

By the Committee on Children, Families, and Elder Affairs; and
Senator Lynn

586-06447A-08

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1 A bill to be entitled

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

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30 changes in terminology; amending s. 61.30, F.S.;

31 conforming provisions to changes in terminology; amending

32 ss. 61.401, 61.45, 409.2554, and 409.2558, F.S.;

33 conforming provisions to changes in terminology; amending

34 s. 409.2563, F.S.; conforming provisions to changes in

35 terminology; revising provisions relating to presumption

36 of a parent's income for the purpose of establishing a

37 support obligation; deleting an obsolete provision

38 concerning a study by the Office of Program Policy

39 Analysis and Government Accountability; amending ss.

40 409.2564, 409.25657, 409.25659, and 409.2577, F.S.;

41 conforming provisions to changes in terminology; amending

42 s. 409.2579, F.S.; conforming a cross-reference; amending

43 ss. 409.811, 414.0252, 414.065, 414.085, 414.095, 414.295,

44 and 445.024, F.S.; conforming provisions to changes in

45 terminology; amending s. 741.0306, F.S.; revising

46 requirements for a family law handbook; conforming

47 provisions to changes in terminology; requiring a review

48 of the handbook and report to the Legislature; amending s.

49 741.30, F.S.; conforming provisions to changes in

50 terminology; amending s. 742.031, F.S.; conforming

51 provisions to changes in terminology; providing for time-

52 sharing and parental responsibility in paternity

53 judgments; amending ss. 753.01 and 827.06, F.S.;

54 conforming provisions to changes in terminology;

55 reenacting s. 61.1825(3)(a), F.S., relating to relating to

56 the State Case Registry, to incorporate the amendments

57 made to s. 741.30, F.S., in a reference thereto; providing

58 an effective date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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144 International Child Abduction enacted at the Hague on October 25,
145 1980.

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

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

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

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

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

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

169 (18) "State Case Registry" means the automated registry
170 maintained by the Title IV-D agency, containing records of each
171 Title IV-D case and of each support order established or modified
172 in the state on or after October 1, 1998. Such records shall

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173 consist of data elements as required by the United States
174 Secretary of Health and Human Services.

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

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

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

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

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

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

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

211 61.052 Dissolution of marriage.--

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

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

220 61.09 Alimony and child support unconnected with
221 dissolution.--If a person having the ability to contribute to the
222 maintenance of his or her spouse and support of his or her minor
223 child fails to do so, the spouse who is not receiving support ~~or~~
224 ~~who has custody of the child or with whom the child has primary~~
225 ~~residence~~ may apply to the court for alimony and for support for
226 the child without seeking dissolution of marriage, and the court
227 shall enter an order as it deems just and proper.

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

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230 61.10 Adjudication of obligation to support spouse or minor
231 child unconnected with dissolution; parenting plan ~~child custody,~~
232 ~~child's primary residence, and visitation.~~--Except when relief is
233 afforded by some other pending civil action or proceeding, a
234 spouse residing in this state apart from his or her spouse and
235 minor child, whether or not such separation is through his or her
236 fault, may obtain an adjudication of obligation to maintain the
237 spouse and minor child, if any. The court shall adjudicate his or
238 her financial obligations to the spouse and child and, shall
239 establish the parenting plan for ~~child's primary residence, and~~
240 ~~shall determine the custody and visitation rights of~~ the parties.
241 Such an action does not preclude either party from maintaining
242 any other proceeding under this chapter for other or additional
243 relief at any time.

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

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

247 61.122 Parenting plan recommendation ~~Child custody~~
248 ~~evaluations;~~ presumption of psychologist's good faith;
249 prerequisite to parent's filing suit; award of fees, costs,
250 reimbursement.--

251 (1) A psychologist who has been appointed by the court to
252 develop a parenting plan recommendation ~~conduct a child custody~~
253 ~~evaluation~~ in a dissolution of marriage, a case of domestic
254 violence, or a paternity matter involving the relationship of a
255 child and a parent, including time-sharing of children, judicial
256 ~~proceeding~~ is presumed to be acting in good faith if the
257 psychologist's recommendation ~~evaluation~~ has been reached under
258 ~~conducted pursuant to~~ standards that a reasonable psychologist

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259 | would use to develop a parenting plan recommendation ~~have used as~~
260 | ~~recommended by the American Psychological Association's~~
261 | ~~guidelines for child custody evaluation in divorce proceedings.~~

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

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

280 | (4) If a legal action, whether it be a civil action, a
281 | criminal action, or an administrative proceeding, is filed
282 | against a court-appointed psychologist in a dissolution of
283 | marriage, case of domestic violence, or paternity matter
284 | involving the relationship of a child and a parent, including
285 | time-sharing of children ~~child custody proceeding~~, the claimant
286 | is responsible for all reasonable costs and reasonable attorney's
287 | fees associated with the action for both parties if the

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288 | psychologist is held not liable. If the psychologist is held
289 | liable in civil court, the psychologist must pay all reasonable
290 | costs and reasonable attorney's fees for the claimant.

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

293 | 61.13 ~~Custody and~~ Support of children; parenting and time-
294 | sharing visitation rights; powers power of court ~~in making~~
295 | ~~orders.--~~

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

314 | (b) Each order for support shall contain a provision for
315 | health care coverage for the minor child when the coverage is
316 | reasonably available. Coverage is reasonably available if either

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

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

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

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

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

342 | 2.a. A support order enforced under Title IV-D of the
343 | Social Security Act which requires that the obligor provide
344 | health care coverage is enforceable by the department through the
345 | use of the national medical support notice, and an amendment to

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346 the support order is not required. The department shall transfer
347 the national medical support notice to the obligor's union or
348 employer. The department shall notify the obligor in writing that
349 the notice has been sent to the obligor's union or employer, and
350 the written notification must include the obligor's rights and
351 duties under the national medical support notice. The obligor may
352 contest the withholding required by the national medical support
353 notice based on a mistake of fact. To contest the withholding,
354 the obligor must file a written notice of contest with the
355 department within 15 business days after the date the obligor
356 receives written notification of the national medical support
357 notice from the department. Filing with the department is
358 complete when the notice is received by the person designated by
359 the department in the written notification. The notice of contest
360 must be in the form prescribed by the department. Upon the timely
361 filing of a notice of contest, the department shall, within 5
362 business days, schedule an informal conference with the obligor
363 to discuss the obligor's factual dispute. If the informal
364 conference resolves the dispute to the obligor's satisfaction or
365 if the obligor fails to attend the informal conference, the
366 notice of contest is deemed withdrawn. If the informal conference
367 does not resolve the dispute, the obligor may request an
368 administrative hearing under chapter 120 within 5 business days
369 after the termination of the informal conference, in a form and
370 manner prescribed by the department. However, the filing of a
371 notice of contest by the obligor does not delay the withholding
372 of premium payments by the union, employer, or health plan
373 administrator. The union, employer, or health plan administrator
374 must implement the withholding as directed by the national

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375 | medical support notice unless notified by the department that the
376 | national medical support notice is terminated.

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

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

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

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

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

416 (I) Current support, as ordered.

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

418 (III) Past due support, as ordered.

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

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

427 (I) Current support, as ordered.

428 (II) Past due support, as ordered.

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

430 6. An employer, union, or plan administrator who does not
431 comply with the requirements in sub-subparagraph 4.a. is subject

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432 to a civil penalty not to exceed \$250 for the first violation and
433 \$500 for subsequent violations, plus attorney's fees and costs.
434 The department may file a petition in circuit court to enforce
435 the requirements of this subparagraph ~~subsection~~.

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

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

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

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

458 3. If both parties request and the court finds that it is
459 in the best interest of the child, support payments need not be
460 directed through the depository. The order of support shall

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461 provide, or shall be deemed to provide, that either party may
462 subsequently apply to the depository to require direction of the
463 payments through the depository. The court shall provide a copy
464 of the order to the depository.

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

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

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

486 (b) Any parenting plan approved by the court must, at
487 minimum, describe in adequate detail how the parents will share
488 and be responsible for the daily tasks associated with the
489 upbringing of the child, the time-sharing schedule arrangements

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490 that specify the time that the minor child will spend with each
491 parent, a designation of who will be responsible for any and all
492 forms of health care, school-related matters, other activities,
493 and the methods and technologies that the parents will use to
494 communicate with the child.

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

509 2. The court shall order that the parental responsibility
510 for a minor child be shared by both parents unless the court
511 finds that shared parental responsibility would be detrimental to
512 the child. Evidence that a parent has been convicted of a felony
513 of the third degree or higher involving domestic violence, as
514 defined in s. 741.28 and chapter 775, or meets the criteria of s.
515 39.806(1)(d), creates a rebuttable presumption of detriment to
516 the child. If the presumption is not rebutted, shared parental
517 responsibility, including time-sharing with ~~visitation, residence~~
518 ~~of~~ the child, and decisions made regarding the child, may not be

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

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

539 b. The court shall order "sole parental responsibility for
540 a minor child to one parent, with or without time-sharing with
541 ~~visitation rights, to the other parent~~" when it is in the best
542 interests of" the minor child.

543 3. Access to records and information pertaining to a minor
544 child, including, but not limited to, medical, dental, and school
545 records, may not be denied to either a parent ~~because the parent~~
546 ~~is not the child's primary residential parent.~~ Full rights under
547 this subparagraph apply to either parent unless a court order

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548 specifically revokes these rights, including any restrictions on
549 these rights as provided in a domestic violence injunction. A
550 parent having rights under this subparagraph has the same rights
551 upon request as to form, substance, and manner of access as are
552 available to the other parent of a child, including, without
553 limitation, the right to in-person communication with medical,
554 dental, and education providers.

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

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

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

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575 (b) The anticipated division of parental responsibilities
576 after the litigation, including the extent to which parental
577 responsibilities will be delegated to third parties.

578 (c) The demonstrated capacity and disposition of each
579 parent to determine, consider, and act upon the needs of the
580 child as opposed to the needs or desires of the parent. ~~shared~~
581 ~~parental responsibility and primary residence, the best interests~~
582 ~~of the child shall include an evaluation of all factors affecting~~
583 ~~the welfare and interests of the child, including, but not~~
584 ~~limited to:~~

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

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

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

593 (d) The length of time the child has lived in a stable,
594 satisfactory environment and the desirability of maintaining
595 continuity.

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

602 (f) The moral fitness of the parents.

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

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

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

615 (j) The demonstrated capacity of each parent to communicate
616 with the other parent and keep the other parent informed of
617 issues and activities regarding the minor child, and the
618 willingness of each parent to adopt a unified front on all major
619 issues when dealing with the child ~~The willingness and ability of~~
620 ~~each parent to facilitate and encourage a close and continuing~~
621 ~~parent-child relationship between the child and the other parent.~~

622 (k) Evidence of domestic violence, sexual violence, child
623 abuse, child abandonment, or child neglect, regardless of whether
624 a prior or pending action regarding those issues has been brought
625 ~~that any party has knowingly provided false information to the~~
626 ~~court regarding a domestic violence proceeding pursuant to s.~~
627 ~~741.30.~~

628 (l) Evidence that either parent has knowingly provided
629 false information to the court regarding any prior or pending
630 action regarding domestic violence, sexual violence, child abuse,
631 child abandonment, or child neglect ~~of domestic violence or child~~
632 ~~abuse.~~

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633 (m) The particular parenting tasks customarily performed by
634 each parent and the division of parental responsibilities before
635 the institution of litigations and during the pending litigation,
636 including the extent to which parenting responsibilities were
637 undertaken by third parties ~~Any other fact considered by the~~
638 ~~court to be relevant.~~

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

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

645 (p) The capacity and disposition of each parent to protect
646 the child from the ongoing litigation as demonstrated by not
647 discussing the litigation with the child, not sharing documents
648 or electronic media related to the litigation with the child, and
649 refraining from disparaging comments about the other parent to
650 the child.

651 (q) The developmental stages and needs of the child and the
652 demonstrated capacity and disposition of each parent to meet the
653 child's developmental needs.

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

657 (4) (a) When a ~~noncustodial~~ parent who is ordered to pay
658 child support or alimony ~~and who is awarded visitation rights~~
659 fails to pay child support or alimony, the ~~custodial~~ parent who
660 should have received the child support or alimony may shall not

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

663 (b) When a ~~custodial~~ parent refuses to honor the other a
664 noncustodial parent's visitation rights under the time-sharing
665 schedule, the ~~noncustodial~~ parent whose time-sharing rights were
666 violated shall continue ~~not fail~~ to pay any ordered child support
667 or alimony.

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

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

685 2.1. May order the ~~custodial~~ parent who did not provide
686 time-sharing or did not properly exercise time-sharing under the
687 time-sharing schedule to pay reasonable court costs and
688 attorney's fees incurred by the nonoffending noncustodial parent

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689 ~~or grandparent~~ to enforce the time-sharing schedule. ~~their~~
690 ~~visitation rights or make up improperly denied visitation;~~

691 3.2. May order the ~~custodial~~ parent who did not provide
692 time-sharing or did not properly exercise time-sharing under the
693 time-sharing schedule to attend a ~~the~~ parenting course approved
694 by the judicial circuit.†

695 4.3. May order the ~~custodial~~ parent who did not provide
696 time-sharing or did not properly exercise time-sharing under the
697 time-sharing schedule to do community service if the order will
698 not interfere with the welfare of the child.†

699 5.4. May order the ~~custodial~~ parent who did not provide
700 time-sharing or did not properly exercise time-sharing under the
701 time-sharing schedule to have the financial burden of promoting
702 frequent and continuing contact when that ~~the custodial~~ parent
703 and child reside further than 60 miles from the other
704 ~~noncustodial~~ parent.†

705 6.5. May ~~award custody, rotating custody, or primary~~
706 ~~residence to the noncustodial parent,~~ upon the request of the
707 ~~noncustodial~~ parent who did not violate the time-sharing
708 schedule, modify the parenting plan if modification ~~the award~~ is
709 in the best interests of the child.† ~~or~~

710 7.6. May impose any other reasonable sanction as a result
711 of noncompliance.

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

715 (5) The court may make specific orders regarding the
716 parenting plan and time-sharing schedule ~~for the care and custody~~
717 ~~of the minor child~~ as such orders relate to ~~from~~ the

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718 | circumstances of the parties and the nature of the case and are
719 | ~~is~~ equitable and provide for child support in accordance with the
720 | guidelines schedule in s. 61.30. An order for equal time-sharing
721 | for ~~award of shared parental responsibility~~ of a minor child does
722 | not preclude the court from entering an order for child support
723 | of the child.

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

735 | ~~(7) If the court orders that parental responsibility,~~
736 | ~~including visitation, be shared by both parents, the court may~~
737 | ~~not deny the noncustodial parent overnight contact and access to~~
738 | ~~or visitation with the child solely because of the age or sex of~~
739 | ~~the child.~~

740 | (7)(8)(a) ~~Beginning July 1, 1997,~~ Each party to any
741 | paternity or support proceeding is required to file with the
742 | tribunal as defined in s. 88.1011(22) and State Case Registry
743 | upon entry of an order, and to update as appropriate, information
744 | on location and identity of the party, including social security
745 | number, residential and mailing addresses, telephone number,
746 | driver's license number, and name, address, and telephone number

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747 of employer. ~~Beginning October 1, 1998,~~ Each party to any
748 paternity or child support proceeding in a non-Title IV-D case
749 shall meet the above requirements for updating the tribunal and
750 State Case Registry.

751 (b) Pursuant to the federal Personal Responsibility and
752 Work Opportunity Reconciliation Act of 1996, each party is
753 required to provide his or her social security number in
754 accordance with this section. Disclosure of social security
755 numbers obtained through this requirement shall be limited to the
756 purpose of administration of the Title IV-D program for child
757 support enforcement.

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

770 (8)~~(9)~~ At the time an order for child support is entered,
771 each party is required to provide his or her social security
772 number and date of birth to the court, as well as the name, date
773 of birth, and social security number of each minor child that is
774 the subject of such child support order. Pursuant to the federal
775 Personal Responsibility and Work Opportunity Reconciliation Act

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776 of 1996, each party is required to provide his or her social
777 security number in accordance with this section. All social
778 security numbers required by this section shall be provided by
779 the parties and maintained by the depository as a separate
780 attachment in the file. Disclosure of social security numbers
781 obtained through this requirement shall be limited to the purpose
782 of administration of the Title IV-D program for child support
783 enforcement.

784 Section 9. Section 61.13001, Florida Statutes, is amended
785 to read:

786 61.13001 Parental relocation with a child.--

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

788 (a) "Change of residence address" means the relocation of a
789 child to a principal residence more than 50 miles away from his
790 or her principal place of residence at the time of the entry of
791 the last order establishing or modifying the parenting plan or
792 the time-sharing schedule or both for ~~designation of the primary~~
793 ~~residential parent or the custody of the minor child~~, unless the
794 move places the principal residence of the minor child less than
795 50 miles from either ~~the nonresidential~~ parent.

796 (b) "Child" means any person who is under the jurisdiction
797 of a state court pursuant to the Uniform Child Custody
798 Jurisdiction and Enforcement Act or is the subject of any order
799 granting to a parent or other person any right to time-sharing,
800 residential care, kinship, or custody, ~~or visitation~~ as provided
801 under state law.

802 (c) "Court" means the circuit court in an original
803 proceeding which has proper venue and jurisdiction in accordance
804 with the Uniform Child Custody Jurisdiction and Enforcement Act,

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805 the circuit court in the county in which either parent and the
806 child reside, or the circuit court in which the original action
807 was adjudicated.

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

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

815 ~~(f) "Person entitled to be the primary residential parent~~
816 ~~of a child" means a person so designated by court order or by an~~
817 ~~express written agreement that is subject to court enforcement or~~
818 ~~a person seeking such a designation, or, when neither parent has~~
819 ~~been designated as primary residential parent, the person seeking~~
820 ~~to relocate with a child.~~

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

825 ~~(f)(h)~~ "Relocation" means a change in the principal
826 residence of a child for a period of 60 consecutive days or more
827 but does not include a temporary absence from the principal
828 residence for purposes of vacation, education, or the provision
829 of health care for the child.

830 (2) RELOCATION BY AGREEMENT.--

831 (a) If the parents ~~primary residential parent and the other~~
832 ~~parent~~ and every other person entitled to time-sharing visitation
833 with the child agree to the relocation of the child ~~child's~~

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834 ~~principal residence~~, they may satisfy the requirements of this
835 section by signing a written agreement that:

836 1. Reflects the consent to the relocation;

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

840 3. Describes, if necessary, any transportation arrangements
841 related to the visitation.

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

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

860 (a) The parent seeking to relocate shall prepare a Notice
861 of Intent to Relocate. The following information must be included

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862 with the Notice of Intent to Relocate and signed under oath under
863 penalty of perjury:

864 1. A description of the location of the intended new
865 residence, including the state, city, and specific physical
866 address, if known.

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

869 3. The home telephone number of the intended new residence,
870 if known.

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

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

876 6. A proposal for the revised postrelocation schedule of
877 time-sharing ~~visitation~~ together with a proposal for the
878 postrelocation transportation arrangements necessary to
879 effectuate time-sharing ~~visitation~~ with the child. Absent the
880 existence of a current, valid order abating, terminating, or
881 restricting visitation or other good cause predating the Notice
882 of Intent to Relocate, failure to comply with this provision
883 renders the Notice of Intent to Relocate legally insufficient.

884 7. Substantially the following statement, in all capital
885 letters and in the same size type, or larger, as the type in the
886 remainder of the notice:

887

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

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891 OF INTENT TO RELOCATE. IF YOU FAIL TO TIMELY OBJECT TO THE
892 RELOCATION, THE RELOCATION WILL BE ALLOWED, UNLESS IT IS NOT IN
893 THE BEST INTERESTS OF THE CHILD, WITHOUT FURTHER NOTICE AND
894 WITHOUT A HEARING.

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

898

899 The contents of the Notice of Intent to Relocate are not
900 privileged. For purposes of encouraging amicable resolution of
901 the relocation issue, a copy of the Notice of Intent to Relocate
902 shall initially not be filed with the court but instead served
903 upon the nonrelocating parent, other person, and every other
904 person entitled to time-sharing ~~visitation~~ with the child, and
905 the original thereof shall be maintained by the parent or other
906 person seeking to relocate.

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

912 (c) The Notice of Intent to Relocate, and the Certificate
913 of Serving ~~Filing~~ Notice of Intent to Relocate, shall be served
914 on the other parent and on every other person entitled to time-
915 sharing ~~visitation~~ with the child. If there is a pending court
916 action regarding the child, service of process may be according
917 to court rule. Otherwise, service of process shall be according
918 to chapters 48 and 49 or via certified mail, restricted delivery,
919 return receipt requested.

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

924 (e) If the other parent and any other person entitled to
925 time-sharing ~~visitation~~ with the child fails to timely file an
926 objection, it shall be presumed that the relocation is in the
927 best interest of the child, the relocation shall be allowed, and
928 the court shall, absent good cause, enter an order, attaching a
929 copy of the Notice of Intent to Relocate, reflecting that the
930 order is entered as a result of the failure to object to the
931 Notice of Intent to Relocate, and adopting the time-sharing
932 ~~visitation~~ schedule and transportation arrangements contained in
933 the Notice of Intent to Relocate. The order may issue in an
934 expedited manner without the necessity of an evidentiary hearing.
935 If an objection is timely filed, the burden returns to the parent
936 or person seeking to relocate to initiate court proceedings to
937 obtain court permission to relocate before ~~prior to~~ doing so.

938 (f) The act of relocating the child after failure to comply
939 with the notice of intent to relocate procedure described in this
940 subsection subjects the party in violation thereof to contempt
941 and other proceedings to compel the return of the child and may
942 be taken into account by the court in any initial or postjudgment
943 action seeking a determination or modification of the parenting
944 plan or the time-sharing schedule, or both, ~~designation of the~~
945 ~~primary residential parent or of the residence, custody, or~~
946 ~~visitation with the child~~ as:

947 1. A factor in making a determination regarding the
948 relocation of a child.

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949 2. A factor in determining whether the parenting plan or
950 the designation of the primary residential parent or the
951 residence, contact, access, visitation, or time-sharing schedule
952 arrangements should be modified.

953 3. A basis for ordering the temporary or permanent return
954 of the child.

955 4. Sufficient cause to order the parent or other person
956 seeking to relocate the child to pay reasonable expenses and
957 attorney's fees incurred by the party objecting to the
958 relocation.

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

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

968 (5) CONTENT OF OBJECTION TO RELOCATION.--An objection
969 seeking to prevent the relocation of a child must ~~shall~~ be
970 verified and served within 30 days after service of the Notice of
971 Intent to Relocate. The objection must ~~shall~~ include the specific
972 factual basis supporting the reasons for seeking a prohibition of
973 the relocation, including a statement of the amount of
974 participation or involvement the objecting party currently has or
975 has had in the life of the child.

976 (6) TEMPORARY ORDER.--

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977 (a) The court may grant a temporary order restraining the
978 relocation of a child or ordering the return of the child, if a
979 relocation has previously taken place, or other appropriate
980 remedial relief, if the court finds:

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

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

985 3. From an examination of the evidence presented at the
986 preliminary hearing that there is a likelihood that upon final
987 hearing the court will not approve the relocation of the ~~primary~~
988 ~~residence of the~~ child.

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

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

993 2. Finds from an examination of the evidence presented at
994 the preliminary hearing that there is a likelihood that on final
995 hearing the court will approve the relocation of the ~~primary~~
996 ~~residence of the~~ child, which findings must be supported by the
997 same factual basis as would be necessary to support the
998 permitting of relocation in a final judgment.

999 (c) If the court has issued a temporary order authorizing a
1000 party seeking to relocate or move a child before a final judgment
1001 is rendered, the court may not give any weight to the temporary
1002 relocation as a factor in reaching its final decision.

1003 (d) If temporary relocation of a child is permitted, the
1004 court may require the person relocating the child to provide
1005 reasonable security, financial or otherwise, and guarantee that

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1006 the court-ordered contact with the child will not be interrupted
1007 or interfered with by the relocating party.

1008 (7) NO PRESUMPTION; FACTORS TO DETERMINE CONTESTED
1009 RELOCATION.--~~A~~ ~~No~~ presumption does not shall arise in favor of or
1010 against a request to relocate with the child when a ~~primary~~
1011 ~~residential~~ parent seeks to move the child and the move will
1012 materially affect the current schedule of contact, access, and
1013 time-sharing with the nonrelocating parent or other person. In
1014 reaching its decision regarding a proposed temporary or permanent
1015 relocation, the court shall evaluate all of the following
1016 factors:

1017 (a) The nature, quality, extent of involvement, and
1018 duration of the child's relationship with the parent proposing to
1019 relocate with the child and with the nonrelocating parent, other
1020 persons, siblings, half-siblings, and other significant persons
1021 in the child's life.

1022 (b) The age and developmental stage of the child, the needs
1023 of the child, and the likely impact the relocation will have on
1024 the child's physical, educational, and emotional development,
1025 taking into consideration any special needs of the child.

1026 (c) The feasibility of preserving the relationship between
1027 the nonrelocating parent or other person and the child through
1028 substitute arrangements that take into consideration the
1029 logistics of contact, access, ~~visitation~~, and time-sharing, as
1030 well as the financial circumstances of the parties; whether those
1031 factors are sufficient to foster a continuing meaningful
1032 relationship between the child and the nonrelocating parent or
1033 other person; and the likelihood of compliance with the

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1034 substitute arrangements by the relocating parent once he or she
1035 is out of the jurisdiction of the court.

1036 (d) The child's preference, taking into consideration the
1037 age and maturity of the child.

1038 (e) Whether the relocation will enhance the general quality
1039 of life for both the parent seeking the relocation and the child,
1040 including, but not limited to, financial or emotional benefits or
1041 educational opportunities.

1042 (f) The reasons of each parent or other person for seeking
1043 or opposing the relocation.

1044 (g) The current employment and economic circumstances of
1045 each parent or other person and whether or not the proposed
1046 relocation is necessary to improve the economic circumstances of
1047 the parent or other person seeking relocation of the child.

1048 (h) That the relocation is sought in good faith and the
1049 extent to which the objecting parent has fulfilled his or her
1050 financial obligations to the parent or other person seeking
1051 relocation, including child support, spousal support, and marital
1052 property and marital debt obligations.

1053 (i) The career and other opportunities available to the
1054 objecting parent or objecting other person if the relocation
1055 occurs.

1056 (j) A history of substance abuse or domestic violence as
1057 defined in s. 741.28 or which meets the criteria of s.
1058 39.806(1)(d) by either parent, including a consideration of the
1059 severity of such conduct and the failure or success of any
1060 attempts at rehabilitation.

1061 (k) Any other factor affecting the best interest of the
1062 child or as set forth in s. 61.13.

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1063 (9) ORDER REGARDING RELOCATION.--If relocation is
1064 permitted:

1065 (a) The court may, in its discretion, order contact with
1066 the nonrelocating parent, including access, ~~visitation~~, time-
1067 sharing, telephone, Internet, webcam, and other arrangements
1068 sufficient to ensure that the child has frequent, continuing, and
1069 meaningful contact, access, ~~visitation~~, and time-sharing with the
1070 nonrelocating parent or other persons, if contact is financially
1071 affordable and in the best interest of the child.

1072 (b) If applicable, the court shall specify how the
1073 transportation costs will be allocated between the parents and
1074 other persons entitled to contact, access, ~~visitation~~, and time-
1075 sharing and may adjust the child support award, as appropriate,
1076 considering the costs of transportation and the respective net
1077 incomes of the parents in accordance with state child support
1078 guidelines schedule.

1079 (10) PRIORITY FOR HEARING OR TRIAL.--An evidentiary hearing
1080 or nonjury trial on a pleading seeking temporary or permanent
1081 relief filed under ~~pursuant to~~ this section shall be accorded
1082 priority on the court's calendar.

1083 (11) APPLICABILITY.--

1084 (a) ~~The provisions of~~ This section applies ~~apply~~:

1085 1. To orders entered before October 1, 2006, if the
1086 existing order defining custody, primary residence, time-sharing,
1087 or visitation of or with the child does not expressly govern the
1088 relocation of the child.

1089 2. To an order, whether temporary or permanent, regarding
1090 the parenting plan, custody, primary residence, time-sharing, or

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1091 visitation of or with the child entered on or after October 1,
1092 2006.

1093 3. To any relocation or proposed relocation, whether
1094 permanent or temporary, of a child during any proceeding pending
1095 on October 1, 2006, wherein the parenting plan, custody, primary
1096 residence, time-sharing, or visitation of or with the child is an
1097 issue.

1098 (b) To the extent that a provision of this section
1099 conflicts with an order existing on October 1, 2006, this section
1100 does not apply to the terms of that order which expressly govern
1101 relocation of the child or a change in the principal residence
1102 address of a parent.

1103 Section 10. Section 61.13002, Florida Statutes, is amended
1104 to read:

1105 61.13002 Temporary time-sharing modification ~~child custody~~
1106 ~~and child support modification due to military service.--~~

1107 (1) If a supplemental petition ~~to modify~~ or a motion for
1108 modification of time-sharing ~~change of child custody~~ and parental
1109 responsibility is filed because ~~during the time~~ a parent is
1110 activated, deployed, or temporarily assigned to military service
1111 and the parent's ability to comply with time-sharing ~~continue as~~
1112 ~~the primary caretaker of a minor child~~ is materially affected as
1113 a result, the court may not issue an order or modify or amend a
1114 previous judgment or order that changes time-sharing ~~eustody~~ as
1115 it existed on the date the parent was activated, deployed, or
1116 temporarily assigned to military service, except that a court may
1117 enter a temporary order to modify or amend time-sharing ~~eustody~~
1118 if there is clear and convincing evidence that the temporary
1119 modification or amendment is in the best interests of the child.

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1120 When entering a temporary order under this section, the court
1121 shall consider and provide for, if feasible, contact between the
1122 military servicemember and his or her child, including, but not
1123 limited to, electronic communication by webcam, telephone, or
1124 other available means. The court shall also permit liberal time-
1125 sharing during periods of leave from military service, as it is
1126 in the child's best interests to maintain the parent-child bond
1127 during the parent's military service.

1128 (2) If a temporary order is issued under this section, the
1129 court shall reinstate the time-sharing ~~custody judgment or~~ order
1130 previously in effect upon the servicemember parent's return from
1131 active military service, deployment, or temporary assignment.

1132 (3) If a temporary order is entered under this section, the
1133 court may address the issue of support for the child for whom
1134 time-sharing is temporarily modified by:

1135 (a) Entering an order of temporary support from the
1136 servicemember to the other parent under s. 61.30;

1137 (b) Requiring the servicemember to enroll the child as a
1138 military dependant with DEERs, TriCare, or other similar benefits
1139 available to military dependents as provided by the service
1140 member's branch of service and federal regulations; or

1141 (c) Suspending, abating, or reducing the child support
1142 obligation of the nonservice member until the custody judgment or
1143 time-share order previously in effect is reinstated.

1144 Section 11. Paragraph (a) of subsection (1) of section
1145 61.14, Florida Statutes, is amended to read:

1146 61.14 Enforcement and modification of support, maintenance,
1147 or alimony agreements or orders.--

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1148 (1) (a) When the parties enter into an agreement for
1149 payments for, or instead of, support, maintenance, or alimony,
1150 whether in connection with a proceeding for dissolution or
1151 separate maintenance or with any voluntary property settlement,
1152 or when a party is required by court order to make any payments,
1153 and the circumstances or the financial ability of either party
1154 changes or the child who is a beneficiary of an agreement or
1155 court order as described herein reaches majority after the
1156 execution of the agreement or the rendition of the order, either
1157 party may apply to the circuit court of the circuit in which the
1158 parties, or either of them, resided at the date of the execution
1159 of the agreement or reside at the date of the application, or in
1160 which the agreement was executed or in which the order was
1161 rendered, for an order decreasing or increasing the amount of
1162 support, maintenance, or alimony, and the court has jurisdiction
1163 to make orders as equity requires, with due regard to the changed
1164 circumstances or the financial ability of the parties or the
1165 child, decreasing, increasing, or confirming the amount of
1166 separate support, maintenance, or alimony provided for in the
1167 agreement or order. A finding that medical insurance is
1168 reasonably available or the child support guidelines schedule in
1169 s. 61.30 may constitute changed circumstances. Except as
1170 otherwise provided in s. 61.30(11)(c), the court may modify an
1171 order of support, maintenance, or alimony by increasing or
1172 decreasing the support, maintenance, or alimony retroactively to
1173 the date of the filing of the action or supplemental action for
1174 modification as equity requires, giving due regard to the changed
1175 circumstances or the financial ability of the parties or the
1176 child.

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1177 Section 12. Paragraph (d) of subsection (3) of section
1178 61.181, Florida Statutes, is amended to read:

1179 61.181 Depository for alimony transactions, support,
1180 maintenance, and support payments; fees.--

1181 (3)

1182 (d) When time-sharing ~~custody~~ of a child is relinquished by
1183 a ~~custodial~~ parent who is entitled to receive child support
1184 moneys from the depository to the custody of a licensed or
1185 registered long-term care child agency, that agency may request
1186 from the court an order directing child support payments that
1187 ~~which~~ would otherwise be distributed to the ~~custodial~~ parent be
1188 distributed to the agency for the period of time that ~~custody of~~
1189 the child is with ~~by~~ the agency. Thereafter, payments shall be
1190 distributed to the agency as if the agency were the ~~custodial~~
1191 parent until further order of the court.

1192 Section 13. Paragraphs (b) and (d) of subsection (1) of
1193 section 61.1827, Florida Statutes, are amended to read:

1194 61.1827 Identifying information concerning applicants for
1195 and recipients of child support services.--

1196 (1) Any information that reveals the identity of applicants
1197 for or recipients of child support services, including the name,
1198 address, and telephone number of such persons, held by a non-
1199 Title IV-D county child support enforcement agency is
1200 confidential and exempt from s. 119.07(1) and s. 24(a) of Art. I
1201 of the State Constitution. The use or disclosure of such
1202 information by the non-Title IV-D county child support
1203 enforcement agency is limited to the purposes directly connected
1204 with:

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1205 (b) Mandatory disclosure of identifying and location
1206 information as provided in s. 61.13(7)(8) by the non-Title IV-D
1207 county child support enforcement agency when providing non-Title
1208 IV-D services;

1209 (d) Disclosure to an authorized person, as defined in 45
1210 C.F.R. s. 303.15, for purposes of enforcing any state or federal
1211 law with respect to the unlawful taking or restraint of a child
1212 or making or enforcing a parenting plan ~~child custody or~~
1213 ~~visitation determination~~. As used in this paragraph, the term
1214 "authorized person" includes a ~~noncustodial~~ parent with whom the
1215 child does not currently reside, unless a court has entered an
1216 order under s. 741.30, s. 741.31, or s. 784.046.

1217 Section 14. Subsections (1) and (3) of section 61.20,
1218 Florida Statutes, are amended to read:

1219 61.20 Social investigation and recommendations regarding a
1220 parenting plan ~~when child custody is in issue.--~~

1221 (1) In any action where the parenting plan ~~custody of a~~
1222 ~~minor child~~ is at ~~in~~ issue because the parents are unable to
1223 agree, the court may order a social investigation and study
1224 concerning all pertinent details relating to the child and each
1225 parent when such an investigation has not been done and the study
1226 therefrom provided to the court by the parties or when the court
1227 determines that the investigation and study that have been done
1228 are insufficient. The agency, staff, or person conducting the
1229 investigation and study ordered by the court pursuant to this
1230 section shall furnish the court and all parties of record in the
1231 proceeding a written study containing recommendations, including
1232 a written statement of facts found in the social investigation on
1233 which the recommendations are based. The court may consider the

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1234 information contained in the study in making a decision on the
1235 parenting plan ~~child's custody~~ and the technical rules of
1236 evidence do not exclude the study from consideration.

1237 (3) Except as to persons who obtain certification of
1238 indigence as specified in subsection (2), for whom no costs shall
1239 be incurred, the adult parties involved in a ~~child custody~~
1240 proceeding to determine a parenting plan wherein the court has
1241 ordered the performance of a social investigation and study
1242 ~~performed~~ shall be responsible for the payment of the costs of
1243 such investigation and study. Upon submission of the study to the
1244 court, the agency, staff, or person performing the study shall
1245 include a bill for services, which shall be taxed and ordered
1246 paid as costs in the proceeding.

1247 Section 15. Paragraph (c) of subsection (1) and subsection
1248 (6) of section 61.21, Florida Statutes, are amended to read:

1249 61.21 Parenting course authorized; fees; required
1250 attendance authorized; contempt.--

1251 (1) LEGISLATIVE FINDINGS; PURPOSE.--It is the finding of
1252 the Legislature that:

1253 (c) It has been found to be beneficial to parents who are
1254 separating or divorcing to have available an educational program
1255 that will provide general information regarding:

1256 1. The issues and legal procedures for resolving time-
1257 sharing ~~custody~~ and child support disputes.

1258 2. The emotional experiences and problems of divorcing
1259 adults.

1260 3. The family problems and the emotional concerns and needs
1261 of the children.

1262 4. The availability of community services and resources.

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1263 (6) All parties to a modification of a final judgment
1264 involving a parenting plan or a time-sharing schedule ~~shared~~
1265 ~~parental responsibilities, custody, or visitation~~ may be required
1266 to complete a court-approved parenting course prior to the entry
1267 of an order modifying the final judgment.

1268 Section 16. Section 61.30, Florida Statutes, is amended to
1269 read:

1270 61.30 Child support guidelines; retroactive child
1271 support.--

1272 (1)(a) The child support guideline amount as determined by
1273 this section presumptively establishes the amount the trier of
1274 fact shall order as child support in an initial proceeding for
1275 such support or in a proceeding for modification of an existing
1276 order for such support, whether the proceeding arises under this
1277 or another chapter. The trier of fact may order payment of child
1278 support which varies, plus or minus 5 percent, from the guideline
1279 amount, after considering all relevant factors, including the
1280 needs of the child or children, age, station in life, standard of
1281 living, and the financial status and ability of each parent. The
1282 trier of fact may order payment of child support in an amount
1283 which varies more than 5 percent from such guideline amount only
1284 upon a written finding explaining why ordering payment of such
1285 guideline amount would be unjust or inappropriate.

1286 Notwithstanding the variance limitations of this section, the
1287 trier of fact shall order payment of child support which varies
1288 from the guideline amount as provided in paragraph (1)(b)
1289 whenever any of the children are required by court order or
1290 mediation agreement to spend a substantial amount of time with
1291 either parent ~~the primary and secondary residential parents~~. This

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1292 requirement applies to any living arrangement, whether temporary
1293 or permanent.

1294 (b) The guidelines may provide the basis for proving a
1295 substantial change in circumstances upon which a modification of
1296 an existing order may be granted. However, the difference between
1297 the existing monthly obligation and the amount provided for under
1298 the guidelines shall be at least 15 percent or \$50, whichever
1299 amount is greater, before the court may find that the guidelines
1300 provide a substantial change in circumstances.

1301 (c) For each support order reviewed by the department as
1302 required by s. 409.2564(11), if the amount of the child support
1303 award under the order differs by at least 10 percent but not less
1304 than \$25 from the amount that would be awarded under s. 61.30,
1305 the department shall seek to have the order modified and any
1306 modification shall be made without a requirement for proof or
1307 showing of a change in circumstances.

1308 (2) Income shall be determined on a monthly basis for each
1309 parent ~~the obligor and for the obligee~~ as follows:

1310 (a) Gross income shall include, but is not limited to, the
1311 following ~~items~~:

1312 1. Salary or wages.

1313 2. Bonuses, commissions, allowances, overtime, tips, and
1314 other similar payments.

1315 3. Business income from sources such as self-employment,
1316 partnership, close corporations, and independent contracts.

1317 "Business income" means gross receipts minus ordinary and
1318 necessary expenses required to produce income.

1319 4. Disability benefits.

1320 5. All workers' compensation benefits and settlements.

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- 1321 6. Unemployment compensation.
- 1322 7. Pension, retirement, or annuity payments.
- 1323 8. Social security benefits.
- 1324 9. Spousal support received from a previous marriage or
1325 court ordered in the marriage before the court.
- 1326 10. Interest and dividends.
- 1327 11. Rental income, which is gross receipts minus ordinary
1328 and necessary expenses required to produce the income.
- 1329 12. Income from royalties, trusts, or estates.
- 1330 13. Reimbursed expenses or in kind payments to the extent
1331 that they reduce living expenses.
- 1332 14. Gains derived from dealings in property, unless the
1333 gain is nonrecurring.
- 1334 (b) Income on a monthly basis shall be imputed to an
1335 unemployed or underemployed parent when such employment or
1336 underemployment is found by the court to be voluntary on that
1337 parent's part, absent a finding of fact by the court of physical
1338 or mental incapacity or other circumstances over which the parent
1339 has no control. In the event of such voluntary unemployment or
1340 underemployment, the employment potential and probable earnings
1341 level of the parent shall be determined based upon his or her
1342 recent work history, occupational qualifications, and prevailing
1343 earnings level in the community as provided in this paragraph;
1344 however, the court may refuse to impute income to a ~~primary~~
1345 ~~residential~~ parent if the court finds it necessary for the parent
1346 to stay home with the child who is the subject of a child support
1347 calculation.
- 1348 (c) Public assistance as defined in s. 409.2554 shall be
1349 excluded from gross income.

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1350 (3) Net income is obtained by subtracting allowable
 1351 deductions from gross income. Allowable deductions shall include:

1352 (a) Federal, state, and local income tax deductions,
 1353 adjusted for actual filing status and allowable dependents and
 1354 income tax liabilities.

1355 (b) Federal insurance contributions or self-employment tax.

1356 (c) Mandatory union dues.

1357 (d) Mandatory retirement payments.

1358 (e) Health insurance payments, excluding payments for
 1359 coverage of the minor child.

1360 (f) Court-ordered support for other children which is
 1361 actually paid.

1362 (g) Spousal support paid pursuant to a court order from a
 1363 previous marriage or the marriage before the court.

1364 (4) Net income for each parent ~~the obligor and net income~~
 1365 ~~for the obligee~~ shall be computed by subtracting allowable
 1366 deductions from gross income.

1367 (5) Net income for each parent ~~the obligor and net income~~
 1368 ~~for the obligee~~ shall be added together for a combined net
 1369 income.

1370 (6) The following guidelines schedule ~~schedules~~ shall be
 1371 applied to the combined net income to determine the minimum child
 1372 support need:

1373

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

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| | | | | | | | |
|------|---------|-----|-----|-----|-----|-----|-----|
| 1376 | 650.00 | 74 | 75 | 75 | 76 | 77 | 78 |
| 1377 | 700.00 | 119 | 120 | 121 | 123 | 124 | 125 |
| 1378 | 750.00 | 164 | 166 | 167 | 169 | 171 | 173 |
| 1379 | 800.00 | 190 | 211 | 213 | 216 | 218 | 220 |
| 1380 | 850.00 | 202 | 257 | 259 | 262 | 265 | 268 |
| 1381 | 900.00 | 213 | 302 | 305 | 309 | 312 | 315 |
| 1382 | 950.00 | 224 | 347 | 351 | 355 | 359 | 363 |
| 1383 | 1000.00 | 235 | 365 | 397 | 402 | 406 | 410 |
| 1384 | 1050.00 | 246 | 382 | 443 | 448 | 453 | 458 |
| 1385 | 1100.00 | 258 | 400 | 489 | 495 | 500 | 505 |
| 1386 | 1150.00 | 269 | 417 | 522 | 541 | 547 | 553 |
| 1387 | 1200.00 | 280 | 435 | 544 | 588 | 594 | 600 |
| 1388 | 1250.00 | 290 | 451 | 565 | 634 | 641 | 648 |
| 1389 | 1300.00 | 300 | 467 | 584 | 659 | 688 | 695 |
| | 1350.00 | 310 | 482 | 603 | 681 | 735 | 743 |

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|------|---------|-----|-----|-----|-----|------|------|
| 1390 | 1400.00 | 320 | 498 | 623 | 702 | 765 | 790 |
| 1391 | 1450.00 | 330 | 513 | 642 | 724 | 789 | 838 |
| 1392 | 1500.00 | 340 | 529 | 662 | 746 | 813 | 869 |
| 1393 | 1550.00 | 350 | 544 | 681 | 768 | 836 | 895 |
| 1394 | 1600.00 | 360 | 560 | 701 | 790 | 860 | 920 |
| 1395 | 1650.00 | 370 | 575 | 720 | 812 | 884 | 945 |
| 1396 | 1700.00 | 380 | 591 | 740 | 833 | 907 | 971 |
| 1397 | 1750.00 | 390 | 606 | 759 | 855 | 931 | 996 |
| 1398 | 1800.00 | 400 | 622 | 779 | 877 | 955 | 1022 |
| 1399 | 1850.00 | 410 | 638 | 798 | 900 | 979 | 1048 |
| 1400 | 1900.00 | 421 | 654 | 818 | 923 | 1004 | 1074 |
| 1401 | 1950.00 | 431 | 670 | 839 | 946 | 1029 | 1101 |
| 1402 | 2000.00 | 442 | 686 | 859 | 968 | 1054 | 1128 |
| 1403 | 2050.00 | 452 | 702 | 879 | 991 | 1079 | 1154 |
| 1404 | | | | | | | |

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| 1405 | 2100.00 | 463 | 718 | 899 | 1014 | 1104 | 1181 |
| 1406 | 2150.00 | 473 | 734 | 919 | 1037 | 1129 | 1207 |
| 1407 | 2200.00 | 484 | 751 | 940 | 1060 | 1154 | 1234 |
| 1408 | 2250.00 | 494 | 767 | 960 | 1082 | 1179 | 1261 |
| 1409 | 2300.00 | 505 | 783 | 980 | 1105 | 1204 | 1287 |
| 1410 | 2350.00 | 515 | 799 | 1000 | 1128 | 1229 | 1314 |
| 1411 | 2400.00 | 526 | 815 | 1020 | 1151 | 1254 | 1340 |
| 1412 | 2450.00 | 536 | 831 | 1041 | 1174 | 1279 | 1367 |
| 1413 | 2500.00 | 547 | 847 | 1061 | 1196 | 1304 | 1394 |
| 1414 | 2550.00 | 557 | 864 | 1081 | 1219 | 1329 | 1420 |
| 1415 | 2600.00 | 568 | 880 | 1101 | 1242 | 1354 | 1447 |
| 1416 | 2650.00 | 578 | 896 | 1121 | 1265 | 1379 | 1473 |
| 1417 | 2700.00 | 588 | 912 | 1141 | 1287 | 1403 | 1500 |
| 1418 | 2750.00 | 597 | 927 | 1160 | 1308 | 1426 | 1524 |
| | 2800.00 | 607 | 941 | 1178 | 1328 | 1448 | 1549 |

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| 1419 | 2850.00 | 616 | 956 | 1197 | 1349 | 1471 | 1573 |
| 1420 | 2900.00 | 626 | 971 | 1215 | 1370 | 1494 | 1598 |
| 1421 | 2950.00 | 635 | 986 | 1234 | 1391 | 1517 | 1622 |
| 1422 | 3000.00 | 644 | 1001 | 1252 | 1412 | 1540 | 1647 |
| 1423 | 3050.00 | 654 | 1016 | 1271 | 1433 | 1563 | 1671 |
| 1424 | 3100.00 | 663 | 1031 | 1289 | 1453 | 1586 | 1695 |
| 1425 | 3150.00 | 673 | 1045 | 1308 | 1474 | 1608 | 1720 |
| 1426 | 3200.00 | 682 | 1060 | 1327 | 1495 | 1631 | 1744 |
| 1427 | 3250.00 | 691 | 1075 | 1345 | 1516 | 1654 | 1769 |
| 1428 | 3300.00 | 701 | 1090 | 1364 | 1537 | 1677 | 1793 |
| 1429 | 3350.00 | 710 | 1105 | 1382 | 1558 | 1700 | 1818 |
| 1430 | 3400.00 | 720 | 1120 | 1401 | 1579 | 1723 | 1842 |
| 1431 | 3450.00 | 729 | 1135 | 1419 | 1599 | 1745 | 1867 |
| 1432 | 3500.00 | 738 | 1149 | 1438 | 1620 | 1768 | 1891 |
| 1433 | | | | | | | |

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| 1434 | 3550.00 | 748 | 1164 | 1456 | 1641 | 1791 | 1915 |
| 1435 | 3600.00 | 757 | 1179 | 1475 | 1662 | 1814 | 1940 |
| 1436 | 3650.00 | 767 | 1194 | 1493 | 1683 | 1837 | 1964 |
| 1437 | 3700.00 | 776 | 1208 | 1503 | 1702 | 1857 | 1987 |
| 1438 | 3750.00 | 784 | 1221 | 1520 | 1721 | 1878 | 2009 |
| 1439 | 3800.00 | 793 | 1234 | 1536 | 1740 | 1899 | 2031 |
| 1440 | 3850.00 | 802 | 1248 | 1553 | 1759 | 1920 | 2053 |
| 1441 | 3900.00 | 811 | 1261 | 1570 | 1778 | 1940 | 2075 |
| 1442 | 3950.00 | 819 | 1275 | 1587 | 1797 | 1961 | 2097 |
| 1443 | 4000.00 | 828 | 1288 | 1603 | 1816 | 1982 | 2119 |
| 1444 | 4050.00 | 837 | 1302 | 1620 | 1835 | 2002 | 2141 |
| 1445 | 4100.00 | 846 | 1315 | 1637 | 1854 | 2023 | 2163 |
| 1446 | 4150.00 | 854 | 1329 | 1654 | 1873 | 2044 | 2185 |
| 1447 | 4200.00 | 863 | 1342 | 1670 | 1892 | 2064 | 2207 |
| | 4250.00 | 872 | 1355 | 1687 | 1911 | 2085 | 2229 |

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| 1448 | 4300.00 | 881 | 1369 | 1704 | 1930 | 2106 | 2251 |
| 1449 | 4350.00 | 889 | 1382 | 1721 | 1949 | 2127 | 2273 |
| 1450 | 4400.00 | 898 | 1396 | 1737 | 1968 | 2147 | 2295 |
| 1451 | 4450.00 | 907 | 1409 | 1754 | 1987 | 2168 | 2317 |
| 1452 | 4500.00 | 916 | 1423 | 1771 | 2006 | 2189 | 2339 |
| 1453 | 4550.00 | 924 | 1436 | 1788 | 2024 | 2209 | 2361 |
| 1454 | 4600.00 | 933 | 1450 | 1804 | 2043 | 2230 | 2384 |
| 1455 | 4650.00 | 942 | 1463 | 1821 | 2062 | 2251 | 2406 |
| 1456 | 4700.00 | 951 | 1477 | 1838 | 2081 | 2271 | 2428 |
| 1457 | 4750.00 | 959 | 1490 | 1855 | 2100 | 2292 | 2450 |
| 1458 | 4800.00 | 968 | 1503 | 1871 | 2119 | 2313 | 2472 |
| 1459 | 4850.00 | 977 | 1517 | 1888 | 2138 | 2334 | 2494 |
| 1460 | 4900.00 | 986 | 1530 | 1905 | 2157 | 2354 | 2516 |
| 1461 | 4950.00 | 993 | 1542 | 1927 | 2174 | 2372 | 2535 |
| 1462 | | | | | | | |

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|------|---------|------|------|------|------|------|------|
| 1463 | 5000.00 | 1000 | 1551 | 1939 | 2188 | 2387 | 2551 |
| 1464 | 5050.00 | 1006 | 1561 | 1952 | 2202 | 2402 | 2567 |
| 1465 | 5100.00 | 1013 | 1571 | 1964 | 2215 | 2417 | 2583 |
| 1466 | 5150.00 | 1019 | 1580 | 1976 | 2229 | 2432 | 2599 |
| 1467 | 5200.00 | 1025 | 1590 | 1988 | 2243 | 2447 | 2615 |
| 1468 | 5250.00 | 1032 | 1599 | 2000 | 2256 | 2462 | 2631 |
| 1469 | 5300.00 | 1038 | 1609 | 2012 | 2270 | 2477 | 2647 |
| 1470 | 5350.00 | 1045 | 1619 | 2024 | 2283 | 2492 | 2663 |
| 1471 | 5400.00 | 1051 | 1628 | 2037 | 2297 | 2507 | 2679 |
| 1472 | 5450.00 | 1057 | 1638 | 2049 | 2311 | 2522 | 2695 |
| 1473 | 5500.00 | 1064 | 1647 | 2061 | 2324 | 2537 | 2711 |
| 1474 | 5550.00 | 1070 | 1657 | 2073 | 2338 | 2552 | 2727 |
| 1475 | 5600.00 | 1077 | 1667 | 2085 | 2352 | 2567 | 2743 |
| 1476 | 5650.00 | 1083 | 1676 | 2097 | 2365 | 2582 | 2759 |
| | 5700.00 | 1089 | 1686 | 2109 | 2379 | 2597 | 2775 |

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|------|---------|------|------|------|------|------|------|
| 1477 | 5750.00 | 1096 | 1695 | 2122 | 2393 | 2612 | 2791 |
| 1478 | 5800.00 | 1102 | 1705 | 2134 | 2406 | 2627 | 2807 |
| 1479 | 5850.00 | 1107 | 1713 | 2144 | 2418 | 2639 | 2820 |
| 1480 | 5900.00 | 1111 | 1721 | 2155 | 2429 | 2651 | 2833 |
| 1481 | 5950.00 | 1116 | 1729 | 2165 | 2440 | 2663 | 2847 |
| 1482 | 6000.00 | 1121 | 1737 | 2175 | 2451 | 2676 | 2860 |
| 1483 | 6050.00 | 1126 | 1746 | 2185 | 2462 | 2688 | 2874 |
| 1484 | 6100.00 | 1131 | 1754 | 2196 | 2473 | 2700 | 2887 |
| 1485 | 6150.00 | 1136 | 1762 | 2206 | 2484 | 2712 | 2900 |
| 1486 | 6200.00 | 1141 | 1770 | 2216 | 2495 | 2724 | 2914 |
| 1487 | 6250.00 | 1145 | 1778 | 2227 | 2506 | 2737 | 2927 |
| 1488 | 6300.00 | 1150 | 1786 | 2237 | 2517 | 2749 | 2941 |
| 1489 | 6350.00 | 1155 | 1795 | 2247 | 2529 | 2761 | 2954 |
| 1490 | 6400.00 | 1160 | 1803 | 2258 | 2540 | 2773 | 2967 |
| 1491 | | | | | | | |

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|------|---------|------|------|------|------|------|------|
| 1492 | 6450.00 | 1165 | 1811 | 2268 | 2551 | 2785 | 2981 |
| 1493 | 6500.00 | 1170 | 1819 | 2278 | 2562 | 2798 | 2994 |
| 1494 | 6550.00 | 1175 | 1827 | 2288 | 2573 | 2810 | 3008 |
| 1495 | 6600.00 | 1179 | 1835 | 2299 | 2584 | 2822 | 3021 |
| 1496 | 6650.00 | 1184 | 1843 | 2309 | 2595 | 2834 | 3034 |
| 1497 | 6700.00 | 1189 | 1850 | 2317 | 2604 | 2845 | 3045 |
| 1498 | 6750.00 | 1193 | 1856 | 2325 | 2613 | 2854 | 3055 |
| 1499 | 6800.00 | 1196 | 1862 | 2332 | 2621 | 2863 | 3064 |
| 1500 | 6850.00 | 1200 | 1868 | 2340 | 2630 | 2872 | 3074 |
| 1501 | 6900.00 | 1204 | 1873 | 2347 | 2639 | 2882 | 3084 |
| 1502 | 6950.00 | 1208 | 1879 | 2355 | 2647 | 2891 | 3094 |
| 1503 | 7000.00 | 1212 | 1885 | 2362 | 2656 | 2900 | 3103 |
| 1504 | 7050.00 | 1216 | 1891 | 2370 | 2664 | 2909 | 3113 |
| 1505 | 7100.00 | 1220 | 1897 | 2378 | 2673 | 2919 | 3123 |
| | 7150.00 | 1224 | 1903 | 2385 | 2681 | 2928 | 3133 |

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|------|---------|------|------|------|------|------|------|
| 1506 | 7200.00 | 1228 | 1909 | 2393 | 2690 | 2937 | 3142 |
| 1507 | 7250.00 | 1232 | 1915 | 2400 | 2698 | 2946 | 3152 |
| 1508 | 7300.00 | 1235 | 1921 | 2408 | 2707 | 2956 | 3162 |
| 1509 | 7350.00 | 1239 | 1927 | 2415 | 2716 | 2965 | 3172 |
| 1510 | 7400.00 | 1243 | 1933 | 2423 | 2724 | 2974 | 3181 |
| 1511 | 7450.00 | 1247 | 1939 | 2430 | 2733 | 2983 | 3191 |
| 1512 | 7500.00 | 1251 | 1945 | 2438 | 2741 | 2993 | 3201 |
| 1513 | 7550.00 | 1255 | 1951 | 2446 | 2750 | 3002 | 3211 |
| 1514 | 7600.00 | 1259 | 1957 | 2453 | 2758 | 3011 | 3220 |
| 1515 | 7650.00 | 1263 | 1963 | 2461 | 2767 | 3020 | 3230 |
| 1516 | 7700.00 | 1267 | 1969 | 2468 | 2775 | 3030 | 3240 |
| 1517 | 7750.00 | 1271 | 1975 | 2476 | 2784 | 3039 | 3250 |
| 1518 | 7800.00 | 1274 | 1981 | 2483 | 2792 | 3048 | 3259 |
| 1519 | 7850.00 | 1278 | 1987 | 2491 | 2801 | 3057 | 3269 |
| 1520 | | | | | | | |

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| 1521 | 7900.00 | 1282 | 1992 | 2498 | 2810 | 3067 | 3279 |
| 1522 | 7950.00 | 1286 | 1998 | 2506 | 2818 | 3076 | 3289 |
| 1523 | 8000.00 | 1290 | 2004 | 2513 | 2827 | 3085 | 3298 |
| 1524 | 8050.00 | 1294 | 2010 | 2521 | 2835 | 3094 | 3308 |
| 1525 | 8100.00 | 1298 | 2016 | 2529 | 2844 | 3104 | 3318 |
| 1526 | 8150.00 | 1302 | 2022 | 2536 | 2852 | 3113 | 3328 |
| 1527 | 8200.00 | 1306 | 2028 | 2544 | 2861 | 3122 | 3337 |
| 1528 | 8250.00 | 1310 | 2034 | 2551 | 2869 | 3131 | 3347 |
| 1529 | 8300.00 | 1313 | 2040 | 2559 | 2878 | 3141 | 3357 |
| 1530 | 8350.00 | 1317 | 2046 | 2566 | 2887 | 3150 | 3367 |
| 1531 | 8400.00 | 1321 | 2052 | 2574 | 2895 | 3159 | 3376 |
| 1532 | 8450.00 | 1325 | 2058 | 2581 | 2904 | 3168 | 3386 |
| 1533 | 8500.00 | 1329 | 2064 | 2589 | 2912 | 3178 | 3396 |
| 1534 | 8550.00 | 1333 | 2070 | 2597 | 2921 | 3187 | 3406 |
| | 8600.00 | 1337 | 2076 | 2604 | 2929 | 3196 | 3415 |

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|------|---------|------|------|------|------|------|------|
| 1535 | 8650.00 | 1341 | 2082 | 2612 | 2938 | 3205 | 3425 |
| 1536 | 8700.00 | 1345 | 2088 | 2619 | 2946 | 3215 | 3435 |
| 1537 | 8750.00 | 1349 | 2094 | 2627 | 2955 | 3224 | 3445 |
| 1538 | 8800.00 | 1352 | 2100 | 2634 | 2963 | 3233 | 3454 |
| 1539 | 8850.00 | 1356 | 2106 | 2642 | 2972 | 3242 | 3464 |
| 1540 | 8900.00 | 1360 | 2111 | 2649 | 2981 | 3252 | 3474 |
| 1541 | 8950.00 | 1364 | 2117 | 2657 | 2989 | 3261 | 3484 |
| 1542 | 9000.00 | 1368 | 2123 | 2664 | 2998 | 3270 | 3493 |
| 1543 | 9050.00 | 1372 | 2129 | 2672 | 3006 | 3279 | 3503 |
| 1544 | 9100.00 | 1376 | 2135 | 2680 | 3015 | 3289 | 3513 |
| 1545 | 9150.00 | 1380 | 2141 | 2687 | 3023 | 3298 | 3523 |
| 1546 | 9200.00 | 1384 | 2147 | 2695 | 3032 | 3307 | 3532 |
| 1547 | 9250.00 | 1388 | 2153 | 2702 | 3040 | 3316 | 3542 |
| 1548 | 9300.00 | 1391 | 2159 | 2710 | 3049 | 3326 | 3552 |
| 1549 | | | | | | | |

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| 1550 | 9350.00 | 1395 | 2165 | 2717 | 3058 | 3335 | 3562 |
| 1551 | 9400.00 | 1399 | 2171 | 2725 | 3066 | 3344 | 3571 |
| 1552 | 9450.00 | 1403 | 2177 | 2732 | 3075 | 3353 | 3581 |
| 1553 | 9500.00 | 1407 | 2183 | 2740 | 3083 | 3363 | 3591 |
| 1554 | 9550.00 | 1411 | 2189 | 2748 | 3092 | 3372 | 3601 |
| 1555 | 9600.00 | 1415 | 2195 | 2755 | 3100 | 3381 | 3610 |
| 1556 | 9650.00 | 1419 | 2201 | 2763 | 3109 | 3390 | 3620 |
| 1557 | 9700.00 | 1422 | 2206 | 2767 | 3115 | 3396 | 3628 |
| 1558 | 9750.00 | 1425 | 2210 | 2772 | 3121 | 3402 | 3634 |
| 1559 | 9800.00 | 1427 | 2213 | 2776 | 3126 | 3408 | 3641 |
| 1560 | 9850.00 | 1430 | 2217 | 2781 | 3132 | 3414 | 3647 |
| 1561 | 9900.00 | 1432 | 2221 | 2786 | 3137 | 3420 | 3653 |
| 1562 | 9950.00 | 1435 | 2225 | 2791 | 3143 | 3426 | 3659 |
| 1563 | 10000.00 | 1437 | 2228 | 2795 | 3148 | 3432 | 3666 |

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1564 For combined monthly net available income less than the amount
 1565 set out on the above guidelines schedule ~~schedules~~, the parent
 1566 should be ordered to pay a child support amount, determined on a
 1567 case-by-case basis, to establish the principle of payment and lay
 1568 the basis for increased orders should the parent's income
 1569 increase in the future. For combined monthly net available income
 1570 greater than the amount set out in the above guidelines schedule
 1571 ~~schedules~~, the obligation shall be the minimum amount of support
 1572 provided by the guidelines schedule plus the following
 1573 percentages multiplied by the amount of income over \$10,000:

1574
 1575 Child or Children

| 1575 | One | Two | Three | Four | Five | Six |
|------|------|------|-------|-------|-------|-------|
| 1576 | 5.0% | 7.5% | 9.5% | 11.0% | 12.0% | 12.5% |

1577
 1578 (7) Child care costs incurred on behalf of the children due
 1579 to employment, job search, or education calculated to result in
 1580 employment or to enhance income of current employment of either
 1581 parent shall be reduced by 25 percent and then shall be added to
 1582 the basic obligation. After the adjusted child care costs are
 1583 added to the basic obligation, any moneys prepaid by a ~~the~~
 1584 ~~noncustodial~~ parent for child care costs for the child or
 1585 children of this action shall be deducted from that ~~noncustodial~~
 1586 parent's child support obligation for that child or those
 1587 children. Child care costs shall not exceed the level required to
 1588 provide quality care from a licensed source for the children.

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1589 (8) Health insurance costs resulting from coverage ordered
1590 pursuant to s. 61.13(1)(b), and any noncovered medical, dental,
1591 and prescription medication expenses of the child, shall be added
1592 to the basic obligation unless these expenses have been ordered
1593 to be separately paid on a percentage basis. After the health
1594 insurance costs are added to the basic obligation, any moneys
1595 prepaid by a ~~the noncustodial~~ parent for health-related costs for
1596 the child or children of this action shall be deducted from that
1597 ~~noncustodial~~ parent's child support obligation for that child or
1598 those children.

1599 (9) Each parent's percentage share of the child support
1600 need shall be determined by dividing each parent's net monthly
1601 income by the combined net monthly income.

1602 (10) Each parent's actual dollar share of the total minimum
1603 child support need shall be determined by multiplying the minimum
1604 child support need by each parent's percentage share of the
1605 combined monthly net income.

1606 (11)(a) The court may adjust the total minimum child
1607 support award, or either or both parents' share of the total
1608 minimum child support award, based upon the following deviation
1609 factors ~~considerations~~:

1610 1. Extraordinary medical, psychological, educational, or
1611 dental expenses.

1612 2. Independent income of the child, not to include moneys
1613 received by a child from supplemental security income.

1614 3. The payment of support for a parent which regularly has
1615 been paid and for which there is a demonstrated need.

1616 4. Seasonal variations in one or both parents' incomes or
1617 expenses.

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1618 5. The age of the child, taking into account the greater
1619 needs of older children.

1620 6. Special needs, such as costs that may be associated with
1621 the disability of a child, that have traditionally been met
1622 within the family budget even though the fulfilling of those
1623 needs will cause the support to exceed the presumptive amount
1624 established by the ~~proposed~~ guidelines.

1625 7. Total available assets of the obligee, obligor, and the
1626 child.

1627 8. The impact of the Internal Revenue Service dependency
1628 exemption and waiver of that exemption. The court may order a ~~the~~
1629 ~~primary residential~~ parent to execute a waiver of the Internal
1630 Revenue Service dependency exemption if the paying ~~noncustodial~~
1631 parent is current in support payments.

1632 9. When application of the child support guidelines
1633 schedule requires a person to pay another person more than 55
1634 percent of his or her gross income for a child support obligation
1635 for current support resulting from a single support order.

1636 10. The particular parenting plan ~~shared parental~~
1637 ~~arrangement~~, such as where the child spends a significant amount
1638 of time, but less than 40 percent of the overnights, with one ~~the~~
1639 ~~noncustodial~~ parent, thereby reducing the financial expenditures
1640 incurred by the other ~~primary residential~~ parent; or the refusal
1641 of a ~~the noncustodial~~ parent to become involved in the activities
1642 of the child.

1643 11. Any other adjustment which is needed to achieve an
1644 equitable result which may include, but not be limited to, a
1645 reasonable and necessary existing expense or debt. Such expense
1646 or debt may include, but is not limited to, a reasonable and

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1647 necessary expense or debt which the parties jointly incurred
1648 during the marriage.

1649 (b) Whenever a particular parenting plan ~~shared parental~~
1650 ~~arrangement~~ provides that each child spend a substantial amount
1651 of time with each parent, the court shall adjust any award of
1652 child support, as follows:

1653 1. In accordance with subsections (9) and (10), calculate
1654 the amount of support obligation apportioned to each the
1655 ~~noncustodial~~ parent without including day care and health
1656 insurance costs in the calculation and multiply the amount by
1657 1.5.

1658 ~~2. In accordance with subsections (9) and (10), calculate~~
1659 ~~the amount of support obligation apportioned to the custodial~~
1660 ~~parent without including day care and health insurance costs in~~
1661 ~~the calculation and multiply the amount by 1.5.~~

1662 ~~2.3.~~ Calculate the percentage of overnight stays the child
1663 spends with each parent.

1664 ~~3.4.~~ Multiply each the noncustodial parent's support
1665 obligation as calculated in subparagraph 1. by the percentage of
1666 the other eustodial parent's overnight stays with the child as
1667 calculated in subparagraph 2. 3.

1668 ~~5. Multiply the custodial parent's support obligation as~~
1669 ~~calculated in subparagraph 2. by the percentage of the~~
1670 ~~noncustodial parent's overnight stays with the child as~~
1671 ~~calculated in subparagraph 3.~~

1672 ~~4.6.~~ The difference between the amounts calculated in
1673 subparagraph 3. ~~subparagraphs 4. and 5.~~ shall be the monetary
1674 transfer necessary between the ~~eustodial and noncustodial~~ parents

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1675 for the care of the child, subject to an adjustment for day care
1676 and health insurance expenses.

1677 ~~5.7.~~ Pursuant to subsections (7) and (8), calculate the net
1678 amounts owed by each parent ~~the custodial and noncustodial~~
1679 ~~parents~~ for the expenses incurred for day care and health
1680 insurance coverage for the child. ~~Day care shall be calculated~~
1681 ~~without regard to the 25-percent reduction applied by subsection~~
1682 ~~(7).~~

1683 ~~6.8.~~ Adjust the support obligation owed by each ~~the~~
1684 ~~custodial or noncustodial~~ parent pursuant to subparagraph ~~4. 6.~~
1685 by crediting or debiting the amount calculated in subparagraph 5.
1686 ~~7.~~ This amount represents the child support which must be
1687 exchanged between the ~~custodial and noncustodial~~ parents.

1688 ~~7.9.~~ The court may deviate from the child support amount
1689 calculated pursuant to subparagraph ~~6. 8.~~ based upon the
1690 deviation factors ~~considerations set forth~~ in paragraph (a), as
1691 well as either ~~the custodial~~ parent's low income and ability to
1692 maintain the basic necessities of the home for the child, the
1693 likelihood that either ~~the noncustodial~~ parent will actually
1694 exercise the time-sharing schedule set forth in the parenting
1695 plan ~~visitation~~ granted by the court, and whether all of the
1696 children are exercising the same time-sharing schedule ~~shared~~
1697 ~~parental arrangement.~~

1698 ~~8.10.~~ For purposes of adjusting any award of child support
1699 under this paragraph, "substantial amount of time" means that a
1700 ~~the noncustodial~~ parent exercises visitation at least 40 percent
1701 of the overnights of the year.

1702 (c) A ~~noncustodial~~ parent's failure to regularly exercise
1703 court-ordered or agreed time-sharing schedule ~~visitation~~ not

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1704 caused by the other ~~eustodial~~ parent which resulted in the
1705 adjustment of the amount of child support pursuant to
1706 subparagraph (a)10. or paragraph (b) shall be deemed a
1707 substantial change of circumstances for purposes of modifying the
1708 child support award. A modification pursuant to this paragraph
1709 shall be retroactive to the date the noncustodial parent first
1710 failed to regularly exercise court-ordered or agreed time-sharing
1711 schedule ~~visitation~~.

1712 (12) (a) A parent with a support obligation may have other
1713 children living with him or her who were born or adopted after
1714 the support obligation arose. If such subsequent children exist,
1715 the court, when considering an upward modification of an existing
1716 award, may disregard the income from secondary employment
1717 obtained in addition to the parent's primary employment if the
1718 court determines that the employment was obtained primarily to
1719 support the subsequent children.

1720 (b) Except as provided in paragraph (a), the existence of
1721 such subsequent children should not as a general rule be
1722 considered by the court as a basis for disregarding the amount
1723 provided in the guidelines schedule. The parent with a support
1724 obligation for subsequent children may raise the existence of
1725 such subsequent children as a justification for deviation from
1726 the guidelines schedule. However, if the existence of such
1727 subsequent children is raised, the income of the other parent of
1728 the subsequent children shall be considered by the court in
1729 determining whether or not there is a basis for deviation from
1730 the guideline amount.

1731 (c) The issue of subsequent children under paragraph (a) or
1732 paragraph (b) may only be raised in a proceeding for an upward

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1733 modification of an existing award and may not be applied to
1734 justify a decrease in an existing award.

1735 (13) If the recurring income is not sufficient to meet the
1736 needs of the child, the court may order child support to be paid
1737 from nonrecurring income or assets.

1738 (14) Every petition for child support or for modification
1739 of child support shall be accompanied by an affidavit which shows
1740 the party's income, allowable deductions, and net income computed
1741 in accordance with this section. The affidavit shall be served at
1742 the same time that the petition is served. The respondent,
1743 whether or not a stipulation is entered, shall make an affidavit
1744 which shows the party's income, allowable deductions, and net
1745 income computed in accordance with this section. The respondent
1746 shall include his or her affidavit with the answer to the
1747 petition or as soon thereafter as is practicable, but in any case
1748 at least 72 hours prior to any hearing on the finances of either
1749 party.

1750 (15) For purposes of establishing an obligation for support
1751 in accordance with this section, if a person who is receiving
1752 public assistance is found to be noncooperative as defined in s.
1753 409.2572, the IV-D agency is authorized to submit to the court an
1754 affidavit attesting to the income of that ~~the custodial~~ parent
1755 based upon information available to the IV-D agency.

1756 (16) The Legislature shall review the guidelines schedule
1757 established in this section at least every 4 years beginning in
1758 1997.

1759 (17) In an initial determination of child support, whether
1760 in a paternity action, dissolution of marriage action, or
1761 petition for support during the marriage, the court has

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1762 discretion to award child support retroactive to the date when
1763 the parents did not reside together in the same household with
1764 the child, not to exceed a period of 24 months preceding the
1765 filing of the petition, regardless of whether that date precedes
1766 the filing of the petition. In determining the retroactive award
1767 in such cases, the court shall consider the following:

1768 (a) The court shall apply the guidelines schedule in effect
1769 at the time of the hearing subject to the obligor's demonstration
1770 of his or her actual income, as defined by subsection (2), during
1771 the retroactive period. Failure of the obligor to so demonstrate
1772 shall result in the court using the obligor's income at the time
1773 of the hearing in computing child support for the retroactive
1774 period.

1775 (b) All actual payments made by a ~~the noncustodial~~ parent
1776 to the other ~~custodial~~ parent or the child or third parties for
1777 the benefit of the child throughout the proposed retroactive
1778 period.

1779 (c) The court should consider an installment payment plan
1780 for the payment of retroactive child support.

1781 Section 17. Section 61.401, Florida Statutes, is amended to
1782 read:

1783 61.401 Appointment of guardian ad litem.-- In an action for
1784 dissolution of marriage or for ~~modification of a parenting plan~~
1785 ~~parental responsibility, custody, or visitation~~, if the court
1786 finds it is in the best interest of the child, the court may
1787 appoint a guardian ad litem to act as next friend of the child,
1788 investigator or evaluator, not as attorney or advocate. The court
1789 in its discretion may also appoint legal counsel for a child to
1790 act as attorney or advocate; however, the guardian and the legal

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1791 counsel shall not be the same person. In such actions which
1792 involve an allegation of child abuse, abandonment, or neglect as
1793 defined in s. 39.01, which allegation is verified and determined
1794 by the court to be well-founded, the court shall appoint a
1795 guardian ad litem for the child. The guardian ad litem shall be a
1796 party to any judicial proceeding from the date of the appointment
1797 until the date of discharge.

1798 Section 18. Section 61.45, Florida Statutes, is amended to
1799 read:

1800 61.45 Court-ordered parenting plan ~~Court order of~~
1801 ~~visitation or custody~~; risk of violation; bond.--

1802 (1) In any ~~a~~ proceeding in which the court enters a
1803 parenting plan, including a time-sharing schedule ~~an order of~~
1804 ~~child custody or visitation~~, including in a modification
1805 proceeding, upon the presentation of competent substantial
1806 evidence that there is a risk that one party may violate the
1807 court's parenting plan ~~order of visitation or custody~~ by removing
1808 a child from this state or country or by concealing the
1809 whereabouts of a child, or upon stipulation of the parties, the
1810 court may:

1811 (a) Order that a parent may not remove the child from this
1812 state without the notarized written permission of both parents or
1813 further court order;

1814 (b) Order that a parent may not remove the child from this
1815 country without the notarized written permission of both parents
1816 or further court order;

1817 (c) Order that a parent may not take the child to a country
1818 that has not ratified or acceded to the Hague Convention on the
1819 Civil Aspects of International Child Abduction unless the other

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1820 parent agrees in writing that the child may be taken to the
1821 country;

1822 (d) Require a parent to surrender the passport of the
1823 child; or

1824 (e) Require that party to post bond or other security.

1825 (2) If the court enters a parenting plan, including a time-
1826 sharing schedule ~~an order of child custody or visitation,~~
1827 including in a modification proceeding, that includes a provision
1828 entered under paragraph (1) (b) or paragraph (1) (c), a certified
1829 copy of the order should be sent by the parent who requested the
1830 restriction to the Passport Services Office of the United States
1831 Department of State requesting that they not issue a passport to
1832 the child without their signature or further court order.

1833 (3) In assessing the need for a bond or other security, the
1834 court may consider any reasonable factor bearing upon the risk
1835 that a party may violate a parenting plan ~~visitation or custody~~
1836 ~~order~~ by removing a child from this state or country or by
1837 concealing the whereabouts of a child, including but not limited
1838 to whether:

1839 (a) A court has previously found that a party previously
1840 removed a child from Florida or another state in violation of a
1841 parenting plan ~~custody or visitation order~~, or whether a court
1842 had found that a party has threatened to take a child out of
1843 Florida or another state in violation of a parenting plan ~~custody~~
1844 ~~or visitation order~~;

1845 (b) The party has strong family and community ties to
1846 Florida or to other states or countries, including whether the
1847 party or child is a citizen of another country;

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1848 (c) The party has strong financial reasons to remain in
1849 Florida or to relocate to another state or country;

1850 (d) The party has engaged in activities that suggest plans
1851 to leave Florida, such as quitting employment; sale of a
1852 residence or termination of a lease on a residence, without
1853 efforts to acquire an alternative residence in the state; closing
1854 bank accounts or otherwise liquidating assets; or applying for a
1855 passport;

1856 (e) Either party has had a history of domestic violence as
1857 either a victim or perpetrator, child abuse or child neglect
1858 evidenced by criminal history, including but not limited to,
1859 arrest, an injunction for protection against domestic violence
1860 issued after notice and hearing under s. 741.30, medical records,
1861 affidavits, or any other relevant information; or

1862 (f) The party has a criminal record.

1863 (4) The court must consider the party's financial resources
1864 prior to setting the bond amount under this section. Under no
1865 circumstances may the court set a bond that is unreasonable.

1866 (5) Any deficiency of bond or security shall not absolve
1867 the violating party of responsibility to pay the full amount of
1868 damages determined by the court.

1869 (6) (a) Upon a material violation of any parenting plan
1870 ~~eustody or visitation order~~ by removing a child from this state
1871 or this country or by concealing the whereabouts of a child, the
1872 court may order the bond or other security forfeited in whole or
1873 in part.

1874 (b) This section, including the requirement to post a bond
1875 or other security, does not apply to a parent who, in a
1876 proceeding to order or modify a parenting plan or time-sharing

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1877 schedule, is determined by the court to be ~~child custody or~~
1878 ~~visitation, the court determines is~~ a victim of an act of
1879 domestic violence or provides the court with ~~has~~ reasonable cause
1880 to believe that he or she is about to become the victim of an act
1881 of domestic violence, as defined in s. 741.28. An injunction for
1882 protection against domestic violence issued pursuant to s. 741.30
1883 for a parent as the petitioner which is in effect at the time of
1884 the court proceeding shall be one means of demonstrating
1885 sufficient evidence that the parent is a victim of domestic
1886 violence or is about to become the victim of an act of domestic
1887 violence, as defined in s. 741.28, and shall exempt the parent
1888 from this section, including the requirement to post a bond or
1889 other security. A parent who is determined by the court to be
1890 exempt from the requirements of this section must meet the
1891 requirements of s. 787.03(6) if an offense of interference with
1892 the parenting plan or time-sharing schedule ~~custody~~ is committed.

1893 (7) (a) Upon an order of forfeiture, the proceeds of any
1894 bond or other security posted pursuant to this subsection may
1895 only be used to:

1896 1. Reimburse the nonviolating party for actual costs or
1897 damages incurred in upholding the court's parenting plan ~~order of~~
1898 ~~custody or visitation.~~

1899 2. Locate and return the child to the residence as set
1900 forth in the parenting plan ~~visitation or custody order.~~

1901 3. Reimburse reasonable fees and costs as determined by the
1902 court.

1903 (b) Any remaining proceeds shall be held as further
1904 security if deemed necessary by the court, and if further
1905 security is not found to be necessary; applied to any child

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1906 support arrears owed by the parent against whom the bond was
1907 required, and if no arrears exists; all remaining proceeds will
1908 be allocated by the court in the best interest of the child.

1909 (8) At any time after the forfeiture of the bond or other
1910 security, the party who posted the bond or other security, or the
1911 court on its own motion may request that the party provide
1912 documentation substantiating that the proceeds received as a
1913 result of the forfeiture have been used solely in accordance with
1914 this subsection. Any party using such proceeds for purposes not
1915 in accordance with this section may be found in contempt of
1916 court.

1917 Section 19. Subsection (14) of section 409.2554, Florida
1918 Statutes, is amended to read:

1919 409.2554 Definitions; ss. 409.2551-409.2598.--As used in
1920 ss. 409.2551-409.2598, the term:

1921 (14) "Unidentifiable collection" means a payment received
1922 by the department for which a ~~the noncustodial parent, custodial~~
1923 ~~parent,~~ depository or circuit civil numbers, or source of the
1924 payment cannot be identified.

1925 Section 20. Paragraphs (b) and (c) of subsection (2) and
1926 subsection (4) of section 409.2558, Florida Statutes, are amended
1927 to read:

1928 409.2558 Support distribution and disbursement.--

1929 (2) UNDISTRIBUTABLE COLLECTIONS.--

1930 (b) Collections that are determined to be undistributable
1931 shall be processed in the following order of priority:

1932 1. Apply the payment to any assigned arrears on the
1933 obligee's ~~custodial parent's~~ case; then

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1934 2. Apply the payment to any administrative costs ordered by
1935 the court pursuant to s. 409.2567 associated with the obligee's
1936 ~~custodial parent's~~ case; then

1937 3. When the obligor ~~noncustodial parent~~ is subject to a
1938 valid order to support another child in a case with a different
1939 obligee ~~custodial parent~~ and the obligation is being enforced by
1940 the department, the department shall send by certified mail,
1941 restricted delivery, return receipt requested, to the obligor
1942 ~~noncustodial parent~~ at the most recent address provided by the
1943 obligor ~~noncustodial parent~~ to the tribunal that issued the
1944 order, a notice stating the department's intention to apply the
1945 payment pursuant to this subparagraph, and advising the obligor
1946 ~~noncustodial parent~~ of the right to contest the department's
1947 proposed action in the circuit court by filing and serving a
1948 petition on the department within 30 days after the mailing of
1949 the notice. If the obligor ~~noncustodial parent~~ does not file and
1950 serve a petition within the 30 days after mailing of the notice,
1951 or upon a disposition of the judicial action favorable to the
1952 department, the department shall apply the payment toward his or
1953 her other support obligation. If there is more than one such
1954 other case, the department shall allocate the remaining
1955 undistributable amount as specified by s. 61.1301(4)(c); then

1956 4. Return the payment to the obligor ~~noncustodial parent~~;
1957 then

1958 5. If the obligor ~~noncustodial parent~~ cannot be located
1959 after diligent efforts by the department, the federal share of
1960 the payment shall be credited to the Federal Government and the
1961 state share shall be transferred to the General Revenue Fund.

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1962 (c) Refunds to obligors ~~noncustodial parents~~ that are
1963 determined to be undistributable shall be processed in the
1964 following manner:

1965 1. The federal share of the refund shall be sent to the
1966 Federal Government.

1967 2. The state share shall be credited to the General Revenue
1968 Fund.

1969 (4) RECLAIMING COLLECTIONS DECLARED TO BE UNDISTRIBUTABLE
1970 OR UNIDENTIFIABLE.--At such time as an undistributable or
1971 unidentifiable collection that has been transferred to the
1972 Federal Government and to the General Revenue Fund in the
1973 relevant method above becomes distributable or identified,
1974 meaning either the obligor ~~noncustodial parent~~ or the obligee
1975 ~~custodial parent~~ is identified or located, the department shall
1976 retrieve the transferred moneys in the following manner:

1977 (a) Offset the next credit to the Federal Government in an
1978 amount equal to the share of the collection which had been
1979 transferred; and

1980 (b) Offset the next transfer to the General Revenue Fund in
1981 an amount equal to the state share of the collection which had
1982 been transferred to the General Revenue Fund.

1983
1984 The collection shall then be processed, as appropriate.

1985 Section 21. Paragraph (a) of subsection (1), paragraphs
1986 (b), (c), (d), and (f) of subsection (2), subsection (4),
1987 paragraphs (a) and (c) of subsection (5), subsection (6),
1988 paragraphs (b), (c), (d), and (e) of subsection (7), paragraphs
1989 (a) and (b) of subsection (10), and subsections (13) and (17) of
1990 section 409.2563, Florida Statutes, are amended to read:

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1991 409.2563 Administrative establishment of child support
1992 obligations.--

1993 (1) DEFINITIONS.--As used in this section, the term:

1994 (a) "Administrative support order" means a final order
1995 rendered by or on behalf of the department pursuant to this
1996 section establishing or modifying the obligation of a
1997 ~~noncustodial~~ parent to contribute to the support and maintenance
1998 of his or her child or children, which may include provisions for
1999 monetary support, retroactive support, health care, and other
2000 elements of support pursuant to chapter 61.

2001 (2) PURPOSE AND SCOPE.--

2002 (b) The administrative procedure set forth in this section
2003 concerns only the establishment of child support obligations.
2004 This section does not grant jurisdiction to the department or the
2005 Division of Administrative Hearings to hear or determine issues
2006 of dissolution of marriage, separation, alimony or spousal
2007 support, termination of parental rights, dependency, disputed
2008 paternity, except for a determination of paternity as provided in
2009 s. 409.256, award of or change of time-sharing custody, ~~or~~
2010 ~~visitation~~. This paragraph notwithstanding, the department and
2011 the Division of Administrative Hearings may make findings of fact
2012 that are necessary for a proper determination of a ~~noncustodial~~
2013 parent's support obligation as authorized by this section.

2014 (c) If there is no support order for a child in a Title IV-
2015 D case whose paternity has been established or is presumed by
2016 law, or whose paternity is the subject of a proceeding under s.
2017 409.256, the department may establish a ~~the noncustodial~~ parent's
2018 child support obligation pursuant to this section, s. 61.30, and
2019 other relevant provisions of state law. The ~~noncustodial~~ parent's

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2020 obligation determined by the department may include any
2021 obligation to pay retroactive support and any obligation to
2022 provide for health care for a child, whether through insurance
2023 coverage, reimbursement of expenses, or both. The department may
2024 proceed on behalf of:

2025 1. An applicant or recipient of public assistance, as
2026 provided by ss. 409.2561 and 409.2567;

2027 2. A former recipient of public assistance, as provided by
2028 s. 409.2569;

2029 3. An individual who has applied for services as provided
2030 by s. 409.2567;

2031 4. Itself or the child, as provided by s. 409.2561; or

2032 5. A state or local government of another state, as
2033 provided by chapter 88.

2034 (d) Either parent, or a caretaker relative if applicable,
2035 may at any time file a civil action in a circuit court having
2036 jurisdiction and proper venue to determine parental support
2037 obligations ~~the noncustodial parent's child support obligations,~~
2038 if any. A support order issued by a circuit court prospectively
2039 supersedes an administrative support order rendered by the
2040 department.

2041 (f) The department shall terminate the administrative
2042 proceeding and file an action in circuit court to determine
2043 support if within 20 days after receipt of the initial notice the
2044 ~~noncustodial~~ parent from whom support is being sought requests in
2045 writing that the department proceed in circuit court or states in
2046 writing his or her ~~the noncustodial parent's~~ intention to address
2047 issues concerning time-sharing ~~custody~~ or rights to parental
2048 contact in court and if within 10 days after receipt of the

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2049 department's petition and waiver of service the ~~noncustodial~~
2050 parent from whom support is being sought signs and returns the
2051 waiver of service form to the department.

2052 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE
2053 SUPPORT ORDER.--To commence a proceeding under this section, the
2054 department shall provide to the ~~custodial~~ parent from whom
2055 support is not being sought and serve the ~~noncustodial~~ parent
2056 from whom support is being sought with a notice of proceeding to
2057 establish administrative support order and a blank financial
2058 affidavit form. The notice must state:

2059 (a) The names of both parents, the name of the caretaker
2060 relative, if any, and the name and date of birth of the child or
2061 children;

2062 (b) That the department intends to establish an
2063 administrative support order as defined in this section;

2064 (c) That both parents must submit a completed financial
2065 affidavit to the department within 20 days after receiving the
2066 notice, as provided by paragraph (13) (a);

2067 (d) That both parents, or parent and caretaker relative if
2068 applicable, are required to furnish to the department information
2069 regarding their identities and locations, as provided by
2070 paragraph (13) (b);

2071 (e) That both parents, or parent and caretaker relative if
2072 applicable, are required to promptly notify the department of any
2073 change in their mailing addresses to ensure receipt of all
2074 subsequent pleadings, notices, and orders, as provided by
2075 paragraph (13) (c);

2076 (f) That the department will calculate support obligations
2077 based on the child support guidelines schedule in s. 61.30 and

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2078 using all available information, as provided by paragraph (5) (a),
2079 and will incorporate such obligations into a proposed
2080 administrative support order;

2081 (g) That the department will send by regular mail to both
2082 parents, or parent and caretaker relative if applicable, a copy
2083 of the proposed administrative support order, the department's
2084 child support worksheet, and any financial affidavits submitted
2085 by a parent or prepared by the department;

2086 (h) That the ~~noncustodial~~ parent from whom support is being
2087 sought may file a request for a hearing in writing within 20 days
2088 after the date of mailing or other service of the proposed
2089 administrative support order or will be deemed to have waived the
2090 right to request a hearing;

2091 (i) That if the ~~noncustodial~~ parent from whom support is
2092 being sought does not file a timely request for hearing after
2093 service of the proposed administrative support order, the
2094 department will issue an administrative support order that
2095 incorporates the findings of the proposed administrative support
2096 order, and will send by regular mail a copy of the administrative
2097 support order to both parents, or parent and caretaker relative
2098 if applicable;

2099 (j) That after an administrative support order is rendered,
2100 the department will file a copy of the order with the clerk of
2101 the circuit court;

2102 (k) That after an administrative support order is rendered,
2103 the department may enforce the administrative support order by
2104 any lawful means;

2105 (l) That either parent, or caretaker relative if
2106 applicable, may file at any time a civil action in a circuit

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2107 | court having jurisdiction and proper venue to determine parental
2108 | support obligations ~~the noncustodial parent's child support~~
2109 | ~~obligations~~, if any, and that a support order issued by a circuit
2110 | court supersedes an administrative support order rendered by the
2111 | 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. The parent from whom support is being sought
2117 | ~~noncustodial parent~~ may request in writing that the department
2118 | proceed in circuit court to determine his or her support
2119 | obligations.

2120 | 2. The parent from whom support is being sought
2121 | ~~noncustodial parent~~ may state in writing to the department his or
2122 | her intention to address issues concerning custody or rights to
2123 | parental contact in circuit court.

2124 | 3. If the parent from whom support is being sought
2125 | ~~noncustodial parent~~ submits the request authorized in
2126 | subparagraph 1., or the statement authorized in subparagraph 2.
2127 | to the department within 20 days after the receipt of the initial
2128 | notice, the department shall file a petition in circuit court for
2129 | the determination of the ~~noncustodial~~ parent's child support
2130 | obligations, and shall send to the parent from whom support is
2131 | being sought ~~noncustodial parent~~ a copy of its petition, a notice
2132 | of commencement of action, and a request for waiver of service of
2133 | process as provided in the Florida Rules of Civil Procedure.

2134 | 4. If, within 10 days after receipt of the department's
2135 | petition and waiver of service, the parent from whom support is

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2136 being sought ~~noncustodial parent~~ signs and returns the waiver of
2137 service form to the department, the department shall terminate
2138 the administrative proceeding without prejudice and proceed in
2139 circuit court.

2140 5. In any circuit court action filed by the department
2141 pursuant to this paragraph or filed by a parent from whom support
2142 is being sought ~~noncustodial parent~~ or other person pursuant to
2143 paragraph (l) or paragraph (n), the department shall be a party
2144 only with respect to those issues of support allowed and
2145 reimbursable under Title IV-D of the Social Security Act. It is
2146 the responsibility of the parent from whom support is being
2147 sought ~~noncustodial parent~~ or other person to take the necessary
2148 steps to present other issues for the court to consider.

2149 (n) That if the parent from whom support is being sought
2150 ~~noncustodial parent~~ files an action in circuit court and serves
2151 the department with a copy of the petition within 20 days after
2152 being served notice under this subsection, the administrative
2153 process ends without prejudice and the action must proceed in
2154 circuit court;

2155 (o) Information provided by the Office of State Courts
2156 Administrator concerning the availability and location of self-
2157 help programs for those who wish to file an action in circuit
2158 court but who cannot afford an attorney.

2159
2160 The department may serve the notice of proceeding to establish
2161 administrative support order by certified mail, restricted
2162 delivery, return receipt requested. Alternatively, the department
2163 may serve the notice by any means permitted for service of
2164 process in a civil action. For purposes of this section, an

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2165 authorized employee of the department may serve the notice and
2166 execute an affidavit of service. Service by certified mail is
2167 completed when the certified mail is received or refused by the
2168 addressee or by an authorized agent as designated by the
2169 addressee in writing. If a person other than the addressee signs
2170 the return receipt, the department shall attempt to reach the
2171 addressee by telephone to confirm whether the notice was
2172 received, and the department shall document any telephonic
2173 communications. If someone other than the addressee signs the
2174 return receipt, the addressee does not respond to the notice, and
2175 the department is unable to confirm that the addressee has
2176 received the notice, service is not completed and the department
2177 shall attempt to have the addressee served personally. The
2178 department shall provide the ~~custodial~~ parent from whom support
2179 is not being sought or caretaker relative with a copy of the
2180 notice by regular mail to the last known address of the ~~custodial~~
2181 parent from whom support is not being sought or caretaker.

2182 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.--

2183 (a) After serving notice upon a ~~the noncustodial~~ parent in
2184 accordance with subsection (4), the department shall calculate
2185 that the noncustodial parent's child support obligation under the
2186 child support guidelines schedule as provided by s. 61.30, based
2187 on any timely financial affidavits received and other information
2188 available to the department. If either parent fails to comply
2189 with the requirement to furnish a financial affidavit, the
2190 department may proceed on the basis of information available from
2191 any source, if such information is sufficiently reliable and
2192 detailed to allow calculation of guideline schedule amounts under
2193 s. 61.30. If a ~~the custodial~~ parent receives public assistance

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2194 and fails to submit a financial affidavit, the department may
2195 submit a financial affidavit for that ~~the custodial~~ parent
2196 pursuant to s. 61.30(15). If there is a lack of sufficient
2197 reliable information concerning a parent's actual earnings for a
2198 current or past period, it shall be presumed for the purpose of
2199 establishing a support obligation that the parent had an earning
2200 capacity equal to the federal minimum wage during the applicable
2201 period.

2202 (c) The department shall provide a notice of rights with
2203 the proposed administrative support order, which notice must
2204 inform the noncustodial parent that:

2205 1. The ~~noncustodial~~ parent from whom support is being
2206 sought may, within 20 days after the date of mailing or other
2207 service of the proposed administrative support order, request a
2208 hearing by filing a written request for hearing in a form and
2209 manner specified by the department;

2210 2. If the ~~noncustodial~~ parent from whom support is being
2211 sought files a timely request for a hearing, the case shall be
2212 transferred to the Division of Administrative Hearings, which
2213 shall conduct further proceedings and may enter an administrative
2214 support order;

2215 3. A ~~noncustodial~~ parent from whom support is being sought
2216 who fails to file a timely request for a hearing shall be deemed
2217 to have waived the right to a hearing, and the department may
2218 render an administrative support order pursuant to paragraph
2219 (7) (b);

2220 4. The ~~noncustodial~~ parent from whom support is being
2221 sought may consent in writing to entry of an administrative
2222 support order without a hearing;

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2223 5. The ~~noneustodial~~ parent from whom support is being
2224 sought may, within 10 days after the date of mailing or other
2225 service of the proposed administrative support order, contact a
2226 department representative, at the address or telephone number
2227 specified in the notice, to informally discuss the proposed
2228 administrative support order and, if informal discussions are
2229 requested timely, the time for requesting a hearing will be
2230 extended until 10 days after the department notifies the
2231 ~~noneustodial~~ parent that the informal discussions have been
2232 concluded; and

2233 6. If an administrative support order that establishes a
2234 ~~noneustodial~~ parent's support obligation is rendered, whether
2235 after a hearing or without a hearing, the department may enforce
2236 the administrative support order by any lawful means.

2237 (6) HEARING.--If the ~~noneustodial~~ parent from whom support
2238 is being sought files a timely request for hearing, the
2239 department shall refer the hearing request to the Division of
2240 Administrative Hearings. Unless otherwise provided by this
2241 section, chapter 120 and the Uniform Rules of Procedure shall
2242 govern the conduct of the proceedings. The administrative law
2243 judge shall consider all available and admissible information and
2244 any presumptions that apply as provided by paragraph (5) (a).

2245 (7) ADMINISTRATIVE SUPPORT ORDER.--

2246 (b) If the ~~noneustodial~~ parent from whom support is being
2247 sought does not file a timely request for a hearing, the
2248 ~~noneustodial~~ parent will be deemed to have waived the right to
2249 request a hearing.

2250 (c) If the ~~noneustodial~~ parent from whom support is being
2251 sought waives the right to a hearing, or consents in writing to

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2252 the entry of an order without a hearing, the department may
2253 render an administrative support order.

2254 (d) The department shall send by regular mail a copy of the
2255 administrative support order, or the final order denying an
2256 administrative support order, to both parents, or a parent and
2257 caretaker relative if applicable. The ~~noncustodial~~ parent from
2258 whom support is being sought shall be notified of the right to
2259 seek judicial review of the administrative support order in
2260 accordance with s. 120.68.

2261 (e) An administrative support order must comply with s.
2262 61.30. The department shall develop a standard form or forms for
2263 administrative support orders. An administrative support order
2264 must provide and state findings, if applicable, concerning:

- 2265 1. The full name and date of birth of the child or
2266 children;
- 2267 2. The name of the ~~noncustodial~~ parent from whom support is
2268 being sought and the other ~~custodial~~ parent or caretaker
2269 relative;
- 2270 3. The ~~noncustodial~~ parent's duty and ability to provide
2271 support;
- 2272 4. The amount of the ~~noncustodial~~ parent's monthly support
2273 obligation;
- 2274 5. Any obligation to pay retroactive support;
- 2275 6. The ~~noncustodial~~ parent's obligation to provide for the
2276 health care needs of each child, whether through insurance
2277 coverage, contribution towards the cost of insurance coverage,
2278 payment or reimbursement of health care expenses for the child,
2279 or any combination thereof;

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2280 7. The beginning date of any required monthly payments and
2281 health care coverage;

2282 8. That all support payments ordered must be paid to the
2283 Florida State Disbursement Unit as provided by s. 61.1824;

2284 9. That the parents, or caretaker relative if applicable,
2285 must file with the department when the administrative support
2286 order is rendered, if they have not already done so, and update
2287 as appropriate the information required pursuant to paragraph
2288 (13) (b);

2289 10. That both parents, or parent and caretaker relative if
2290 applicable, are required to promptly notify the department of any
2291 change in their mailing addresses pursuant to paragraph (13) (c);
2292 and

2293 11. That if the ~~noncustodial~~ parent ordered to pay support
2294 receives unemployment compensation benefits, the payor shall
2295 withhold, and transmit to the department, 40 percent of the
2296 benefits for payment of support, not to exceed the amount owed.

2297
2298 An income deduction order as provided by s. 61.1301 must be
2299 incorporated into the administrative support order or, if not
2300 incorporated into the administrative support order, the
2301 department or the Division of Administrative Hearings shall
2302 render a separate income deduction order.

2303 (10) JUDICIAL REVIEW, ENFORCEMENT, OR COURT ORDER
2304 SUPERSEDING ADMINISTRATIVE SUPPORT ORDER.--

2305 (a) The obligor ~~A noncustodial parent~~ has the right to seek
2306 judicial review of an administrative support order or a final
2307 order denying an administrative support order in accordance with
2308 s. 120.68. The department has the right to seek judicial review,

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2309 | in accordance with s. 120.68, of an administrative support order
2310 | or a final order denying an administrative support order entered
2311 | by an administrative law judge of the Division of Administrative
2312 | Hearings.

2313 | (b) An administrative support order rendered under this
2314 | section has the same force and effect as a court order and may be
2315 | enforced by any circuit court in the same manner as a support
2316 | order issued by the court, except for contempt. If the circuit
2317 | court issues its own order enforcing the administrative support
2318 | order, the circuit court may enforce its own order by contempt.
2319 | The presumption of ability to pay and purge contempt established
2320 | in s. 61.14(5)(a) applies to an administrative support order that
2321 | includes a finding of present ability to pay. Enforcement by the
2322 | court, without any change by the court in the support obligations
2323 | established in the administrative support order, does not
2324 | supersede the administrative support order or affect the
2325 | department's authority to modify the administrative support order
2326 | as provided by subsection (12). An order by the court that
2327 | requires a ~~the noncustodial~~ parent to make periodic payments on
2328 | arrearages does not constitute a change in the support
2329 | obligations established in the administrative support order and
2330 | does not supersede the administrative order.

2331 | (13) REQUIRED DISCLOSURES; PRESUMPTIONS; NOTICE SENT TO
2332 | ADDRESS OF RECORD.--In all proceedings pursuant to this section:

2333 | (a) Each ~~The noncustodial~~ parent ~~and custodial parent~~ must
2334 | execute and furnish to the department, no later than 20 days
2335 | after receipt of the notice of proceeding to establish
2336 | administrative support order, a financial affidavit in the form
2337 | prescribed by the department. An updated financial affidavit must

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2338 be executed and furnished to the department at the inception of
2339 each proceeding to modify an administrative support order.
2340 Caretaker relatives are not required to furnish financial
2341 affidavits.

2342 (b) Each ~~The noncustodial parent, custodial parent,~~ and
2343 caretaker relative if applicable, shall disclose to the
2344 department, no later than 20 days after receipt of the notice of
2345 proceeding to establish administrative support order, and update
2346 as appropriate, information regarding his or her ~~their~~ identity
2347 and location, including names he or she is ~~they are~~ known by;
2348 social security number ~~numbers~~; residential and mailing
2349 addresses; telephone numbers; driver's license numbers; and
2350 names, addresses, and telephone numbers of employers. Pursuant to
2351 the federal Personal Responsibility and Work Opportunity
2352 Reconciliation Act of 1996, each person must provide his or her
2353 social security number in accordance with this section.
2354 Disclosure of social security numbers obtained through this
2355 requirement shall be limited to the purpose of administration of
2356 the Title IV-D program for child support enforcement.

2357 (c) Each ~~The noncustodial parent, custodial parent,~~ and
2358 caretaker relative, if applicable, have a continuing obligation
2359 to promptly inform the department in writing of any change in his
2360 or her ~~their~~ mailing address ~~addresses~~ to ensure receipt of all
2361 subsequent pleadings, notices, payments, statements, and orders,
2362 and receipt is presumed if sent by regular mail to the most
2363 recent address furnished by the person.

2364 ~~(17) EVALUATION.--The Office of Program Policy Analysis and~~
2365 ~~Government Accountability shall conduct an evaluation of the~~
2366 ~~statewide implementation of the administrative process for~~

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2367 ~~establishing child support provided for in this section. This~~
2368 ~~evaluation shall examine whether these processes have been~~
2369 ~~effectively implemented and administered statewide and are~~
2370 ~~operating to the benefit of the children, including, but not~~
2371 ~~limited to the ability of Title IV-D parents to easily access the~~
2372 ~~court system for necessary court action. The Office of Program~~
2373 ~~Policy Analysis and Government Accountability shall submit an~~
2374 ~~evaluation report on the statewide implementation of the~~
2375 ~~administrative processes for establishing child support by June~~
2376 ~~30, 2006.~~

2377 Section 22. Subsections (1), (4), and (11) of section
2378 409.2564, Florida Statutes, are amended to read:

2379 409.2564 Actions for support.--

2380 (1) In each case in which regular support payments are not
2381 being made as provided herein, the department shall institute,
2382 within 30 days after determination of the obligor's reasonable
2383 ability to pay, action as is necessary to secure the obligor's
2384 payment of current support and any arrearage which may have
2385 accrued under an existing order of support. The department shall
2386 notify the program attorney in the judicial circuit in which the
2387 recipient resides setting forth the facts in the case, including
2388 the obligor's address, if known, and the public assistance case
2389 number. Whenever applicable, the procedures established under the
2390 provisions of chapter 88, Uniform Interstate Family Support Act,
2391 chapter 61, Dissolution of Marriage; Support; Time-sharing
2392 ~~Custody~~, chapter 39, Proceedings Relating to Children, chapter
2393 984, Children and Families in Need of Services, and chapter 985,
2394 Delinquency; Interstate Compact on Juveniles, may govern actions
2395 instituted under the provisions of this act, except that actions

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2396 | for support under chapter 39, chapter 984, or chapter 985 brought
2397 | pursuant to this act shall not require any additional
2398 | investigation or supervision by the department.

2399 | (4) Whenever the Department of Revenue has undertaken an
2400 | action for enforcement of support, the Department of Revenue may
2401 | enter into an agreement with the obligor for the entry of a
2402 | judgment determining paternity, if applicable, and for periodic
2403 | child support payments based on the child support guidelines
2404 | schedule in s. 61.30. Prior to entering into this agreement, the
2405 | obligor shall be informed that a judgment will be entered based
2406 | on the agreement. The clerk of the court shall file the agreement
2407 | without the payment of any fees or charges, and the court, upon
2408 | entry of the judgment, shall forward a copy of the judgment to
2409 | the parties to the action. To encourage out-of-court settlement
2410 | and promote support order compliance, if the obligor and the
2411 | Department of Revenue agree on entry of a support order and its
2412 | terms, the guideline amount owed for retroactive support that is
2413 | permanently assigned to the state shall be reduced by 25 percent.

2414 | (11) The Title IV-D agency shall review child support
2415 | orders in IV-D cases at least every 3 years upon request by
2416 | either party, or the agency in cases where there is an assignment
2417 | of support to the state under s. 414.095(7), and may seek
2418 | adjustment of the order if appropriate under the guidelines
2419 | schedule established in s. 61.30. Not less than once every 3
2420 | years the IV-D agency shall provide notice to the parties subject
2421 | to the order informing them of their right to request a review
2422 | and, if appropriate, an adjustment of the child support order.
2423 | Said notice requirement may be met by including appropriate
2424 | language in the initial support order or any subsequent orders.

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2425 Section 23. Paragraph (a) of subsection (2) of section
2426 409.25657, Florida Statutes, is amended to read:

2427 409.25657 Requirements for financial institutions.--

2428 (2) The department shall develop procedures to enter into
2429 agreements with financial institutions doing business in the
2430 state, in coordination with such financial institutions and with
2431 the Federal Parent Locator Service in the case of financial
2432 institutions doing business in two or more states, to develop and
2433 operate a data match system, using automated data exchanges to
2434 the maximum extent feasible, in which each financial institution
2435 is required to provide for each calendar quarter the name, record
2436 address, social security number or other taxpayer identification
2437 number, average daily account balance, and other identifying
2438 information for:

2439 (a) Each ~~noncustodial~~ parent who maintains an account at
2440 such institution and who owes past due support, as identified by
2441 the department by name and social security number or other
2442 taxpayer identification number; or

2443 Section 24. Subsections (2) and (5) of section 409.25659,
2444 Florida Statutes, are amended to read:

2445 409.25659 Insurance claim data exchange.--

2446 (2) The department shall develop and operate a data match
2447 system after consultation with one or more insurers, using
2448 automated data exchanges to the maximum extent feasible, in which
2449 an insurer may voluntarily provide the department monthly with
2450 the name, address, and, if known, date of birth and social
2451 security number or other taxpayer identification number for each
2452 ~~noncustodial~~ parent who has a claim with the insurer and who owes

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2453 past due support, and the claim number maintained by the insurer
2454 for each claim. An insurer may provide such data by:

2455 (a) Authorizing an insurance claim data collection
2456 organization, to which the insurer subscribes and to which the
2457 insurer submits the required claim data on at least a monthly
2458 basis, to:

2459 1. Receive or access a data file from the department and
2460 conduct a data match of all ~~noncustodial~~ parents who have a claim
2461 with the insurer and who owe past due support and submit the
2462 required data for each such ~~noncustodial~~ parent to the
2463 department; or

2464 2. Submit a data file to the department which contains the
2465 required data for each claim being maintained by the insurer for
2466 the department to conduct a data match;

2467 (b) Providing the required data for each claim being
2468 maintained by the insurer directly to the department in an
2469 electronic medium; or

2470 (c) Receiving or accessing a data file from the department
2471 and conducting a data match of all ~~noncustodial~~ parents who have
2472 a claim with the insurer and who owe past due support and
2473 submitting the required data for each such ~~noncustodial~~ parent to
2474 the department.

2475 (5) The department and insurers may only use the data
2476 obtained pursuant to subsection (2) for the purpose of
2477 identifying ~~noncustodial~~ parents who owe past due support. If the
2478 department does not match such data with a ~~noncustodial~~ parent
2479 who owes past due support, such data shall be destroyed
2480 immediately and shall not be maintained by the department.

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2481 Section 25. Section 409.2577, Florida Statutes, is amended
2482 to read:

2483 409.2577 Parent locator service.--The department shall
2484 establish a parent locator service to assist in locating parents
2485 who have deserted their children and other persons liable for
2486 support of dependent children. The department shall use all
2487 sources of information available, including the Federal Parent
2488 Locator Service, and may request and shall receive information
2489 from the records of any person or the state or any of its
2490 political subdivisions or any officer thereof. Any agency as
2491 defined in s. 120.52, any political subdivision, and any other
2492 person shall, upon request, provide the department any
2493 information relating to location, salary, insurance, social
2494 security, income tax, and employment history necessary to locate
2495 parents who owe or potentially owe a duty of support pursuant to
2496 Title IV-D of the Social Security Act. This provision shall
2497 expressly take precedence over any other statutory nondisclosure
2498 provision which limits the ability of an agency to disclose such
2499 information, except that law enforcement information as provided
2500 in s. 119.071(4)(d) is not required to be disclosed, and except
2501 that confidential taxpayer information possessed by the
2502 Department of Revenue shall be disclosed only to the extent
2503 authorized in s. 213.053(16). Nothing in this section requires
2504 the disclosure of information if such disclosure is prohibited by
2505 federal law. Information gathered or used by the parent locator
2506 service is confidential and exempt from the provisions of s.
2507 119.07(1). Additionally, the department is authorized to collect
2508 any additional information directly bearing on the identity and
2509 whereabouts of a person owing or asserted to be owing an

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2510 obligation of support for a dependent child. The department
2511 shall, upon request, make information available only to public
2512 officials and agencies of this state; political subdivisions of
2513 this state, including any agency thereof providing child support
2514 enforcement services to non-Title IV-D clients; the ~~custodial~~
2515 parent owed support, legal guardian, attorney, or agent of the
2516 child; and other states seeking to locate parents who have
2517 deserted their children and other persons liable for support of
2518 dependents, for the sole purpose of establishing, modifying, or
2519 enforcing their liability for support, and shall make such
2520 information available to the Department of Children and Family
2521 Services for the purpose of diligent search activities pursuant
2522 to chapter 39. If the department has reasonable evidence of
2523 domestic violence or child abuse and the disclosure of
2524 information could be harmful to the ~~custodial~~ parent owed support
2525 or the child of such parent, the child support program director
2526 or designee shall notify the Department of Children and Family
2527 Services and the Secretary of the United States Department of
2528 Health and Human Services of this evidence. Such evidence is
2529 sufficient grounds for the department to disapprove an
2530 application for location services.

2531 Section 26. Paragraph (e) of subsection (1) of section
2532 409.2579, Florida Statutes, is amended to read:

2533 409.2579 Safeguarding Title IV-D case file information.--

2534 (1) Information concerning applicants for or recipients of
2535 Title IV-D child support services is confidential and exempt from
2536 the provisions of s. 119.07(1). The use or disclosure of such
2537 information by the IV-D program is limited to purposes directly
2538 connected with:

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2539 (e) Mandatory disclosure of identifying and location
2540 information as provided in s. 61.13(7)~~(8)~~ by the IV-D program
2541 when providing Title IV-D services.

2542 Section 27. Subsection (11) of section 409.811, Florida
2543 Statutes, is amended to read:

2544 409.811 Definitions relating to Florida Kidcare Act.--As
2545 used in ss. 409.810-409.820, the term:

2546 (11) "Family" means the group or the individuals whose
2547 income is considered in determining eligibility for the Florida
2548 Kidcare program. The family includes a child with a ~~eustodial~~
2549 parent or caretaker relative who resides in the same house or
2550 living unit or, in the case of a child whose disability of nonage
2551 has been removed under chapter 743, the child. The family may
2552 also include other individuals whose income and resources are
2553 considered in whole or in part in determining eligibility of the
2554 child.

2555 Section 28. Subsection (5) of section 414.0252, Florida
2556 Statutes, is amended to read:

2557 414.0252 Definitions.--As used in ss. 414.025-414.55, the
2558 term:

2559 (5) "Family" means the assistance group or the individuals
2560 whose needs, resources, and income are considered when
2561 determining eligibility for temporary assistance. The family for
2562 purposes of temporary assistance includes the minor child, a
2563 ~~eustodial~~ parent, or caretaker relative who resides in the same
2564 house or living unit. The family may also include individuals
2565 whose income and resources are considered in whole or in part in
2566 determining eligibility for temporary assistance but whose needs,
2567 due to federal or state restrictions, are not considered. These

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2568 individuals include, but are not limited to, ineligible
2569 noncitizens or sanctioned individuals.

2570 Section 29. Paragraph (a) of subsection (4) and subsection
2571 (5) of section 414.065, Florida Statutes, are amended to read:

2572 414.065 Noncompliance with work requirements.--

2573 (4) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.--Unless
2574 otherwise provided, the situations listed in this subsection
2575 shall constitute exceptions to the penalties for noncompliance
2576 with participation requirements, except that these situations do
2577 not constitute exceptions to the applicable time limit for
2578 receipt of temporary cash assistance:

2579 (a) Noncompliance related to child care.--Temporary cash
2580 assistance may not be terminated for refusal to participate in
2581 work activities if the individual is a single ~~custodial~~ parent
2582 caring for a child who has not attained 6 years of age, and the
2583 adult proves to the regional workforce board an inability to
2584 obtain needed child care for one or more of the following
2585 reasons, as defined in the Child Care and Development Fund State
2586 Plan required by 45 C.F.R. part 98:

2587 1. Unavailability of appropriate child care within a
2588 reasonable distance from the individual's home or worksite.

2589 2. Unavailability or unsuitability of informal child care
2590 by a relative or under other arrangements.

2591 3. Unavailability of appropriate and affordable formal
2592 child care arrangements.

2593 (5) WORK ACTIVITY REQUIREMENTS FOR ~~NONCUSTODIAL~~ PARENTS.--

2594 (a) The court may order a ~~noncustodial~~ parent who is
2595 delinquent in support payments, pursuant to the terms of a
2596 support order, to participate in work activities under this

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2597 chapter, or as provided in s. 61.14(5)(b), so that the parent may
2598 obtain employment and fulfill the obligation to provide support
2599 payments. A ~~noncustodial~~ parent who fails to satisfactorily
2600 engage in court-ordered work activities may be held in contempt.

2601 (b) The court may order a ~~noncustodial~~ parent to
2602 participate in work activities under this chapter if the child of
2603 the ~~noncustodial~~ parent has been placed with a relative, in an
2604 emergency shelter, in foster care, or in other substitute care,
2605 and:

2606 1. The case plan requires the ~~noncustodial~~ parent to
2607 participate in work activities; or

2608 2. The ~~noncustodial~~ parent would be eligible to participate
2609 in work activities and subject to work activity requirements if
2610 the child were living with the parent.

2611
2612 If a ~~noncustodial~~ parent fails to comply with the case plan, the
2613 ~~noncustodial~~ parent may be removed from program participation.

2614 Section 30. Paragraph (c) of subsection (1) of section
2615 414.085, Florida Statutes, is amended to read:

2616 414.085 Income eligibility standards.--

2617 (1) For purposes of program simplification and effective
2618 program management, certain income definitions, as outlined in
2619 the food stamp regulations at 7 C.F.R. s. 273.9, shall be applied
2620 to the temporary cash assistance program as determined by the
2621 department to be consistent with federal law regarding temporary
2622 cash assistance and Medicaid for needy families, except as to the
2623 following:

2624 (c) The first \$50 of child support paid to a ~~eustodial~~
2625 parent receiving temporary cash assistance may not be disregarded

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2626 | in calculating the amount of temporary cash assistance for the
2627 | family, unless such exclusion is required by federal law.

2628 | Section 31. Subsection (2) and paragraph (a) of subsection
2629 | (6) of section 414.095, Florida Statutes, are amended to read:

2630 | 414.095 Determining eligibility for temporary cash
2631 | assistance.--

2632 | (2) ADDITIONAL ELIGIBILITY REQUIREMENTS.--

2633 | (a) To be eligible for services or temporary cash
2634 | assistance and Medicaid:

2635 | 1. An applicant must be a United States citizen, or a
2636 | qualified noncitizen, as defined in this section.

2637 | 2. An applicant must be a legal resident of the state.

2638 | 3. Each member of a family must provide to the department
2639 | the member's social security number or shall provide proof of
2640 | application for a social security number. An individual who fails
2641 | to provide a social security number, or proof of application for
2642 | a social security number, is not eligible to participate in the
2643 | program.

2644 | 4. A minor child must reside with a ~~custodial~~ parent or
2645 | parents, with a relative caretaker who is within the specified
2646 | degree of blood relationship as defined by 45 C.F.R. part 233,
2647 | or, if the minor is a teen parent with a child, in a setting
2648 | approved by the department as provided in subsection (14).

2649 | 5. Each family must have a minor child and meet the income
2650 | and resource requirements of the program. All minor children who
2651 | live in the family, as well as the parents of the minor children,
2652 | shall be included in the eligibility determination unless
2653 | specifically excluded.

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2654 (b) The following members of a family are eligible to
2655 participate in the program if all eligibility requirements are
2656 met:

2657 1. A minor child who resides with a ~~custodial~~ parent or
2658 other adult caretaker relative.

2659 2. The parent of a minor child with whom the child resides.

2660 3. The caretaker relative with whom the minor child resides
2661 who chooses to have her or his needs and income included in the
2662 family.

2663 4. Unwed minor children and their children if the unwed
2664 minor child lives at home or in an adult-supervised setting and
2665 if temporary cash assistance is paid to an alternative payee.

2666 5. A pregnant woman.

2667 (6) CHILD SUPPORT ENFORCEMENT.--As a condition of
2668 eligibility for public assistance, the family must cooperate with
2669 the state agency responsible for administering the child support
2670 enforcement program in establishing the paternity of the child,
2671 if the child is born out of wedlock, and in obtaining support for
2672 the child or for the parent or caretaker relative and the child.
2673 Cooperation is defined as:

2674 (a) Assisting in identifying and locating a ~~noncustodial~~
2675 parent who does not live in the same home as the child and
2676 providing complete and accurate information on that parent;

2677
2678 This subsection does not apply if the state agency that
2679 administers the child support enforcement program determines that
2680 the parent or caretaker relative has good cause for failing to
2681 cooperate.

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2682 Section 32. Subsection (1) of section 414.295, Florida
2683 Statutes, is amended to read:

2684 414.295 Temporary cash assistance programs; public records
2685 exemption.--

2686 (1) Personal identifying information of a temporary cash
2687 assistance program participant, a participant's family, or a
2688 participant's family or household member, except for information
2689 identifying a ~~noncustodial~~ parent who does not live in the same
2690 home as the child, held by the department, the Agency for
2691 Workforce Innovation, Workforce Florida, Inc., the Department of
2692 Health, the Department of Revenue, the Department of Education,
2693 or a regional workforce board or local committee created pursuant
2694 to s. 445.007 is confidential and exempt from s. 119.07(1) and s.
2695 24(a), Art. I of the State Constitution. Such confidential and
2696 exempt information may be released for purposes directly
2697 connected with:

2698 (a) The administration of the temporary assistance for
2699 needy families plan under Title IV-A of the Social Security Act,
2700 as amended, by the department, the Agency for Workforce
2701 Innovation, Workforce Florida, Inc., the Department of Military
2702 Affairs, the Department of Health, the Department of Revenue, the
2703 Department of Education, a regional workforce board or local
2704 committee created pursuant to s. 445.007, or a school district.

2705 (b) The administration of the state's plan or program
2706 approved under Title IV-B, Title IV-D, or Title IV-E of the
2707 Social Security Act, as amended, or under Title I, Title X, Title
2708 XIV, Title XVI, Title XIX, Title XX, or Title XXI of the Social
2709 Security Act, as amended.

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2710 (c) Any investigation, prosecution, or any criminal, civil,
2711 or administrative proceeding conducted in connection with the
2712 administration of any of the plans or programs specified in
2713 paragraph (a) or paragraph (b) by a federal, state, or local
2714 governmental entity, upon request by that entity, when such
2715 request is made pursuant to the proper exercise of that entity's
2716 duties and responsibilities.

2717 (d) The administration of any other state, federal, or
2718 federally assisted program that provides assistance or services
2719 on the basis of need, in cash or in kind, directly to a
2720 participant.

2721 (e) Any audit or similar activity, such as a review of
2722 expenditure reports or financial review, conducted in connection
2723 with the administration of any of the plans or programs specified
2724 in paragraph (a) or paragraph (b) by a governmental entity
2725 authorized by law to conduct such audit or activity.

2726 (f) The administration of the unemployment compensation
2727 program.

2728 (g) The reporting to the appropriate agency or official of
2729 information about known or suspected instances of physical or
2730 mental injury, sexual abuse or exploitation, or negligent
2731 treatment or maltreatment of a child or elderly person receiving
2732 assistance, if circumstances indicate that the health or welfare
2733 of the child or elderly person is threatened.

2734 (h) The administration of services to elderly persons under
2735 ss. 430.601-430.606.

2736 Section 33. Paragraph (c) of subsection (3) of section
2737 445.024, Florida Statutes, is amended to read:

2738 445.024 Work requirements.--

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2739 (3) EXEMPTION FROM WORK ACTIVITY REQUIREMENTS.--The
2740 following individuals are exempt from work activity requirements:

2741 (c) A single ~~custodial~~ parent of a child under 3 months of
2742 age, except that the parent may be required to attend parenting
2743 classes or other activities to better prepare for the
2744 responsibilities of raising a child.

2745 Section 34. Paragraphs (b), (c), and (d) of subsection (3)
2746 of section 741.0306, Florida Statutes, are amended, and
2747 subsection (5) is added to that section, to read:

2748 741.0306 Creation of a family law handbook.--

2749 (3) The information contained in the handbook or other
2750 electronic media presentation may be reviewed and updated
2751 annually, and may include, but need not be limited to:

2752 (b) Shared parental responsibility for children and the
2753 determination of a parenting plan, including a time-sharing
2754 schedule ~~primary residence or custody and secondary residence or~~
2755 ~~routine visitation, holiday, summer, and vacation visitation~~
2756 ~~arrangements, telephone access, and the process for notice for~~
2757 ~~changes.~~

2758 (c) Permanent relocation restrictions ~~on parents with~~
2759 ~~primary residential responsibility.~~

2760 (d) Child support for minor children; both parents are
2761 obligated for support in accordance with applicable child support
2762 guidelines schedule.

2763 (5) The existing family law handbook shall be reviewed and
2764 a report provided to the Legislature by October 1, 2008, or as
2765 soon thereafter as practicable, with recommendations for updating
2766 the handbook.

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2767 Section 35. Subsection (3), paragraph (a) of subsection
2768 (5), and paragraph (a) of subsection (6) of section 741.30,
2769 Florida Statutes, are amended to read:

2770 741.30 Domestic violence; injunction; powers and duties of
2771 court and clerk; petition; notice and hearing; temporary
2772 injunction; issuance of injunction; statewide verification
2773 system; enforcement.--

2774 (3) (a) The sworn petition shall allege the existence of
2775 such domestic violence and shall include the specific facts and
2776 circumstances upon the basis of which relief is sought.

2777

2778 (b) The sworn petition shall be in substantially the
2779 following form:

2780

2781 PETITION FOR
2782 INJUNCTION FOR PROTECTION
2783 AGAINST DOMESTIC VIOLENCE

2784

2785 Before me, the undersigned authority, personally appeared
2786 Petitioner (Name) , who has been sworn and says that the
2787 following statements are true:

2788 (a) Petitioner resides at: (address)

2789 (Petitioner may furnish address to the court in a separate
2790 confidential filing if, for safety reasons, the petitioner
2791 requires the location of the current residence to be
2792 confidential.)

2793 (b) Respondent resides at: (last known address)

2794 (c) Respondent's last known place of employment: (name of
2795 business and address)

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2796 (d) Physical description of respondent: _____

2797 Race _____

2798 Sex _____

2799 Date of birth _____

2800 Height _____

2801 Weight _____

2802 Eye color _____

2803 Hair color _____

2804 Distinguishing marks or scars _____

2805 (e) Aliases of respondent: _____

2806 (f) Respondent is the spouse or former spouse of the
2807 petitioner or is any other person related by blood or marriage to
2808 the petitioner or is any other person who is or was residing
2809 within a single dwelling unit with the petitioner, as if a
2810 family, or is a person with whom the petitioner has a child in
2811 common, regardless of whether the petitioner and respondent are
2812 or were married or residing together, as if a family.

2813 (g) The following describes any other cause of action
2814 currently pending between the petitioner and respondent:

2815

2816 The petitioner should also describe any previous or pending
2817 attempts by the petitioner to obtain an injunction for protection
2818 against domestic violence in this or any other circuit, and the
2819 results of that attempt

2820

2821 Case numbers should be included if available.

2822 (h) Petitioner is either a victim of domestic violence or
2823 has reasonable cause to believe he or she is in imminent danger
2824 of becoming a victim of domestic violence because respondent has

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2825 _____ (mark all sections that apply and describe in the spaces
2826 below the incidents of violence or threats of violence,
2827 specifying when and where they occurred, including, but not
2828 limited to, locations such as a home, school, place of
2829 employment, or visitation exchange) _____:

2830 _____ committed or threatened to commit domestic violence
2831 defined in s. 741.28, Florida Statutes, as any assault,
2832 aggravated assault, battery, aggravated battery, sexual assault,
2833 sexual battery, stalking, aggravated stalking, kidnapping, false
2834 imprisonment, or any criminal offense resulting in physical
2835 injury or death of one family or household member by another.
2836 With the exception of persons who are parents of a child in
2837 common, the family or household members must be currently
2838 residing or have in the past resided together in the same single
2839 dwelling unit.

2840 _____ previously threatened, harassed, stalked, or physically
2841 abused the petitioner.

2842 _____ attempted to harm the petitioner or family members or
2843 individuals closely associated with the petitioner.

2844 _____ threatened to conceal, kidnap, or harm the petitioner's
2845 child or children.

2846 _____ intentionally injured or killed a family pet.
2847 _____ used, or has threatened to use, against the petitioner
2848 any weapons such as guns or knives.

2849 _____ physically restrained the petitioner from leaving the
2850 home or calling law enforcement.

2851 _____ a criminal history involving violence or the threat of
2852 violence (if known).

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2853 _____ another order of protection issued against him or her
2854 previously or from another jurisdiction (if known).

2855 _____ destroyed personal property, including, but not limited
2856 to, telephones or other communication equipment, clothing, or
2857 other items belonging to the petitioner.

2858 _____ engaged in any other behavior or conduct that leads the
2859 petitioner to have reasonable cause to believe he or she is in
2860 imminent danger of becoming a victim of domestic violence.

2861 (i) Petitioner alleges the following additional specific
2862 facts: (mark appropriate sections)

2863 _____ A minor child or minor children reside with the
2864 ~~petitioner is the custodian of a minor child or children~~ whose
2865 names and ages are as follows:

2866
2867 _____ Petitioner needs the exclusive use and possession of
2868 the dwelling that the parties share.

2869 _____ Petitioner is unable to obtain safe alternative housing
2870 because:

2871 _____ Petitioner genuinely fears that respondent imminently
2872 will abuse, remove, or hide the minor child or children from
2873 petitioner because:

2874
2875 (j) Petitioner genuinely fears imminent domestic violence
2876 by respondent.

2877 (k) Petitioner seeks an injunction: (mark appropriate
2878 section or sections)

2879 _____ Immediately restraining the respondent from committing
2880 any acts of domestic violence.

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2881 _____ Restraining the respondent from committing any acts of
2882 domestic violence.

2883 _____ Awarding to the petitioner the temporary exclusive use
2884 and possession of the dwelling that the parties share or
2885 excluding the respondent from the residence of the petitioner.

2886 _____ Providing a temporary parenting plan, including a
2887 temporary time-sharing schedule ~~Awarding temporary custody of, or~~
2888 ~~temporary visitation rights~~ with regard to, the minor child or
2889 children of the parties which might involve, ~~or~~ prohibiting or
2890 limiting time-sharing or requiring that it be ~~visitation to that~~
2891 ~~which is~~ supervised by a third party.

2892 _____ Establishing temporary support for the minor child or
2893 children or the petitioner.

2894 _____ Directing the respondent to participate in a batterers'
2895 intervention program or other treatment pursuant to s. 39.901,
2896 Florida Statutes.

2897 _____ Providing any terms the court deems necessary for the
2898 protection of a victim of domestic violence, or any minor
2899 children of the victim, including any injunctions or directives
2900 to law enforcement agencies.

2901 (c) Every petition for an injunction against domestic
2902 violence shall contain, directly above the signature line, a
2903 statement in all capital letters and bold type not smaller than
2904 the surrounding text, as follows:

2905

2906

2907 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH
2908 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS

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2909 MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY,
2910 PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES.

2911 (initials)

2912

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

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

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

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

2929 3. On the same basis as provided in s. 61.13, providing the
2930 petitioner with 100 percent of the time-sharing that shall remain
2931 ~~granting to the petitioner temporary custody of a minor child. An~~
2932 ~~order of temporary custody remains~~ in effect until the order
2933 expires or an order is entered by a court of competent
2934 jurisdiction in a pending or subsequent civil action or
2935 proceeding affecting the placement of, access to, parental time
2936 with, adoption of, or parental rights and responsibilities for
2937 the minor child.

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

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

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

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

2959 4. On the same basis as provided in chapter 61,
2960 establishing temporary support for a minor child or children or
2961 the petitioner. An order of temporary support remains in effect
2962 until the order expires or an order is entered by a court of
2963 competent jurisdiction in a pending or subsequent civil action or
2964 proceeding affecting child support.

2965 5. Ordering the respondent to participate in treatment,
2966 intervention, or counseling services to be paid for by the

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

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

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

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

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

2990 | (1) Hearings for the purpose of establishing or refuting
2991 | the allegations of the complaint and answer shall be held in the
2992 | chambers and may be restricted to persons, in addition to the
2993 | parties involved and their counsel, as the judge in his or her
2994 | discretion may direct. The court shall determine the issues of
2995 | paternity of the child and the ability of the parents to support

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2996 | the child. Each party's social security number shall be recorded
2997 | in the file containing the adjudication of paternity. If the
2998 | court finds that the alleged father is the father of the child,
2999 | it shall so order. If appropriate, the court shall order the
3000 | father to pay the complainant, her guardian, or any other person
3001 | assuming responsibility for the child moneys sufficient to pay
3002 | reasonable attorney's fees, hospital or medical expenses, cost of
3003 | confinement, and any other expenses incident to the birth of the
3004 | child and to pay all costs of the proceeding. Bills for
3005 | pregnancy, childbirth, and scientific testing are admissible as
3006 | evidence without requiring third-party foundation testimony, and
3007 | shall constitute prima facie evidence of amounts incurred for
3008 | such services or for testing on behalf of the child. The court
3009 | shall order either or both parents owing a duty of support to the
3010 | child to pay support pursuant to s. 61.30. The court shall issue,
3011 | upon motion by a party, a temporary order requiring ~~the provision~~
3012 | ~~of~~ child support pursuant to s. 61.30 pending an administrative
3013 | or judicial determination of parentage, if there is clear and
3014 | convincing evidence of paternity on the basis of genetic tests or
3015 | other evidence. The court may also make a determination of an
3016 | appropriate parenting plan, including a time-sharing schedule, ~~as~~
3017 | ~~to the parental responsibility and residential care and custody~~
3018 | ~~of the minor children~~ in accordance with chapter 61.

3019 | (2) If a judgment of paternity contains only a child
3020 | support award with no parenting plan or time-sharing schedule,
3021 | the obligee parent shall receive all of the time-sharing and sole
3022 | parental responsibility ~~no explicit award of custody, the~~
3023 | ~~establishment of a support obligation or of visitation rights in~~
3024 | ~~one parent shall be considered a judgment granting primary~~

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3025 ~~residential care and custody to the other parent~~ without
3026 prejudice to the obligor parent. If a paternity judgment contains
3027 no such provisions, ~~eustody shall be presumed to be with the~~
3028 mother shall be presumed to have all of the time-sharing and sole
3029 parental responsibility.

3030 Section 37. Subsection (3) of section 753.01, Florida
3031 Statutes, is amended to read:

3032 753.01 Definitions.--As used in this chapter, the term:

3033 (3) "Exchange monitoring" means supervision of movement of
3034 a child from one parent ~~the custodial~~ to the other ~~noncustodial~~
3035 parent at the start of the visit and back to the first ~~eustodial~~
3036 parent at the end of the visit.

3037 Section 38. Subsection (1) of section 827.06, Florida
3038 Statutes, is amended to read:

3039 827.06 Nonsupport of dependents.--

3040 (1) The Legislature finds that most ~~noncustodial~~ parents
3041 want to support their children and remain connected to their
3042 families. The Legislature also finds that while many ~~noncustodial~~
3043 parents lack the financial resources and other skills necessary
3044 to provide that support, some parents willfully fail to provide
3045 support to their children even when they are aware of the
3046 obligation and have the ability to do so. The Legislature further
3047 finds that existing statutory provisions for civil enforcement of
3048 support have not proven sufficiently effective or efficient in
3049 gaining adequate support for all children. Recognizing that it is
3050 the public policy of this state that children shall be maintained
3051 primarily from the resources of their parents, thereby relieving,
3052 at least in part, the burden presently borne by the general
3053 citizenry through public assistance programs, it is the intent of

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3054 | the Legislature that the criminal penalties provided for in this
3055 | section are to be pursued in all appropriate cases where civil
3056 | enforcement has not resulted in payment.

3057 | Section 39. For the purpose of incorporating the amendment
3058 | made by this act to section 741.30, Florida Statutes, in a
3059 | reference thereto, paragraph (a) of subsection (3) of section
3060 | 61.1825, Florida Statutes, is reenacted to read:

3061 | 61.1825 State Case Registry.--

3062 | (3) (a) For the purpose of this section, a family violence
3063 | indicator must be placed on a record when:

3064 | 1. A party executes a sworn statement requesting that a
3065 | family violence indicator be placed on that party's record which
3066 | states that the party has reason to believe that release of
3067 | information to the Federal Case Registry may result in physical
3068 | or emotional harm to the party or the child; or

3069 | 2. A temporary or final injunction for protection against
3070 | domestic violence has been granted pursuant to s. 741.30(6), an
3071 | injunction for protection against domestic violence has been
3072 | issued by a court of a foreign state pursuant to s. 741.315, or a
3073 | temporary or final injunction for protection against repeat
3074 | violence has been granted pursuant to s. 784.046; or

3075 | 3. The department has received information on a Title IV-D
3076 | case from the Domestic Violence and Repeat Violence Injunction
3077 | Statewide Verification System, established pursuant to s.
3078 | 784.046(8) (b), that a court has granted a party a domestic
3079 | violence or repeat violence injunction.

3080 | Section 40. This act shall take effect October 1, 2008.