~~they are~~ known by;
 2373 social security number ~~numbers~~; residential and mailing
 2374 addresses; telephone numbers; driver's license numbers; and
 2375 names, addresses, and telephone numbers of employers. Pursuant
 2376 to the federal Personal Responsibility and Work Opportunity
 2377 Reconciliation Act of 1996, each person must provide his or her
 2378 social security number in accordance with this section.
 2379 Disclosure of social security numbers obtained through this
 2380 requirement shall be limited to the purpose of administration of
 2381 the Title IV-D program for child support enforcement.

2382 (c) Each ~~The noncustodial parent, custodial parent,~~ and
 2383 caretaker relative, if applicable, have a continuing obligation
 2384 to promptly inform the department in writing of any change in
 2385 his or her ~~their~~ mailing address ~~addresses~~ to ensure receipt of

2386 all subsequent pleadings, notices, payments, statements, and
 2387 orders, and receipt is presumed if sent by regular mail to the
 2388 most recent address furnished by the person.

2389 ~~(17) EVALUATION. The Office of Program Policy Analysis~~
 2390 ~~and Government Accountability shall conduct an evaluation of the~~
 2391 ~~statewide implementation of the administrative process for~~
 2392 ~~establishing child support provided for in this section. This~~
 2393 ~~evaluation shall examine whether these processes have been~~
 2394 ~~effectively implemented and administered statewide and are~~
 2395 ~~operating to the benefit of the children, including, but not~~
 2396 ~~limited to the ability of Title IV-D parents to easily access~~
 2397 ~~the court system for necessary court action. The Office of~~
 2398 ~~Program Policy Analysis and Government Accountability shall~~
 2399 ~~submit an evaluation report on the statewide implementation of~~
 2400 ~~the administrative processes for establishing child support by~~
 2401 ~~June 30, 2006.~~

2402 Section 22. Subsections (1), (4), and (11) of section
 2403 409.2564, Florida Statutes, are amended to read:

2404 409.2564 Actions for support.--

2405 (1) In each case in which regular support payments are not
 2406 being made as provided herein, the department shall institute,
 2407 within 30 days after determination of the obligor's reasonable
 2408 ability to pay, action as is necessary to secure the obligor's
 2409 payment of current support and any arrearage which may have
 2410 accrued under an existing order of support. The department shall
 2411 notify the program attorney in the judicial circuit in which the
 2412 recipient resides setting forth the facts in the case, including
 2413 the obligor's address, if known, and the public assistance case

2414 number. Whenever applicable, the procedures established under
 2415 the provisions of chapter 88, Uniform Interstate Family Support
 2416 Act, chapter 61, Dissolution of Marriage; Support; Time-sharing
 2417 ~~Custody~~, chapter 39, Proceedings Relating to Children, chapter
 2418 984, Children and Families in Need of Services, and chapter 985,
 2419 Delinquency; Interstate Compact on Juveniles, may govern actions
 2420 instituted under the provisions of this act, except that actions
 2421 for support under chapter 39, chapter 984, or chapter 985
 2422 brought pursuant to this act shall not require any additional
 2423 investigation or supervision by the department.

2424 (4) Whenever the Department of Revenue has undertaken an
 2425 action for enforcement of support, the Department of Revenue may
 2426 enter into an agreement with the obligor for the entry of a
 2427 judgment determining paternity, if applicable, and for periodic
 2428 child support payments based on the child support guidelines
 2429 schedule in s. 61.30. Prior to entering into this agreement, the
 2430 obligor shall be informed that a judgment will be entered based
 2431 on the agreement. The clerk of the court shall file the
 2432 agreement without the payment of any fees or charges, and the
 2433 court, upon entry of the judgment, shall forward a copy of the
 2434 judgment to the parties to the action. To encourage out-of-court
 2435 settlement and promote support order compliance, if the obligor
 2436 and the Department of Revenue agree on entry of a support order
 2437 and its terms, the guideline amount owed for retroactive support
 2438 that is permanently assigned to the state shall be reduced by 25
 2439 percent.

2440 (11) The Title IV-D agency shall review child support
 2441 orders in IV-D cases at least every 3 years upon request by

2442 either party, or the agency in cases where there is an
 2443 assignment of support to the state under s. 414.095(7), and may
 2444 seek adjustment of the order if appropriate under the guidelines
 2445 schedule established in s. 61.30. Not less than once every 3
 2446 years the IV-D agency shall provide notice to the parties
 2447 subject to the order informing them of their right to request a
 2448 review and, if appropriate, an adjustment of the child support
 2449 order. Said notice requirement may be met by including
 2450 appropriate language in the initial support order or any
 2451 subsequent orders.

2452 Section 23. Paragraph (a) of subsection (2) of section
 2453 409.25657, Florida Statutes, is amended to read:

2454 409.25657 Requirements for financial institutions.--

2455 (2) The department shall develop procedures to enter into
 2456 agreements with financial institutions doing business in the
 2457 state, in coordination with such financial institutions and with
 2458 the Federal Parent Locator Service in the case of financial
 2459 institutions doing business in two or more states, to develop
 2460 and operate a data match system, using automated data exchanges
 2461 to the maximum extent feasible, in which each financial
 2462 institution is required to provide for each calendar quarter the
 2463 name, record address, social security number or other taxpayer
 2464 identification number, average daily account balance, and other
 2465 identifying information for:

2466 (a) Each ~~noncustodial~~ parent who maintains an account at
 2467 such institution and who owes past due support, as identified by
 2468 the department by name and social security number or other
 2469 taxpayer identification number; or

2470 Section 24. Subsections (2) and (5) of section 409.25659,
 2471 Florida Statutes, are amended to read:

2472 409.25659 Insurance claim data exchange.--

2473 (2) The department shall develop and operate a data match
 2474 system after consultation with one or more insurers, using
 2475 automated data exchanges to the maximum extent feasible, in
 2476 which an insurer may voluntarily provide the department monthly
 2477 with the name, address, and, if known, date of birth and social
 2478 security number or other taxpayer identification number for each
 2479 ~~noneustodial~~ parent who has a claim with the insurer and who
 2480 owes past due support, and the claim number maintained by the
 2481 insurer for each claim. An insurer may provide such data by:

2482 (a) Authorizing an insurance claim data collection
 2483 organization, to which the insurer subscribes and to which the
 2484 insurer submits the required claim data on at least a monthly
 2485 basis, to:

2486 1. Receive or access a data file from the department and
 2487 conduct a data match of all ~~noneustodial~~ parents who have a
 2488 claim with the insurer and who owe past due support and submit
 2489 the required data for each such ~~noneustodial~~ parent to the
 2490 department; or

2491 2. Submit a data file to the department which contains the
 2492 required data for each claim being maintained by the insurer for
 2493 the department to conduct a data match;

2494 (b) Providing the required data for each claim being
 2495 maintained by the insurer directly to the department in an
 2496 electronic medium; or

2497 (c) Receiving or accessing a data file from the department
 2498 and conducting a data match of all ~~nonecustodial~~ parents who have
 2499 a claim with the insurer and who owe past due support and
 2500 submitting the required data for each such ~~nonecustodial~~ parent
 2501 to the department.

2502 (5) The department and insurers may only use the data
 2503 obtained pursuant to subsection (2) for the purpose of
 2504 identifying ~~nonecustodial~~ parents who owe past due support. If
 2505 the department does not match such data with a ~~nonecustodial~~
 2506 parent who owes past due support, such data shall be destroyed
 2507 immediately and shall not be maintained by the department.

2508 Section 25. Section 409.2577, Florida Statutes, is amended
 2509 to read:

2510 409.2577 Parent locator service.--The department shall
 2511 establish a parent locator service to assist in locating parents
 2512 who have deserted their children and other persons liable for
 2513 support of dependent children. The department shall use all
 2514 sources of information available, including the Federal Parent
 2515 Locator Service, and may request and shall receive information
 2516 from the records of any person or the state or any of its
 2517 political subdivisions or any officer thereof. Any agency as
 2518 defined in s. 120.52, any political subdivision, and any other
 2519 person shall, upon request, provide the department any
 2520 information relating to location, salary, insurance, social
 2521 security, income tax, and employment history necessary to locate
 2522 parents who owe or potentially owe a duty of support pursuant to
 2523 Title IV-D of the Social Security Act. This provision shall
 2524 expressly take precedence over any other statutory nondisclosure

2525 provision which limits the ability of an agency to disclose such
 2526 information, except that law enforcement information as provided
 2527 in s. 119.071(4)(d) is not required to be disclosed, and except
 2528 that confidential taxpayer information possessed by the
 2529 Department of Revenue shall be disclosed only to the extent
 2530 authorized in s. 213.053(16). Nothing in this section requires
 2531 the disclosure of information if such disclosure is prohibited
 2532 by federal law. Information gathered or used by the parent
 2533 locator service is confidential and exempt from the provisions
 2534 of s. 119.07(1). Additionally, the department is authorized to
 2535 collect any additional information directly bearing on the
 2536 identity and whereabouts of a person owing or asserted to be
 2537 owing an obligation of support for a dependent child. The
 2538 department shall, upon request, make information available only
 2539 to public officials and agencies of this state; political
 2540 subdivisions of this state, including any agency thereof
 2541 providing child support enforcement services to non-Title IV-D
 2542 clients; the ~~custodial~~ parent owed support, legal guardian,
 2543 attorney, or agent of the child; and other states seeking to
 2544 locate parents who have deserted their children and other
 2545 persons liable for support of dependents, for the sole purpose
 2546 of establishing, modifying, or enforcing their liability for
 2547 support, and shall make such information available to the
 2548 Department of Children and Family Services for the purpose of
 2549 diligent search activities pursuant to chapter 39. If the
 2550 department has reasonable evidence of domestic violence or child
 2551 abuse and the disclosure of information could be harmful to the
 2552 ~~custodial~~ parent owed support or the child of such parent, the

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2553 child support program director or designee shall notify the
 2554 Department of Children and Family Services and the Secretary of
 2555 the United States Department of Health and Human Services of
 2556 this evidence. Such evidence is sufficient grounds for the
 2557 department to disapprove an application for location services.

2558 Section 26. Paragraph (e) of subsection (1) of section
 2559 409.2579, Florida Statutes, is amended to read:

2560 409.2579 Safeguarding Title IV-D case file information.--

2561 (1) Information concerning applicants for or recipients of
 2562 Title IV-D child support services is confidential and exempt
 2563 from the provisions of s. 119.07(1). The use or disclosure of
 2564 such information by the IV-D program is limited to purposes
 2565 directly connected with:

2566 (e) Mandatory disclosure of identifying and location
 2567 information as provided in s. 61.13(7)~~(8)~~ by the IV-D program
 2568 when providing Title IV-D services.

2569 Section 27. Subsection (11) of section 409.811, Florida
 2570 Statutes, is amended to read:

2571 409.811 Definitions relating to Florida Kidcare Act.--As
 2572 used in ss. 409.810-409.820, the term:

2573 (11) "Family" means the group or the individuals whose
 2574 income is considered in determining eligibility for the Florida
 2575 Kidcare program. The family includes a child with a ~~custodial~~
 2576 parent or caretaker relative who resides in the same house or
 2577 living unit or, in the case of a child whose disability of
 2578 nonage has been removed under chapter 743, the child. The family
 2579 may also include other individuals whose income and resources

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2580 are considered in whole or in part in determining eligibility of
 2581 the child.

2582 Section 28. Subsection (5) of section 414.0252, Florida
 2583 Statutes, is amended to read:

2584 414.0252 Definitions.--As used in ss. 414.025-414.55, the
 2585 term:

2586 (5) "Family" means the assistance group or the individuals
 2587 whose needs, resources, and income are considered when
 2588 determining eligibility for temporary assistance. The family for
 2589 purposes of temporary assistance includes the minor child, a
 2590 ~~custodial~~ parent, or caretaker relative who resides in the same
 2591 house or living unit. The family may also include individuals
 2592 whose income and resources are considered in whole or in part in
 2593 determining eligibility for temporary assistance but whose
 2594 needs, due to federal or state restrictions, are not considered.
 2595 These individuals include, but are not limited to, ineligible
 2596 noncitizens or sanctioned individuals.

2597 Section 29. Paragraph (a) of subsection (4) and subsection
 2598 (5) of section 414.065, Florida Statutes, are amended to read:

2599 414.065 Noncompliance with work requirements.--

2600 (4) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.--Unless
 2601 otherwise provided, the situations listed in this subsection
 2602 shall constitute exceptions to the penalties for noncompliance
 2603 with participation requirements, except that these situations do
 2604 not constitute exceptions to the applicable time limit for
 2605 receipt of temporary cash assistance:

2606 (a) Noncompliance related to child care.--Temporary cash
 2607 assistance may not be terminated for refusal to participate in

2608 work activities if the individual is a single ~~custodial~~ parent
 2609 caring for a child who has not attained 6 years of age, and the
 2610 adult proves to the regional workforce board an inability to
 2611 obtain needed child care for one or more of the following
 2612 reasons, as defined in the Child Care and Development Fund State
 2613 Plan required by 45 C.F.R. part 98:

2614 1. Unavailability of appropriate child care within a
 2615 reasonable distance from the individual's home or worksite.

2616 2. Unavailability or unsuitability of informal child care
 2617 by a relative or under other arrangements.

2618 3. Unavailability of appropriate and affordable formal
 2619 child care arrangements.

2620 (5) WORK ACTIVITY REQUIREMENTS FOR ~~NONCUSTODIAL~~ PARENTS.--

2621 (a) The court may order a ~~noncustodial~~ parent who is
 2622 delinquent in support payments, pursuant to the terms of a
 2623 support order, to participate in work activities under this
 2624 chapter, or as provided in s. 61.14(5)(b), so that the parent
 2625 may obtain employment and fulfill the obligation to provide
 2626 support payments. A ~~noncustodial~~ parent who fails to
 2627 satisfactorily engage in court-ordered work activities may be
 2628 held in contempt.

2629 (b) The court may order a ~~noncustodial~~ parent to
 2630 participate in work activities under this chapter if the child
 2631 of the ~~noncustodial~~ parent has been placed with a relative, in
 2632 an emergency shelter, in foster care, or in other substitute
 2633 care, and:

2634 1. The case plan requires the ~~noncustodial~~ parent to
 2635 participate in work activities; or

2636 2. The ~~noncustodial~~ parent would be eligible to
 2637 participate in work activities and subject to work activity
 2638 requirements if the child were living with the parent.

2639
 2640 If a ~~noncustodial~~ parent fails to comply with the case plan, the
 2641 ~~noncustodial~~ parent may be removed from program participation.

2642 Section 30. Paragraph (c) of subsection (1) of section
 2643 414.085, Florida Statutes, is amended to read:

2644 414.085 Income eligibility standards.--

2645 (1) For purposes of program simplification and effective
 2646 program management, certain income definitions, as outlined in
 2647 the food stamp regulations at 7 C.F.R. s. 273.9, shall be
 2648 applied to the temporary cash assistance program as determined
 2649 by the department to be consistent with federal law regarding
 2650 temporary cash assistance and Medicaid for needy families,
 2651 except as to the following:

2652 (c) The first \$50 of child support paid to a ~~custodial~~
 2653 parent receiving temporary cash assistance may not be
 2654 disregarded in calculating the amount of temporary cash
 2655 assistance for the family, unless such exclusion is required by
 2656 federal law.

2657 Section 31. Subsection (2) and paragraph (a) of subsection
 2658 (6) of section 414.095, Florida Statutes, are amended to read:

2659 414.095 Determining eligibility for temporary cash
 2660 assistance.--

2661 (2) ADDITIONAL ELIGIBILITY REQUIREMENTS.--

2662 (a) To be eligible for services or temporary cash
 2663 assistance and Medicaid:

2664 1. An applicant must be a United States citizen, or a
 2665 qualified noncitizen, as defined in this section.

2666 2. An applicant must be a legal resident of the state.

2667 3. Each member of a family must provide to the department
 2668 the member's social security number or shall provide proof of
 2669 application for a social security number. An individual who
 2670 fails to provide a social security number, or proof of
 2671 application for a social security number, is not eligible to
 2672 participate in the program.

2673 4. A minor child must reside with a ~~custodial~~ parent or
 2674 parents, with a relative caretaker who is within the specified
 2675 degree of blood relationship as defined by 45 C.F.R. part 233,
 2676 or, if the minor is a teen parent with a child, in a setting
 2677 approved by the department as provided in subsection (14).

2678 5. Each family must have a minor child and meet the income
 2679 and resource requirements of the program. All minor children who
 2680 live in the family, as well as the parents of the minor
 2681 children, shall be included in the eligibility determination
 2682 unless specifically excluded.

2683 (b) The following members of a family are eligible to
 2684 participate in the program if all eligibility requirements are
 2685 met:

2686 1. A minor child who resides with a ~~custodial~~ parent or
 2687 other adult caretaker relative.

2688 2. The parent of a minor child with whom the child
 2689 resides.

2690 3. The caretaker relative with whom the minor child
 2691 resides who chooses to have her or his needs and income included
 2692 in the family.

2693 4. Unwed minor children and their children if the unwed
 2694 minor child lives at home or in an adult-supervised setting and
 2695 if temporary cash assistance is paid to an alternative payee.

2696 5. A pregnant woman.

2697 (6) CHILD SUPPORT ENFORCEMENT.--As a condition of
 2698 eligibility for public assistance, the family must cooperate
 2699 with the state agency responsible for administering the child
 2700 support enforcement program in establishing the paternity of the
 2701 child, if the child is born out of wedlock, and in obtaining
 2702 support for the child or for the parent or caretaker relative
 2703 and the child. Cooperation is defined as:

2704 (a) Assisting in identifying and locating a ~~nonecustodial~~
 2705 parent who does not live in the same home as the child and
 2706 providing complete and accurate information on that parent;

2707
 2708 This subsection does not apply if the state agency that
 2709 administers the child support enforcement program determines
 2710 that the parent or caretaker relative has good cause for failing
 2711 to cooperate.

2712 Section 32. Subsection (1) of section 414.295, Florida
 2713 Statutes, is amended to read:

2714 414.295 Temporary cash assistance programs; public records
 2715 exemption.--

2716 (1) Personal identifying information of a temporary cash
 2717 assistance program participant, a participant's family, or a

2718 participant's family or household member, except for information
 2719 identifying a ~~noncustodial~~ parent who does not live in the same
 2720 home as the child, held by the department, the Agency for
 2721 Workforce Innovation, Workforce Florida, Inc., the Department of
 2722 Health, the Department of Revenue, the Department of Education,
 2723 or a regional workforce board or local committee created
 2724 pursuant to s. 445.007 is confidential and exempt from s.
 2725 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
 2726 confidential and exempt information may be released for purposes
 2727 directly connected with:

2728 (a) The administration of the temporary assistance for
 2729 needy families plan under Title IV-A of the Social Security Act,
 2730 as amended, by the department, the Agency for Workforce
 2731 Innovation, Workforce Florida, Inc., the Department of Military
 2732 Affairs, the Department of Health, the Department of Revenue,
 2733 the Department of Education, a regional workforce board or local
 2734 committee created pursuant to s. 445.007, or a school district.

2735 (b) The administration of the state's plan or program
 2736 approved under Title IV-B, Title IV-D, or Title IV-E of the
 2737 Social Security Act, as amended, or under Title I, Title X,
 2738 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the
 2739 Social Security Act, as amended.

2740 (c) Any investigation, prosecution, or any criminal,
 2741 civil, or administrative proceeding conducted in connection with
 2742 the administration of any of the plans or programs specified in
 2743 paragraph (a) or paragraph (b) by a federal, state, or local
 2744 governmental entity, upon request by that entity, when such

2745 request is made pursuant to the proper exercise of that entity's
 2746 duties and responsibilities.

2747 (d) The administration of any other state, federal, or
 2748 federally assisted program that provides assistance or services
 2749 on the basis of need, in cash or in kind, directly to a
 2750 participant.

2751 (e) Any audit or similar activity, such as a review of
 2752 expenditure reports or financial review, conducted in connection
 2753 with the administration of any of the plans or programs
 2754 specified in paragraph (a) or paragraph (b) by a governmental
 2755 entity authorized by law to conduct such audit or activity.

2756 (f) The administration of the unemployment compensation
 2757 program.

2758 (g) The reporting to the appropriate agency or official of
 2759 information about known or suspected instances of physical or
 2760 mental injury, sexual abuse or exploitation, or negligent
 2761 treatment or maltreatment of a child or elderly person receiving
 2762 assistance, if circumstances indicate that the health or welfare
 2763 of the child or elderly person is threatened.

2764 (h) The administration of services to elderly persons
 2765 under ss. 430.601-430.606.

2766 Section 33. Paragraph (c) of subsection (3) of section
 2767 445.024, Florida Statutes, is amended to read:

2768 445.024 Work requirements.--

2769 (3) EXEMPTION FROM WORK ACTIVITY REQUIREMENTS.--The
 2770 following individuals are exempt from work activity
 2771 requirements:

2772 (c) A single ~~custodial~~ parent of a child under 3 months of
 2773 age, except that the parent may be required to attend parenting
 2774 classes or other activities to better prepare for the
 2775 responsibilities of raising a child.

2776 Section 34. Paragraphs (b), (c), and (d) of subsection (3)
 2777 of section 741.0306, Florida Statutes, are amended, and
 2778 subsection (5) is added to that section, to read:

2779 741.0306 Creation of a family law handbook.--

2780 (3) The information contained in the handbook or other
 2781 electronic media presentation may be reviewed and updated
 2782 annually, and may include, but need not be limited to:

2783 (b) Shared parental responsibility for children and, the
 2784 determination of a parenting plan, including a time-sharing
 2785 schedule ~~primary residence or custody and secondary residence or~~
 2786 ~~routine visitation, holiday, summer, and vacation visitation~~
 2787 ~~arrangements, telephone access, and the process for notice for~~
 2788 ~~changes.~~

2789 (c) Permanent relocation restrictions ~~on parents with~~
 2790 ~~primary residential responsibility.~~

2791 (d) Child support for minor children; both parents are
 2792 obligated for support in accordance with applicable child
 2793 support guidelines schedule.

2794 (5) The existing family law handbook shall be reviewed and
 2795 a report provided to the Legislature by October 1, 2008, or as
 2796 soon thereafter as practicable, with recommendations for
 2797 updating the handbook.

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2798 Section 35. Subsection (3), paragraph (a) of subsection
 2799 (5), and paragraph (a) of subsection (6) of section 741.30,
 2800 Florida Statutes, are amended to read:

2801 741.30 Domestic violence; injunction; powers and duties of
 2802 court and clerk; petition; notice and hearing; temporary
 2803 injunction; issuance of injunction; statewide verification
 2804 system; enforcement.--

2805 (3)(a) The sworn petition shall allege the existence of
 2806 such domestic violence and shall include the specific facts and
 2807 circumstances upon the basis of which relief is sought.

2808 (b) The sworn petition shall be in substantially the
 2809 following form:

2810
 2811 PETITION FOR
 2812 INJUNCTION FOR PROTECTION
 2813 AGAINST DOMESTIC VIOLENCE
 2814

2815 Before me, the undersigned authority, personally appeared
 2816 Petitioner (Name) , who has been sworn and says that the
 2817 following statements are true:

2818 (a) Petitioner resides at: (address)

2819 (Petitioner may furnish address to the court in a separate
 2820 confidential filing if, for safety reasons, the petitioner
 2821 requires the location of the current residence to be
 2822 confidential.)

2823 (b) Respondent resides at: (last known address)

2824 (c) Respondent's last known place of employment: (name of
 2825 business and address)

2826 (d) Physical description of respondent: _____
 2827 Race _____
 2828 Sex _____
 2829 Date of birth _____
 2830 Height _____
 2831 Weight _____
 2832 Eye color _____
 2833 Hair color _____
 2834 Distinguishing marks or scars _____
 2835 (e) Aliases of respondent: _____
 2836 (f) Respondent is the spouse or former spouse of the
 2837 petitioner or is any other person related by blood or marriage
 2838 to the petitioner or is any other person who is or was residing
 2839 within a single dwelling unit with the petitioner, as if a
 2840 family, or is a person with whom the petitioner has a child in
 2841 common, regardless of whether the petitioner and respondent are
 2842 or were married or residing together, as if a family.
 2843 (g) The following describes any other cause of action
 2844 currently pending between the petitioner and respondent:
 2845
 2846 The petitioner should also describe any previous or pending
 2847 attempts by the petitioner to obtain an injunction for
 2848 protection against domestic violence in this or any other
 2849 circuit, and the results of that attempt
 2850
 2851 Case numbers should be included if available.
 2852 (h) Petitioner is either a victim of domestic violence or
 2853 has reasonable cause to believe he or she is in imminent danger

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2854 of becoming a victim of domestic violence because respondent has
 2855 _____ (mark all sections that apply and describe in the
 2856 spaces below the incidents of violence or threats of violence,
 2857 specifying when and where they occurred, including, but not
 2858 limited to, locations such as a home, school, place of
 2859 employment, or visitation exchange) _____:

2860 _____ committed or threatened to commit domestic violence
 2861 defined in s. 741.28, Florida Statutes, as any assault,
 2862 aggravated assault, battery, aggravated battery, sexual assault,
 2863 sexual battery, stalking, aggravated stalking, kidnapping, false
 2864 imprisonment, or any criminal offense resulting in physical
 2865 injury or death of one family or household member by another.
 2866 With the exception of persons who are parents of a child in
 2867 common, the family or household members must be currently
 2868 residing or have in the past resided together in the same single
 2869 dwelling unit.

2870 _____ previously threatened, harassed, stalked, or
 2871 physically abused the petitioner.

2872 _____ attempted to harm the petitioner or family members or
 2873 individuals closely associated with the petitioner.

2874 _____ threatened to conceal, kidnap, or harm the
 2875 petitioner's child or children.

2876 _____ intentionally injured or killed a family pet.

2877 _____ used, or has threatened to use, against the petitioner
 2878 any weapons such as guns or knives.

2879 _____ physically restrained the petitioner from leaving the
 2880 home or calling law enforcement.

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2881 | _____ a criminal history involving violence or the threat of
 2882 | violence (if known).

2883 | _____ another order of protection issued against him or her
 2884 | previously or from another jurisdiction (if known).

2885 | _____ destroyed personal property, including, but not
 2886 | limited to, telephones or other communication equipment,
 2887 | clothing, or other items belonging to the petitioner.

2888 | _____ engaged in any other behavior or conduct that leads
 2889 | the petitioner to have reasonable cause to believe he or she is
 2890 | in imminent danger of becoming a victim of domestic violence.

2891 | (i) Petitioner alleges the following additional specific
 2892 | facts: (mark appropriate sections)

2893 | _____ A minor child or minor children reside with the
 2894 | ~~petitioner is the custodian of a minor child or children~~ whose
 2895 | names and ages are as follows:

2896 |
 2897 | _____ Petitioner needs the exclusive use and possession of
 2898 | the dwelling that the parties share.

2899 | _____ Petitioner is unable to obtain safe alternative
 2900 | housing because:

2901 | _____ Petitioner genuinely fears that respondent imminently
 2902 | will abuse, remove, or hide the minor child or children from
 2903 | petitioner because:

2904 |
 2905 | (j) Petitioner genuinely fears imminent domestic violence
 2906 | by respondent.

2907 | (k) Petitioner seeks an injunction: (mark appropriate
 2908 | section or sections)

2909 _____ Immediately restraining the respondent from committing
 2910 any acts of domestic violence.

2911 _____ Restraining the respondent from committing any acts of
 2912 domestic violence.

2913 _____ Awarding to the petitioner the temporary exclusive use
 2914 and possession of the dwelling that the parties share or
 2915 excluding the respondent from the residence of the petitioner.

2916 _____ Providing a temporary parenting plan, including a
 2917 temporary time-sharing schedule ~~Awarding temporary custody of,~~
 2918 ~~or temporary visitation rights~~ with regard to, the minor child
 2919 or children of the parties which might involve, ~~or~~ prohibiting
 2920 or limiting time-sharing or requiring that it be ~~visitation to~~
 2921 ~~that which is~~ supervised by a third party.

2922 _____ Establishing temporary support for the minor child or
 2923 children or the petitioner.

2924 _____ Directing the respondent to participate in a
 2925 batterers' intervention program or other treatment pursuant to
 2926 s. 39.901, Florida Statutes.

2927 _____ Providing any terms the court deems necessary for the
 2928 protection of a victim of domestic violence, or any minor
 2929 children of the victim, including any injunctions or directives
 2930 to law enforcement agencies.

2931 (c) Every petition for an injunction against domestic
 2932 violence shall contain, directly above the signature line, a
 2933 statement in all capital letters and bold type not smaller than
 2934 the surrounding text, as follows:

2935
 2936

2937 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH
 2938 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS
 2939 MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY,
 2940 PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES.

2941 (initials)

2942 (d) If the sworn petition seeks to determine a parenting
 2943 plan and time-sharing schedule ~~issues of custody or visitation~~
 2944 with regard to the minor child or children of the parties, the
 2945 sworn petition shall be accompanied by or shall incorporate the
 2946 allegations required by s. 61.522 of the Uniform Child Custody
 2947 Jurisdiction and Enforcement Act.

2948 (5) (a) When it appears to the court that an immediate and
 2949 present danger of domestic violence exists, the court may grant
 2950 a temporary injunction ex parte, pending a full hearing, and may
 2951 grant such relief as the court deems proper, including an
 2952 injunction:

2953 1. Restraining the respondent from committing any acts of
 2954 domestic violence.

2955 2. Awarding to the petitioner the temporary exclusive use
 2956 and possession of the dwelling that the parties share or
 2957 excluding the respondent from the residence of the petitioner.

2958 3. On the same basis as provided in s. 61.13, providing
 2959 the petitioner with 100 percent of the time-sharing that shall
 2960 remain ~~granting to the petitioner temporary custody of a minor~~
 2961 ~~child. An order of temporary custody remains~~ in effect until the
 2962 order expires or an order is entered by a court of competent
 2963 jurisdiction in a pending or subsequent civil action or
 2964 proceeding affecting the placement of, access to, parental time

2965 with, adoption of, or parental rights and responsibilities for
 2966 the minor child.

2967 (6) (a) Upon notice and hearing, when it appears to the
 2968 court that the petitioner is either the victim of domestic
 2969 violence as defined by s. 741.28 or has reasonable cause to
 2970 believe he or she is in imminent danger of becoming a victim of
 2971 domestic violence, the court may grant such relief as the court
 2972 deems proper, including an injunction:

2973 1. Restraining the respondent from committing any acts of
 2974 domestic violence.

2975 2. Awarding to the petitioner the exclusive use and
 2976 possession of the dwelling that the parties share or excluding
 2977 the respondent from the residence of the petitioner.

2978 3. On the same basis as provided in chapter 61, providing
 2979 the petitioner with 100 percent of the time-sharing in a
 2980 temporary parenting plan that shall remain ~~awarding temporary~~
 2981 ~~custody of, or temporary visitation rights with regard to, a~~
 2982 ~~minor child or children of the parties. An order of temporary~~
 2983 ~~custody or visitation remains~~ in effect until the order expires
 2984 or an order is entered by a court of competent jurisdiction in a
 2985 pending or subsequent civil action or proceeding affecting the
 2986 placement of, access to, parental time with, adoption of, or
 2987 parental rights and responsibilities for the minor child.

2988 4. On the same basis as provided in chapter 61,
 2989 establishing temporary support for a minor child or children or
 2990 the petitioner. An order of temporary support remains in effect
 2991 until the order expires or an order is entered by a court of

2992 competent jurisdiction in a pending or subsequent civil action
 2993 or proceeding affecting child support.

2994 5. Ordering the respondent to participate in treatment,
 2995 intervention, or counseling services to be paid for by the
 2996 respondent. When the court orders the respondent to participate
 2997 in a batterers' intervention program, the court, or any entity
 2998 designated by the court, must provide the respondent with a list
 2999 of all certified batterers' intervention programs and all
 3000 programs which have submitted an application to the Department
 3001 of Children and Family Services to become certified under s.
 3002 741.32, from which the respondent must choose a program in which
 3003 to participate. If there are no certified batterers'
 3004 intervention programs in the circuit, the court shall provide a
 3005 list of acceptable programs from which the respondent must
 3006 choose a program in which to participate.

3007 6. Referring a petitioner to a certified domestic violence
 3008 center. The court must provide the petitioner with a list of
 3009 certified domestic violence centers in the circuit which the
 3010 petitioner may contact.

3011 7. Ordering such other relief as the court deems necessary
 3012 for the protection of a victim of domestic violence, including
 3013 injunctions or directives to law enforcement agencies, as
 3014 provided in this section.

3015 Section 36. Subsections (1) and (2) of section 742.031,
 3016 Florida Statutes, are amended to read:

3017 742.031 Hearings; court orders for support, hospital
 3018 expenses, and attorney's fee.--

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3019 (1) Hearings for the purpose of establishing or refuting
3020 the allegations of the complaint and answer shall be held in the
3021 chambers and may be restricted to persons, in addition to the
3022 parties involved and their counsel, as the judge in his or her
3023 discretion may direct. The court shall determine the issues of
3024 paternity of the child and the ability of the parents to support
3025 the child. Each party's social security number shall be recorded
3026 in the file containing the adjudication of paternity. If the
3027 court finds that the alleged father is the father of the child,
3028 it shall so order. If appropriate, the court shall order the
3029 father to pay the complainant, her guardian, or any other person
3030 assuming responsibility for the child moneys sufficient to pay
3031 reasonable attorney's fees, hospital or medical expenses, cost
3032 of confinement, and any other expenses incident to the birth of
3033 the child and to pay all costs of the proceeding. Bills for
3034 pregnancy, childbirth, and scientific testing are admissible as
3035 evidence without requiring third-party foundation testimony, and
3036 shall constitute prima facie evidence of amounts incurred for
3037 such services or for testing on behalf of the child. The court
3038 shall order either or both parents owing a duty of support to
3039 the child to pay support pursuant to s. 61.30. The court shall
3040 issue, upon motion by a party, a temporary order requiring ~~the~~
3041 ~~provision of~~ child support pursuant to s. 61.30 pending an
3042 administrative or judicial determination of parentage, if there
3043 is clear and convincing evidence of paternity on the basis of
3044 genetic tests or other evidence. The court may also make a
3045 determination of an appropriate parenting plan, including a
3046 time-sharing schedule, as to the parental responsibility and

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3047 ~~residential care and custody of the minor children~~ in accordance
 3048 with chapter 61.

3049 (2) If a judgment of paternity contains only a child
 3050 support award with no parenting plan or time-sharing schedule,
 3051 the obligee parent shall receive all of the time-sharing and
 3052 sole parental responsibility ~~no explicit award of custody, the~~
 3053 ~~establishment of a support obligation or of visitation rights in~~
 3054 ~~one parent shall be considered a judgment granting primary~~
 3055 ~~residential care and custody to the other parent~~ without
 3056 prejudice to the obligor parent. If a paternity judgment
 3057 contains no such provisions, ~~custody shall be presumed to be~~
 3058 ~~with the mother~~ shall be presumed to have all of the time-
 3059 sharing and sole parental responsibility.

3060 Section 37. Subsection (3) of section 753.01, Florida
 3061 Statutes, is amended to read:

3062 753.01 Definitions.--As used in this chapter, the term:

3063 (3) "Exchange monitoring" means supervision of movement of
 3064 a child from one parent ~~the custodial~~ to the other ~~noncustodial~~
 3065 parent at the start of the visit and back to the first ~~custodial~~
 3066 parent at the end of the visit.

3067 Section 38. Subsection (1) of section 827.06, Florida
 3068 Statutes, is amended to read:

3069 827.06 Nonsupport of dependents.--

3070 (1) The Legislature finds that most ~~noncustodial~~ parents
 3071 want to support their children and remain connected to their
 3072 families. The Legislature also finds that while many
 3073 ~~noncustodial~~ parents lack the financial resources and other
 3074 skills necessary to provide that support, some parents willfully

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3075 fail to provide support to their children even when they are
3076 aware of the obligation and have the ability to do so. The
3077 Legislature further finds that existing statutory provisions for
3078 civil enforcement of support have not proven sufficiently
3079 effective or efficient in gaining adequate support for all
3080 children. Recognizing that it is the public policy of this state
3081 that children shall be maintained primarily from the resources
3082 of their parents, thereby relieving, at least in part, the
3083 burden presently borne by the general citizenry through public
3084 assistance programs, it is the intent of the Legislature that
3085 the criminal penalties provided for in this section are to be
3086 pursued in all appropriate cases where civil enforcement has not
3087 resulted in payment.

3088 Section 39. For the purpose of incorporating the amendment
3089 made by this act to section 741.30, Florida Statutes, in a
3090 reference thereto, paragraph (a) of subsection (3) of section
3091 61.1825, Florida Statutes, is reenacted to read:

3092 61.1825 State Case Registry.--

3093 (3)(a) For the purpose of this section, a family violence
3094 indicator must be placed on a record when:

3095 1. A party executes a sworn statement requesting that a
3096 family violence indicator be placed on that party's record which
3097 states that the party has reason to believe that release of
3098 information to the Federal Case Registry may result in physical
3099 or emotional harm to the party or the child; or

3100 2. A temporary or final injunction for protection against
3101 domestic violence has been granted pursuant to s. 741.30(6), an
3102 injunction for protection against domestic violence has been

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3103 | issued by a court of a foreign state pursuant to s. 741.315, or
3104 | a temporary or final injunction for protection against repeat
3105 | violence has been granted pursuant to s. 784.046; or

3106 | 3. The department has received information on a Title IV-D
3107 | case from the Domestic Violence and Repeat Violence Injunction
3108 | Statewide Verification System, established pursuant to s.
3109 | 784.046(8)(b), that a court has granted a party a domestic
3110 | violence or repeat violence injunction.

3111 | Section 40. This act shall take effect October 1, 2008.