

By Senator Lynn

7-03762A-08

20082532__

1 A bill to be entitled

2 An act relating to child custody and support; providing a
3 directive to the Division of Statutory Revision to retitle
4 ch. 61, F.S.; amending s. 61.046, F.S.; defining the terms
5 "parenting plan," "parenting plan recommendation," and
6 "time-sharing schedule"; deleting definitions of the terms
7 "custodial parent" and "noncustodial parent"; amending ss.
8 61.052, 61.09, and 61.10, F.S.; conforming provisions to
9 changes in terminology; repealing s. 61.121, F.S.,
10 relating to rotating custody; amending s. 61.122, F.S.;
11 conforming provisions to changes in terminology; revising
12 provisions relating to a presumption of good faith for
13 psychologists making specified determinations; amending s.
14 61.13, F.S.; revising provisions relating to modification
15 of support; conforming provisions to changes in
16 terminology; revising provisions relating to development
17 of a parenting plan; amending s. 61.13001, F.S.;
18 conforming provisions to changes in terminology; deleting
19 obsolete definitions; amending s. 61.13002, F.S.;
20 providing for orders of temporary support for children
21 whose custody is temporarily modified due to a parent's
22 military service; amending ss. 61.14, 61.181, and 61.1827,
23 F.S.; conforming provisions to changes in terminology;
24 conforming a cross-reference; amending s. 61.20, F.S.;
25 conforming provisions to changes in terminology; revising
26 provisions relating to social investigation and
27 recommendations regarding a parenting plan; amending s.
28 61.21, F.S.; conforming provisions to changes in
29 terminology; amending s. 61.30, F.S.; conforming

7-03762A-08

20082532__

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

7-03762A-08

20082532__

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

60

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

62

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

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

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

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

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

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

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

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

7-03762A-08

20082532__

86 support payments not otherwise required to be processed by the
87 State Disbursement Unit.

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

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

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

110 (8)~~(9)~~ "IV-D" means services provided pursuant to Title IV-
111 D of the Social Security Act, 42 U.S.C. ss. 651 et seq.

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

7-03762A-08

20082532__

115 ~~(10)-(11)~~ "National medical support notice" means the notice
116 required under 42 U.S.C. s. 666(a) (19).

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

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

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

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

139 (a) Any parenting plan formulated under this chapter must
140 address all jurisdictional issues, including, but not limited to,
141 the Uniform Child Custody Jurisdiction and Enforcement Act, part
142 II of this chapter, the International Child Abduction Remedies
143 Act, 42 U.S.C. ss. 11601 et seq., the Parental Kidnapping

7-03762A-08

20082532__

144 Prevention Act, and the Convention on the Civil Aspects of
145 International Child Abduction enacted at the Hague on October 25,
146 1980.

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

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

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

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

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

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

7-03762A-08

20082532__

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

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

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

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

7-03762A-08

20082532__

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

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

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

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

214 61.052 Dissolution of marriage.--

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

221 Section 4. Section 61.09, Florida Statutes, is amended to
222 read:

223 61.09 Alimony and child support unconnected with
224 dissolution.--If a person having the ability to contribute to the
225 maintenance of his or her spouse and support of his or her minor
226 child fails to do so, the spouse who is not receiving support ~~or~~
227 ~~who has custody of the child or with whom the child has primary~~
228 ~~residence~~ may apply to the court for alimony and for support for

7-03762A-08

20082532__

229 | the child without seeking dissolution of marriage, and the court
230 | shall enter an order as it deems just and proper.

231 | Section 5. Section 61.10, Florida Statutes, is amended to
232 | read:

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

247 | Section 6. Section 61.121, Florida Statutes, is repealed.

248 | Section 7. Section 61.122, Florida Statutes, is amended to
249 | read:

250 | 61.122 Parenting plan recommendation ~~Child custody~~
251 | ~~evaluations;~~ presumption of psychologist's good faith;
252 | prerequisite to parent's filing suit; award of fees, costs,
253 | reimbursement.--

254 | (1) A psychologist who has been appointed by the court to
255 | develop a parenting plan recommendation ~~conduct a child custody~~
256 | ~~evaluation~~ in a dissolution of marriage, a case of domestic
257 | violence, or a paternity matter involving the relationship of a

7-03762A-08

20082532__

258 child and a parent, including time-sharing of children, judicial
259 ~~proceeding~~ is presumed to be acting in good faith if the
260 psychologist's recommendation evaluation has been reached under
261 ~~conducted pursuant to~~ standards that a reasonable psychologist
262 would use to develop a parenting plan recommendation ~~have used as~~
263 ~~recommended by the American Psychological Association's~~
264 ~~guidelines for child custody evaluation in divorce proceedings.~~

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

271 (3) A parent who desires ~~wishes~~ to file a legal action
272 against a court-appointed psychologist who has acted in good
273 faith in developing ~~conducting~~ a parenting plan recommendation
274 ~~child custody evaluation~~ must petition the judge who presided
275 over the dissolution of marriage, case of domestic violence, or
276 paternity matter involving the relationship of a child and a
277 parent, including time-sharing of children, ~~child custody~~
278 ~~proceeding~~ to appoint another psychologist. Upon the parent's
279 showing of good cause, the court shall appoint another
280 psychologist. The court shall determine ~~make a determination~~ as
281 to who is responsible for all court costs and attorney's fees
282 associated with making such an appointment.

283 (4) If a legal action, whether it be a civil action, a
284 criminal action, or an administrative proceeding, is filed
285 against a court-appointed psychologist in a dissolution of
286 marriage, case of domestic violence, or paternity matter

7-03762A-08

20082532__

287 involving the relationship of a child and a parent, including
288 time-sharing of children ~~child custody proceeding~~, the claimant
289 is responsible for all reasonable costs and reasonable attorney's
290 fees associated with the action for both parties if the
291 psychologist is held not liable. If the psychologist is held
292 liable in civil court, the psychologist must pay all reasonable
293 costs and reasonable attorney's fees for the claimant.

294 Section 8. Section 61.13, Florida Statutes, is amended to
295 read:

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

299 (1) (a) In a proceeding under this chapter, the court may at
300 any time order either or both parents who owe a duty of support
301 to a child to pay support to the other parent or, in the case of
302 both parents, to the person with custody in accordance with the
303 child support guidelines schedule in s. 61.30. The court
304 initially entering an order requiring one or both parents to make
305 child support payments has ~~shall have~~ continuing jurisdiction
306 after the entry of the initial order to modify the amount and
307 terms and conditions of the child support payments when the
308 modification is found necessary by the court in the best
309 interests of the child, when the child reaches majority, ~~or~~ when
310 there is a substantial change in the circumstances of the
311 parties, when s. 743.07(2) applies, or when a child is
312 emancipated, marries, joins the armed services, or dies. The
313 court initially entering a child support order has ~~shall also~~
314 ~~have~~ continuing jurisdiction to require the obligee to report to

7-03762A-08

20082532__

315 the court on terms prescribed by the court regarding the
316 disposition of the child support payments.

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

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

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

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

7-03762A-08

20082532__

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

345 2.a. A support order enforced under Title IV-D of the
346 Social Security Act which requires that the obligor provide
347 health care coverage is enforceable by the department through the
348 use of the national medical support notice, and an amendment to
349 the support order is not required. The department shall transfer
350 the national medical support notice to the obligor's union or
351 employer. The department shall notify the obligor in writing that
352 the notice has been sent to the obligor's union or employer, and
353 the written notification must include the obligor's rights and
354 duties under the national medical support notice. The obligor may
355 contest the withholding required by the national medical support
356 notice based on a mistake of fact. To contest the withholding,
357 the obligor must file a written notice of contest with the
358 department within 15 business days after the date the obligor
359 receives written notification of the national medical support
360 notice from the department. Filing with the department is
361 complete when the notice is received by the person designated by
362 the department in the written notification. The notice of contest
363 must be in the form prescribed by the department. Upon the timely
364 filing of a notice of contest, the department shall, within 5
365 business days, schedule an informal conference with the obligor
366 to discuss the obligor's factual dispute. If the informal
367 conference resolves the dispute to the obligor's satisfaction or
368 if the obligor fails to attend the informal conference, the
369 notice of contest is deemed withdrawn. If the informal conference
370 does not resolve the dispute, the obligor may request an

7-03762A-08

20082532__

371 administrative hearing under chapter 120 within 5 business days
372 after the termination of the informal conference, in a form and
373 manner prescribed by the department. However, the filing of a
374 notice of contest by the obligor does not delay the withholding
375 of premium payments by the union, employer, or health plan
376 administrator. The union, employer, or health plan administrator
377 must implement the withholding as directed by the national
378 medical support notice unless notified by the department that the
379 national medical support notice is terminated.

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

383 3. In a non-Title IV-D case, upon receipt of the order
384 pursuant to subparagraph 1., or upon application of the obligor
385 pursuant to the order, the union or employer shall enroll the
386 minor child as a beneficiary in the group health plan regardless
387 of any restrictions on the enrollment period and withhold any
388 required premium from the obligor's income. If more than one plan
389 is offered by the union or employer, the child shall be enrolled
390 in the group health plan in which the obligor is 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 employer
393 shall transfer the notice to the appropriate group health plan
394 administrator within 20 business days after the date on the
395 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 upon
399 notification by the plan administrator that the child is

7-03762A-08

20082532__

400 enrolled. The child shall be enrolled in the group health plan in
401 which the obligor is enrolled. If the group health plan in which
402 the obligor is enrolled is not available where the child resides
403 or if the obligor is not enrolled in group coverage, the child
404 shall be enrolled in the lowest cost group health plan that is
405 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 allowed
415 under s. 303(b) of the Consumer Credit Protection Act, 15 U.S.C.
416 s. 1673(b), as amended. The union or employer shall withhold the
417 maximum allowed by the Consumer Credit Protection Act in the
418 following order:

- 419 (I) Current support, as ordered.
420 (II) Premium payments for health care coverage, as ordered.
421 (III) Past due support, as ordered.
422 (IV) Other medical support or coverage, as ordered.

423 b. If the combined amount to be withheld for current
424 support plus the premium payment for health care coverage exceed
425 the amount allowed under the Consumer Credit Protection Act, and
426 the health care coverage cannot be obtained unless the full
427 amount of the premium is paid, the union or employer may not

7-03762A-08

20082532__

428 withhold the premium payment. However, the union or employer
429 shall withhold the maximum allowed in the following order:

430 (I) Current support, as ordered.

431 (II) Past due support, as ordered.

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

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

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

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

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

454 2. Unless the provisions of subparagraph 3. apply, all
455 child support orders entered before January 1, 1985, shall be
456 modified by the court to direct that payments of child support

7-03762A-08

20082532__

457 shall be made through the depository in the county where the
458 court is located upon the subsequent appearance of either or both
459 parents to modify or enforce the order, or in any related
460 proceeding.

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

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

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

480 (2) (a) The court shall have jurisdiction to approve, grant,
481 or modify a parenting plan ~~determine custody~~, notwithstanding
482 that the child is not physically present in this state at the
483 time of filing any proceeding under this chapter, if it appears
484 to the court that the child was removed from this state for the
485 primary purpose of removing the child from the jurisdiction of

7-03762A-08

20082532__

486 | the court in an attempt to avoid the court's approval, creation,
487 | or modification of a parenting plan ~~a determination or~~
488 | ~~modification of custody.~~

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

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

512 | 2. The court shall order that the parental responsibility
513 | for a minor child be shared by both parents unless the court
514 | finds that shared parental responsibility would be detrimental to

7-03762A-08

20082532__

515 the child. Evidence that a parent has been convicted of a felony
516 of the third degree or higher involving domestic violence, as
517 defined in s. 741.28 and chapter 775, or meets the criteria of s.
518 39.806(1)(d), creates a rebuttable presumption of detriment to
519 the child. If the presumption is not rebutted, shared parental
520 responsibility, including time-sharing with ~~visitation, residence~~
521 ~~of~~ the child, and decisions made regarding the child, may not be
522 granted to the convicted parent. However, the convicted parent is
523 not relieved of any obligation to provide financial support. If
524 the court determines that shared parental responsibility would be
525 detrimental to the child, it may order sole parental
526 responsibility and make such arrangements for time-sharing as
527 specified in the parenting plan ~~visitation~~ as will best protect
528 the child or abused spouse from further harm. Whether or not
529 there is a conviction of any offense of domestic violence or
530 child abuse or the existence of an injunction for protection
531 against domestic violence, the court shall consider evidence of
532 domestic violence or child abuse as evidence of detriment to the
533 child.

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

542 b. The court shall order "sole parental responsibility for
543 a minor child to one parent, with or without time-sharing with

7-03762A-08

20082532__

544 ~~visitation rights, to the other parent"~~ when it is in the best
545 interests of" the minor child.

546 3. Access to records and information pertaining to a minor
547 child, including, but not limited to, medical, dental, and school
548 records, may not be denied to either a parent ~~because the parent~~
549 ~~is not the child's primary residential parent~~. Full rights under
550 this subparagraph apply to either parent unless a court order
551 specifically revokes these rights, including any restrictions on
552 these rights as provided in a domestic violence injunction. A
553 parent having rights under this subparagraph has the same rights
554 upon request as to form, substance, and manner of access as are
555 available to the other parent of a child, including, without
556 limitation, the right to in-person communication with medical,
557 dental, and education providers.

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

564 (3) For purposes of establishing or modifying parental
565 responsibility and creating, developing, approving, or modifying
566 a parenting plan, including a time-sharing schedule, which
567 governs each parent's relationship with his or her minor child
568 and the relationship between each parent with regard to his or
569 her minor child, the best interest of the child shall be the
570 primary consideration. There shall be no presumption for or
571 against either parent when establishing, creating, developing,
572 approving, or modifying the parenting plan, including the time-

7-03762A-08

20082532__

573 sharing schedule, as well as determining decisionmaking,
574 regardless of the age or sex of the child, giving due
575 consideration to the developmental needs of the child. The
576 parenting plan must be in the best interests of the minor child,
577 and evidence that a parent has been convicted of a felony of the
578 third degree or higher involving domestic violence, as defined in
579 s. 741.28 or chapter 775, or meets the criteria of s.
580 39.806(1)(d), creates a rebuttable presumption of detriment to
581 the child. If the presumption is not rebutted, the time-sharing
582 with the child and decisions made regarding the child may not be
583 granted to the convicted parent. Otherwise, determination of the
584 best interests of the child shall be made by evaluating all of
585 the factors affecting the welfare and interests of the minor
586 child, including, but not limited to:

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

591 (b) The anticipated division of parental responsibilities
592 after the litigation, including the extent to which parental
593 responsibilities will be delegated to third parties.

594 (c) The demonstrated capacity and disposition of each
595 parent to determine, consider, and act upon the needs of the
596 child as opposed to the needs or desires of the parent. ~~shared~~
597 ~~parental responsibility and primary residence, the best interests~~
598 ~~of the child shall include an evaluation of all factors affecting~~
599 ~~the welfare and interests of the child, including, but not~~
600 limited to:

7-03762A-08

20082532__

- 601 ~~(a) The parent who is more likely to allow the child~~
602 ~~frequent and continuing contact with the nonresidential parent.~~
- 603 ~~(b) The love, affection, and other emotional ties existing~~
604 ~~between the parents and the child.~~
- 605 ~~(c) The capacity and disposition of the parents to provide~~
606 ~~the child with food, clothing, medical care or other remedial~~
607 ~~care recognized and permitted under the laws of this state in~~
608 ~~lieu of medical care, and other material needs.~~
- 609 (d) The length of time the child has lived in a stable,
610 satisfactory environment and the desirability of maintaining
611 continuity.
- 612 (e) The geographic viability of the parenting plan, with
613 special attention paid to the needs of school-age children and
614 the amount of time to be spent traveling to effectuate the
615 parenting plan. This factor does not create a presumption for or
616 against relocation of either parent with a child ~~The permanence,~~
617 ~~as a family unit, of the existing or proposed custodial home.~~
- 618 (f) The moral fitness of the parents.
- 619 (g) The mental and physical health of the parents.
- 620 (h) The demonstrated knowledge, capacity, and disposition
621 of each parent to be informed of the circumstances of the minor
622 child, including, but not limited to, the child's friends,
623 teachers, medical care providers, daily activities, and favorite
624 things ~~The home, school, and community record of the child.~~
- 625 (i) The demonstrated capacity and disposition of each
626 parent to provide a consistent routine for the child, such as
627 discipline, and daily schedules for homework, meals, and bedtime
628 ~~The reasonable preference of the child, if the court deems the~~

7-03762A-08

20082532__

629 ~~child to be of sufficient intelligence, understanding, and~~
630 ~~experience to express a preference.~~

631 (j) The demonstrated capacity of each parent to communicate
632 with the other parent and keep the other parent informed of
633 issues and activities regarding the minor child, and the
634 willingness of each parent to adopt a unified front on all major
635 issues when dealing with the child ~~The willingness and ability of~~
636 ~~each parent to facilitate and encourage a close and continuing~~
637 ~~parent-child relationship between the child and the other parent.~~

638 (k) Evidence of domestic violence, sexual violence, child
639 abuse, child abandonment, or child neglect, regardless of whether
640 a prior or pending action regarding those issues has been brought
641 ~~that any party has knowingly provided false information to the~~
642 ~~court regarding a domestic violence proceeding pursuant to s.~~
643 ~~741.30.~~

644 (l) Evidence that either parent has knowingly provided
645 false information to the court regarding any prior or pending
646 action regarding domestic violence, sexual violence, child abuse,
647 child abandonment, or child neglect ~~of domestic violence or child~~
648 ~~abuse.~~

649 (m) The particular parenting tasks customarily performed by
650 each parent and the division of parental responsibilities before
651 the institution of litigations and during the pending litigation,
652 including the extent to which parenting responsibilities were
653 undertaken by third parties ~~Any other fact considered by the~~
654 ~~court to be relevant.~~

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

7-03762A-08

20082532__

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

661 (p) The capacity and disposition of each parent to protect
662 the child from the ongoing litigation as demonstrated by not
663 discussing the litigation with the child, not sharing documents
664 or electronic media related to the litigation with the child, and
665 refraining from disparaging comments about the other parent to
666 the child.

667 (q) The developmental stages and needs of the child and the
668 demonstrated capacity and disposition of each parent to meet the
669 child's developmental needs.

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

673 (4) (a) When a ~~noncustodial~~ parent who is ordered to pay
674 child support or alimony ~~and who is awarded visitation rights~~
675 fails to pay child support or alimony, the ~~custodial~~ parent who
676 should have received the child support or alimony may shall not
677 refuse to honor the time-sharing schedule presently in effect
678 between the parents noncustodial parent's visitation rights.

679 (b) When a ~~custodial~~ parent refuses to honor the other a
680 noncustodial parent's visitation rights under the time-sharing
681 schedule, the noncustodial parent whose time-sharing rights were
682 not violated shall continue not fail to pay any ordered child
683 support or alimony.

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

7-03762A-08

20082532__

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

701 2.1. May order the ~~eustodial~~ parent who did not provide
702 time-sharing or did not properly exercise time-sharing under the
703 time-sharing schedule to pay reasonable court costs and
704 attorney's fees incurred by the nonoffending noncustodial parent
705 ~~or grandparent~~ to enforce the time-sharing schedule. their
706 ~~visitation rights or make up improperly denied visitation;~~

707 3.2. May order the ~~eustodial~~ parent who did not provide
708 time-sharing or did not properly exercise time-sharing under the
709 time-sharing schedule to attend a the parenting course approved
710 by the judicial circuit.†

711 4.3. May order the ~~eustodial~~ parent who did not provide
712 time-sharing or did not properly exercise time-sharing under the
713 time-sharing schedule to do community service if the order will
714 not interfere with the welfare of the child.†

7-03762A-08

20082532__

715 ~~5.4.~~ May order the eustodial parent who did not provide
716 time-sharing or did not properly exercise time-sharing under the
717 time-sharing schedule to have the financial burden of promoting
718 frequent and continuing contact when that ~~the custodial~~ parent
719 and child reside further than 60 miles from the other
720 ~~noncustodial~~ parent.~~;~~

721 ~~6.5.~~ May ~~award custody, rotating custody, or primary~~
722 ~~residence to the noncustodial parent,~~ upon the request of the
723 noncustodial parent who did not violate the time-sharing
724 schedule, modify the parenting plan if modification ~~the award~~ is
725 in the best interests of the child.~~;~~~~or~~

726 ~~7.6.~~ May impose any other reasonable sanction as a result
727 of noncompliance.

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

731 (5) The court may make specific orders regarding the
732 parenting plan and time-sharing schedule ~~for the care and custody~~
733 ~~of the minor child~~ as such orders relate to ~~from~~ the
734 circumstances of the parties and the nature of the case and are
735 ~~is~~ equitable and provide for child support in accordance with the
736 guidelines schedule in s. 61.30. An order for equal time-sharing
737 for ~~award of shared parental responsibility of~~ a minor child does
738 not preclude the court from entering an order for child support
739 of the child.

740 (6) In any proceeding under this section, the court may not
741 deny shared parental responsibility and time-sharing, ~~custody, or~~
742 ~~visitation~~ rights to a parent ~~or grandparent~~ solely because that
743 parent ~~or grandparent~~ is or is believed to be infected with human

7-03762A-08

20082532__

744 immunodeficiency virus,⁺ but the court may condition such rights
745 to require that parent in an order approving the parenting plan
746 ~~upon the parent's or grandparent's agreement~~ to observe measures
747 approved by the Centers for Disease Control and Prevention of the
748 United States Public Health Service or by the Department of
749 Health for preventing the spread of human immunodeficiency virus
750 to the child.

751 ~~(7) If the court orders that parental responsibility,~~
752 ~~including visitation, be shared by both parents, the court may~~
753 ~~not deny the noncustodial parent overnight contact and access to~~
754 ~~or visitation with the child solely because of the age or sex of~~
755 ~~the child.~~

756 (7)(8)(a) ~~Beginning July 1, 1997,~~ Each party to any
757 paternity or support proceeding is required to file with the
758 tribunal as defined in s. 88.1011(22) and State Case Registry
759 upon entry of an order, and to update as appropriate, information
760 on location and identity of the party, including social security
761 number, residential and mailing addresses, telephone number,
762 driver's license number, and name, address, and telephone number
763 of employer. ~~Beginning October 1, 1998,~~ Each party to any
764 paternity or child support proceeding in a non-Title IV-D case
765 shall meet the above requirements for updating the tribunal and
766 State Case Registry.

767 (b) Pursuant to the federal Personal Responsibility and
768 Work Opportunity Reconciliation Act of 1996, each party is
769 required to provide his or her social security number in
770 accordance with this section. Disclosure of social security
771 numbers obtained through this requirement shall be limited to the
772 purpose of administration of the Title IV-D program for child

7-03762A-08

20082532__

773 support enforcement.

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

786 (8)~~(9)~~ At the time an order for child support is entered,
787 each party is required to provide his or her social security
788 number and date of birth to the court, as well as the name, date
789 of birth, and social security number of each minor child that is
790 the subject of such child support order. Pursuant to the federal
791 Personal Responsibility and Work Opportunity Reconciliation Act
792 of 1996, each party is required to provide his or her social
793 security number in accordance with this section. All social
794 security numbers required by this section shall be provided by
795 the parties and maintained by the depository as a separate
796 attachment in the file. Disclosure of social security numbers
797 obtained through this requirement shall be limited to the purpose
798 of administration of the Title IV-D program for child support
799 enforcement.

800 Section 9. Section 61.13001, Florida Statutes, is amended
801 to read:

7-03762A-08

20082532__

802 61.13001 Parental relocation with a child.--

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

804 (a) "Change of residence address" means the relocation of a
805 child to a principal residence more than 50 miles away from his
806 or her principal place of residence at the time of the entry of
807 the last order establishing or modifying the parenting plan or
808 the time-sharing schedule or both for ~~designation of the primary~~
809 ~~residential parent or the custody of~~ the minor child, unless the
810 move places the principal residence of the minor child less than
811 50 miles from either ~~the nonresidential~~ parent.

812 (b) "Child" means any person who is under the jurisdiction
813 of a state court pursuant to the Uniform Child Custody
814 Jurisdiction and Enforcement Act or is the subject of any order
815 granting to a parent or other person any right to time-sharing,
816 residential care, kinship, or custody, ~~or visitation~~ as provided
817 under state law.

818 (c) "Court" means the circuit court in an original
819 proceeding which has proper venue and jurisdiction in accordance
820 with the Uniform Child Custody Jurisdiction and Enforcement Act,
821 the circuit court in the county in which either parent and the
822 child reside, or the circuit court in which the original action
823 was adjudicated.

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

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

7-03762A-08

20082532__

831 ~~(f) "Person entitled to be the primary residential parent~~
832 ~~of a child" means a person so designated by court order or by an~~
833 ~~express written agreement that is subject to court enforcement or~~
834 ~~a person seeking such a designation, or, when neither parent has~~
835 ~~been designated as primary residential parent, the person seeking~~
836 ~~to relocate with a child.~~

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

841 ~~(f)(h)~~ "Relocation" means a change in the principal
842 residence of a child for a period of 60 consecutive days or more
843 but does not include a temporary absence from the principal
844 residence for purposes of vacation, education, or the provision
845 of health care for the child.

846 (2) RELOCATION BY AGREEMENT.--

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

852 1. Reflects the consent to the relocation;

853 2. Defines a time-sharing schedule ~~the visitation rights~~
854 for the nonrelocating parent and any other persons who are
855 entitled to time-sharing ~~visitation~~; and

856 3. Describes, if necessary, any transportation arrangements
857 related to the visitation.

858 (b) If there is an existing cause of action, judgment, or
859 decree of record pertaining to the child's ~~primary~~ residence or a a

7-03762A-08

20082532__

860 time-sharing schedule ~~visitation~~, the parties shall seek
861 ratification of the agreement by court order without the
862 necessity of an evidentiary hearing unless a hearing is
863 requested, in writing, by one or more of the parties to the
864 agreement within 10 days after the date the agreement is filed
865 with the court. If a hearing is not timely requested, it shall be
866 presumed that the relocation is in the best interest of the child
867 and the court may ratify the agreement without an evidentiary
868 hearing.

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

876 (a) The parent seeking to relocate shall prepare a Notice
877 of Intent to Relocate. The following information must be included
878 with the Notice of Intent to Relocate and signed under oath under
879 penalty of perjury:

880 1. A description of the location of the intended new
881 residence, including the state, city, and specific physical
882 address, if known.

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

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

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

7-03762A-08

20082532__

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

892 6. A proposal for the revised postrelocation schedule of
893 time-sharing ~~visitation~~ together with a proposal for the
894 postrelocation transportation arrangements necessary to
895 effectuate time-sharing ~~visitation~~ with the child. Absent the
896 existence of a current, valid order abating, terminating, or
897 restricting visitation or other good cause predating the Notice
898 of Intent to Relocate, failure to comply with this provision
899 renders the Notice of Intent to Relocate legally insufficient.

900 7. Substantially the following statement, in all capital
901 letters and in the same size type, or larger, as the type in the
902 remainder of the notice:

903
904 AN OBJECTION TO THE PROPOSED RELOCATION MUST BE MADE IN WRITING,
905 FILED WITH THE COURT, AND SERVED ON THE PARENT OR OTHER PERSON
906 SEEKING TO RELOCATE WITHIN 30 DAYS AFTER SERVICE OF THIS NOTICE
907 OF INTENT TO RELOCATE. IF YOU FAIL TO TIMELY OBJECT TO THE
908 RELOCATION, THE RELOCATION WILL BE ALLOWED, UNLESS IT IS NOT IN
909 THE BEST INTERESTS OF THE CHILD, WITHOUT FURTHER NOTICE AND
910 WITHOUT A HEARING.

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

914
915 The contents of the Notice of Intent to Relocate are not
916 privileged. For purposes of encouraging amicable resolution of

7-03762A-08

20082532__

917 | the relocation issue, a copy of the Notice of Intent to Relocate
918 | shall initially not be filed with the court but instead served
919 | upon the nonrelocating parent, other person, and every other
920 | person entitled to time-sharing ~~visitation~~ with the child, and
921 | the original thereof shall be maintained by the parent or other
922 | person seeking to relocate.

923 | (b) The parent seeking to relocate shall also prepare a
924 | Certificate of Serving ~~Filing~~ Notice of Intent to Relocate. The
925 | certificate shall certify the date that the Notice of Intent to
926 | Relocate was served on the other parent and on every other person
927 | entitled to time-sharing ~~visitation~~ with the child.

928 | (c) The Notice of Intent to Relocate, and the Certificate
929 | of Serving ~~Filing~~ Notice of Intent to Relocate, shall be served
930 | on the other parent and on every other person entitled to time-
931 | sharing ~~visitation~~ with the child. If there is a pending court
932 | action regarding the child, service of process may be according
933 | to court rule. Otherwise, service of process shall be according
934 | to chapters 48 and 49 or via certified mail, restricted delivery,
935 | return receipt requested.

936 | (d) A person giving notice of a proposed relocation or
937 | change of residence address under this section has a continuing
938 | duty to provide current and updated information required by this
939 | section when that information becomes known.

940 | (e) If the other parent and any other person entitled to
941 | time-sharing ~~visitation~~ with the child fails to timely file an
942 | objection, it shall be presumed that the relocation is in the
943 | best interest of the child, the relocation shall be allowed, and
944 | the court shall, absent good cause, enter an order, attaching a
945 | copy of the Notice of Intent to Relocate, reflecting that the

7-03762A-08

20082532__

946 order is entered as a result of the failure to object to the
947 Notice of Intent to Relocate, and adopting the time-sharing
948 ~~visitation~~ schedule and transportation arrangements contained in
949 the Notice of Intent to Relocate. The order may issue in an
950 expedited manner without the necessity of an evidentiary hearing.
951 If an objection is timely filed, the burden returns to the parent
952 or person seeking to relocate to initiate court proceedings to
953 obtain court permission to relocate before ~~prior to~~ doing so.

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

963 1. A factor in making a determination regarding the
964 relocation of a child.

965 2. A factor in determining whether the parenting plan or
966 the designation of the primary residential parent or the
967 ~~residence, contact, access, visitation, or time-sharing~~ schedule
968 ~~arrangements~~ should be modified.

969 3. A basis for ordering the temporary or permanent return
970 of the child.

971 4. Sufficient cause to order the parent or other person
972 seeking to relocate the child to pay reasonable expenses and
973 attorney's fees incurred by the party objecting to the
974 relocation.

7-03762A-08

20082532__

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

978 (4) APPLICABILITY OF PUBLIC RECORDS LAW.--If the parent or
979 other person seeking to relocate a child, or the child, is
980 entitled to prevent disclosure of location information under any
981 public records exemption applicable to that person, the court may
982 enter any order necessary to modify the disclosure requirements
983 of this section in compliance with the public records exemption.

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

992 (6) TEMPORARY ORDER.--

993 (a) The court may grant a temporary order restraining the
994 relocation of a child or ordering the return of the child, if a
995 relocation has previously taken place, or other appropriate
996 remedial relief, if the court finds:

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

999 2. The child already has been relocated without notice or
1000 written agreement of the parties or without court approval; or

1001 3. From an examination of the evidence presented at the
1002 preliminary hearing that there is a likelihood that upon final

7-03762A-08

20082532__

1003 hearing the court will not approve the relocation of the ~~primary~~
1004 ~~residence of the~~ child.

1005 (b) The court may grant a temporary order permitting the
1006 relocation of the child pending final hearing, if the court:

1007 1. Finds that the required Notice of Intent to Relocate was
1008 provided in a timely manner; and

1009 2. Finds from an examination of the evidence presented at
1010 the preliminary hearing that there is a likelihood that on final
1011 hearing the court will approve the relocation of the ~~primary~~
1012 ~~residence of the~~ child, which findings must be supported by the
1013 same factual basis as would be necessary to support the
1014 permitting of relocation in a final judgment.

1015 (c) If the court has issued a temporary order authorizing a
1016 party seeking to relocate or move a child before a final judgment
1017 is rendered, the court may not give any weight to the temporary
1018 relocation as a factor in reaching its final decision.

1019 (d) If temporary relocation of a child is permitted, the
1020 court may require the person relocating the child to provide
1021 reasonable security, financial or otherwise, and guarantee that
1022 the court-ordered contact with the child will not be interrupted
1023 or interfered with by the relocating party.

1024 (7) NO PRESUMPTION; FACTORS TO DETERMINE CONTESTED
1025 RELOCATION.--A ~~No~~ presumption does not ~~shall~~ arise in favor of or
1026 against a request to relocate with the child when a ~~primary~~
1027 ~~residential~~ parent seeks to move the child and the move will
1028 materially affect the current schedule of contact, access, and
1029 time-sharing with the nonrelocating parent or other person. In
1030 reaching its decision regarding a proposed temporary or permanent

7-03762A-08

20082532__

1031 relocation, the court shall evaluate all of the following
1032 factors:

1033 (a) The nature, quality, extent of involvement, and
1034 duration of the child's relationship with the parent proposing to
1035 relocate with the child and with the nonrelocating parent, other
1036 persons, siblings, half-siblings, and other significant persons
1037 in the child's life.

1038 (b) The age and developmental stage of the child, the needs
1039 of the child, and the likely impact the relocation will have on
1040 the child's physical, educational, and emotional development,
1041 taking into consideration any special needs of the child.

1042 (c) The feasibility of preserving the relationship between
1043 the nonrelocating parent or other person and the child through
1044 substitute arrangements that take into consideration the
1045 logistics of contact, access, ~~visitation~~, and time-sharing, as
1046 well as the financial circumstances of the parties; whether those
1047 factors are sufficient to foster a continuing meaningful
1048 relationship between the child and the nonrelocating parent or
1049 other person; and the likelihood of compliance with the
1050 substitute arrangements by the relocating parent once he or she
1051 is out of the jurisdiction of the court.

1052 (d) The child's preference, taking into consideration the
1053 age and maturity of the child.

1054 (e) Whether the relocation will enhance the general quality
1055 of life for both the parent seeking the relocation and the child,
1056 including, but not limited to, financial or emotional benefits or
1057 educational opportunities.

1058 (f) The reasons of each parent or other person for seeking
1059 or opposing the relocation.

7-03762A-08

20082532__

1060 (g) The current employment and economic circumstances of
1061 each parent or other person and whether or not the proposed
1062 relocation is necessary to improve the economic circumstances of
1063 the parent or other person seeking relocation of the child.

1064 (h) That the relocation is sought in good faith and the
1065 extent to which the objecting parent has fulfilled his or her
1066 financial obligations to the parent or other person seeking
1067 relocation, including child support, spousal support, and marital
1068 property and marital debt obligations.

1069 (i) The career and other opportunities available to the
1070 objecting parent or objecting other person if the relocation
1071 occurs.

1072 (j) A history of substance abuse or domestic violence as
1073 defined in s. 741.28 or which meets the criteria of s.
1074 39.806(1)(d) by either parent, including a consideration of the
1075 severity of such conduct and the failure or success of any
1076 attempts at rehabilitation.

1077 (k) Any other factor affecting the best interest of the
1078 child or as set forth in s. 61.13.

1079 (9) ORDER REGARDING RELOCATION.--If relocation is
1080 permitted:

1081 (a) The court may, in its discretion, order contact with
1082 the nonrelocating parent, including access, ~~visitation~~, time-
1083 sharing, telephone, Internet, webcam, and other arrangements
1084 sufficient to ensure that the child has frequent, continuing, and
1085 meaningful contact, access, ~~visitation~~, and time-sharing with the
1086 nonrelocating parent or other persons, if contact is financially
1087 affordable and in the best interest of the child.

7-03762A-08

20082532__

1088 (b) If applicable, the court shall specify how the
1089 transportation costs will be allocated between the parents and
1090 other persons entitled to contact, access, ~~visitation~~, and time-
1091 sharing and may adjust the child support award, as appropriate,
1092 considering the costs of transportation and the respective net
1093 incomes of the parents in accordance with state child support
1094 guidelines schedule.

1095 (10) PRIORITY FOR HEARING OR TRIAL.--An evidentiary hearing
1096 or nonjury trial on a pleading seeking temporary or permanent
1097 relief filed under ~~pursuant to~~ this section shall be accorded
1098 priority on the court's calendar.

1099 (11) APPLICABILITY.--

1100 (a) ~~The provisions of~~ This section applies ~~apply~~:

1101 1. To orders entered before October 1, 2006, if the
1102 existing order defining custody, primary residence, time-sharing,
1103 or visitation of or with the child does not expressly govern the
1104 relocation of the child.

1105 2. To an order, whether temporary or permanent, regarding
1106 the parenting plan, custody, primary residence, time-sharing, or
1107 visitation of or with the child entered on or after October 1,
1108 2006.

1109 3. To any relocation or proposed relocation, whether
1110 permanent or temporary, of a child during any proceeding pending
1111 on October 1, 2006, wherein the parenting plan, custody, primary
1112 residence, time-sharing, or visitation of or with the child is an
1113 issue.

1114 (b) To the extent that a provision of this section
1115 conflicts with an order existing on October 1, 2006, this section
1116 does not apply to the terms of that order which expressly govern

7-03762A-08

20082532__

1117 relocation of the child or a change in the principal residence
1118 address of a parent.

1119 Section 10. Subsection (3) of section 61.13002, Florida
1120 Statutes, is renumbered as subsection (4), and a new subsection
1121 (3) is added to that section to read:

1122 61.13002 Temporary time-sharing modification ~~child custody~~
1123 and child support modification due to military service.--

1124 (3) If a temporary order is entered under this section, the
1125 court may address the issue of support for the child for whom
1126 custody is temporarily modified by:

1127 (a) Entering an order of temporary support from the service
1128 member to the temporary custodial parent under s. 61.30;

1129 (b) Requiring the activated, deployed, or temporarily
1130 assigned service member to enroll the child as a military
1131 dependant with DEERs, TriCare, or other similar benefits
1132 available to military dependents as provided by the service
1133 member's branch of service and federal regulations; or

1134 (c) Suspending, abating, or reducing the child support
1135 obligation of the non-service member until the custody judgment
1136 or order previously in effect is reinstated.

1137 Section 11. Paragraph (a) of subsection (1) of section
1138 61.14, Florida Statutes, is amended to read:

1139 61.14 Enforcement and modification of support, maintenance,
1140 or alimony agreements or orders.--

1141 (1) (a) When the parties enter into an agreement for
1142 payments for, or instead of, support, maintenance, or alimony,
1143 whether in connection with a proceeding for dissolution or
1144 separate maintenance or with any voluntary property settlement,
1145 or when a party is required by court order to make any payments,

7-03762A-08

20082532__

1146 and the circumstances or the financial ability of either party
1147 changes or the child who is a beneficiary of an agreement or
1148 court order as described herein reaches majority after the
1149 execution of the agreement or the rendition of the order, either
1150 party may apply to the circuit court of the circuit in which the
1151 parties, or either of them, resided at the date of the execution
1152 of the agreement or reside at the date of the application, or in
1153 which the agreement was executed or in which the order was
1154 rendered, for an order decreasing or increasing the amount of
1155 support, maintenance, or alimony, and the court has jurisdiction
1156 to make orders as equity requires, with due regard to the changed
1157 circumstances or the financial ability of the parties or the
1158 child, decreasing, increasing, or confirming the amount of
1159 separate support, maintenance, or alimony provided for in the
1160 agreement or order. A finding that medical insurance is
1161 reasonably available or the child support guidelines schedule in
1162 s. 61.30 may constitute changed circumstances. Except as
1163 otherwise provided in s. 61.30(11)(c), the court may modify an
1164 order of support, maintenance, or alimony by increasing or
1165 decreasing the support, maintenance, or alimony retroactively to
1166 the date of the filing of the action or supplemental action for
1167 modification as equity requires, giving due regard to the changed
1168 circumstances or the financial ability of the parties or the
1169 child.

1170 Section 12. Paragraph (d) of subsection (3) of section
1171 61.181, Florida Statutes, is amended to read:

1172 61.181 Depository for alimony transactions, support,
1173 maintenance, and support payments; fees.--

1174 (3)

7-03762A-08

20082532__

1175 (d) When time-sharing ~~custody~~ of a child is relinquished by
1176 a ~~custodial~~ parent who is entitled to receive child support
1177 moneys from the depository to a licensed or registered long-term
1178 care child agency, that agency may request from the court an
1179 order directing child support payments that ~~which~~ would otherwise
1180 be distributed to the ~~custodial~~ parent be distributed to the
1181 agency for the period of time that ~~custody of~~ the child is with
1182 ~~by~~ the agency. Thereafter, payments shall be distributed to the
1183 agency as if the agency were the ~~custodial~~ parent until further
1184 order of the court.

1185 Section 13. Paragraphs (b) and (d) of subsection (1) of
1186 section 61.1827, Florida Statutes, are amended to read:

1187 61.1827 Identifying information concerning applicants for
1188 and recipients of child support services.--

1189 (1) Any information that reveals the identity of applicants
1190 for or recipients of child support services, including the name,
1191 address, and telephone number of such persons, held by a non-
1192 Title IV-D county child support enforcement agency is
1193 confidential and exempt from s. 119.07(1) and s. 24(a) of Art. I
1194 of the State Constitution. The use or disclosure of such
1195 information by the non-Title IV-D county child support
1196 enforcement agency is limited to the purposes directly connected
1197 with:

1198 (b) Mandatory disclosure of identifying and location
1199 information as provided in s. 61.13(7) ~~(8)~~ by the non-Title IV-D
1200 county child support enforcement agency when providing non-Title
1201 IV-D services;

1202 (d) Disclosure to an authorized person, as defined in 45
1203 C.F.R. s. 303.15, for purposes of enforcing any state or federal

7-03762A-08

20082532__

1204 law with respect to the unlawful taking or restraint of a child
1205 or making or enforcing a parenting plan ~~child custody or~~
1206 ~~visitation determination~~. As used in this paragraph, the term
1207 "authorized person" includes a ~~noncustodial~~ parent with whom the
1208 child does not currently reside, unless a court has entered an
1209 order under s. 741.30, s. 741.31, or s. 784.046.

1210 Section 14. Subsections (1) and (3) of section 61.20,
1211 Florida Statutes, are amended to read:

1212 61.20 Social investigation and recommendations regarding a
1213 parenting plan ~~when child custody is in issue.--~~

1214 (1) In any action where the parenting plan ~~custody of a~~
1215 ~~minor child~~ is at in issue because the parents are unable to
1216 agree, the court may order a social investigation and study
1217 concerning all pertinent details relating to the child and each
1218 parent when such an investigation has not been done and the study
1219 therefrom provided to the court by the parties or when the court
1220 determines that the investigation and study that have been done
1221 are insufficient. The agency, staff, or person conducting the
1222 investigation and study ordered by the court pursuant to this
1223 section shall furnish the court and all parties of record in the
1224 proceeding a written study containing recommendations, including
1225 a written statement of facts found in the social investigation on
1226 which the recommendations are based. The court may consider the
1227 information contained in the study in making a decision on the
1228 parenting plan ~~child's custody~~ and the technical rules of
1229 evidence do not exclude the study from consideration.

1230 (3) Except as to persons who obtain certification of
1231 indigence as specified in subsection (2), for whom no costs shall
1232 be incurred, the adult parties involved in a ~~child custody~~

7-03762A-08

20082532__

1233 proceeding to determine a parenting plan wherein the court has
1234 ordered the performance of a social investigation and study
1235 ~~performed~~ shall be responsible for the payment of the costs of
1236 such investigation and study. Upon submission of the study to the
1237 court, the agency, staff, or person performing the study shall
1238 include a bill for services, which shall be taxed and ordered
1239 paid as costs in the proceeding.

1240 Section 15. Paragraph (c) of subsection (1) and subsection
1241 (6) of section 61.21, Florida Statutes, are amended to read:

1242 61.21 Parenting course authorized; fees; required
1243 attendance authorized; contempt.--

1244 (1) LEGISLATIVE FINDINGS; PURPOSE.--It is the finding of
1245 the Legislature that:

1246 (c) It has been found to be beneficial to parents who are
1247 separating or divorcing to have available an educational program
1248 that will provide general information regarding:

1249 1. The issues and legal procedures for resolving time-
1250 sharing custody and child support disputes.

1251 2. The emotional experiences and problems of divorcing
1252 adults.

1253 3. The family problems and the emotional concerns and needs
1254 of the children.

1255 4. The availability of community services and resources.

1256 (6) All parties to a modification of a final judgment
1257 involving a parenting plan or a time-sharing schedule ~~shared~~
1258 ~~parental responsibilities, custody, or visitation~~ may be required
1259 to complete a court-approved parenting course prior to the entry
1260 of an order modifying the final judgment.

7-03762A-08

20082532__

1261 Section 16. Section 61.30, Florida Statutes, is amended to
1262 read:

1263 61.30 Child support guidelines; retroactive child
1264 support.--

1265 (1)(a) The child support guideline amount as determined by
1266 this section presumptively establishes the amount the trier of
1267 fact shall order as child support in an initial proceeding for
1268 such support or in a proceeding for modification of an existing
1269 order for such support, whether the proceeding arises under this
1270 or another chapter. The trier of fact may order payment of child
1271 support which varies, plus or minus 5 percent, from the guideline
1272 amount, after considering all relevant factors, including the
1273 needs of the child or children, age, station in life, standard of
1274 living, and the financial status and ability of each parent. The
1275 trier of fact may order payment of child support in an amount
1276 which varies more than 5 percent from such guideline amount only
1277 upon a written finding explaining why ordering payment of such
1278 guideline amount would be unjust or inappropriate.

1279 Notwithstanding the variance limitations of this section, the
1280 trier of fact shall order payment of child support which varies
1281 from the guideline amount as provided in paragraph (1)(b)
1282 whenever any of the children are required by court order or
1283 mediation agreement to spend a substantial amount of time with
1284 either parent ~~the primary and secondary residential parents~~. This
1285 requirement applies to any living arrangement, whether temporary
1286 or permanent.

1287 (b) The guidelines may provide the basis for proving a
1288 substantial change in circumstances upon which a modification of
1289 an existing order may be granted. However, the difference between

7-03762A-08

20082532__

1290 the existing monthly obligation and the amount provided for under
1291 the guidelines shall be at least 15 percent or \$50, whichever
1292 amount is greater, before the court may find that the guidelines
1293 provide a substantial change in circumstances.

1294 (c) For each support order reviewed by the department as
1295 required by s. 409.2564(11), if the amount of the child support
1296 award under the order differs by at least 10 percent but not less
1297 than \$25 from the amount that would be awarded under s. 61.30,
1298 the department shall seek to have the order modified and any
1299 modification shall be made without a requirement for proof or
1300 showing of a change in circumstances.

1301 (2) Income shall be determined on a monthly basis for each
1302 parent ~~the obligor and for the obligee~~ as follows:

1303 (a) Gross income shall include, but is not limited to, the
1304 following ~~items~~:

1305 1. Salary or wages.

1306 2. Bonuses, commissions, allowances, overtime, tips, and
1307 other similar payments.

1308 3. Business income from sources such as self-employment,
1309 partnership, close corporations, and independent contracts.

1310 "Business income" means gross receipts minus ordinary and
1311 necessary expenses required to produce income.

1312 4. Disability benefits.

1313 5. All workers' compensation benefits and settlements.

1314 6. Unemployment compensation.

1315 7. Pension, retirement, or annuity payments.

1316 8. Social security benefits.

1317 9. Spousal support received from a previous marriage or
1318 court ordered in the marriage before the court.

7-03762A-08

20082532__

- 1319 10. Interest and dividends.
- 1320 11. Rental income, which is gross receipts minus ordinary
1321 and necessary expenses required to produce the income.
- 1322 12. Income from royalties, trusts, or estates.
- 1323 13. Reimbursed expenses or in kind payments to the extent
1324 that they reduce living expenses.
- 1325 14. Gains derived from dealings in property, unless the
1326 gain is nonrecurring.
- 1327 (b) Income on a monthly basis shall be imputed to an
1328 unemployed or underemployed parent when such employment or
1329 underemployment is found by the court to be voluntary on that
1330 parent's part, absent a finding of fact by the court of physical
1331 or mental incapacity or other circumstances over which the parent
1332 has no control. In the event of such voluntary unemployment or
1333 underemployment, the employment potential and probable earnings
1334 level of the parent shall be determined based upon his or her
1335 recent work history, occupational qualifications, and prevailing
1336 earnings level in the community as provided in this paragraph;
1337 however, the court may refuse to impute income to a ~~primary~~
1338 ~~residential~~ parent if the court finds it necessary for the parent
1339 to stay home with the child who is the subject of a child support
1340 calculation.
- 1341 (c) Public assistance as defined in s. 409.2554 shall be
1342 excluded from gross income.
- 1343 (3) Net income is obtained by subtracting allowable
1344 deductions from gross income. Allowable deductions shall include:
- 1345 (a) Federal, state, and local income tax deductions,
1346 adjusted for actual filing status and allowable dependents and
1347 income tax liabilities.

7-03762A-08

20082532__

- 1348 (b) Federal insurance contributions or self-employment tax.
- 1349 (c) Mandatory union dues.
- 1350 (d) Mandatory retirement payments.
- 1351 (e) Health insurance payments, excluding payments for
- 1352 coverage of the minor child.
- 1353 (f) Court-ordered support for other children which is
- 1354 actually paid.
- 1355 (g) Spousal support paid pursuant to a court order from a
- 1356 previous marriage or the marriage before the court.
- 1357 (4) Net income for each parent ~~the obligor and net income~~
- 1358 ~~for the obligee~~ shall be computed by subtracting allowable
- 1359 deductions from gross income.
- 1360 (5) Net income for each parent ~~the obligor and net income~~
- 1361 ~~for the obligee~~ shall be added together for a combined net
- 1362 income.
- 1363 (6) The following guidelines schedule ~~schedules~~ shall be
- 1364 applied to the combined net income to determine the minimum child
- 1365 support need:

Combined Monthly <u>Net</u> Available Income	Child or Children					
	One	Two	Three	Four	Five	Six
650.00	74	75	75	76	77	78
700.00	119	120	121	123	124	125
750.00	164	166	167	169	171	173

7-03762A-08

20082532__

1371	800.00	190	211	213	216	218	220
1372	850.00	202	257	259	262	265	268
1373	900.00	213	302	305	309	312	315
1374	950.00	224	347	351	355	359	363
1375	1000.00	235	365	397	402	406	410
1376	1050.00	246	382	443	448	453	458
1377	1100.00	258	400	489	495	500	505
1378	1150.00	269	417	522	541	547	553
1379	1200.00	280	435	544	588	594	600
1380	1250.00	290	451	565	634	641	648
1381	1300.00	300	467	584	659	688	695
1382	1350.00	310	482	603	681	735	743
1383	1400.00	320	498	623	702	765	790
1384	1450.00	330	513	642	724	789	838
1385							

7-03762A-08

20082532__

1386	1500.00	340	529	662	746	813	869
1387	1550.00	350	544	681	768	836	895
1388	1600.00	360	560	701	790	860	920
1389	1650.00	370	575	720	812	884	945
1390	1700.00	380	591	740	833	907	971
1391	1750.00	390	606	759	855	931	996
1392	1800.00	400	622	779	877	955	1022
1393	1850.00	410	638	798	900	979	1048
1394	1900.00	421	654	818	923	1004	1074
1395	1950.00	431	670	839	946	1029	1101
1396	2000.00	442	686	859	968	1054	1128
1397	2050.00	452	702	879	991	1079	1154
1398	2100.00	463	718	899	1014	1104	1181
1399	2150.00	473	734	919	1037	1129	1207
	2200.00	484	751	940	1060	1154	1234

7-03762A-08

20082532__

1400	2250.00	494	767	960	1082	1179	1261
1401	2300.00	505	783	980	1105	1204	1287
1402	2350.00	515	799	1000	1128	1229	1314
1403	2400.00	526	815	1020	1151	1254	1340
1404	2450.00	536	831	1041	1174	1279	1367
1405	2500.00	547	847	1061	1196	1304	1394
1406	2550.00	557	864	1081	1219	1329	1420
1407	2600.00	568	880	1101	1242	1354	1447
1408	2650.00	578	896	1121	1265	1379	1473
1409	2700.00	588	912	1141	1287	1403	1500
1410	2750.00	597	927	1160	1308	1426	1524
1411	2800.00	607	941	1178	1328	1448	1549
1412	2850.00	616	956	1197	1349	1471	1573
1413	2900.00	626	971	1215	1370	1494	1598
1414							

7-03762A-08

20082532__

1415	2950.00	635	986	1234	1391	1517	1622
1416	3000.00	644	1001	1252	1412	1540	1647
1417	3050.00	654	1016	1271	1433	1563	1671
1418	3100.00	663	1031	1289	1453	1586	1695
1419	3150.00	673	1045	1308	1474	1608	1720
1420	3200.00	682	1060	1327	1495	1631	1744
1421	3250.00	691	1075	1345	1516	1654	1769
1422	3300.00	701	1090	1364	1537	1677	1793
1423	3350.00	710	1105	1382	1558	1700	1818
1424	3400.00	720	1120	1401	1579	1723	1842
1425	3450.00	729	1135	1419	1599	1745	1867
1426	3500.00	738	1149	1438	1620	1768	1891
1427	3550.00	748	1164	1456	1641	1791	1915
1428	3600.00	757	1179	1475	1662	1814	1940
	3650.00	767	1194	1493	1683	1837	1964

7-03762A-08

20082532__

1429	3700.00	776	1208	1503	1702	1857	1987
1430	3750.00	784	1221	1520	1721	1878	2009
1431	3800.00	793	1234	1536	1740	1899	2031
1432	3850.00	802	1248	1553	1759	1920	2053
1433	3900.00	811	1261	1570	1778	1940	2075
1434	3950.00	819	1275	1587	1797	1961	2097
1435	4000.00	828	1288	1603	1816	1982	2119
1436	4050.00	837	1302	1620	1835	2002	2141
1437	4100.00	846	1315	1637	1854	2023	2163
1438	4150.00	854	1329	1654	1873	2044	2185
1439	4200.00	863	1342	1670	1892	2064	2207
1440	4250.00	872	1355	1687	1911	2085	2229
1441	4300.00	881	1369	1704	1930	2106	2251
1442	4350.00	889	1382	1721	1949	2127	2273
1443							

7-03762A-08

20082532__

1444	4400.00	898	1396	1737	1968	2147	2295
1445	4450.00	907	1409	1754	1987	2168	2317
1446	4500.00	916	1423	1771	2006	2189	2339
1447	4550.00	924	1436	1788	2024	2209	2361
1448	4600.00	933	1450	1804	2043	2230	2384
1449	4650.00	942	1463	1821	2062	2251	2406
1450	4700.00	951	1477	1838	2081	2271	2428
1451	4750.00	959	1490	1855	2100	2292	2450
1452	4800.00	968	1503	1871	2119	2313	2472
1453	4850.00	977	1517	1888	2138	2334	2494
1454	4900.00	986	1530	1905	2157	2354	2516
1455	4950.00	993	1542	1927	2174	2372	2535
1456	5000.00	1000	1551	1939	2188	2387	2551
1457	5050.00	1006	1561	1952	2202	2402	2567
	5100.00	1013	1571	1964	2215	2417	2583

7-03762A-08

20082532__

1458	5150.00	1019	1580	1976	2229	2432	2599
1459	5200.00	1025	1590	1988	2243	2447	2615
1460	5250.00	1032	1599	2000	2256	2462	2631
1461	5300.00	1038	1609	2012	2270	2477	2647
1462	5350.00	1045	1619	2024	2283	2492	2663
1463	5400.00	1051	1628	2037	2297	2507	2679
1464	5450.00	1057	1638	2049	2311	2522	2695
1465	5500.00	1064	1647	2061	2324	2537	2711
1466	5550.00	1070	1657	2073	2338	2552	2727
1467	5600.00	1077	1667	2085	2352	2567	2743
1468	5650.00	1083	1676	2097	2365	2582	2759
1469	5700.00	1089	1686	2109	2379	2597	2775
1470	5750.00	1096	1695	2122	2393	2612	2791
1471	5800.00	1102	1705	2134	2406	2627	2807
1472							

7-03762A-08

20082532__

1473	5850.00	1107	1713	2144	2418	2639	2820
1474	5900.00	1111	1721	2155	2429	2651	2833
1475	5950.00	1116	1729	2165	2440	2663	2847
1476	6000.00	1121	1737	2175	2451	2676	2860
1477	6050.00	1126	1746	2185	2462	2688	2874
1478	6100.00	1131	1754	2196	2473	2700	2887
1479	6150.00	1136	1762	2206	2484	2712	2900
1480	6200.00	1141	1770	2216	2495	2724	2914
1481	6250.00	1145	1778	2227	2506	2737	2927
1482	6300.00	1150	1786	2237	2517	2749	2941
1483	6350.00	1155	1795	2247	2529	2761	2954
1484	6400.00	1160	1803	2258	2540	2773	2967
1485	6450.00	1165	1811	2268	2551	2785	2981
1486	6500.00	1170	1819	2278	2562	2798	2994
	6550.00	1175	1827	2288	2573	2810	3008

7-03762A-08

20082532__

1487	6600.00	1179	1835	2299	2584	2822	3021
1488	6650.00	1184	1843	2309	2595	2834	3034
1489	6700.00	1189	1850	2317	2604	2845	3045
1490	6750.00	1193	1856	2325	2613	2854	3055
1491	6800.00	1196	1862	2332	2621	2863	3064
1492	6850.00	1200	1868	2340	2630	2872	3074
1493	6900.00	1204	1873	2347	2639	2882	3084
1494	6950.00	1208	1879	2355	2647	2891	3094
1495	7000.00	1212	1885	2362	2656	2900	3103
1496	7050.00	1216	1891	2370	2664	2909	3113
1497	7100.00	1220	1897	2378	2673	2919	3123
1498	7150.00	1224	1903	2385	2681	2928	3133
1499	7200.00	1228	1909	2393	2690	2937	3142
1500	7250.00	1232	1915	2400	2698	2946	3152
1501							

7-03762A-08

20082532__

1502	7300.00	1235	1921	2408	2707	2956	3162
1503	7350.00	1239	1927	2415	2716	2965	3172
1504	7400.00	1243	1933	2423	2724	2974	3181
1505	7450.00	1247	1939	2430	2733	2983	3191
1506	7500.00	1251	1945	2438	2741	2993	3201
1507	7550.00	1255	1951	2446	2750	3002	3211
1508	7600.00	1259	1957	2453	2758	3011	3220
1509	7650.00	1263	1963	2461	2767	3020	3230
1510	7700.00	1267	1969	2468	2775	3030	3240
1511	7750.00	1271	1975	2476	2784	3039	3250
1512	7800.00	1274	1981	2483	2792	3048	3259
1513	7850.00	1278	1987	2491	2801	3057	3269
1514	7900.00	1282	1992	2498	2810	3067	3279
1515	7950.00	1286	1998	2506	2818	3076	3289
	8000.00	1290	2004	2513	2827	3085	3298

7-03762A-08

20082532__

1516	8050.00	1294	2010	2521	2835	3094	3308
1517	8100.00	1298	2016	2529	2844	3104	3318
1518	8150.00	1302	2022	2536	2852	3113	3328
1519	8200.00	1306	2028	2544	2861	3122	3337
1520	8250.00	1310	2034	2551	2869	3131	3347
1521	8300.00	1313	2040	2559	2878	3141	3357
1522	8350.00	1317	2046	2566	2887	3150	3367
1523	8400.00	1321	2052	2574	2895	3159	3376
1524	8450.00	1325	2058	2581	2904	3168	3386
1525	8500.00	1329	2064	2589	2912	3178	3396
1526	8550.00	1333	2070	2597	2921	3187	3406
1527	8600.00	1337	2076	2604	2929	3196	3415
1528	8650.00	1341	2082	2612	2938	3205	3425
1529	8700.00	1345	2088	2619	2946	3215	3435
1530							

7-03762A-08

20082532__

1531	8750.00	1349	2094	2627	2955	3224	3445
1532	8800.00	1352	2100	2634	2963	3233	3454
1533	8850.00	1356	2106	2642	2972	3242	3464
1534	8900.00	1360	2111	2649	2981	3252	3474
1535	8950.00	1364	2117	2657	2989	3261	3484
1536	9000.00	1368	2123	2664	2998	3270	3493
1537	9050.00	1372	2129	2672	3006	3279	3503
1538	9100.00	1376	2135	2680	3015	3289	3513
1539	9150.00	1380	2141	2687	3023	3298	3523
1540	9200.00	1384	2147	2695	3032	3307	3532
1541	9250.00	1388	2153	2702	3040	3316	3542
1542	9300.00	1391	2159	2710	3049	3326	3552
1543	9350.00	1395	2165	2717	3058	3335	3562
1544	9400.00	1399	2171	2725	3066	3344	3571
	9450.00	1403	2177	2732	3075	3353	3581

7-03762A-08

20082532__

1545	9500.00	1407	2183	2740	3083	3363	3591
1546	9550.00	1411	2189	2748	3092	3372	3601
1547	9600.00	1415	2195	2755	3100	3381	3610
1548	9650.00	1419	2201	2763	3109	3390	3620
1549	9700.00	1422	2206	2767	3115	3396	3628
1550	9750.00	1425	2210	2772	3121	3402	3634
1551	9800.00	1427	2213	2776	3126	3408	3641
1552	9850.00	1430	2217	2781	3132	3414	3647
1553	9900.00	1432	2221	2786	3137	3420	3653
1554	9950.00	1435	2225	2791	3143	3426	3659
1555	10000.00	1437	2228	2795	3148	3432	3666

1557 For combined monthly available income less than the amount set
 1558 out on the above guidelines schedule ~~schedules~~, the parent should
 1559 be ordered to pay a child support amount, determined on a case-
 1560 by-case basis, to establish the principle of payment and lay the
 1561 basis for increased orders should the parent's income increase in
 1562 the future. For combined monthly available income greater than

7-03762A-08

20082532__

1563 | the amount set out in the above guidelines schedule ~~schedules~~,
 1564 | the obligation shall be the minimum amount of support provided by
 1565 | the guidelines schedule plus the following percentages multiplied
 1566 | by the amount of income over \$10,000:

1567 | Child or Children

1568	One	Two	Three	Four	Five	Six
1569	5.0%	7.5%	9.5%	11.0%	12.0%	12.5%

1570 |
 1571 | (7) Child care costs incurred on behalf of the children due
 1572 | to employment, job search, or education calculated to result in
 1573 | employment or to enhance income of current employment of either
 1574 | parent shall be ~~reduced by 25 percent and then shall be~~ added to
 1575 | the basic obligation. After the ~~adjusted~~ child care costs are
 1576 | added to the basic obligation, any moneys prepaid by a ~~the~~
 1577 | ~~noncustodial~~ parent for child care costs for the child or
 1578 | children of this action shall be deducted from that ~~noncustodial~~
 1579 | parent's child support obligation for that child or those
 1580 | children. Child care costs shall not exceed the level required to
 1581 | provide quality care from a licensed source for the children.

1582 | (8) Health insurance costs resulting from coverage ordered
 1583 | pursuant to s. 61.13(1)(b), and any noncovered medical, dental,
 1584 | and prescription medication expenses of the child, shall be added
 1585 | to the basic obligation unless these expenses have been ordered
 1586 | to be separately paid on a percentage basis. After the health
 1587 | insurance costs are added to the basic obligation, any moneys
 1588 | prepaid by a ~~the noncustodial~~ parent for health-related costs for

7-03762A-08

20082532__

1589 the child or children of this action shall be deducted from that
1590 ~~noncustodial~~ parent's child support obligation for that child or
1591 those children.

1592 (9) Each parent's percentage share of the child support
1593 need shall be determined by dividing each parent's net monthly
1594 income by the combined net monthly income.

1595 (10) The total minimum child support need shall be
1596 determined by adding child care costs and health insurance costs
1597 to the minimum child support need. Each parent's actual dollar
1598 share of the total minimum child support need shall be determined
1599 by multiplying the minimum child support need by each parent's
1600 percentage share of the combined monthly net income.

1601 (11) (a) The court may adjust the total minimum child
1602 support award, or either or both parents' share of the total
1603 minimum child support award, based upon the following deviation
1604 factors ~~considerations~~:

1605 1. Extraordinary medical, psychological, educational, or
1606 dental expenses.

1607 2. Independent income of the child, not to include moneys
1608 received by a child from supplemental security income.

1609 3. The payment of support for a parent which regularly has
1610 been paid and for which there is a demonstrated need.

1611 4. Seasonal variations in one or both parents' incomes or
1612 expenses.

1613 5. The age of the child, taking into account the greater
1614 needs of older children.

1615 6. Special needs, such as costs that may be associated with
1616 the disability of a child, that have traditionally been met
1617 within the family budget even though the fulfilling of those

7-03762A-08

20082532__

1618 needs will cause the support to exceed the presumptive amount
1619 established by the ~~proposed~~ guidelines.

1620 7. Total available assets of the obligee, obligor, and the
1621 child.

1622 8. The impact of the Internal Revenue Service dependency
1623 exemption and waiver of that exemption and the impact of any
1624 federal child care tax credit. The court may order a ~~the primary~~
1625 ~~residential~~ parent to execute a waiver of the Internal Revenue
1626 Service dependency exemption if the payor ~~noncustodial~~ parent is
1627 current in support payments.

1628 9. When application of the child support guidelines
1629 schedule requires a person to pay another person more than 55
1630 percent of his or her gross income for a child support obligation
1631 for current support resulting from a single support order.

1632 10. The particular parenting ~~shared parental~~ arrangement,
1633 such as where the child spends a significant amount of time, but
1634 less than 40 percent of the overnights, with one ~~the noncustodial~~
1635 parent, thereby reducing the financial expenditures incurred by
1636 the other ~~primary residential~~ parent; or the refusal of a ~~the~~
1637 ~~noncustodial~~ parent to become involved in the activities of the
1638 child.

1639 11. Any other adjustment which is needed to achieve an
1640 equitable result which may include, but not be limited to, a
1641 reasonable and necessary existing expense or debt. Such expense
1642 or debt may include, but is not limited to, a reasonable and
1643 necessary expense or debt which the parties jointly incurred
1644 during the marriage.

1645 (b) Whenever a particular parenting plan ~~shared parental~~
1646 ~~arrangement~~ provides that each child spend a substantial amount

7-03762A-08

20082532__

1647 of time with each parent, the court shall adjust any award of
1648 child support, as follows:

1649 1. In accordance with subsections (9) and (10), calculate
1650 the amount of support obligation apportioned to each the
1651 ~~noncustodial~~ parent without including day care and health
1652 insurance costs in the calculation and multiply the amount by
1653 1.5.

1654 ~~2. In accordance with subsections (9) and (10), calculate~~
1655 ~~the amount of support obligation apportioned to the custodial~~
1656 ~~parent without including day care and health insurance costs in~~
1657 ~~the calculation and multiply the amount by 1.5.~~

1658 2.3. Calculate the percentage of overnight stays the child
1659 spends with each parent.

1660 3.4. Multiply each the ~~noncustodial~~ parent's support
1661 obligation as calculated in subparagraph 1. by the percentage of
1662 the other ~~eustodial~~ parent's overnight stays with the child as
1663 calculated in subparagraph 2. ~~3.~~

1664 ~~5. Multiply the custodial parent's support obligation as~~
1665 ~~calculated in subparagraph 2. by the percentage of the~~
1666 ~~noncustodial parent's overnight stays with the child as~~
1667 ~~calculated in subparagraph 3.~~

1668 4.6. The difference between the amounts calculated in
1669 subparagraph 3. ~~subparagraphs 4. and 5.~~ shall be the monetary
1670 transfer necessary between the ~~eustodial and noncustodial~~ parents
1671 for the care of the child, subject to an adjustment for day care
1672 and health insurance expenses.

1673 5.7. Pursuant to subsections (7) and (8), calculate the net
1674 amounts owed by each parent ~~the custodial and noncustodial~~
1675 ~~parents~~ for the expenses incurred for day care and health

7-03762A-08

20082532__

1676 insurance coverage for the child. ~~Day care shall be calculated~~
1677 ~~without regard to the 25-percent reduction applied by subsection~~
1678 ~~(7).~~

1679 6.8. Adjust the support obligation owed by each the
1680 ~~custodial or noncustodial~~ parent pursuant to subparagraph ~~4. 6.~~
1681 by crediting or debiting the amount calculated in subparagraph 5.
1682 ~~7.~~ This amount represents the child support which must be
1683 exchanged between the ~~custodial and noncustodial~~ parents.
1684 However, if the amount to be paid is more than the child support
1685 that would be paid had the child support been calculated without
1686 adjustment for substantial time-sharing, the court shall order
1687 child support to be paid without making the otherwise mandatory
1688 adjustment required by this subparagraph.

1689 7.9. The court may deviate from the child support amount
1690 calculated pursuant to subparagraph ~~6. 8.~~ based upon the
1691 deviation factors ~~considerations set forth~~ in paragraph (a), as
1692 well as either the ~~custodial~~ parent's low income and ability to
1693 maintain the basic necessities of the home for the child, the
1694 likelihood that either the ~~noncustodial~~ parent will actually
1695 exercise the time-sharing schedule set forth in the parenting
1696 plan ~~visitation~~ granted by the court, and whether all of the
1697 children are exercising the same time-sharing schedule ~~shared~~
1698 ~~parental arrangement.~~

1699 8.10. For purposes of adjusting any award of child support
1700 under this paragraph, "substantial amount of time" means that a
1701 ~~the noncustodial~~ parent exercises visitation at least 40 percent
1702 of the overnights of the year.

1703 (c) A ~~noncustodial~~ parent's failure to regularly exercise
1704 court-ordered or agreed time-sharing schedule ~~visitation~~ not

7-03762A-08

20082532__

1705 caused by the other ~~eustodial~~ parent which resulted in the
1706 adjustment of the amount of child support pursuant to
1707 subparagraph (a)10. or paragraph (b) shall be deemed a
1708 substantial change of circumstances for purposes of modifying the
1709 child support award. A modification pursuant to this paragraph
1710 shall be retroactive to the date the noncustodial parent first
1711 failed to regularly exercise court-ordered or agreed time-sharing
1712 schedule ~~visitation~~.

1713 (12) (a) A parent with a support obligation may have other
1714 children living with him or her who were born or adopted after
1715 the support obligation arose. If such subsequent children exist,
1716 the court, when considering an upward modification of an existing
1717 award, may disregard the income from secondary employment
1718 obtained in addition to the parent's primary employment if the
1719 court determines that the employment was obtained primarily to
1720 support the subsequent children.

1721 (b) Except as provided in paragraph (a), the existence of
1722 such subsequent children should not as a general rule be
1723 considered by the court as a basis for disregarding the amount
1724 provided in the guidelines schedule. The parent with a support
1725 obligation for subsequent children may raise the existence of
1726 such subsequent children as a justification for deviation from
1727 the guidelines schedule. However, if the existence of such
1728 subsequent children is raised, the income of the other parent of
1729 the subsequent children shall be considered by the court in
1730 determining whether or not there is a basis for deviation from
1731 the guideline amount.

1732 (c) The issue of subsequent children under paragraph (a) or
1733 paragraph (b) may only be raised in a proceeding for an upward

7-03762A-08

20082532__

1734 modification of an existing award and may not be applied to
1735 justify a decrease in an existing award.

1736 (13) If the recurring income is not sufficient to meet the
1737 needs of the child, the court may order child support to be paid
1738 from nonrecurring income or assets.

1739 (14) Every petition for child support or for modification
1740 of child support shall be accompanied by an affidavit which shows
1741 the party's income, allowable deductions, and net income computed
1742 in accordance with this section. The affidavit shall be served at
1743 the same time that the petition is served. The respondent,
1744 whether or not a stipulation is entered, shall make an affidavit
1745 which shows the party's income, allowable deductions, and net
1746 income computed in accordance with this section. The respondent
1747 shall include his or her affidavit with the answer to the
1748 petition or as soon thereafter as is practicable, but in any case
1749 at least 72 hours prior to any hearing on the finances of either
1750 party.

1751 (15) For purposes of establishing an obligation for support
1752 in accordance with this section, if a person who is receiving
1753 public assistance is found to be noncooperative as defined in s.
1754 409.2572, the IV-D agency is authorized to submit to the court an
1755 affidavit attesting to the income of that ~~the custodial~~ parent
1756 based upon information available to the IV-D agency.

1757 (16) The Legislature shall review the guidelines schedule
1758 established in this section at least every 4 years beginning in
1759 1997.

1760 (17) In an initial determination of child support, whether
1761 in a paternity action, dissolution of marriage action, or
1762 petition for support during the marriage, the court has

7-03762A-08

20082532__

1763 discretion to award child support retroactive to the date when
1764 the parents did not reside together in the same household with
1765 the child, not to exceed a period of 24 months preceding the
1766 filing of the petition, regardless of whether that date precedes
1767 the filing of the petition. In determining the retroactive award
1768 in such cases, the court shall consider the following:

1769 (a) The court shall apply the guidelines schedule in effect
1770 at the time of the hearing subject to the obligor's demonstration
1771 of his or her actual income, as defined by subsection (2), during
1772 the retroactive period. Failure of the obligor to so demonstrate
1773 shall result in the court using the obligor's income at the time
1774 of the hearing in computing child support for the retroactive
1775 period.

1776 (b) All actual payments made by a ~~the noncustodial~~ parent
1777 to the other ~~custodial~~ parent or the child or third parties for
1778 the benefit of the child throughout the proposed retroactive
1779 period.

1780 (c) The court should consider an installment payment plan
1781 for the payment of retroactive child support.

1782 Section 17. Section 61.401, Florida Statutes, is amended to
1783 read:

1784 61.401 Appointment of guardian ad litem.--In an action
1785 where the parties have been unable to agree to a parenting plan
1786 ~~for dissolution of marriage, modification, parental~~
1787 ~~responsibility, custody, or visitation~~, if the court finds it is
1788 in the best interest of the child, the court may appoint a
1789 guardian ad litem to act as next friend of the child,
1790 investigator or evaluator, not as attorney or advocate. The court
1791 in its discretion may also appoint legal counsel for a child to

7-03762A-08

20082532__

1792 act as attorney or advocate; however, the guardian and the legal
1793 counsel shall not be the same person. In such actions which
1794 involve an allegation of child abuse, abandonment, or neglect as
1795 defined in s. 39.01, which allegation is verified and determined
1796 by the court to be well-founded, the court shall appoint a
1797 guardian ad litem for the child. The guardian ad litem shall be a
1798 party to any judicial proceeding from the date of the appointment
1799 until the date of discharge.

1800 Section 18. Section 61.45, Florida Statutes, is amended to
1801 read:

1802 61.45 Court-ordered parenting plan ~~Court order of~~
1803 ~~visitation or custody~~; risk of violation; bond.--

1804 (1) In any ~~a~~ proceeding in which the court enters a
1805 parenting plan, including a time-sharing schedule ~~an order of~~
1806 ~~child custody or visitation~~, including in a modification
1807 proceeding, upon the presentation of competent substantial
1808 evidence that there is a risk that one party may violate the
1809 court's parenting plan ~~order of visitation or custody~~ by removing
1810 a child from this state or country or by concealing the
1811 whereabouts of a child, or upon stipulation of the parties, the
1812 court may:

1813 (a) Order that a parent may not remove the child from this
1814 state without the notarized written permission of both parents or
1815 further court order;

1816 (b) Order that a parent may not remove the child from this
1817 country without the notarized written permission of both parents
1818 or further court order;

1819 (c) Order that a parent may not take the child to a country
1820 that has not ratified or acceded to the Hague Convention on the

7-03762A-08

20082532__

1821 Civil Aspects of International Child Abduction unless the other
1822 parent agrees in writing that the child may be taken to the
1823 country;

1824 (d) Require a parent to surrender the passport of the
1825 child; or

1826 (e) Require that party to post bond or other security.

1827 (2) If the court enters a parenting plan, including a time-
1828 sharing schedule ~~an order of child custody or visitation,~~
1829 including in a modification proceeding, that includes a provision
1830 entered under paragraph (1) (b) or paragraph (1) (c), a certified
1831 copy of the order should be sent by the parent who requested the
1832 restriction to the Passport Services Office of the United States
1833 Department of State requesting that they not issue a passport to
1834 the child without their signature or further court order.

1835 (3) In assessing the need for a bond or other security, the
1836 court may consider any reasonable factor bearing upon the risk
1837 that a party may violate a parenting plan ~~visitation or custody~~
1838 ~~order~~ by removing a child from this state or country or by
1839 concealing the whereabouts of a child, including but not limited
1840 to whether:

1841 (a) A court has previously found that a party previously
1842 removed a child from Florida or another state in violation of a
1843 parenting plan ~~custody or visitation order,~~ or whether a court
1844 had found that a party has threatened to take a child out of
1845 Florida or another state in violation of a parenting plan ~~custody~~
1846 ~~or visitation order;~~

1847 (b) The party has strong family and community ties to
1848 Florida or to other states or countries, including whether the
1849 party or child is a citizen of another country;

7-03762A-08

20082532__

1850 (c) The party has strong financial reasons to remain in
1851 Florida or to relocate to another state or country;

1852 (d) The party has engaged in activities that suggest plans
1853 to leave Florida, such as quitting employment; sale of a
1854 residence or termination of a lease on a residence, without
1855 efforts to acquire an alternative residence in the state; closing
1856 bank accounts or otherwise liquidating assets; or applying for a
1857 passport;

1858 (e) Either party has had a history of domestic violence as
1859 either a victim or perpetrator, child abuse or child neglect
1860 evidenced by criminal history, including but not limited to,
1861 arrest, an injunction for protection against domestic violence
1862 issued after notice and hearing under s. 741.30, medical records,
1863 affidavits, or any other relevant information; or

1864 (f) The party has a criminal record.

1865 (4) The court must consider the party's financial resources
1866 prior to setting the bond amount under this section. Under no
1867 circumstances may the court set a bond that is unreasonable.

1868 (5) Any deficiency of bond or security shall not absolve
1869 the violating party of responsibility to pay the full amount of
1870 damages determined by the court.

1871 (6) (a) Upon a material violation of any parenting plan
1872 ~~eustody or visitation order~~ by removing a child from this state
1873 or this country or by concealing the whereabouts of a child, the
1874 court may order the bond or other security forfeited in whole or
1875 in part.

1876 (b) This section, including the requirement to post a bond
1877 or other security, does not apply to a parent who, in a
1878 proceeding to order or modify a parenting plan or time-sharing

7-03762A-08

20082532__

1879 schedule, is determined by the court to be ~~child custody or~~
1880 ~~visitation, the court determines is~~ a victim of an act of
1881 domestic violence or provides the court with ~~has~~ reasonable cause
1882 to believe that he or she is about to become the victim of an act
1883 of domestic violence, as defined in s. 741.28. An injunction for
1884 protection against domestic violence issued pursuant to s. 741.30
1885 for a parent as the petitioner which is in effect at the time of
1886 the court proceeding shall be one means of demonstrating
1887 sufficient evidence that the parent is a victim of domestic
1888 violence or is about to become the victim of an act of domestic
1889 violence, as defined in s. 741.28, and shall exempt the parent
1890 from this section, including the requirement to post a bond or
1891 other security. A parent who is determined by the court to be
1892 exempt from the requirements of this section must meet the
1893 requirements of s. 787.03(6) if an offense of interference with
1894 the parenting plan or time-sharing schedule ~~custody~~ is committed.

1895 (7) (a) Upon an order of forfeiture, the proceeds of any
1896 bond or other security posted pursuant to this subsection may
1897 only be used to:

1898 1. Reimburse the nonviolating party for actual costs or
1899 damages incurred in upholding the court's parenting plan ~~order of~~
1900 ~~custody or visitation.~~

1901 2. Locate and return the child to the residence as set
1902 forth in the parenting plan ~~visitation or custody order.~~

1903 3. Reimburse reasonable fees and costs as determined by the
1904 court.

1905 (b) Any remaining proceeds shall be held as further
1906 security if deemed necessary by the court, and if further
1907 security is not found to be necessary; applied to any child

7-03762A-08

20082532__

1908 support arrears owed by the parent against whom the bond was
1909 required, and if no arrears exists; all remaining proceeds will
1910 be allocated by the court in the best interest of the child.

1911 (8) At any time after the forfeiture of the bond or other
1912 security, the party who posted the bond or other security, or the
1913 court on its own motion may request that the party provide
1914 documentation substantiating that the proceeds received as a
1915 result of the forfeiture have been used solely in accordance with
1916 this subsection. Any party using such proceeds for purposes not
1917 in accordance with this section may be found in contempt of
1918 court.

1919 Section 19. Subsection (14) of section 409.2554, Florida
1920 Statutes, is amended to read:

1921 409.2554 Definitions; ss. 409.2551-409.2598.--As used in
1922 ss. 409.2551-409.2598, the term:

1923 (14) "Unidentifiable collection" means a payment received
1924 by the department for which a ~~the noncustodial parent, custodial~~
1925 ~~parent,~~ depository or circuit civil numbers, or source of the
1926 payment cannot be identified.

1927 Section 20. Paragraphs (b) and (c) of subsection (2) and
1928 subsection (4) of section 409.2558, Florida Statutes, are amended
1929 to read:

1930 409.2558 Support distribution and disbursement.--

1931 (2) UNDISTRIBUTABLE COLLECTIONS.--

1932 (b) Collections that are determined to be undistributable
1933 shall be processed in the following order of priority:

1934 1. Apply the payment to any assigned arrears on the
1935 obligee's ~~custodial parent's~~ case; then

7-03762A-08

20082532__

1936 2. Apply the payment to any administrative costs ordered by
1937 the court pursuant to s. 409.2567 associated with the obligee's
1938 ~~custodial parent's~~ case; then

1939 3. When the obligor ~~noncustodial parent~~ is subject to a
1940 valid order to support another child in a case with a different
1941 obligee ~~custodial parent~~ and the obligation is being enforced by
1942 the department, the department shall send by certified mail,
1943 restricted delivery, return receipt requested, to the obligor
1944 ~~noncustodial parent~~ at the most recent address provided by the
1945 obligor ~~noncustodial parent~~ to the tribunal that issued the
1946 order, a notice stating the department's intention to apply the
1947 payment pursuant to this subparagraph, and advising the obligor
1948 ~~noncustodial parent~~ of the right to contest the department's
1949 proposed action in the circuit court by filing and serving a
1950 petition on the department within 30 days after the mailing of
1951 the notice. If the obligor ~~noncustodial parent~~ does not file and
1952 serve a petition within the 30 days after mailing of the notice,
1953 or upon a disposition of the judicial action favorable to the
1954 department, the department shall apply the payment toward his or
1955 her other support obligation. If there is more than one such
1956 other case, the department shall allocate the remaining
1957 undistributable amount as specified by s. 61.1301(4)(c); then

1958 4. Return the payment to the obligor ~~noncustodial parent~~;
1959 then

1960 5. If the obligor ~~noncustodial parent~~ cannot be located
1961 after diligent efforts by the department, the federal share of
1962 the payment shall be credited to the Federal Government and the
1963 state share shall be transferred to the General Revenue Fund.

7-03762A-08

20082532__

1964 (c) Refunds to obligors ~~noncustodial parents~~ that are
1965 determined to be undistributable shall be processed in the
1966 following manner:

1967 1. The federal share of the refund shall be sent to the
1968 Federal Government.

1969 2. The state share shall be credited to the General Revenue
1970 Fund.

1971 (4) RECLAIMING COLLECTIONS DECLARED TO BE UNDISTRIBUTABLE
1972 OR UNIDENTIFIABLE.--At such time as an undistributable or
1973 unidentifiable collection that has been transferred to the
1974 Federal Government and to the General Revenue Fund in the
1975 relevant method above becomes distributable or identified,
1976 meaning either the obligor ~~noncustodial parent~~ or the obligee
1977 ~~custodial parent~~ is identified or located, the department shall
1978 retrieve the transferred moneys in the following manner:

1979 (a) Offset the next credit to the Federal Government in an
1980 amount equal to the share of the collection which had been
1981 transferred; and

1982 (b) Offset the next transfer to the General Revenue Fund in
1983 an amount equal to the state share of the collection which had
1984 been transferred to the General Revenue Fund.

1985
1986 The collection shall then be processed, as appropriate.

1987 Section 21. Paragraph (a) of subsection (1), paragraphs
1988 (b), (c), (d), and (f) of subsection (2), subsection (4),
1989 paragraphs (a) and (c) of subsection (5), subsection (6),
1990 paragraphs (b), (c), (d), and (e) of subsection (7), paragraphs
1991 (a) and (b) of subsection (10), and subsections (13) and (17) of
1992 section 409.2563, Florida Statutes, are amended to read:

7-03762A-08

20082532__

1993 409.2563 Administrative establishment of child support
 1994 obligations.--

1995 (1) DEFINITIONS.--As used in this section, the term:

1996 (a) "Administrative support order" means a final order
 1997 rendered by or on behalf of the department pursuant to this
 1998 section establishing or modifying the obligation of a
 1999 ~~noncustodial~~ parent to contribute to the support and maintenance
 2000 of his or her child or children, which may include provisions for
 2001 monetary support, retroactive support, health care, and other
 2002 elements of support pursuant to chapter 61.

2003 (2) PURPOSE AND SCOPE.--

2004 (b) The administrative procedure set forth in this section
 2005 concerns only the establishment of child support obligations.
 2006 This section does not grant jurisdiction to the department or the
 2007 Division of Administrative Hearings to hear or determine issues
 2008 of dissolution of marriage, separation, alimony or spousal
 2009 support, termination of parental rights, dependency, disputed
 2010 paternity, except for a determination of paternity as provided in
 2011 s. 409.256, award of or change of time-sharing custody, ~~or~~
 2012 ~~visitation~~. This paragraph notwithstanding, the department and
 2013 the Division of Administrative Hearings may make findings of fact
 2014 that are necessary for a proper determination of a ~~noncustodial~~
 2015 parent's support obligation as authorized by this section.

2016 (c) If there is no support order for a child in a Title IV-
 2017 D case whose paternity has been established or is presumed by
 2018 law, or whose paternity is the subject of a proceeding under s.
 2019 409.256, the department may establish a ~~the noncustodial~~ parent's
 2020 child support obligation pursuant to this section, s. 61.30, and
 2021 other relevant provisions of state law. The ~~noncustodial~~ parent's

7-03762A-08

20082532__

2022 obligation determined by the department may include any
2023 obligation to pay retroactive support and any obligation to
2024 provide for health care for a child, whether through insurance
2025 coverage, reimbursement of expenses, or both. The department may
2026 proceed on behalf of:

2027 1. An applicant or recipient of public assistance, as
2028 provided by ss. 409.2561 and 409.2567;

2029 2. A former recipient of public assistance, as provided by
2030 s. 409.2569;

2031 3. An individual who has applied for services as provided
2032 by s. 409.2567;

2033 4. Itself or the child, as provided by s. 409.2561; or

2034 5. A state or local government of another state, as
2035 provided by chapter 88.

2036 (d) Either parent, or a caretaker relative if applicable,
2037 may at any time file a civil action in a circuit court having
2038 jurisdiction and proper venue to determine the other ~~noncustodial~~
2039 parent's child support obligations, if any. A support order
2040 issued by a circuit court prospectively supersedes an
2041 administrative support order rendered by the department.

2042 (f) The department shall terminate the administrative
2043 proceeding and file an action in circuit court to determine
2044 support if within 20 days after receipt of the initial notice the
2045 ~~noncustodial~~ parent from whom support is being sought requests in
2046 writing that the department proceed in circuit court or states in
2047 writing his or her ~~the noncustodial parent's~~ intention to address
2048 issues concerning custody or rights to parental contact in court
2049 and if within 10 days after receipt of the department's petition
2050 and waiver of service the ~~noncustodial~~ parent from whom support

7-03762A-08

20082532__

2051 is being sought signs and returns the waiver of service form to
2052 the department.

2053 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE
2054 SUPPORT ORDER.--To commence a proceeding under this section, the
2055 department shall provide to the ~~custodial~~ parent from whom
2056 support is not being sought and serve the ~~noncustodial~~ parent
2057 from whom support is being sought with a notice of proceeding to
2058 establish administrative support order and a blank financial
2059 affidavit form. The notice must state:

2060 (a) The names of both parents, the name of the caretaker
2061 relative, if any, and the name and date of birth of the child or
2062 children;

2063 (b) That the department intends to establish an
2064 administrative support order as defined in this section;

2065 (c) That both parents must submit a completed financial
2066 affidavit to the department within 20 days after receiving the
2067 notice, as provided by paragraph (13) (a);

2068 (d) That both parents, or parent and caretaker relative if
2069 applicable, are required to furnish to the department information
2070 regarding their identities and locations, as provided by
2071 paragraph (13) (b);

2072 (e) That both parents, or parent and caretaker relative if
2073 applicable, are required to promptly notify the department of any
2074 change in their mailing addresses to ensure receipt of all
2075 subsequent pleadings, notices, and orders, as provided by
2076 paragraph (13) (c);

2077 (f) That the department will calculate support obligations
2078 based on the child support guidelines schedule in s. 61.30 and
2079 using all available information, as provided by paragraph (5) (a),

7-03762A-08

20082532__

2080 and will incorporate such obligations into a proposed
2081 administrative support order;

2082 (g) That the department will send by regular mail to both
2083 parents, or parent and caretaker relative if applicable, a copy
2084 of the proposed administrative support order, the department's
2085 child support worksheet, and any financial affidavits submitted
2086 by a parent or prepared by the department;

2087 (h) That the ~~noncustodial~~ parent from whom support is being
2088 sought may file a request for a hearing in writing within 20 days
2089 after the date of mailing or other service of the proposed
2090 administrative support order or will be deemed to have waived the
2091 right to request a hearing;

2092 (i) That if the ~~noncustodial~~ parent from whom support is
2093 being sought does not file a timely request for hearing after
2094 service of the proposed administrative support order, the
2095 department will issue an administrative support order that
2096 incorporates the findings of the proposed administrative support
2097 order, and will send by regular mail a copy of the administrative
2098 support order to both parents, or parent and caretaker relative
2099 if applicable;

2100 (j) That after an administrative support order is rendered,
2101 the department will file a copy of the order with the clerk of
2102 the circuit court;

2103 (k) That after an administrative support order is rendered,
2104 the department may enforce the administrative support order by
2105 any lawful means;

2106 (l) That either parent, or caretaker relative if
2107 applicable, may file at any time a civil action in a circuit
2108 court having jurisdiction and proper venue to determine the other

7-03762A-08

20082532__

2109 ~~noncustodial~~ parent's child support obligations, if any, and that
2110 a support order issued by a circuit court supersedes an
2111 administrative support order rendered by the department;

2112 (m) That, neither the department nor the Division of
2113 Administrative Hearings has jurisdiction to award or change child
2114 custody or rights of parental contact or time-sharing and these
2115 issues may only be addressed in circuit court.

2116 1. A ~~The noncustodial~~ parent may request in writing that
2117 the department proceed in circuit court to determine his or her
2118 support obligations.

2119 2. A ~~The noncustodial~~ parent may state in writing to the
2120 department his or her intention to address issues concerning
2121 custody or rights to parental contact in circuit court.

2122 3. If a ~~the noncustodial~~ parent submits the request
2123 authorized in subparagraph 1., or the statement authorized in
2124 subparagraph 2. to the department within 20 days after the
2125 receipt of the initial notice, the department shall file a
2126 petition in circuit court for the determination of the
2127 ~~noncustodial~~ parent's child support obligations, and shall send
2128 to the ~~noncustodial~~ parent a copy of its petition, a notice of
2129 commencement of action, and a request for waiver of service of
2130 process as provided in the Florida Rules of Civil Procedure.

2131 4. If, within 10 days after receipt of the department's
2132 petition and waiver of service, the ~~noncustodial~~ parent signs and
2133 returns the waiver of service form to the department, the
2134 department shall terminate the administrative proceeding without
2135 prejudice and proceed in circuit court.

2136 5. In any circuit court action filed by the department
2137 pursuant to this paragraph or filed by a ~~noncustodial~~ parent or

7-03762A-08

20082532__

2138 other person pursuant to paragraph (l) or paragraph (n), the
2139 department shall be a party only with respect to those issues of
2140 support allowed and reimbursable under Title IV-D of the Social
2141 Security Act. It is the responsibility of the ~~noncustodial~~ parent
2142 or other person to take the necessary steps to present other
2143 issues for the court to consider.

2144 (n) That if a ~~the noncustodial~~ parent files an action in
2145 circuit court and serves the department with a copy of the
2146 petition within 20 days after being served notice under this
2147 subsection, the administrative process ends without prejudice and
2148 the action must proceed in circuit court;

2149 (o) Information provided by the Office of State Courts
2150 Administrator concerning the availability and location of self-
2151 help programs for those who wish to file an action in circuit
2152 court but who cannot afford an attorney.

2153
2154 The department may serve the notice of proceeding to establish
2155 administrative support order by certified mail, restricted
2156 delivery, return receipt requested. Alternatively, the department
2157 may serve the notice by any means permitted for service of
2158 process in a civil action. For purposes of this section, an
2159 authorized employee of the department may serve the notice and
2160 execute an affidavit of service. Service by certified mail is
2161 completed when the certified mail is received or refused by the
2162 addressee or by an authorized agent as designated by the
2163 addressee in writing. If a person other than the addressee signs
2164 the return receipt, the department shall attempt to reach the
2165 addressee by telephone to confirm whether the notice was
2166 received, and the department shall document any telephonic

7-03762A-08

20082532__

2167 | communications. If someone other than the addressee signs the
2168 | return receipt, the addressee does not respond to the notice, and
2169 | the department is unable to confirm that the addressee has
2170 | received the notice, service is not completed and the department
2171 | shall attempt to have the addressee served personally. The
2172 | department shall provide the ~~custodial~~ parent from whom support
2173 | is not being sought or caretaker relative with a copy of the
2174 | notice by regular mail to the last known address of the ~~custodial~~
2175 | parent from whom support is not being sought or caretaker.

2176 | (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.--

2177 | (a) After serving notice upon a ~~the noncustodial~~ parent in
2178 | accordance with subsection (4), the department shall calculate
2179 | that ~~the noncustodial~~ parent's child support obligation under the
2180 | child support guidelines schedule as provided by s. 61.30, based
2181 | on any timely financial affidavits received and other information
2182 | available to the department. If either parent fails to comply
2183 | with the requirement to furnish a financial affidavit, the
2184 | department may proceed on the basis of information available from
2185 | any source, if such information is sufficiently reliable and
2186 | detailed to allow calculation of guideline schedule amounts under
2187 | s. 61.30. If a ~~the custodial~~ parent receives public assistance
2188 | and fails to submit a financial affidavit, the department may
2189 | submit a financial affidavit for that ~~the custodial~~ parent
2190 | pursuant to s. 61.30(15). If there is a lack of sufficient
2191 | reliable information concerning a parent's actual earnings for a
2192 | current or past period, it shall be presumed for the purpose of
2193 | establishing a support obligation that the parent had an earning
2194 | capacity equal to the federal minimum wage during the applicable
2195 | period.

7-03762A-08

20082532__

2196 (c) The department shall provide a notice of rights with
2197 the proposed administrative support order, which notice must
2198 inform the noncustodial parent that:

2199 1. The ~~noncustodial~~ parent from whom support is being
2200 sought may, within 20 days after the date of mailing or other
2201 service of the proposed administrative support order, request a
2202 hearing by filing a written request for hearing in a form and
2203 manner specified by the department;

2204 2. If the ~~noncustodial~~ parent from whom support is being
2205 sought files a timely request for a hearing, the case shall be
2206 transferred to the Division of Administrative Hearings, which
2207 shall conduct further proceedings and may enter an administrative
2208 support order;

2209 3. A ~~noncustodial~~ parent from whom support is being sought
2210 who fails to file a timely request for a hearing shall be deemed
2211 to have waived the right to a hearing, and the department may
2212 render an administrative support order pursuant to paragraph
2213 (7) (b);

2214 4. The ~~noncustodial~~ parent from whom support is being
2215 sought may consent in writing to entry of an administrative
2216 support order without a hearing;

2217 5. The ~~noncustodial~~ parent from whom support is being
2218 sought may, within 10 days after the date of mailing or other
2219 service of the proposed administrative support order, contact a
2220 department representative, at the address or telephone number
2221 specified in the notice, to informally discuss the proposed
2222 administrative support order and, if informal discussions are
2223 requested timely, the time for requesting a hearing will be
2224 extended until 10 days after the department notifies the

7-03762A-08

20082532__

2225 ~~noncustodial~~ parent that the informal discussions have been
2226 concluded; and

2227 6. If an administrative support order that establishes a
2228 ~~noncustodial~~ parent's support obligation is rendered, whether
2229 after a hearing or without a hearing, the department may enforce
2230 the administrative support order by any lawful means.

2231 (6) HEARING.--If the ~~noncustodial~~ parent from whom support
2232 is being sought files a timely request for hearing, the
2233 department shall refer the hearing request to the Division of
2234 Administrative Hearings. Unless otherwise provided by this
2235 section, chapter 120 and the Uniform Rules of Procedure shall
2236 govern the conduct of the proceedings. The administrative law
2237 judge shall consider all available and admissible information and
2238 any presumptions that apply as provided by paragraph (5) (a).

2239 (7) ADMINISTRATIVE SUPPORT ORDER.--

2240 (b) If the ~~noncustodial~~ parent from whom support is being
2241 sought does not file a timely request for a hearing, the
2242 ~~noncustodial~~ parent will be deemed to have waived the right to
2243 request a hearing.

2244 (c) If the ~~noncustodial~~ parent from whom support is being
2245 sought waives the right to a hearing, or consents in writing to
2246 the entry of an order without a hearing, the department may
2247 render an administrative support order.

2248 (d) The department shall send by regular mail a copy of the
2249 administrative support order, or the final order denying an
2250 administrative support order, to both parents, or a parent and
2251 caretaker relative if applicable. The ~~noncustodial~~ parent from
2252 whom support is being sought shall be notified of the right to

7-03762A-08

20082532__

2253 seek judicial review of the administrative support order in
2254 accordance with s. 120.68.

2255 (e) An administrative support order must comply with s.
2256 61.30. The department shall develop a standard form or forms for
2257 administrative support orders. An administrative support order
2258 must provide and state findings, if applicable, concerning:

2259 1. The full name and date of birth of the child or
2260 children;

2261 2. The name of the ~~noncustodial~~ parent from whom support is
2262 being sought and the custodial parent or caretaker relative;

2263 3. The ~~noncustodial~~ parent's duty and ability to provide
2264 support;

2265 4. The amount of the ~~noncustodial~~ parent's monthly support
2266 obligation;

2267 5. Any obligation to pay retroactive support;

2268 6. The ~~noncustodial~~ parent's obligation to provide for the
2269 health care needs of each child, whether through insurance
2270 coverage, contribution towards the cost of insurance coverage,
2271 payment or reimbursement of health care expenses for the child,
2272 or any combination thereof;

2273 7. The beginning date of any required monthly payments and
2274 health care coverage;

2275 8. That all support payments ordered must be paid to the
2276 Florida State Disbursement Unit as provided by s. 61.1824;

2277 9. That the parents, or caretaker relative if applicable,
2278 must file with the department when the administrative support
2279 order is rendered, if they have not already done so, and update
2280 as appropriate the information required pursuant to paragraph
2281 (13) (b);

7-03762A-08

20082532__

2282 10. That both parents, or parent and caretaker relative if
2283 applicable, are required to promptly notify the department of any
2284 change in their mailing addresses pursuant to paragraph (13)(c);
2285 and

2286 11. That if the ~~noncustodial~~ parent ordered to pay support
2287 receives unemployment compensation benefits, the payor shall
2288 withhold, and transmit to the department, 40 percent of the
2289 benefits for payment of support, not to exceed the amount owed.

2290
2291 An income deduction order as provided by s. 61.1301 must be
2292 incorporated into the administrative support order or, if not
2293 incorporated into the administrative support order, the
2294 department or the Division of Administrative Hearings shall
2295 render a separate income deduction order.

2296 (10) JUDICIAL REVIEW, ENFORCEMENT, OR COURT ORDER
2297 SUPERSEDING ADMINISTRATIVE SUPPORT ORDER.--

2298 (a) A ~~noncustodial~~ parent has the right to seek judicial
2299 review of an administrative support order or a final order
2300 denying an administrative support order in accordance with s.
2301 120.68. The department has the right to seek judicial review, in
2302 accordance with s. 120.68, of an administrative support order or
2303 a final order denying an administrative support order entered by
2304 an administrative law judge of the Division of Administrative
2305 Hearings.

2306 (b) An administrative support order rendered under this
2307 section has the same force and effect as a court order and may be
2308 enforced by any circuit court in the same manner as a support
2309 order issued by the court, except for contempt. If the circuit
2310 court issues its own order enforcing the administrative support

7-03762A-08

20082532__

2311 order, the circuit court may enforce its own order by contempt.
2312 The presumption of ability to pay and purge contempt established
2313 in s. 61.14(5)(a) applies to an administrative support order that
2314 includes a finding of present ability to pay. Enforcement by the
2315 court, without any change by the court in the support obligations
2316 established in the administrative support order, does not
2317 supersede the administrative support order or affect the
2318 department's authority to modify the administrative support order
2319 as provided by subsection (12). An order by the court that
2320 requires a ~~the noncustodial~~ parent to make periodic payments on
2321 arrearages does not constitute a change in the support
2322 obligations established in the administrative support order and
2323 does not supersede the administrative order.

2324 (13) REQUIRED DISCLOSURES; PRESUMPTIONS; NOTICE SENT TO
2325 ADDRESS OF RECORD.--In all proceedings pursuant to this section:

2326 (a) Each ~~The noncustodial~~ parent ~~and custodial parent~~ must
2327 execute and furnish to the department, no later than 20 days
2328 after receipt of the notice of proceeding to establish
2329 administrative support order, a financial affidavit in the form
2330 prescribed by the department. An updated financial affidavit must
2331 be executed and furnished to the department at the inception of
2332 each proceeding to modify an administrative support order.
2333 Caretaker relatives are not required to furnish financial
2334 affidavits.

2335 (b) Each ~~The noncustodial~~ parent, ~~custodial parent,~~ and
2336 caretaker relative if applicable, shall disclose to the
2337 department, no later than 20 days after receipt of the notice of
2338 proceeding to establish administrative support order, and update
2339 as appropriate, information regarding his or her ~~their~~ identity

7-03762A-08

20082532__

2340 and location, including names he or she is ~~they are~~ known by;
2341 social security number ~~numbers~~; residential and mailing
2342 addresses; telephone numbers; driver's license numbers; and
2343 names, addresses, and telephone numbers of employers. Pursuant to
2344 the federal Personal Responsibility and Work Opportunity
2345 Reconciliation Act of 1996, each person must provide his or her
2346 social security number in accordance with this section.
2347 Disclosure of social security numbers obtained through this
2348 requirement shall be limited to the purpose of administration of
2349 the Title IV-D program for child support enforcement.

2350 (c) Each ~~The noncustodial parent, custodial parent,~~ and
2351 caretaker relative, if applicable, have a continuing obligation
2352 to promptly inform the department in writing of any change in his
2353 or her ~~their~~ mailing address ~~addresses~~ to ensure receipt of all
2354 subsequent pleadings, notices, payments, statements, and orders,
2355 and receipt is presumed if sent by regular mail to the most
2356 recent address furnished by the person.

2357 ~~(17) EVALUATION. The Office of Program Policy Analysis and~~
2358 ~~Government Accountability shall conduct an evaluation of the~~
2359 ~~statewide implementation of the administrative process for~~
2360 ~~establishing child support provided for in this section. This~~
2361 ~~evaluation shall examine whether these processes have been~~
2362 ~~effectively implemented and administered statewide and are~~
2363 ~~operating to the benefit of the children, including, but not~~
2364 ~~limited to the ability of Title IV-D parents to easily access the~~
2365 ~~court system for necessary court action. The Office of Program~~
2366 ~~Policy Analysis and Government Accountability shall submit an~~
2367 ~~evaluation report on the statewide implementation of the~~

7-03762A-08

20082532__

2368 ~~administrative processes for establishing child support by June~~
2369 ~~30, 2006.~~

2370 Section 22. Subsections (1), (4), and (11) of section
2371 409.2564, Florida Statutes, are amended to read:

2372 409.2564 Actions for support.--

2373 (1) In each case in which regular support payments are not
2374 being made as provided herein, the department shall institute,
2375 within 30 days after determination of the obligor's reasonable
2376 ability to pay, action as is necessary to secure the obligor's
2377 payment of current support and any arrearage which may have
2378 accrued under an existing order of support. The department shall
2379 notify the program attorney in the judicial circuit in which the
2380 recipient resides setting forth the facts in the case, including
2381 the obligor's address, if known, and the public assistance case
2382 number. Whenever applicable, the procedures established under the
2383 provisions of chapter 88, Uniform Interstate Family Support Act,
2384 chapter 61, Dissolution of Marriage; Support; Time-sharing
2385 Custody, chapter 39, Proceedings Relating to Children, chapter
2386 984, Children and Families in Need of Services, and chapter 985,
2387 Delinquency; Interstate Compact on Juveniles, may govern actions
2388 instituted under the provisions of this act, except that actions
2389 for support under chapter 39, chapter 984, or chapter 985 brought
2390 pursuant to this act shall not require any additional
2391 investigation or supervision by the department.

2392 (4) Whenever the Department of Revenue has undertaken an
2393 action for enforcement of support, the Department of Revenue may
2394 enter into an agreement with the obligor for the entry of a
2395 judgment determining paternity, if applicable, and for periodic
2396 child support payments based on the child support guidelines

7-03762A-08

20082532__

2397 schedule in s. 61.30. Prior to entering into this agreement, the
2398 obligor shall be informed that a judgment will be entered based
2399 on the agreement. The clerk of the court shall file the agreement
2400 without the payment of any fees or charges, and the court, upon
2401 entry of the judgment, shall forward a copy of the judgment to
2402 the parties to the action. To encourage out-of-court settlement
2403 and promote support order compliance, if the obligor and the
2404 Department of Revenue agree on entry of a support order and its
2405 terms, the guideline amount owed for retroactive support that is
2406 permanently assigned to the state shall be reduced by 25 percent.

2407 (11) The Title IV-D agency shall review child support
2408 orders in IV-D cases at least every 3 years upon request by
2409 either party, or the agency in cases where there is an assignment
2410 of support to the state under s. 414.095(7), and may seek
2411 adjustment of the order if appropriate under the guidelines
2412 schedule established in s. 61.30. Not less than once every 3
2413 years the IV-D agency shall provide notice to the parties subject
2414 to the order informing them of their right to request a review
2415 and, if appropriate, an adjustment of the child support order.
2416 Said notice requirement may be met by including appropriate
2417 language in the initial support order or any subsequent orders.

2418 Section 23. Paragraph (a) of subsection (2) of section
2419 409.25657, Florida Statutes, is amended to read:

2420 409.25657 Requirements for financial institutions.--

2421 (2) The department shall develop procedures to enter into
2422 agreements with financial institutions doing business in the
2423 state, in coordination with such financial institutions and with
2424 the Federal Parent Locator Service in the case of financial
2425 institutions doing business in two or more states, to develop and

7-03762A-08

20082532__

2426 operate a data match system, using automated data exchanges to
2427 the maximum extent feasible, in which each financial institution
2428 is required to provide for each calendar quarter the name, record
2429 address, social security number or other taxpayer identification
2430 number, average daily account balance, and other identifying
2431 information for:

2432 (a) Each ~~noncustodial~~ parent who maintains an account at
2433 such institution and who owes past due support, as identified by
2434 the department by name and social security number or other
2435 taxpayer identification number; or

2436 Section 24. Subsections (2) and (5) of section 409.25659,
2437 Florida Statutes, are amended to read:

2438 409.25659 Insurance claim data exchange.--

2439 (2) The department shall develop and operate a data match
2440 system after consultation with one or more insurers, using
2441 automated data exchanges to the maximum extent feasible, in which
2442 an insurer may voluntarily provide the department monthly with
2443 the name, address, and, if known, date of birth and social
2444 security number or other taxpayer identification number for each
2445 ~~noncustodial~~ parent who has a claim with the insurer and who owes
2446 past due support, and the claim number maintained by the insurer
2447 for each claim. An insurer may provide such data by:

2448 (a) Authorizing an insurance claim data collection
2449 organization, to which the insurer subscribes and to which the
2450 insurer submits the required claim data on at least a monthly
2451 basis, to:

2452 1. Receive or access a data file from the department and
2453 conduct a data match of all ~~noncustodial~~ parents who have a claim
2454 with the insurer and who owe past due support and submit the

7-03762A-08

20082532__

2455 required data for each such ~~noncustodial~~ parent to the
2456 department; or

2457 2. Submit a data file to the department which contains the
2458 required data for each claim being maintained by the insurer for
2459 the department to conduct a data match;

2460 (b) Providing the required data for each claim being
2461 maintained by the insurer directly to the department in an
2462 electronic medium; or

2463 (c) Receiving or accessing a data file from the department
2464 and conducting a data match of all ~~noncustodial~~ parents who have
2465 a claim with the insurer and who owe past due support and
2466 submitting the required data for each such ~~noncustodial~~ parent to
2467 the department.

2468 (5) The department and insurers may only use the data
2469 obtained pursuant to subsection (2) for the purpose of
2470 identifying ~~noncustodial~~ parents who owe past due support. If the
2471 department does not match such data with a ~~noncustodial~~ parent
2472 who owes past due support, such data shall be destroyed
2473 immediately and shall not be maintained by the department.

2474 Section 25. Section 409.2577, Florida Statutes, is amended
2475 to read:

2476 409.2577 Parent locator service.--The department shall
2477 establish a parent locator service to assist in locating parents
2478 who have deserted their children and other persons liable for
2479 support of dependent children. The department shall use all
2480 sources of information available, including the Federal Parent
2481 Locator Service, and may request and shall receive information
2482 from the records of any person or the state or any of its
2483 political subdivisions or any officer thereof. Any agency as

7-03762A-08

20082532__

2484 defined in s. 120.52, any political subdivision, and any other
2485 person shall, upon request, provide the department any
2486 information relating to location, salary, insurance, social
2487 security, income tax, and employment history necessary to locate
2488 parents who owe or potentially owe a duty of support pursuant to
2489 Title IV-D of the Social Security Act. This provision shall
2490 expressly take precedence over any other statutory nondisclosure
2491 provision which limits the ability of an agency to disclose such
2492 information, except that law enforcement information as provided
2493 in s. 119.071(4)(d) is not required to be disclosed, and except
2494 that confidential taxpayer information possessed by the
2495 Department of Revenue shall be disclosed only to the extent
2496 authorized in s. 213.053(16). Nothing in this section requires
2497 the disclosure of information if such disclosure is prohibited by
2498 federal law. Information gathered or used by the parent locator
2499 service is confidential and exempt from the provisions of s.
2500 119.07(1). Additionally, the department is authorized to collect
2501 any additional information directly bearing on the identity and
2502 whereabouts of a person owing or asserted to be owing an
2503 obligation of support for a dependent child. The department
2504 shall, upon request, make information available only to public
2505 officials and agencies of this state; political subdivisions of
2506 this state, including any agency thereof providing child support
2507 enforcement services to non-Title IV-D clients; the ~~eustodial~~
2508 parent owed support, legal guardian, attorney, or agent of the
2509 child; and other states seeking to locate parents who have
2510 deserted their children and other persons liable for support of
2511 dependents, for the sole purpose of establishing, modifying, or
2512 enforcing their liability for support, and shall make such

7-03762A-08

20082532__

2513 information available to the Department of Children and Family
2514 Services for the purpose of diligent search activities pursuant
2515 to chapter 39. If the department has reasonable evidence of
2516 domestic violence or child abuse and the disclosure of
2517 information could be harmful to the ~~custodial~~ parent owed support
2518 or the child of such parent, the child support program director
2519 or designee shall notify the Department of Children and Family
2520 Services and the Secretary of the United States Department of
2521 Health and Human Services of this evidence. Such evidence is
2522 sufficient grounds for the department to disapprove an
2523 application for location services.

2524 Section 26. Paragraph (e) of subsection (1) of section
2525 409.2579, Florida Statutes, is amended to read:

2526 409.2579 Safeguarding Title IV-D case file information.--

2527 (1) Information concerning applicants for or recipients of
2528 Title IV-D child support services is confidential and exempt from
2529 the provisions of s. 119.07(1). The use or disclosure of such
2530 information by the IV-D program is limited to purposes directly
2531 connected with:

2532 (e) Mandatory disclosure of identifying and location
2533 information as provided in s. 61.13(7)~~(8)~~ by the IV-D program
2534 when providing Title IV-D services.

2535 Section 27. Subsection (11) of section 409.811, Florida
2536 Statutes, is amended to read:

2537 409.811 Definitions relating to Florida Kidcare Act.--As
2538 used in ss. 409.810-409.820, the term:

2539 (11) "Family" means the group or the individuals whose
2540 income is considered in determining eligibility for the Florida
2541 Kidcare program. The family includes a child with a ~~custodial~~

7-03762A-08

20082532__

2542 parent or caretaker relative who resides in the same house or
2543 living unit or, in the case of a child whose disability of nonage
2544 has been removed under chapter 743, the child. The family may
2545 also include other individuals whose income and resources are
2546 considered in whole or in part in determining eligibility of the
2547 child.

2548 Section 28. Subsection (5) of section 414.0252, Florida
2549 Statutes, is amended to read:

2550 414.0252 Definitions.--As used in ss. 414.025-414.55, the
2551 term:

2552 (5) "Family" means the assistance group or the individuals
2553 whose needs, resources, and income are considered when
2554 determining eligibility for temporary assistance. The family for
2555 purposes of temporary assistance includes the minor child, a
2556 ~~eustodial~~ parent, or caretaker relative who resides in the same
2557 house or living unit. The family may also include individuals
2558 whose income and resources are considered in whole or in part in
2559 determining eligibility for temporary assistance but whose needs,
2560 due to federal or state restrictions, are not considered. These
2561 individuals include, but are not limited to, ineligible
2562 noncitizens or sanctioned individuals.

2563 Section 29. Paragraph (a) of subsection (4) and subsection
2564 (5) of section 414.065, Florida Statutes, are amended to read:

2565 414.065 Noncompliance with work requirements.--

2566 (4) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.--Unless
2567 otherwise provided, the situations listed in this subsection
2568 shall constitute exceptions to the penalties for noncompliance
2569 with participation requirements, except that these situations do

7-03762A-08

20082532__

2570 | not constitute exceptions to the applicable time limit for
2571 | receipt of temporary cash assistance:

2572 | (a) Noncompliance related to child care.--Temporary cash
2573 | assistance may not be terminated for refusal to participate in
2574 | work activities if the individual is a single ~~custodial~~ parent
2575 | caring for a child who has not attained 6 years of age, and the
2576 | adult proves to the regional workforce board an inability to
2577 | obtain needed child care for one or more of the following
2578 | reasons, as defined in the Child Care and Development Fund State
2579 | Plan required by 45 C.F.R. part 98:

2580 | 1. Unavailability of appropriate child care within a
2581 | reasonable distance from the individual's home or worksite.

2582 | 2. Unavailability or unsuitability of informal child care
2583 | by a relative or under other arrangements.

2584 | 3. Unavailability of appropriate and affordable formal
2585 | child care arrangements.

2586 | (5) WORK ACTIVITY REQUIREMENTS FOR ~~NONCUSTODIAL~~ PARENTS.--

2587 | (a) The court may order a ~~noncustodial~~ parent who is
2588 | delinquent in support payments, pursuant to the terms of a
2589 | support order, to participate in work activities under this
2590 | chapter, or as provided in s. 61.14(5)(b), so that the parent may
2591 | obtain employment and fulfill the obligation to provide support
2592 | payments. A ~~noncustodial~~ parent who fails to satisfactorily
2593 | engage in court-ordered work activities may be held in contempt.

2594 | (b) The court may order a ~~noncustodial~~ parent to
2595 | participate in work activities under this chapter if the child of
2596 | the ~~noncustodial~~ parent has been placed with a relative, in an
2597 | emergency shelter, in foster care, or in other substitute care,
2598 | and:

7-03762A-08

20082532__

2599 1. The case plan requires the ~~noncustodial~~ parent to
2600 participate in work activities; or

2601 2. The ~~noncustodial~~ parent would be eligible to participate
2602 in work activities and subject to work activity requirements if
2603 the child were living with the parent.

2604

2605 If a ~~noncustodial~~ parent fails to comply with the case plan, the
2606 ~~noncustodial~~ parent may be removed from program participation.

2607 Section 30. Paragraph (c) of subsection (1) of section
2608 414.085, Florida Statutes, is amended to read:

2609 414.085 Income eligibility standards.--

2610 (1) For purposes of program simplification and effective
2611 program management, certain income definitions, as outlined in
2612 the food stamp regulations at 7 C.F.R. s. 273.9, shall be applied
2613 to the temporary cash assistance program as determined by the
2614 department to be consistent with federal law regarding temporary
2615 cash assistance and Medicaid for needy families, except as to the
2616 following:

2617 (c) The first \$50 of child support paid to a ~~eustodial~~
2618 parent receiving temporary cash assistance may not be disregarded
2619 in calculating the amount of temporary cash assistance for the
2620 family, unless such exclusion is required by federal law.

2621 Section 31. Subsection (2) and paragraph (a) of subsection
2622 (6) of section 414.095, Florida Statutes, are amended to read:

2623 414.095 Determining eligibility for temporary cash
2624 assistance.--

2625 (2) ADDITIONAL ELIGIBILITY REQUIREMENTS.--

2626 (a) To be eligible for services or temporary cash
2627 assistance and Medicaid:

7-03762A-08

20082532__

- 2628 1. An applicant must be a United States citizen, or a
2629 qualified noncitizen, as defined in this section.
- 2630 2. An applicant must be a legal resident of the state.
- 2631 3. Each member of a family must provide to the department
2632 the member's social security number or shall provide proof of
2633 application for a social security number. An individual who fails
2634 to provide a social security number, or proof of application for
2635 a social security number, is not eligible to participate in the
2636 program.
- 2637 4. A minor child must reside with a ~~custodial~~ parent or
2638 parents, with a relative caretaker who is within the specified
2639 degree of blood relationship as defined by 45 C.F.R. part 233,
2640 or, if the minor is a teen parent with a child, in a setting
2641 approved by the department as provided in subsection (14).
- 2642 5. Each family must have a minor child and meet the income
2643 and resource requirements of the program. All minor children who
2644 live in the family, as well as the parents of the minor children,
2645 shall be included in the eligibility determination unless
2646 specifically excluded.
- 2647 (b) The following members of a family are eligible to
2648 participate in the program if all eligibility requirements are
2649 met:
- 2650 1. A minor child who resides with a ~~custodial~~ parent or
2651 other adult caretaker relative.
- 2652 2. The parent of a minor child with whom the child resides.
- 2653 3. The caretaker relative with whom the minor child resides
2654 who chooses to have her or his needs and income included in the
2655 family.

7-03762A-08

20082532__

2656 4. Unwed minor children and their children if the unwed
2657 minor child lives at home or in an adult-supervised setting and
2658 if temporary cash assistance is paid to an alternative payee.

2659 5. A pregnant woman.

2660 (6) CHILD SUPPORT ENFORCEMENT.--As a condition of
2661 eligibility for public assistance, the family must cooperate with
2662 the state agency responsible for administering the child support
2663 enforcement program in establishing the paternity of the child,
2664 if the child is born out of wedlock, and in obtaining support for
2665 the child or for the parent or caretaker relative and the child.
2666 Cooperation is defined as:

2667 (a) Assisting in identifying and locating a ~~noncustodial~~
2668 parent with an obligation to pay child support and providing
2669 complete and accurate information on that parent;

2670
2671 This subsection does not apply if the state agency that
2672 administers the child support enforcement program determines that
2673 the parent or caretaker relative has good cause for failing to
2674 cooperate.

2675 Section 32. Subsection (1) of section 414.295, Florida
2676 Statutes, is amended to read:

2677 414.295 Temporary cash assistance programs; public records
2678 exemption.--

2679 (1) Personal identifying information of a temporary cash
2680 assistance program participant, a participant's family, or a
2681 participant's family or household member, except for information
2682 identifying a ~~noncustodial~~ parent with an obligation to pay child
2683 support, held by the department, the Agency for Workforce
2684 Innovation, Workforce Florida, Inc., the Department of Health,

7-03762A-08

20082532__

2685 the Department of Revenue, the Department of Education, or a
2686 regional workforce board or local committee created pursuant to
2687 s. 445.007 is confidential and exempt from s. 119.07(1) and s.
2688 24(a), Art. I of the State Constitution. Such confidential and
2689 exempt information may be released for purposes directly
2690 connected with:

2691 (a) The administration of the temporary assistance for
2692 needy families plan under Title IV-A of the Social Security Act,
2693 as amended, by the department, the Agency for Workforce
2694 Innovation, Workforce Florida, Inc., the Department of Military
2695 Affairs, the Department of Health, the Department of Revenue, the
2696 Department of Education, a regional workforce board or local
2697 committee created pursuant to s. 445.007, or a school district.

2698 (b) The administration of the state's plan or program
2699 approved under Title IV-B, Title IV-D, or Title IV-E of the
2700 Social Security Act, as amended, or under Title I, Title X, Title
2701 XIV, Title XVI, Title XIX, Title XX, or Title XXI of the Social
2702 Security Act, as amended.

2703 (c) Any investigation, prosecution, or any criminal, civil,
2704 or administrative proceeding conducted in connection with the
2705 administration of any of the plans or programs specified in
2706 paragraph (a) or paragraph (b) by a federal, state, or local
2707 governmental entity, upon request by that entity, when such
2708 request is made pursuant to the proper exercise of that entity's
2709 duties and responsibilities.

2710 (d) The administration of any other state, federal, or
2711 federally assisted program that provides assistance or services
2712 on the basis of need, in cash or in kind, directly to a
2713 participant.

7-03762A-08

20082532__

2714 (e) Any audit or similar activity, such as a review of
2715 expenditure reports or financial review, conducted in connection
2716 with the administration of any of the plans or programs specified
2717 in paragraph (a) or paragraph (b) by a governmental entity
2718 authorized by law to conduct such audit or activity.

2719 (f) The administration of the unemployment compensation
2720 program.

2721 (g) The reporting to the appropriate agency or official of
2722 information about known or suspected instances of physical or
2723 mental injury, sexual abuse or exploitation, or negligent
2724 treatment or maltreatment of a child or elderly person receiving
2725 assistance, if circumstances indicate that the health or welfare
2726 of the child or elderly person is threatened.

2727 (h) The administration of services to elderly persons under
2728 ss. 430.601-430.606.

2729 Section 33. Paragraph (c) of subsection (3) of section
2730 445.024, Florida Statutes, is amended to read:

2731 445.024 Work requirements.--

2732 (3) EXEMPTION FROM WORK ACTIVITY REQUIREMENTS.--The
2733 following individuals are exempt from work activity requirements:

2734 (c) A single ~~custodial~~ parent of a child under 3 months of
2735 age, except that the parent may be required to attend parenting
2736 classes or other activities to better prepare for the
2737 responsibilities of raising a child.

2738 Section 34. Paragraphs (b), (c), and (d) of subsection (3)
2739 of section 741.0306, Florida Statutes, are amended to read:

2740 741.0306 Creation of a family law handbook.--

7-03762A-08

20082532__

2741 (3) The information contained in the handbook or other
2742 electronic media presentation may be reviewed and updated
2743 annually, and may include, but need not be limited to:

2744 (b) Shared parental responsibility for children and, the
2745 determination of a parenting plan, including a time-sharing
2746 schedule ~~primary residence or custody and secondary residence or~~
2747 ~~routine visitation, holiday, summer, and vacation visitation~~
2748 ~~arrangements, telephone access, and the process for notice for~~
2749 ~~changes.~~

2750 (c) Permanent relocation restrictions ~~on parents with~~
2751 ~~primary residential responsibility.~~

2752 (d) Child support for minor children; both parents are
2753 obligated for support in accordance with applicable child support
2754 guidelines schedule.

2755 Section 35. Paragraphs (b) and (d) of subsection (3),
2756 paragraph (a) of subsection (5), and paragraph (a) of subsection
2757 (6) of section 741.30, Florida Statutes, are amended to read:

2758 741.30 Domestic violence; injunction; powers and duties of
2759 court and clerk; petition; notice and hearing; temporary
2760 injunction; issuance of injunction; statewide verification
2761 system; enforcement.--

2762 (3)

2763 (b) The sworn petition shall be in substantially the
2764 following form:

2765

2766

2767

2768

2769

PETITION FOR
INJUNCTION FOR PROTECTION
AGAINST DOMESTIC VIOLENCE

7-03762A-08

20082532__

2770 Before me, the undersigned authority, personally appeared
2771 Petitioner (Name) , who has been sworn and says that the
2772 following statements are true:

2773 (a) Petitioner resides at: (address)
2774 (Petitioner may furnish address to the court in a separate
2775 confidential filing if, for safety reasons, the petitioner
2776 requires the location of the current residence to be
2777 confidential.)

2778 (b) Respondent resides at: (last known address)

2779 (c) Respondent's last known place of employment: (name of
2780 business and address)

2781 (d) Physical description of respondent: _____
2782 Race _____
2783 Sex _____
2784 Date of birth _____
2785 Height _____
2786 Weight _____
2787 Eye color _____
2788 Hair color _____
2789 Distinguishing marks or scars _____

2790 (e) Aliases of respondent: _____

2791 (f) Respondent is the spouse or former spouse of the
2792 petitioner or is any other person related by blood or marriage to
2793 the petitioner or is any other person who is or was residing
2794 within a single dwelling unit with the petitioner, as if a
2795 family, or is a person with whom the petitioner has a child in
2796 common, regardless of whether the petitioner and respondent are
2797 or were married or residing together, as if a family.

7-03762A-08

20082532__

2798 (g) The following describes any other cause of action
2799 currently pending between the petitioner and respondent:

2800

2801 The petitioner should also describe any previous or pending
2802 attempts by the petitioner to obtain an injunction for protection
2803 against domestic violence in this or any other circuit, and the
2804 results of that attempt

2805

2806 Case numbers should be included if available.

2807 (h) Petitioner is either a victim of domestic violence or
2808 has reasonable cause to believe he or she is in imminent danger
2809 of becoming a victim of domestic violence because respondent has

2810 _____ (mark all sections that apply and describe in the spaces

2811 below the incidents of violence or threats of violence,

2812 specifying when and where they occurred, including, but not

2813 limited to, locations such as a home, school, place of

2814 employment, or visitation exchange) _____:

2815 _____ committed or threatened to commit domestic violence

2816 defined in s. 741.28, Florida Statutes, as any assault,

2817 aggravated assault, battery, aggravated battery, sexual assault,

2818 sexual battery, stalking, aggravated stalking, kidnapping, false

2819 imprisonment, or any criminal offense resulting in physical

2820 injury or death of one family or household member by another.

2821 With the exception of persons who are parents of a child in

2822 common, the family or household members must be currently

2823 residing or have in the past resided together in the same single

2824 dwelling unit.

2825 _____ previously threatened, harassed, stalked, or physically

2826 abused the petitioner.

7-03762A-08

20082532__

2827 | _____ attempted to harm the petitioner or family members or
2828 | individuals closely associated with the petitioner.

2829 | _____ threatened to conceal, kidnap, or harm the petitioner's
2830 | child or children.

2831 | _____ intentionally injured or killed a family pet.

2832 | _____ used, or has threatened to use, against the petitioner
2833 | any weapons such as guns or knives.

2834 | _____ physically restrained the petitioner from leaving the
2835 | home or calling law enforcement.

2836 | _____ a criminal history involving violence or the threat of
2837 | violence (if known).

2838 | _____ another order of protection issued against him or her
2839 | previously or from another jurisdiction (if known).

2840 | _____ destroyed personal property, including, but not limited
2841 | to, telephones or other communication equipment, clothing, or
2842 | other items belonging to the petitioner.

2843 | _____ engaged in any other behavior or conduct that leads the
2844 | petitioner to have reasonable cause to believe he or she is in
2845 | imminent danger of becoming a victim of domestic violence.

2846 | (i) Petitioner alleges the following additional specific
2847 | facts: (mark appropriate sections)

2848 | _____ A minor child or minor children reside with the
2849 | ~~petitioner is the custodian of a minor child or children~~ whose
2850 | names and ages are as follows:

2851 |

2852 | _____ Petitioner needs the exclusive use and possession of
2853 | the dwelling that the parties share.

2854 | _____ Petitioner is unable to obtain safe alternative housing
2855 | because:

7-03762A-08

20082532__

2856 _____ Petitioner genuinely fears that respondent imminently
2857 will abuse, remove, or hide the minor child or children from
2858 petitioner because:

2859

2860 (j) Petitioner genuinely fears imminent domestic violence
2861 by respondent.

2862 (k) Petitioner seeks an injunction: (mark appropriate
2863 section or sections)

2864 _____ Immediately restraining the respondent from committing
2865 any acts of domestic violence.

2866 _____ Restraining the respondent from committing any acts of
2867 domestic violence.

2868 _____ Awarding to the petitioner the temporary exclusive use
2869 and possession of the dwelling that the parties share or
2870 excluding the respondent from the residence of the petitioner.

2871 _____ Providing a temporary parenting plan, including a
2872 temporary time-sharing schedule ~~Awarding temporary custody of, or~~
2873 ~~temporary visitation rights~~ with regard to, the minor child or
2874 children of the parties which might involve, ~~or~~ prohibiting or
2875 limiting time-sharing or requiring that it be ~~visitation to that~~
2876 ~~which is~~ supervised by a third party.

2877 _____ Establishing temporary support for the minor child or
2878 children or the petitioner.

2879 _____ Directing the respondent to participate in a batterers'
2880 intervention program or other treatment pursuant to s. 39.901,
2881 Florida Statutes.

2882 _____ Providing any terms the court deems necessary for the
2883 protection of a victim of domestic violence, or any minor

7-03762A-08

20082532__

2884 children of the victim, including any injunctions or directives
2885 to law enforcement agencies.

2886 (d) If the sworn petition seeks to determine a parenting
2887 plan and time-sharing schedule ~~issues of custody or visitation~~
2888 with regard to the minor child or children of the parties, the
2889 sworn petition shall be accompanied by or shall incorporate the
2890 allegations required by s. 61.522 of the Uniform Child Custody
2891 Jurisdiction and Enforcement Act.

2892 (5) (a) When it appears to the court that an immediate and
2893 present danger of domestic violence exists, the court may grant a
2894 temporary injunction ex parte, pending a full hearing, and may
2895 grant such relief as the court deems proper, including an
2896 injunction:

2897 1. Restraining the respondent from committing any acts of
2898 domestic violence.

2899 2. Awarding to the petitioner the temporary exclusive use
2900 and possession of the dwelling that the parties share or
2901 excluding the respondent from the residence of the petitioner.

2902 3. On the same basis as provided in s. 61.13, providing the
2903 petitioner with 100 percent of the time-sharing that shall remain
2904 ~~granting to the petitioner temporary custody of a minor child. An~~
2905 ~~order of temporary custody remains~~ in effect until the order
2906 expires or an order is entered by a court of competent
2907 jurisdiction in a pending or subsequent civil action or
2908 proceeding affecting the placement of, access to, parental time
2909 with, adoption of, or parental rights and responsibilities for
2910 the minor child.

2911 (6) (a) Upon notice and hearing, when it appears to the
2912 court that the petitioner is either the victim of domestic

7-03762A-08

20082532__

2913 | violence as defined by s. 741.28 or has reasonable cause to
2914 | believe he or she is in imminent danger of becoming a victim of
2915 | domestic violence, the court may grant such relief as the court
2916 | deems proper, including an injunction:

2917 | 1. Restraining the respondent from committing any acts of
2918 | domestic violence.

2919 | 2. Awarding to the petitioner the exclusive use and
2920 | possession of the dwelling that the parties share or excluding
2921 | the respondent from the residence of the petitioner.

2922 | 3. On the same basis as provided in chapter 61, providing
2923 | the petitioner with 100 percent of the time-sharing in a
2924 | temporary parenting plan that shall remain ~~awarding temporary~~
2925 | ~~custody of, or temporary visitation rights with regard to, a~~
2926 | ~~minor child or children of the parties. An order of temporary~~
2927 | ~~custody or visitation remains~~ in effect until the order expires
2928 | or an order is entered by a court of competent jurisdiction in a
2929 | pending or subsequent civil action or proceeding affecting the
2930 | placement of, access to, parental time with, adoption of, or
2931 | parental rights and responsibilities for the minor child.

2932 | 4. On the same basis as provided in chapter 61,
2933 | establishing temporary support for a minor child or children or
2934 | the petitioner. An order of temporary support remains in effect
2935 | until the order expires or an order is entered by a court of
2936 | competent jurisdiction in a pending or subsequent civil action or
2937 | proceeding affecting child support.

2938 | 5. Ordering the respondent to participate in treatment,
2939 | intervention, or counseling services to be paid for by the
2940 | respondent. When the court orders the respondent to participate
2941 | in a batterers' intervention program, the court, or any entity

7-03762A-08

20082532__

2942 designated by the court, must provide the respondent with a list
2943 of all certified batterers' intervention programs and all
2944 programs which have submitted an application to the Department of
2945 Children and Family Services to become certified under s. 741.32,
2946 from which the respondent must choose a program in which to
2947 participate. If there are no certified batterers' intervention
2948 programs in the circuit, the court shall provide a list of
2949 acceptable programs from which the respondent must choose a
2950 program in which to participate.

2951 6. Referring a petitioner to a certified domestic violence
2952 center. The court must provide the petitioner with a list of
2953 certified domestic violence centers in the circuit which the
2954 petitioner may contact.

2955 7. Ordering such other relief as the court deems necessary
2956 for the protection of a victim of domestic violence, including
2957 injunctions or directives to law enforcement agencies, as
2958 provided in this section.

2959 Section 36. Subsections (1) and (2) of section 742.031,
2960 Florida Statutes, are amended to read:

2961 742.031 Hearings; court orders for support, hospital
2962 expenses, and attorney's fee.--

2963 (1) Hearings for the purpose of establishing or refuting
2964 the allegations of the complaint and answer shall be held in the
2965 chambers and may be restricted to persons, in addition to the
2966 parties involved and their counsel, as the judge in his or her
2967 discretion may direct. The court shall determine the issues of
2968 paternity of the child and the ability of the parents to support
2969 the child. Each party's social security number shall be recorded
2970 in the file containing the adjudication of paternity. If the

7-03762A-08

20082532__

2971 | court finds that the alleged father is the father of the child,
2972 | it shall so order. If appropriate, the court shall order the
2973 | father to pay the complainant, her guardian, or any other person
2974 | assuming responsibility for the child moneys sufficient to pay
2975 | reasonable attorney's fees, hospital or medical expenses, cost of
2976 | confinement, and any other expenses incident to the birth of the
2977 | child and to pay all costs of the proceeding. Bills for
2978 | pregnancy, childbirth, and scientific testing are admissible as
2979 | evidence without requiring third-party foundation testimony, and
2980 | shall constitute prima facie evidence of amounts incurred for
2981 | such services or for testing on behalf of the child. The court
2982 | shall order either or both parents owing a duty of support to the
2983 | child to pay support pursuant to s. 61.30. The court shall issue,
2984 | upon motion by a party, a temporary order requiring ~~the provision~~
2985 | ~~of~~ child support pursuant to s. 61.30 pending an administrative
2986 | or judicial determination of parentage, if there is clear and
2987 | convincing evidence of paternity on the basis of genetic tests or
2988 | other evidence. The court may also make a determination of an
2989 | appropriate parenting plan, including a time-sharing schedule, ~~as~~
2990 | ~~to the parental responsibility and residential care and custody~~
2991 | ~~of the minor children~~ in accordance with chapter 61.

2992 | (2) If a judgment of paternity contains only a child
2993 | support award with no parenting plan or time-sharing schedule,
2994 | the obligee parent shall receive all of the time-sharing and sole
2995 | parental responsibility ~~no explicit award of custody, the~~
2996 | ~~establishment of a support obligation or of visitation rights in~~
2997 | ~~one parent shall be considered a judgment granting primary~~
2998 | ~~residential care and custody to the other parent without~~
2999 | ~~prejudice to the obligor parent.~~ If a paternity judgment contains

7-03762A-08

20082532__

3000 no such provisions, ~~eustody shall be presumed to be with the~~
3001 mother shall be presumed to have all of the time-sharing and sole
3002 parental responsibility.

3003 Section 37. Subsection (3) of section 753.01, Florida
3004 Statutes, is amended to read:

3005 753.01 Definitions.--As used in this chapter, the term:

3006 (3) "Exchange monitoring" means supervision of movement of
3007 a child from one parent ~~the custodial~~ to the other noncustodial
3008 parent at the start of the visit and back to the first custodial
3009 parent at the end of the visit.

3010 Section 38. Subsection (1) of section 827.06, Florida
3011 Statutes, is amended to read:

3012 827.06 Nonsupport of dependents.--

3013 (1) The Legislature finds that most ~~noncustodial~~ parents
3014 want to support their children and remain connected to their
3015 families. The Legislature also finds that while many ~~noncustodial~~
3016 parents lack the financial resources and other skills necessary
3017 to provide that support, some parents willfully fail to provide
3018 support to their children even when they are aware of the
3019 obligation and have the ability to do so. The Legislature further
3020 finds that existing statutory provisions for civil enforcement of
3021 support have not proven sufficiently effective or efficient in
3022 gaining adequate support for all children. Recognizing that it is
3023 the public policy of this state that children shall be maintained
3024 primarily from the resources of their parents, thereby relieving,
3025 at least in part, the burden presently borne by the general
3026 citizenry through public assistance programs, it is the intent of
3027 the Legislature that the criminal penalties provided for in this

7-03762A-08

20082532__

3028 section are to be pursued in all appropriate cases where civil
3029 enforcement has not resulted in payment.

3030 Section 39. For the purpose of incorporating the amendment
3031 made by this act to section 741.30, Florida Statutes, in a
3032 reference thereto, paragraph (a) of subsection (3) of section
3033 61.1825, Florida Statutes, is reenacted to read:

3034 61.1825 State Case Registry.--

3035 (3) (a) For the purpose of this section, a family violence
3036 indicator must be placed on a record when:

3037 1. A party executes a sworn statement requesting that a
3038 family violence indicator be placed on that party's record which
3039 states that the party has reason to believe that release of
3040 information to the Federal Case Registry may result in physical
3041 or emotional harm to the party or the child; or

3042 2. A temporary or final injunction for protection against
3043 domestic violence has been granted pursuant to s. 741.30(6), an
3044 injunction for protection against domestic violence has been
3045 issued by a court of a foreign state pursuant to s. 741.315, or a
3046 temporary or final injunction for protection against repeat
3047 violence has been granted pursuant to s. 784.046; or

3048 3. The department has received information on a Title IV-D
3049 case from the Domestic Violence and Repeat Violence Injunction
3050 Statewide Verification System, established pursuant to s.
3051 784.046(8) (b), that a court has granted a party a domestic
3052 violence or repeat violence injunction.

3053 Section 40. This act shall take effect October 1, 2008.