

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Frishe offered the following:

2  
3 **Amendment**

4 Remove lines 605-1062 and insert:

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

8 (i) The demonstrated knowledge, capacity, and disposition  
9 of each parent to be informed of the circumstances of the minor  
10 child, including, but not limited to, the child's friends,  
11 teachers, medical care providers, daily activities, and favorite  
12 things.

13 (j) The demonstrated capacity and disposition of each  
14 parent to provide a consistent routine for the child, such as  
15 discipline, and daily schedules for homework, meals, and  
16 bedtime.

842309

4/30/2008 12:46 PM

Amendment No.

17        (k) ~~(j)~~ The demonstrated capacity of each parent to  
18 communicate with and keep the other parent informed of issues  
19 and activities regarding the minor child, and the willingness of  
20 each parent to adopt a unified front on all major issues when  
21 dealing with the child ~~The willingness and ability of each~~  
22 ~~parent to facilitate and encourage a close and continuing~~  
23 ~~parent child relationship between the child and the other~~  
24 ~~parent.~~

25        (l) ~~(k)~~ Evidence of domestic violence, sexual violence,  
26 child abuse, child abandonment, or child neglect, regardless of  
27 whether a prior or pending action relating to those issues has  
28 been brought ~~that any party has knowingly provided false~~  
29 ~~information to the court regarding a domestic violence~~  
30 ~~proceeding pursuant to s. 741.30.~~

31        (m) ~~(l)~~ Evidence that either parent has knowingly provided  
32 false information to the court regarding any prior or pending  
33 action regarding domestic violence, sexual violence, child  
34 abuse, child abandonment, or child neglect ~~of domestic violence~~  
35 ~~or child abuse.~~

36        (n) ~~(m)~~ The particular parenting tasks customarily  
37 performed by each parent and the division of parental  
38 responsibilities before the institution of litigation and during  
39 the pending litigation, including the extent to which parenting  
40 responsibilities were undertaken by third parties ~~Any other fact~~  
41 ~~considered by the court to be relevant.~~

42        (o) The demonstrated capacity and disposition of each  
43 parent to participate and be involved in the child's school and  
44 extracurricular activities.

842309

4/30/2008 12:46 PM

Amendment No.

45       (p) The demonstrated capacity and disposition of each  
46 parent to maintain an environment for the child which is free  
47 from substance abuse.

48       (q) The capacity and disposition of each parent to protect  
49 the child from the ongoing litigation as demonstrated by not  
50 discussing the litigation with the child, not sharing documents  
51 or electronic media related to the litigation with the child,  
52 and refraining from disparaging comments about the other parent  
53 to the child.

54       (r) The developmental stages and needs of the child and  
55 the demonstrated capacity and disposition of each parent to meet  
56 the child's developmental needs.

57       (s) Any other factor that is relevant to the determination  
58 of a specific parenting plan, including the time-sharing  
59 schedule.

60       (4) (a) When a ~~nonecustodial~~ parent who is ordered to pay  
61 child support or alimony and ~~who is awarded visitation rights~~  
62 fails to pay child support or alimony, the ~~eustodial~~ parent who  
63 should have received the child support or alimony may shall not  
64 refuse to honor the time-sharing schedule presently in effect  
65 between the parents nonecustodial parent's visitation rights.

66       (b) When a ~~eustodial~~ parent refuses to honor the other a  
67 nonecustodial parent's visitation rights under the time-sharing  
68 schedule, the ~~nonecustodial~~ parent whose time-sharing rights were  
69 violated shall continue not fail to pay any ordered child  
70 support or alimony.

71       (c) When a ~~eustodial~~ parent refuses to honor the time-  
72 sharing schedule in the parenting plan a nonecustodial parent's

842309

4/30/2008 12:46 PM

Amendment No.

73 ~~or grandparent's visitation rights~~ without proper cause, the  
74 court:

75 1. Shall, after calculating the amount of time-sharing  
76 ~~visitation~~ improperly denied, award the ~~noncustodial~~ parent  
77 ~~denied time or grandparent~~ a sufficient amount of extra time-  
78 sharing visitation to compensate for the time-sharing missed,  
79 and such time-sharing ~~the noncustodial parent or grandparent,~~  
80 ~~which visitation~~ shall be ordered as expeditiously as possible  
81 in a manner consistent with the best interests of the child and  
82 scheduled in a manner that is convenient for the parent person  
83 deprived of time-sharing visitation. In ordering any makeup  
84 time-sharing visitation, the court shall schedule such time-  
85 sharing visitation in a manner that is consistent with the best  
86 interests of the child or children and that is convenient for  
87 the nonoffending noncustodial parent and at the expense of the  
88 noncompliant parent. or grandparent. In addition, the court:

89 2.1. May order the eustodial parent who did not provide  
90 time-sharing or did not properly exercise time-sharing under the  
91 time-sharing schedule to pay reasonable court costs and  
92 attorney's fees incurred by the nonoffending noncustodial parent  
93 ~~or grandparent~~ to enforce the time-sharing schedule. their  
94 ~~visitation rights or make up improperly denied visitation.~~

95 3.2. May order the eustodial parent who did not provide  
96 time-sharing or did not properly exercise time-sharing under the  
97 time-sharing schedule to attend a ~~the~~ parenting course approved  
98 by the judicial circuit.

99 4.3. May order the eustodial parent who did not provide  
100 time-sharing or did not properly exercise time-sharing under the

842309

4/30/2008 12:46 PM

Amendment No.

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

103 ~~5.4.~~ May order the ~~custodial~~ parent who did not provide  
104 time-sharing or did not properly exercise time-sharing under the  
105 time-sharing schedule to have the financial burden of promoting  
106 frequent and continuing contact when that ~~the custodial~~ parent  
107 and child reside further than 60 miles from the other  
108 ~~noncustodial~~ parent.~~†~~

109 ~~6.5.~~ May ~~award custody, rotating custody, or primary~~  
110 ~~residence to the noncustodial parent~~, upon the request of the  
111 ~~noncustodial~~ parent who did not violate the time-sharing  
112 schedule, modify the parenting plan if modification ~~the award~~ is  
113 in the best interests of the child.~~†~~ ~~or~~

114 ~~7.6.~~ May impose any other reasonable sanction as a result  
115 of noncompliance.

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

119 (5) The court may make specific orders regarding the  
120 parenting plan and time-sharing schedule ~~for the care and~~  
121 ~~custody of the minor child~~ as such orders relate to ~~from~~ the  
122 circumstances of the parties and the nature of the case and are  
123 ~~is~~ equitable and provide for child support in accordance with  
124 the guidelines schedule in s. 61.30. An order for equal time-  
125 sharing for ~~award of shared parental responsibility of~~ a minor  
126 child does not preclude the court from entering an order for  
127 child support of the child.

842309  
4/30/2008 12:46 PM

Amendment No.

128           (6) In any proceeding under this section, the court may  
129 not deny shared parental responsibility and time-sharing,  
130 ~~custody, or visitation~~ rights to a parent ~~or grandparent~~ solely  
131 because that parent ~~or grandparent~~ is or is believed to be  
132 infected with human immunodeficiency virus,+ but the court may  
133 condition such rights to require that parent in an order  
134 approving the parenting plan upon the parent's or grandparent's  
135 ~~agreement~~ to observe measures approved by the Centers for  
136 Disease Control and Prevention of the United States Public  
137 Health Service or by the Department of Health for preventing the  
138 spread of human immunodeficiency virus to the child.

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

144           (7)(8)(a) ~~Beginning July 1, 1997,~~ Each party to any  
145 paternity or support proceeding is required to file with the  
146 tribunal as defined in s. 88.1011(22) and State Case Registry  
147 upon entry of an order, and to update as appropriate,  
148 information on location and identity of the party, including  
149 social security number, residential and mailing addresses,  
150 telephone number, driver's license number, and name, address,  
151 and telephone number of employer. ~~Beginning October 1, 1998,~~  
152 Each party to any paternity or child support proceeding in a  
153 non-Title IV-D case shall meet the above requirements for  
154 updating the tribunal and State Case Registry.

842309  
4/30/2008 12:46 PM

Amendment No.

155 (b) Pursuant to the federal Personal Responsibility and  
156 Work Opportunity Reconciliation Act of 1996, each party is  
157 required to provide his or her social security number in  
158 accordance with this section. Disclosure of social security  
159 numbers obtained through this requirement shall be limited to  
160 the purpose of administration of the Title IV-D program for  
161 child support enforcement.

162 (c) ~~Beginning July 1, 1997,~~ In any subsequent Title IV-D  
163 child support enforcement action between the parties, upon  
164 sufficient showing that diligent effort has been made to  
165 ascertain the location of such a party, the court of competent  
166 jurisdiction shall deem state due process requirements for  
167 notice and service of process to be met with respect to the  
168 party, upon delivery of written notice to the most recent  
169 residential or employer address filed with the tribunal and  
170 State Case Registry pursuant to paragraph (a). ~~Beginning October~~  
171 ~~1, 1998,~~ In any subsequent non-Title IV-D child support  
172 enforcement action between the parties, the same requirements  
173 for service shall apply.

174 ~~(8)-(9)~~ At the time an order for child support is entered,  
175 each party is required to provide his or her social security  
176 number and date of birth to the court, as well as the name, date  
177 of birth, and social security number of each minor child that is  
178 the subject of such child support order. Pursuant to the federal  
179 Personal Responsibility and Work Opportunity Reconciliation Act  
180 of 1996, each party is required to provide his or her social  
181 security number in accordance with this section. All social  
182 security numbers required by this section shall be provided by

842309

4/30/2008 12:46 PM

Amendment No.

183 the parties and maintained by the depository as a separate  
184 attachment in the file. Disclosure of social security numbers  
185 obtained through this requirement shall be limited to the  
186 purpose of administration of the Title IV-D program for child  
187 support enforcement.

188 Section 9. Section 61.13001, Florida Statutes, is amended  
189 to read:

190 61.13001 Parental relocation with a child.--

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

192 (a) "Change of residence address" means the relocation of  
193 a child to a principal residence more than 50 miles away from  
194 his or her principal place of residence at the time of the entry  
195 of the last order establishing or modifying the parenting plan  
196 or the time-sharing schedule or both for designation of the  
197 primary residential parent or the custody of the minor child,  
198 unless the move places the principal residence of the minor  
199 child less than 50 miles from either ~~the nonresidential parent.~~

200 (b) "Child" means any person who is under the jurisdiction  
201 of a state court pursuant to the Uniform Child Custody  
202 Jurisdiction and Enforcement Act or is the subject of any order  
203 granting to a parent or other person any right to time-sharing,  
204 residential care, kinship, or custody, ~~or visitation~~ as provided  
205 under state law.

206 (c) "Court" means the circuit court in an original  
207 proceeding which has proper venue and jurisdiction in accordance  
208 with the Uniform Child Custody Jurisdiction and Enforcement Act,  
209 the circuit court in the county in which either parent and the



Amendment No.

210 child reside, or the circuit court in which the original action  
211 was adjudicated.

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

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

219 ~~(f) "Person entitled to be the primary residential parent~~  
220 ~~of a child" means a person so designated by court order or by an~~  
221 ~~express written agreement that is subject to court enforcement~~  
222 ~~or a person seeking such a designation, or, when neither parent~~  
223 ~~has been designated as primary residential parent, the person~~  
224 ~~seeking to relocate with a child.~~

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

229 ~~(f)(h)~~ "Relocation" means a change in the principal  
230 residence of a child for a period of 60 consecutive days or more  
231 but does not include a temporary absence from the principal  
232 residence for purposes of vacation, education, or the provision  
233 of health care for the child.

234 (2) RELOCATION BY AGREEMENT.--

235 (a) If the parents ~~primary residential parent and the~~  
236 ~~other parent~~ and every other person entitled to time-sharing  
237 ~~visitation~~ with the child agree to the relocation of the child

842309

4/30/2008 12:46 PM

Amendment No.

238 ~~child's principal residence~~, they may satisfy the requirements  
239 of this section by signing a written agreement that:

- 240 1. Reflects the consent to the relocation;
- 241 2. Defines a time-sharing schedule ~~the visitation rights~~  
242 for the nonrelocating parent and any other persons who are  
243 entitled to time-sharing visitation; and
- 244 3. Describes, if necessary, any transportation  
245 arrangements related to the visitation.

246 (b) If there is an existing cause of action, judgment, or  
247 decree of record pertaining to the child's ~~primary~~ residence or  
248 a time-sharing schedule visitation, the parties shall seek  
249 ratification of the agreement by court order without the  
250 necessity of an evidentiary hearing unless a hearing is  
251 requested, in writing, by one or more of the parties to the  
252 agreement within 10 days after the date the agreement is filed  
253 with the court. If a hearing is not timely requested, it shall  
254 be presumed that the relocation is in the best interest of the  
255 child and the court may ratify the agreement without an  
256 evidentiary hearing.

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

264 (a) The parent seeking to relocate shall prepare a Notice  
265 of Intent to Relocate. The following information must be

842309

4/30/2008 12:46 PM

Amendment No.

266 included with the Notice of Intent to Relocate and signed under  
267 oath under penalty of perjury:

268 1. A description of the location of the intended new  
269 residence, including the state, city, and specific physical  
270 address, if known.

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

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

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

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

280 6. A proposal for the revised postrelocation schedule of  
281 time-sharing visitation together with a proposal for the  
282 postrelocation transportation arrangements necessary to  
283 effectuate time-sharing visitation with the child. Absent the  
284 existence of a current, valid order abating, terminating, or  
285 restricting visitation or other good cause predating the Notice  
286 of Intent to Relocate, failure to comply with this provision  
287 renders the Notice of Intent to Relocate legally insufficient.

288 7. Substantially the following statement, in all capital  
289 letters and in the same size type, or larger, as the type in the  
290 remainder of the notice:

291  
292 AN OBJECTION TO THE PROPOSED RELOCATION MUST BE MADE IN WRITING,  
293 FILED WITH THE COURT, AND SERVED ON THE PARENT OR OTHER PERSON

842309

4/30/2008 12:46 PM

Amendment No.

294 SEEKING TO RELOCATE WITHIN 30 DAYS AFTER SERVICE OF THIS NOTICE  
295 OF INTENT TO RELOCATE. IF YOU FAIL TO TIMELY OBJECT TO THE  
296 RELOCATION, THE RELOCATION WILL BE ALLOWED, UNLESS IT IS NOT IN  
297 THE BEST INTERESTS OF THE CHILD, WITHOUT FURTHER NOTICE AND  
298 WITHOUT A HEARING.

299 8. The mailing address of the parent or other person  
300 seeking to relocate to which the objection filed under  
301 subsection (5) to the Notice of Intent to Relocate should be  
302 sent.

303

304 The contents of the Notice of Intent to Relocate are not  
305 privileged. For purposes of encouraging amicable resolution of  
306 the relocation issue, a copy of the Notice of Intent to Relocate  
307 shall initially not be filed with the court but instead served  
308 upon the nonrelocating parent, other person, and every other  
309 person entitled to time-sharing ~~visitation~~ with the child, and  
310 the original thereof shall be maintained by the parent or other  
311 person seeking to relocate.

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

317 (c) The Notice of Intent to Relocate, and the Certificate  
318 of Serving ~~Filing~~ Notice of Intent to Relocate, shall be served  
319 on the other parent and on every other person entitled to time-  
320 sharing ~~visitation~~ with the child. If there is a pending court  
321 action regarding the child, service of process may be according

842309

4/30/2008 12:46 PM

Amendment No.

322 to court rule. Otherwise, service of process shall be according  
323 to chapters 48 and 49 or via certified mail, restricted  
324 delivery, return receipt requested.

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

329 (e) If the other parent and any other person entitled to  
330 time-sharing ~~visitation~~ with the child fails to timely file an  
331 objection, it shall be presumed that the relocation is in the  
332 best interest of the child, the relocation shall be allowed, and  
333 the court shall, absent good cause, enter an order, attaching a  
334 copy of the Notice of Intent to Relocate, reflecting that the  
335 order is entered as a result of the failure to object to the  
336 Notice of Intent to Relocate, and adopting the time-sharing  
337 ~~visitation~~ schedule and transportation arrangements contained in  
338 the Notice of Intent to Relocate. The order may issue in an  
339 expedited manner without the necessity of an evidentiary  
340 hearing. If an objection is timely filed, the burden returns to  
341 the parent or person seeking to relocate to initiate court  
342 proceedings to obtain court permission to relocate before ~~prior~~  
343 ~~to~~ doing so.

344 (f) The act of relocating the child after failure to  
345 comply with the notice of intent to relocate procedure described  
346 in this subsection subjects the party in violation thereof to  
347 contempt and other proceedings to compel the return of the child  
348 and may be taken into account by the court in any initial or  
349 postjudgment action seeking a determination or modification of

842309

4/30/2008 12:46 PM

Amendment No.

350 | the parenting plan or the time-sharing schedule, or both,  
351 | ~~designation of the primary residential parent or of the~~  
352 | ~~residence, custody, or visitation with the child as:~~

353 |       1. A factor in making a determination regarding the  
354 | relocation of a child.

355 |       2. A factor in determining whether the parenting plan or  
356 | the designation of the primary residential parent or the  
357 | ~~residence, contact, access, visitation, or time-sharing~~ schedule  
358 | ~~arrangements~~ should be modified.

359 |       3. A basis for ordering the temporary or permanent return  
360 | of the child.

361 |       4. Sufficient cause to order the parent or other person  
362 | seeking to relocate the child to pay reasonable expenses and  
363 | attorney's fees incurred by the party objecting to the  
364 | relocation.

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

368 |       (4) APPLICABILITY OF PUBLIC RECORDS LAW.--If the parent or  
369 | other person seeking to relocate a child, or the child, is  
370 | entitled to prevent disclosure of location information under any  
371 | public records exemption applicable to that person, the court  
372 | may enter any order necessary to modify the disclosure  
373 | requirements of this section in compliance with the public  
374 | records exemption.

375 |       (5) CONTENT OF OBJECTION TO RELOCATION.--An objection  
376 | seeking to prevent the relocation of a child must ~~shall~~ be  
377 | verified and served within 30 days after service of the Notice  
842309

4/30/2008 12:46 PM

Amendment No.

378 of Intent to Relocate. The objection must ~~shall~~ include the  
379 specific factual basis supporting the reasons for seeking a  
380 prohibition of the relocation, including a statement of the  
381 amount of participation or involvement the objecting party  
382 currently has or has had in the life of the child.

383 (6) TEMPORARY ORDER.--

384 (a) The court may grant a temporary order restraining the  
385 relocation of a child or ordering the return of the child, if a  
386 relocation has previously taken place, or other appropriate  
387 remedial relief, if the court finds:

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

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

392 3. From an examination of the evidence presented at the  
393 preliminary hearing that there is a likelihood that upon final  
394 hearing the court will not approve the relocation of the ~~primary~~  
395 ~~residence of the~~ child.

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

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

400 2. Finds from an examination of the evidence presented at  
401 the preliminary hearing that there is a likelihood that on final  
402 hearing the court will approve the relocation of the ~~primary~~  
403 ~~residence of the~~ child, which findings must be supported by the  
404 same factual basis as would be necessary to support the  
405 permitting of relocation in a final judgment.

842309

4/30/2008 12:46 PM

Amendment No.

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

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

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

424 (a) The nature, quality, extent of involvement, and  
425 duration of the child's relationship with the parent proposing  
426 to relocate with the child and with the nonrelocating parent,  
427 other persons, siblings, half-siblings, and other significant  
428 persons in the child's life.

429 (b) The age and developmental stage of the child, the  
430 needs of the child, and the likely impact the relocation will  
431 have on the child's physical, educational, and emotional  
432 development, taking into consideration any special needs of the  
433 child.

842309

4/30/2008 12:46 PM



Amendment No.

434           (c) The feasibility of preserving the relationship between  
435 the nonrelocating parent or other person and the child through  
436 substitute arrangements that take into consideration the  
437 logistics of contact, access, ~~visitation~~, and time-sharing, as  
438 well as the financial circumstances of the parties; whether  
439 those factors are sufficient to foster a continuing meaningful  
440 relationship between the child and the nonrelocating parent or  
441 other person; and the likelihood of compliance with the  
442 substitute arrangements by the relocating parent once he or she  
443 is out of the jurisdiction of the court.

444           ~~(d) The child's preference, taking into consideration the~~  
445 ~~age and maturity of the child.~~

446           (d)~~(e)~~ Whether the relocation will enhance the general  
447 quality of life for both the parent seeking the relocation and  
448 the child, including, but not limited to, financial or emotional  
449 benefits or educational opportunities.

450           (e)~~(f)~~ The reasons of each parent or other person for  
451 seeking or opposing the relocation.

452           (f)~~(g)~~ The current employment and economic circumstances  
453 of each parent or other person and whether or not the proposed  
454 relocation is necessary to improve the economic circumstances of  
455 the parent or other person seeking relocation of the child.

456           (g)~~(h)~~ That the relocation is sought in good faith and the  
457 extent to which the objecting parent has fulfilled his or her  
458 financial obligations to the parent or other person seeking  
459 relocation, including child support, spousal support, and  
460 marital property and marital debt obligations.

842309

4/30/2008 12:46 PM

Amendment No.

461        (h)~~(i)~~ The career and other opportunities available to the  
462        objecting parent or objecting other person if the relocation  
463        occurs.

464        (i)~~(j)~~ A history of substance abuse or domestic violence  
465        as defined in s. 741.28 or which meets the criteria of s.  
466        39.806(1)(d) by either parent, including a consideration of the  
467        severity of such conduct and the failure or success of any  
468        attempts at rehabilitation.

469        (j)~~(k)~~ Any other factor affecting the best interest of the  
470