

By the Committees on General Government Appropriations;  
Children, Families, and Elder Affairs; and Senator Lynn

601-08357A-08

20082532c2

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

601-08357A-08

20082532c2

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.

601-08357A-08

20082532c2

59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86

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.

601-08357A-08

20082532c2

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).

601-08357A-08

20082532c2

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

601-08357A-08

20082532c2

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

601-08357A-08

20082532c2

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.

601-08357A-08

20082532c2

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:

601-08357A-08

20082532c2

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

601-08357A-08

20082532c2

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

601-08357A-08

20082532c2

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

601-08357A-08

20082532c2

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

601-08357A-08

20082532c2

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

601-08357A-08

20082532c2

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.

601-08357A-08

20082532c2

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

601-08357A-08

20082532c2

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

601-08357A-08

20082532c2

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

601-08357A-08

20082532c2

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

601-08357A-08

20082532c2

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

601-08357A-08

20082532c2

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.

601-08357A-08

20082532c2

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.

601-08357A-08

20082532c2

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 reasonable preference of the child, if the court  
610 deems the child to be of sufficient intelligence, understanding,  
611 and experience to express a preference.

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

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

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

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

601-08357A-08

20082532c2

632 child abandonment, or child neglect ~~of domestic violence or child~~  
633 ~~abuse.~~

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

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

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

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

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

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

658 (4) (a) When a ~~noncustodial~~ parent who is ordered to pay  
659 child support or alimony ~~and who is awarded visitation rights~~  
660 fails to pay child support or alimony, the ~~custodial~~ parent who

601-08357A-08

20082532c2

661 | should have received the child support or alimony may shall not  
662 | refuse to honor the time-sharing schedule presently in effect  
663 | between the parents ~~noncustodial parent's visitation rights.~~

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

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

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

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

601-08357A-08

20082532c2

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

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

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

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

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

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

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

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

601-08357A-08

20082532c2

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

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

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

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

601-08357A-08

20082532c2

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

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

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

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

601-08357A-08

20082532c2

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

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

787 61.13001 Parental relocation with a child.--

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

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

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

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

601-08357A-08

20082532c2

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

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

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

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

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

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

831 (2) RELOCATION BY AGREEMENT.--

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

601-08357A-08

20082532c2

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

- 837 1. Reflects the consent to the relocation;
- 838 2. Defines a time-sharing schedule ~~the visitation rights~~  
839 for the nonrelocating parent and any other persons who are  
840 entitled to time-sharing visitation; and
- 841 3. Describes, if necessary, any transportation arrangements  
842 related to the visitation.

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

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

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

601-08357A-08

20082532c2

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

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

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

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

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

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

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

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

888

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

601-08357A-08

20082532c2

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

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

899

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

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

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

601-08357A-08

20082532c2

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

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

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

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

601-08357A-08

20082532c2

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

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

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

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

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

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

977           (6) TEMPORARY ORDER.--

601-08357A-08

20082532c2

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

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

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

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

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

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

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

1000 (c) If the court has issued a temporary order authorizing a  
1001 party seeking to relocate or move a child before a final judgment  
1002 is rendered, the court may not give any weight to the temporary  
1003 relocation as a factor in reaching its final decision.

1004 (d) If temporary relocation of a child is permitted, the  
1005 court may require the person relocating the child to provide  
1006 reasonable security, financial or otherwise, and guarantee that

601-08357A-08

20082532c2

1007 the court-ordered contact with the child will not be interrupted  
1008 or interfered with by the relocating party.

1009 (7) NO PRESUMPTION; FACTORS TO DETERMINE CONTESTED  
1010 RELOCATION.--A ~~No~~ presumption does not shall arise in favor of or  
1011 against a request to relocate with the child when a ~~primary~~  
1012 ~~residential~~ parent seeks to move the child and the move will  
1013 materially affect the current schedule of contact, access, and  
1014 time-sharing with the nonrelocating parent or other person. In  
1015 reaching its decision regarding a proposed temporary or permanent  
1016 relocation, the court shall evaluate all of the following  
1017 factors:

1018 (a) The nature, quality, extent of involvement, and  
1019 duration of the child's relationship with the parent proposing to  
1020 relocate with the child and with the nonrelocating parent, other  
1021 persons, siblings, half-siblings, and other significant persons  
1022 in the child's life.

1023 (b) The age and developmental stage of the child, the needs  
1024 of the child, and the likely impact the relocation will have on  
1025 the child's physical, educational, and emotional development,  
1026 taking into consideration any special needs of the child.

1027 (c) The feasibility of preserving the relationship between  
1028 the nonrelocating parent or other person and the child through  
1029 substitute arrangements that take into consideration the  
1030 logistics of contact, access, ~~visitation~~, and time-sharing, as  
1031 well as the financial circumstances of the parties; whether those  
1032 factors are sufficient to foster a continuing meaningful  
1033 relationship between the child and the nonrelocating parent or  
1034 other person; and the likelihood of compliance with the

601-08357A-08

20082532c2

1035 substitute arrangements by the relocating parent once he or she  
1036 is out of the jurisdiction of the court.

1037 (d) The child's preference, taking into consideration the  
1038 age and maturity of the child.

1039 (e) Whether the relocation will enhance the general quality  
1040 of life for both the parent seeking the relocation and the child,  
1041 including, but not limited to, financial or emotional benefits or  
1042 educational opportunities.

1043 (f) The reasons of each parent or other person for seeking  
1044 or opposing the relocation.

1045 (g) The current employment and economic circumstances of  
1046 each parent or other person and whether or not the proposed  
1047 relocation is necessary to improve the economic circumstances of  
1048 the parent or other person seeking relocation of the child.

1049 (h) That the relocation is sought in good faith and the  
1050 extent to which the objecting parent has fulfilled his or her  
1051 financial obligations to the parent or other person seeking  
1052 relocation, including child support, spousal support, and marital  
1053 property and marital debt obligations.

1054 (i) The career and other opportunities available to the  
1055 objecting parent or objecting other person if the relocation  
1056 occurs.

1057 (j) A history of substance abuse or domestic violence as  
1058 defined in s. 741.28 or which meets the criteria of s.  
1059 39.806(1)(d) by either parent, including a consideration of the  
1060 severity of such conduct and the failure or success of any  
1061 attempts at rehabilitation.

1062 (k) Any other factor affecting the best interest of the  
1063 child or as set forth in s. 61.13.

601-08357A-08

20082532c2

1064 (9) ORDER REGARDING RELOCATION.--If relocation is  
1065 permitted:

1066 (a) The court may, in its discretion, order contact with  
1067 the nonrelocating parent, including access, ~~visitation~~, time-  
1068 sharing, telephone, Internet, webcam, and other arrangements  
1069 sufficient to ensure that the child has frequent, continuing, and  
1070 meaningful contact, access, ~~visitation~~, and time-sharing with the  
1071 nonrelocating parent or other persons, if contact is financially  
1072 affordable and in the best interest of the child.

1073 (b) If applicable, the court shall specify how the  
1074 transportation costs will be allocated between the parents and  
1075 other persons entitled to contact, access, ~~visitation~~, and time-  
1076 sharing and may adjust the child support award, as appropriate,  
1077 considering the costs of transportation and the respective net  
1078 incomes of the parents in accordance with state child support  
1079 guidelines schedule.

1080 (10) PRIORITY FOR HEARING OR TRIAL.--An evidentiary hearing  
1081 or nonjury trial on a pleading seeking temporary or permanent  
1082 relief filed under ~~pursuant to~~ this section shall be accorded  
1083 priority on the court's calendar.

1084 (11) APPLICABILITY.--

1085 (a) ~~The provisions of~~ This section applies ~~apply~~:

1086 1. To orders entered before October 1, 2006, if the  
1087 existing order defining custody, primary residence, time-sharing,  
1088 or visitation of or with the child does not expressly govern the  
1089 relocation of the child.

1090 2. To an order, whether temporary or permanent, regarding  
1091 the parenting plan, custody, primary residence, time-sharing, or

601-08357A-08

20082532c2

1092 visitation of or with the child entered on or after October 1,  
1093 2006.

1094 3. To any relocation or proposed relocation, whether  
1095 permanent or temporary, of a child during any proceeding pending  
1096 on October 1, 2006, wherein the parenting plan, custody, primary  
1097 residence, time-sharing, or visitation of or with the child is an  
1098 issue.

1099 (b) To the extent that a provision of this section  
1100 conflicts with an order existing on October 1, 2006, this section  
1101 does not apply to the terms of that order which expressly govern  
1102 relocation of the child or a change in the principal residence  
1103 address of a parent.

1104 Section 10. Section 61.13002, Florida Statutes, is amended  
1105 to read:

1106 61.13002 Temporary time-sharing modification ~~child custody~~  
1107 ~~and child support modification due to military service.--~~

1108 (1) If a supplemental petition ~~to modify~~ or a motion for  
1109 modification of time-sharing ~~change of child custody~~ and parental  
1110 responsibility is filed because ~~during the time~~ a parent is  
1111 activated, deployed, or temporarily assigned to military service  
1112 and the parent's ability to comply with time-sharing ~~continue as~~  
1113 ~~the primary caretaker of a minor child~~ is materially affected as  
1114 a result, the court may not issue an order or modify or amend a  
1115 previous judgment or order that changes time-sharing ~~eustody~~ as  
1116 it existed on the date the parent was activated, deployed, or  
1117 temporarily assigned to military service, except that a court may  
1118 enter a temporary order to modify or amend time-sharing ~~eustody~~  
1119 if there is clear and convincing evidence that the temporary  
1120 modification or amendment is in the best interests of the child.

601-08357A-08

20082532c2

1121 When entering a temporary order under this section, the court  
1122 shall consider and provide for, if feasible, contact between the  
1123 military servicemember and his or her child, including, but not  
1124 limited to, electronic communication by webcam, telephone, or  
1125 other available means. The court shall also permit liberal time-  
1126 sharing during periods of leave from military service, as it is  
1127 in the child's best interests to maintain the parent-child bond  
1128 during the parent's military service.

1129 (2) If a temporary order is issued under this section, the  
1130 court shall reinstate the time-sharing ~~custody judgment or~~ order  
1131 previously in effect upon the servicemember parent's return from  
1132 active military service, deployment, or temporary assignment.

1133 (3) If a temporary order is entered under this section, the  
1134 court may address the issue of support for the child 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.--

1148 (1) (a) When the parties enter into an agreement for  
1149 payments for, or instead of, support, maintenance, or alimony,

601-08357A-08

20082532c2

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.

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

601-08357A-08

20082532c2

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:

1205           (b) Mandatory disclosure of identifying and location  
1206 information as provided in s. 61.13(7)~~(8)~~ by the non-Title IV-D

601-08357A-08

20082532c2

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. Section 61.20, Florida Statutes, is amended to  
1218 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  
1234 information contained in the study in making a decision on the

601-08357A-08

20082532c2

1235 parenting plan ~~child's custody~~ and the technical rules of  
1236 evidence do not exclude the study from consideration.

1237 (2) A social investigation and study, when ordered by the  
1238 court, shall be conducted by qualified staff of the court; a  
1239 child-placing agency licensed pursuant to s. 409.175; a  
1240 psychologist licensed pursuant to chapter 490; or a clinical  
1241 social worker, marriage and family therapist, or mental health  
1242 counselor licensed pursuant to chapter 491. If a certification of  
1243 indigence based on an affidavit filed with the court pursuant to  
1244 s. 57.081 is provided by an adult party to the proceeding and the  
1245 court does not have qualified staff to perform the investigation  
1246 and study, the court may request that the Department of Children  
1247 and Family Services conduct the investigation and study.

1248 (3) Except as to persons who obtain certification of  
1249 indigence as specified in subsection (2), for whom no costs shall  
1250 be incurred, the adult parties involved in a ~~child custody~~  
1251 proceeding to determine a parenting plan wherein the court has  
1252 ordered the performance of a social investigation and study  
1253 ~~performed~~ shall be responsible for the payment of the costs of  
1254 such investigation and study. Upon submission of the study to the  
1255 court, the agency, staff, or person performing the study shall  
1256 include a bill for services, which shall be taxed and ordered  
1257 paid as costs in the proceeding.

1258 Section 15. Paragraph (c) of subsection (1) and subsection  
1259 (6) of section 61.21, Florida Statutes, are amended to read:

1260 61.21 Parenting course authorized; fees; required  
1261 attendance authorized; contempt.--

1262 (1) LEGISLATIVE FINDINGS; PURPOSE.--It is the finding of  
1263 the Legislature that:

601-08357A-08

20082532c2

1264 (c) It has been found to be beneficial to parents who are  
1265 separating or divorcing to have available an educational program  
1266 that will provide general information regarding:

1267 1. The issues and legal procedures for resolving time-  
1268 sharing ~~custody~~ and child support disputes.

1269 2. The emotional experiences and problems of divorcing  
1270 adults.

1271 3. The family problems and the emotional concerns and needs  
1272 of the children.

1273 4. The availability of community services and resources.

1274 (6) All parties to a modification of a final judgment  
1275 involving a parenting plan or a time-sharing schedule ~~shared~~  
1276 ~~parental responsibilities, custody, or visitation~~ may be required  
1277 to complete a court-approved parenting course prior to the entry  
1278 of an order modifying the final judgment.

1279 Section 16. Section 61.30, Florida Statutes, is amended to  
1280 read:

1281 61.30 Child support guidelines; retroactive child  
1282 support.--

1283 (1)(a) The child support guideline amount as determined by  
1284 this section presumptively establishes the amount the trier of  
1285 fact shall order as child support in an initial proceeding for  
1286 such support or in a proceeding for modification of an existing  
1287 order for such support, whether the proceeding arises under this  
1288 or another chapter. The trier of fact may order payment of child  
1289 support which varies, plus or minus 5 percent, from the guideline  
1290 amount, after considering all relevant factors, including the  
1291 needs of the child or children, age, station in life, standard of  
1292 living, and the financial status and ability of each parent. The

601-08357A-08

20082532c2

1293 | trier of fact may order payment of child support in an amount  
1294 | which varies more than 5 percent from such guideline amount only  
1295 | upon a written finding explaining why ordering payment of such  
1296 | guideline amount would be unjust or inappropriate.

1297 | Notwithstanding the variance limitations of this section, the  
1298 | trier of fact shall order payment of child support which varies  
1299 | from the guideline amount as provided in paragraph (11) (b)  
1300 | whenever any of the children are required by court order or  
1301 | mediation agreement to spend a substantial amount of time with  
1302 | either parent ~~the primary and secondary residential parents~~. This  
1303 | requirement applies to any living arrangement, whether temporary  
1304 | or permanent.

1305 |         (b) The guidelines may provide the basis for proving a  
1306 | substantial change in circumstances upon which a modification of  
1307 | an existing order may be granted. However, the difference between  
1308 | the existing monthly obligation and the amount provided for under  
1309 | the guidelines shall be at least 15 percent or \$50, whichever  
1310 | amount is greater, before the court may find that the guidelines  
1311 | provide a substantial change in circumstances.

1312 |         (c) For each support order reviewed by the department as  
1313 | required by s. 409.2564(11), if the amount of the child support  
1314 | award under the order differs by at least 10 percent but not less  
1315 | than \$25 from the amount that would be awarded under s. 61.30,  
1316 | the department shall seek to have the order modified and any  
1317 | modification shall be made without a requirement for proof or  
1318 | showing of a change in circumstances.

1319 |         (2) Income shall be determined on a monthly basis for each  
1320 | parent ~~the obligor and for the obligee~~ as follows:

601-08357A-08

20082532c2

1321 (a) Gross income shall include, but is not limited to, the  
1322 following ~~items~~:

1323 1. Salary or wages.

1324 2. Bonuses, commissions, allowances, overtime, tips, and  
1325 other similar payments.

1326 3. Business income from sources such as self-employment,  
1327 partnership, close corporations, and independent contracts.

1328 "Business income" means gross receipts minus ordinary and  
1329 necessary expenses required to produce income.

1330 4. Disability benefits.

1331 5. All workers' compensation benefits and settlements.

1332 6. Unemployment compensation.

1333 7. Pension, retirement, or annuity payments.

1334 8. Social security benefits.

1335 9. Spousal support received from a previous marriage or  
1336 court ordered in the marriage before the court.

1337 10. Interest and dividends.

1338 11. Rental income, which is gross receipts minus ordinary  
1339 and necessary expenses required to produce the income.

1340 12. Income from royalties, trusts, or estates.

1341 13. Reimbursed expenses or in kind payments to the extent  
1342 that they reduce living expenses.

1343 14. Gains derived from dealings in property, unless the  
1344 gain is nonrecurring.

1345 (b) Income on a monthly basis shall be imputed to an  
1346 unemployed or underemployed parent when such employment or  
1347 underemployment is found by the court to be voluntary on that  
1348 parent's part, absent a finding of fact by the court of physical  
1349 or mental incapacity or other circumstances over which the parent

601-08357A-08

20082532c2

1350 has no control. In the event of such voluntary unemployment or  
1351 underemployment, the employment potential and probable earnings  
1352 level of the parent shall be determined based upon his or her  
1353 recent work history, occupational qualifications, and prevailing  
1354 earnings level in the community as provided in this paragraph;  
1355 however, the court may refuse to impute income to a ~~primary~~  
1356 ~~residential~~ parent if the court finds it necessary for the parent  
1357 to stay home with the child who is the subject of a child support  
1358 calculation.

1359 (c) Public assistance as defined in s. 409.2554 shall be  
1360 excluded from gross income.

1361 (3) Net income is obtained by subtracting allowable  
1362 deductions from gross income. Allowable deductions shall include:

1363 (a) Federal, state, and local income tax deductions,  
1364 adjusted for actual filing status and allowable dependents and  
1365 income tax liabilities.

1366 (b) Federal insurance contributions or self-employment tax.

1367 (c) Mandatory union dues.

1368 (d) Mandatory retirement payments.

1369 (e) Health insurance payments, excluding payments for  
1370 coverage of the minor child.

1371 (f) Court-ordered support for other children which is  
1372 actually paid.

1373 (g) Spousal support paid pursuant to a court order from a  
1374 previous marriage or the marriage before the court.

1375 (4) Net income for each parent ~~the obligor and net income~~  
1376 ~~for the obligee~~ shall be computed by subtracting allowable  
1377 deductions from gross income.

601-08357A-08

20082532c2

1378 (5) Net income for each parent ~~the obligor and net income~~  
 1379 ~~for the obligee~~ shall be added together for a combined net  
 1380 income.

1381 (6) The following guidelines schedule ~~schedules~~ shall be  
 1382 applied to the combined net income to determine the minimum child  
 1383 support need:  
 1384

1385	Combined Monthly <u>Net</u> <del>Available</del> Income	Child or					
		Children					
1386		One	Two	Three	Four	Five	Six
1387	650.00	74	75	75	76	77	78
1388	700.00	119	120	121	123	124	125
1389	750.00	164	166	167	169	171	173
1390	800.00	190	211	213	216	218	220
1391	850.00	202	257	259	262	265	268
1392	900.00	213	302	305	309	312	315
1393	950.00	224	347	351	355	359	363
1394	1000.00	235	365	397	402	406	410
	1050.00	246	382	443	448	453	458

601-08357A-08

20082532c2

1395	1100.00	258	400	489	495	500	505
1396	1150.00	269	417	522	541	547	553
1397	1200.00	280	435	544	588	594	600
1398	1250.00	290	451	565	634	641	648
1399	1300.00	300	467	584	659	688	695
1400	1350.00	310	482	603	681	735	743
1401	1400.00	320	498	623	702	765	790
1402	1450.00	330	513	642	724	789	838
1403	1500.00	340	529	662	746	813	869
1404	1550.00	350	544	681	768	836	895
1405	1600.00	360	560	701	790	860	920
1406	1650.00	370	575	720	812	884	945
1407	1700.00	380	591	740	833	907	971
1408	1750.00	390	606	759	855	931	996
1409							

601-08357A-08

20082532c2

1410	1800.00	400	622	779	877	955	1022
1411	1850.00	410	638	798	900	979	1048
1412	1900.00	421	654	818	923	1004	1074
1413	1950.00	431	670	839	946	1029	1101
1414	2000.00	442	686	859	968	1054	1128
1415	2050.00	452	702	879	991	1079	1154
1416	2100.00	463	718	899	1014	1104	1181
1417	2150.00	473	734	919	1037	1129	1207
1418	2200.00	484	751	940	1060	1154	1234
1419	2250.00	494	767	960	1082	1179	1261
1420	2300.00	505	783	980	1105	1204	1287
1421	2350.00	515	799	1000	1128	1229	1314
1422	2400.00	526	815	1020	1151	1254	1340
1423	2450.00	536	831	1041	1174	1279	1367
	2500.00	547	847	1061	1196	1304	1394

601-08357A-08

20082532c2

1424	2550.00	557	864	1081	1219	1329	1420
1425	2600.00	568	880	1101	1242	1354	1447
1426	2650.00	578	896	1121	1265	1379	1473
1427	2700.00	588	912	1141	1287	1403	1500
1428	2750.00	597	927	1160	1308	1426	1524
1429	2800.00	607	941	1178	1328	1448	1549
1430	2850.00	616	956	1197	1349	1471	1573
1431	2900.00	626	971	1215	1370	1494	1598
1432	2950.00	635	986	1234	1391	1517	1622
1433	3000.00	644	1001	1252	1412	1540	1647
1434	3050.00	654	1016	1271	1433	1563	1671
1435	3100.00	663	1031	1289	1453	1586	1695
1436	3150.00	673	1045	1308	1474	1608	1720
1437	3200.00	682	1060	1327	1495	1631	1744
1438							

601-08357A-08

20082532c2

1439	3250.00	691	1075	1345	1516	1654	1769
1440	3300.00	701	1090	1364	1537	1677	1793
1441	3350.00	710	1105	1382	1558	1700	1818
1442	3400.00	720	1120	1401	1579	1723	1842
1443	3450.00	729	1135	1419	1599	1745	1867
1444	3500.00	738	1149	1438	1620	1768	1891
1445	3550.00	748	1164	1456	1641	1791	1915
1446	3600.00	757	1179	1475	1662	1814	1940
1447	3650.00	767	1194	1493	1683	1837	1964
1448	3700.00	776	1208	1503	1702	1857	1987
1449	3750.00	784	1221	1520	1721	1878	2009
1450	3800.00	793	1234	1536	1740	1899	2031
1451	3850.00	802	1248	1553	1759	1920	2053
1452	3900.00	811	1261	1570	1778	1940	2075
	3950.00	819	1275	1587	1797	1961	2097

601-08357A-08

20082532c2

1453	4000.00	828	1288	1603	1816	1982	2119
1454	4050.00	837	1302	1620	1835	2002	2141
1455	4100.00	846	1315	1637	1854	2023	2163
1456	4150.00	854	1329	1654	1873	2044	2185
1457	4200.00	863	1342	1670	1892	2064	2207
1458	4250.00	872	1355	1687	1911	2085	2229
1459	4300.00	881	1369	1704	1930	2106	2251
1460	4350.00	889	1382	1721	1949	2127	2273
1461	4400.00	898	1396	1737	1968	2147	2295
1462	4450.00	907	1409	1754	1987	2168	2317
1463	4500.00	916	1423	1771	2006	2189	2339
1464	4550.00	924	1436	1788	2024	2209	2361
1465	4600.00	933	1450	1804	2043	2230	2384
1466	4650.00	942	1463	1821	2062	2251	2406
1467							

601-08357A-08

20082532c2

1468	4700.00	951	1477	1838	2081	2271	2428
1469	4750.00	959	1490	1855	2100	2292	2450
1470	4800.00	968	1503	1871	2119	2313	2472
1471	4850.00	977	1517	1888	2138	2334	2494
1472	4900.00	986	1530	1905	2157	2354	2516
1473	4950.00	993	1542	1927	2174	2372	2535
1474	5000.00	1000	1551	1939	2188	2387	2551
1475	5050.00	1006	1561	1952	2202	2402	2567
1476	5100.00	1013	1571	1964	2215	2417	2583
1477	5150.00	1019	1580	1976	2229	2432	2599
1478	5200.00	1025	1590	1988	2243	2447	2615
1479	5250.00	1032	1599	2000	2256	2462	2631
1480	5300.00	1038	1609	2012	2270	2477	2647
1481	5350.00	1045	1619	2024	2283	2492	2663
	5400.00	1051	1628	2037	2297	2507	2679

601-08357A-08

20082532c2

1482	5450.00	1057	1638	2049	2311	2522	2695
1483	5500.00	1064	1647	2061	2324	2537	2711
1484	5550.00	1070	1657	2073	2338	2552	2727
1485	5600.00	1077	1667	2085	2352	2567	2743
1486	5650.00	1083	1676	2097	2365	2582	2759
1487	5700.00	1089	1686	2109	2379	2597	2775
1488	5750.00	1096	1695	2122	2393	2612	2791
1489	5800.00	1102	1705	2134	2406	2627	2807
1490	5850.00	1107	1713	2144	2418	2639	2820
1491	5900.00	1111	1721	2155	2429	2651	2833
1492	5950.00	1116	1729	2165	2440	2663	2847
1493	6000.00	1121	1737	2175	2451	2676	2860
1494	6050.00	1126	1746	2185	2462	2688	2874
1495	6100.00	1131	1754	2196	2473	2700	2887
1496							

601-08357A-08

20082532c2

1497	6150.00	1136	1762	2206	2484	2712	2900
1498	6200.00	1141	1770	2216	2495	2724	2914
1499	6250.00	1145	1778	2227	2506	2737	2927
1500	6300.00	1150	1786	2237	2517	2749	2941
1501	6350.00	1155	1795	2247	2529	2761	2954
1502	6400.00	1160	1803	2258	2540	2773	2967
1503	6450.00	1165	1811	2268	2551	2785	2981
1504	6500.00	1170	1819	2278	2562	2798	2994
1505	6550.00	1175	1827	2288	2573	2810	3008
1506	6600.00	1179	1835	2299	2584	2822	3021
1507	6650.00	1184	1843	2309	2595	2834	3034
1508	6700.00	1189	1850	2317	2604	2845	3045
1509	6750.00	1193	1856	2325	2613	2854	3055
1510	6800.00	1196	1862	2332	2621	2863	3064
	6850.00	1200	1868	2340	2630	2872	3074

601-08357A-08

20082532c2

1511	6900.00	1204	1873	2347	2639	2882	3084
1512	6950.00	1208	1879	2355	2647	2891	3094
1513	7000.00	1212	1885	2362	2656	2900	3103
1514	7050.00	1216	1891	2370	2664	2909	3113
1515	7100.00	1220	1897	2378	2673	2919	3123
1516	7150.00	1224	1903	2385	2681	2928	3133
1517	7200.00	1228	1909	2393	2690	2937	3142
1518	7250.00	1232	1915	2400	2698	2946	3152
1519	7300.00	1235	1921	2408	2707	2956	3162
1520	7350.00	1239	1927	2415	2716	2965	3172
1521	7400.00	1243	1933	2423	2724	2974	3181
1522	7450.00	1247	1939	2430	2733	2983	3191
1523	7500.00	1251	1945	2438	2741	2993	3201
1524	7550.00	1255	1951	2446	2750	3002	3211
1525							

601-08357A-08

20082532c2

1526	7600.00	1259	1957	2453	2758	3011	3220
1527	7650.00	1263	1963	2461	2767	3020	3230
1528	7700.00	1267	1969	2468	2775	3030	3240
1529	7750.00	1271	1975	2476	2784	3039	3250
1530	7800.00	1274	1981	2483	2792	3048	3259
1531	7850.00	1278	1987	2491	2801	3057	3269
1532	7900.00	1282	1992	2498	2810	3067	3279
1533	7950.00	1286	1998	2506	2818	3076	3289
1534	8000.00	1290	2004	2513	2827	3085	3298
1535	8050.00	1294	2010	2521	2835	3094	3308
1536	8100.00	1298	2016	2529	2844	3104	3318
1537	8150.00	1302	2022	2536	2852	3113	3328
1538	8200.00	1306	2028	2544	2861	3122	3337
1539	8250.00	1310	2034	2551	2869	3131	3347
	8300.00	1313	2040	2559	2878	3141	3357

601-08357A-08

20082532c2

1540	8350.00	1317	2046	2566	2887	3150	3367
1541	8400.00	1321	2052	2574	2895	3159	3376
1542	8450.00	1325	2058	2581	2904	3168	3386
1543	8500.00	1329	2064	2589	2912	3178	3396
1544	8550.00	1333	2070	2597	2921	3187	3406
1545	8600.00	1337	2076	2604	2929	3196	3415
1546	8650.00	1341	2082	2612	2938	3205	3425
1547	8700.00	1345	2088	2619	2946	3215	3435
1548	8750.00	1349	2094	2627	2955	3224	3445
1549	8800.00	1352	2100	2634	2963	3233	3454
1550	8850.00	1356	2106	2642	2972	3242	3464
1551	8900.00	1360	2111	2649	2981	3252	3474
1552	8950.00	1364	2117	2657	2989	3261	3484
1553	9000.00	1368	2123	2664	2998	3270	3493
1554							

601-08357A-08

20082532c2

1555	9050.00	1372	2129	2672	3006	3279	3503
1556	9100.00	1376	2135	2680	3015	3289	3513
1557	9150.00	1380	2141	2687	3023	3298	3523
1558	9200.00	1384	2147	2695	3032	3307	3532
1559	9250.00	1388	2153	2702	3040	3316	3542
1560	9300.00	1391	2159	2710	3049	3326	3552
1561	9350.00	1395	2165	2717	3058	3335	3562
1562	9400.00	1399	2171	2725	3066	3344	3571
1563	9450.00	1403	2177	2732	3075	3353	3581
1564	9500.00	1407	2183	2740	3083	3363	3591
1565	9550.00	1411	2189	2748	3092	3372	3601
1566	9600.00	1415	2195	2755	3100	3381	3610
1567	9650.00	1419	2201	2763	3109	3390	3620
1568	9700.00	1422	2206	2767	3115	3396	3628
	9750.00	1425	2210	2772	3121	3402	3634

601-08357A-08

20082532c2

1569	9800.00	1427	2213	2776	3126	3408	3641
1570	9850.00	1430	2217	2781	3132	3414	3647
1571	9900.00	1432	2221	2786	3137	3420	3653
1572	9950.00	1435	2225	2791	3143	3426	3659
1573	10000.00	1437	2228	2795	3148	3432	3666

1574

1575 For combined monthly net available income less than the amount

1576 set out on the above guidelines schedule ~~schedules~~, the parent

1577 should be ordered to pay a child support amount, determined on a

1578 case-by-case basis, to establish the principle of payment and lay

1579 the basis for increased orders should the parent's income

1580 increase in the future. For combined monthly net available income

1581 greater than the amount set out in the above guidelines schedule

1582 ~~schedules~~, the obligation shall be the minimum amount of support

1583 provided by the guidelines schedule plus the following

1584 percentages multiplied by the amount of income over \$10,000:

Child or Children

1586	One	Two	Three	Four	Five	Six
1587	5.0%	7.5%	9.5%	11.0%	12.0%	12.5%

1588

601-08357A-08

20082532c2

1589 (7) Child care costs incurred on behalf of the children due  
1590 to employment, job search, or education calculated to result in  
1591 employment or to enhance income of current employment of either  
1592 parent shall be reduced by 25 percent and then shall be added to  
1593 the basic obligation. After the adjusted child care costs are  
1594 added to the basic obligation, any moneys prepaid by a the  
1595 ~~noncustodial~~ parent for child care costs for the child or  
1596 children of this action shall be deducted from that ~~noncustodial~~  
1597 parent's child support obligation for that child or those  
1598 children. Child care costs shall not exceed the level required to  
1599 provide quality care from a licensed source for the children.

1600 (8) Health insurance costs resulting from coverage ordered  
1601 pursuant to s. 61.13(1)(b), and any noncovered medical, dental,  
1602 and prescription medication expenses of the child, shall be added  
1603 to the basic obligation unless these expenses have been ordered  
1604 to be separately paid on a percentage basis. After the health  
1605 insurance costs are added to the basic obligation, any moneys  
1606 prepaid by a the ~~noncustodial~~ parent for health-related costs for  
1607 the child or children of this action shall be deducted from that  
1608 ~~noncustodial~~ parent's child support obligation for that child or  
1609 those children.

1610 (9) Each parent's percentage share of the child support  
1611 need shall be determined by dividing each parent's net monthly  
1612 income by the combined net monthly income.

1613 (10) Each parent's actual dollar share of the total minimum  
1614 child support need shall be determined by multiplying the minimum  
1615 child support need by each parent's percentage share of the  
1616 combined monthly net income.

601-08357A-08

20082532c2

1617 (11) (a) The court may adjust the total minimum child  
1618 support award, or either or both parents' share of the total  
1619 minimum child support award, based upon the following deviation  
1620 factors ~~considerations~~:

1621 1. Extraordinary medical, psychological, educational, or  
1622 dental expenses.

1623 2. Independent income of the child, not to include moneys  
1624 received by a child from supplemental security income.

1625 3. The payment of support for a parent which regularly has  
1626 been paid and for which there is a demonstrated need.

1627 4. Seasonal variations in one or both parents' incomes or  
1628 expenses.

1629 5. The age of the child, taking into account the greater  
1630 needs of older children.

1631 6. Special needs, such as costs that may be associated with  
1632 the disability of a child, that have traditionally been met  
1633 within the family budget even though the fulfilling of those  
1634 needs will cause the support to exceed the presumptive amount  
1635 established by the ~~proposed~~ guidelines.

1636 7. Total available assets of the obligee, obligor, and the  
1637 child.

1638 8. The impact of the Internal Revenue Service dependency  
1639 exemption and waiver of that exemption. The court may order a ~~the~~  
1640 ~~primary residential~~ parent to execute a waiver of the Internal  
1641 Revenue Service dependency exemption if the paying ~~noncustodial~~  
1642 parent is current in support payments.

1643 9. When application of the child support guidelines  
1644 schedule requires a person to pay another person more than 55

601-08357A-08

20082532c2

1645 percent of his or her gross income for a child support obligation  
1646 for current support resulting from a single support order.

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

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

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

1664 1. In accordance with subsections (9) and (10), calculate  
1665 the amount of support obligation apportioned to each ~~the~~  
1666 ~~noncustodial~~ parent without including day care and health  
1667 insurance costs in the calculation and multiply the amount by  
1668 1.5.

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

601-08357A-08

20082532c2

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

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

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

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

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

1694        ~~6.8.~~ Adjust the support obligation owed by each ~~the~~  
1695 ~~custodial or noncustodial~~ parent pursuant to subparagraph ~~4.~~ 6.  
1696 by crediting or debiting the amount calculated in subparagraph 5.  
1697 ~~7.~~ This amount represents the child support which must be  
1698 exchanged between the ~~custodial and noncustodial~~ parents.

1699        ~~7.9.~~ The court may deviate from the child support amount  
1700 calculated pursuant to subparagraph ~~6.~~ 8. based upon the  
1701 deviation factors ~~considerations set forth~~ in paragraph (a), as

601-08357A-08

20082532c2

1702 well as the obligee ~~custodial~~ parent's low income and ability to  
1703 maintain the basic necessities of the home for the child, the  
1704 likelihood that either ~~the noncustodial~~ parent will actually  
1705 exercise the time-sharing schedule set forth in the parenting  
1706 plan ~~visitation~~ granted by the court, and whether all of the  
1707 children are exercising the same time-sharing schedule ~~shared~~  
1708 ~~parental arrangement~~.

1709 8.10. For purposes of adjusting any award of child support  
1710 under this paragraph, "substantial amount of time" means that a  
1711 ~~the noncustodial~~ parent exercises visitation at least 40 percent  
1712 of the overnights of the year.

1713 (c) A ~~noncustodial~~ parent's failure to regularly exercise  
1714 court-ordered or agreed time-sharing schedule ~~visitation~~ not  
1715 caused by the other ~~custodial~~ parent which resulted in the  
1716 adjustment of the amount of child support pursuant to  
1717 subparagraph (a)10. or paragraph (b) shall be deemed a  
1718 substantial change of circumstances for purposes of modifying the  
1719 child support award. A modification pursuant to this paragraph  
1720 shall be retroactive to the date the noncustodial parent first  
1721 failed to regularly exercise court-ordered or agreed time-sharing  
1722 schedule ~~visitation~~.

1723 (12) (a) A parent with a support obligation may have other  
1724 children living with him or her who were born or adopted after  
1725 the support obligation arose. If such subsequent children exist,  
1726 the court, when considering an upward modification of an existing  
1727 award, may disregard the income from secondary employment  
1728 obtained in addition to the parent's primary employment if the  
1729 court determines that the employment was obtained primarily to  
1730 support the subsequent children.

601-08357A-08

20082532c2

1731 (b) Except as provided in paragraph (a), the existence of  
1732 such subsequent children should not as a general rule be  
1733 considered by the court as a basis for disregarding the amount  
1734 provided in the guidelines schedule. The parent with a support  
1735 obligation for subsequent children may raise the existence of  
1736 such subsequent children as a justification for deviation from  
1737 the guidelines schedule. However, if the existence of such  
1738 subsequent children is raised, the income of the other parent of  
1739 the subsequent children shall be considered by the court in  
1740 determining whether or not there is a basis for deviation from  
1741 the guideline amount.

1742 (c) The issue of subsequent children under paragraph (a) or  
1743 paragraph (b) may only be raised in a proceeding for an upward  
1744 modification of an existing award and may not be applied to  
1745 justify a decrease in an existing award.

1746 (13) If the recurring income is not sufficient to meet the  
1747 needs of the child, the court may order child support to be paid  
1748 from nonrecurring income or assets.

1749 (14) Every petition for child support or for modification  
1750 of child support shall be accompanied by an affidavit which shows  
1751 the party's income, allowable deductions, and net income computed  
1752 in accordance with this section. The affidavit shall be served at  
1753 the same time that the petition is served. The respondent,  
1754 whether or not a stipulation is entered, shall make an affidavit  
1755 which shows the party's income, allowable deductions, and net  
1756 income computed in accordance with this section. The respondent  
1757 shall include his or her affidavit with the answer to the  
1758 petition or as soon thereafter as is practicable, but in any case  
1759 at least 72 hours prior to any hearing on the finances of either

601-08357A-08

20082532c2

1760 party.

1761 (15) For purposes of establishing an obligation for support  
1762 in accordance with this section, if a person who is receiving  
1763 public assistance is found to be noncooperative as defined in s.  
1764 409.2572, the IV-D agency is authorized to submit to the court an  
1765 affidavit attesting to the income of that ~~the custodial~~ parent  
1766 based upon information available to the IV-D agency.

1767 (16) The Legislature shall review the guidelines schedule  
1768 established in this section at least every 4 years beginning in  
1769 1997.

1770 (17) In an initial determination of child support, whether  
1771 in a paternity action, dissolution of marriage action, or  
1772 petition for support during the marriage, the court has  
1773 discretion to award child support retroactive to the date when  
1774 the parents did not reside together in the same household with  
1775 the child, not to exceed a period of 24 months preceding the  
1776 filing of the petition, regardless of whether that date precedes  
1777 the filing of the petition. In determining the retroactive award  
1778 in such cases, the court shall consider the following:

1779 (a) The court shall apply the guidelines schedule in effect  
1780 at the time of the hearing subject to the obligor's demonstration  
1781 of his or her actual income, as defined by subsection (2), during  
1782 the retroactive period. Failure of the obligor to so demonstrate  
1783 shall result in the court using the obligor's income at the time  
1784 of the hearing in computing child support for the retroactive  
1785 period.

1786 (b) All actual payments made by a ~~the noncustodial~~ parent  
1787 to the other ~~custodial~~ parent or the child or third parties for

601-08357A-08

20082532c2

1788 the benefit of the child throughout the proposed retroactive  
1789 period.

1790 (c) The court should consider an installment payment plan  
1791 for the payment of retroactive child support.

1792 Section 17. Section 61.401, Florida Statutes, is amended to  
1793 read:

1794 61.401 Appointment of guardian ad litem.-- In an action for  
1795 dissolution of marriage or for the creation, approval, or  
1796 modification of a parenting plan, ~~parental responsibility,~~  
1797 ~~custody, or visitation,~~ if the court finds it is in the best  
1798 interest of the child, the court may appoint a guardian ad litem  
1799 to act as next friend of the child, investigator or evaluator,  
1800 not as attorney or advocate. The court in its discretion may also  
1801 appoint legal counsel for a child to act as attorney or advocate;  
1802 however, the guardian and the legal counsel shall not be the same  
1803 person. In such actions which involve an allegation of child  
1804 abuse, abandonment, or neglect as defined in s. 39.01, which  
1805 allegation is verified and determined by the court to be well-  
1806 founded, the court shall appoint a guardian ad litem for the  
1807 child. The guardian ad litem shall be a party to any judicial  
1808 proceeding from the date of the appointment until the date of  
1809 discharge.

1810 Section 18. Section 61.45, Florida Statutes, is amended to  
1811 read:

1812 61.45 Court-ordered parenting plan ~~Court order of~~  
1813 ~~visitation or custody;~~ risk of violation; bond.--

1814 (1) In any ~~a~~ proceeding in which the court enters a  
1815 parenting plan, including a time-sharing schedule ~~an order of~~  
1816 ~~child custody or visitation,~~ including in a modification

601-08357A-08

20082532c2

1817 proceeding, upon the presentation of competent substantial  
1818 evidence that there is a risk that one party may violate the  
1819 court's parenting plan ~~order of visitation or custody~~ by removing  
1820 a child from this state or country or by concealing the  
1821 whereabouts of a child, or upon stipulation of the parties, the  
1822 court may:

1823 (a) Order that a parent may not remove the child from this  
1824 state without the notarized written permission of both parents or  
1825 further court order;

1826 (b) Order that a parent may not remove the child from this  
1827 country without the notarized written permission of both parents  
1828 or further court order;

1829 (c) Order that a parent may not take the child to a country  
1830 that has not ratified or acceded to the Hague Convention on the  
1831 Civil Aspects of International Child Abduction unless the other  
1832 parent agrees in writing that the child may be taken to the  
1833 country;

1834 (d) Require a parent to surrender the passport of the  
1835 child; or

1836 (e) Require that party to post bond or other security.

1837 (2) If the court enters a parenting plan, including a time-  
1838 sharing schedule ~~an order of child custody or visitation,~~  
1839 including in a modification proceeding, that includes a provision  
1840 entered under paragraph (1) (b) or paragraph (1) (c), a certified  
1841 copy of the order should be sent by the parent who requested the  
1842 restriction to the Passport Services Office of the United States  
1843 Department of State requesting that they not issue a passport to  
1844 the child without their signature or further court order.

601-08357A-08

20082532c2

1845 (3) In assessing the need for a bond or other security, the  
1846 court may consider any reasonable factor bearing upon the risk  
1847 that a party may violate a parenting plan ~~visitation or custody~~  
1848 ~~order~~ by removing a child from this state or country or by  
1849 concealing the whereabouts of a child, including but not limited  
1850 to whether:

1851 (a) A court has previously found that a party previously  
1852 removed a child from Florida or another state in violation of a  
1853 parenting plan ~~custody or visitation order~~, or whether a court  
1854 had found that a party has threatened to take a child out of  
1855 Florida or another state in violation of a parenting plan ~~custody~~  
1856 ~~or visitation order~~;

1857 (b) The party has strong family and community ties to  
1858 Florida or to other states or countries, including whether the  
1859 party or child is a citizen of another country;

1860 (c) The party has strong financial reasons to remain in  
1861 Florida or to relocate to another state or country;

1862 (d) The party has engaged in activities that suggest plans  
1863 to leave Florida, such as quitting employment; sale of a  
1864 residence or termination of a lease on a residence, without  
1865 efforts to acquire an alternative residence in the state; closing  
1866 bank accounts or otherwise liquidating assets; or applying for a  
1867 passport;

1868 (e) Either party has had a history of domestic violence as  
1869 either a victim or perpetrator, child abuse or child neglect  
1870 evidenced by criminal history, including but not limited to,  
1871 arrest, an injunction for protection against domestic violence  
1872 issued after notice and hearing under s. 741.30, medical records,  
1873 affidavits, or any other relevant information; or

601-08357A-08

20082532c2

1874 (f) The party has a criminal record.

1875 (4) The court must consider the party's financial resources  
1876 prior to setting the bond amount under this section. Under no  
1877 circumstances may the court set a bond that is unreasonable.

1878 (5) Any deficiency of bond or security shall not absolve  
1879 the violating party of responsibility to pay the full amount of  
1880 damages determined by the court.

1881 (6) (a) Upon a material violation of any parenting plan  
1882 ~~eustody or visitation order~~ by removing a child from this state  
1883 or this country or by concealing the whereabouts of a child, the  
1884 court may order the bond or other security forfeited in whole or  
1885 in part.

1886 (b) This section, including the requirement to post a bond  
1887 or other security, does not apply to a parent who, in a  
1888 proceeding to order or modify a parenting plan or time-sharing  
1889 schedule, is determined by the court to be ~~child custody or~~  
1890 ~~visitation, the court determines is~~ a victim of an act of  
1891 domestic violence or provides the court with ~~has~~ reasonable cause  
1892 to believe that he or she is about to become the victim of an act  
1893 of domestic violence, as defined in s. 741.28. An injunction for  
1894 protection against domestic violence issued pursuant to s. 741.30  
1895 for a parent as the petitioner which is in effect at the time of  
1896 the court proceeding shall be one means of demonstrating  
1897 sufficient evidence that the parent is a victim of domestic  
1898 violence or is about to become the victim of an act of domestic  
1899 violence, as defined in s. 741.28, and shall exempt the parent  
1900 from this section, including the requirement to post a bond or  
1901 other security. A parent who is determined by the court to be  
1902 exempt from the requirements of this section must meet the

601-08357A-08

20082532c2

1903 requirements of s. 787.03(6) if an offense of interference with  
1904 the parenting plan or time-sharing schedule ~~custody~~ is committed.

1905 (7) (a) Upon an order of forfeiture, the proceeds of any  
1906 bond or other security posted pursuant to this subsection may  
1907 only be used to:

1908 1. Reimburse the nonviolating party for actual costs or  
1909 damages incurred in upholding the court's parenting plan ~~order of~~  
1910 ~~custody or visitation~~.

1911 2. Locate and return the child to the residence as set  
1912 forth in the parenting plan ~~visitation or custody order~~.

1913 3. Reimburse reasonable fees and costs as determined by the  
1914 court.

1915 (b) Any remaining proceeds shall be held as further  
1916 security if deemed necessary by the court, and if further  
1917 security is not found to be necessary; applied to any child  
1918 support arrears owed by the parent against whom the bond was  
1919 required, and if no arrears exists; all remaining proceeds will  
1920 be allocated by the court in the best interest of the child.

1921 (8) At any time after the forfeiture of the bond or other  
1922 security, the party who posted the bond or other security, or the  
1923 court on its own motion may request that the party provide  
1924 documentation substantiating that the proceeds received as a  
1925 result of the forfeiture have been used solely in accordance with  
1926 this subsection. Any party using such proceeds for purposes not  
1927 in accordance with this section may be found in contempt of  
1928 court.

1929 Section 19. Subsection (14) of section 409.2554, Florida  
1930 Statutes, is amended to read:

601-08357A-08

20082532c2

1931 409.2554 Definitions; ss. 409.2551-409.2598.--As used in  
1932 ss. 409.2551-409.2598, the term:

1933 (14) "Unidentifiable collection" means a payment received  
1934 by the department for which a ~~the noncustodial~~ parent, ~~custodial~~  
1935 ~~parent~~, depository or circuit civil numbers, or source of the  
1936 payment cannot be identified.

1937 Section 20. Paragraphs (b) and (c) of subsection (2) and  
1938 subsection (4) of section 409.2558, Florida Statutes, are amended  
1939 to read:

1940 409.2558 Support distribution and disbursement.--

1941 (2) UNDISTRIBUTABLE COLLECTIONS.--

1942 (b) Collections that are determined to be undistributable  
1943 shall be processed in the following order of priority:

1944 1. Apply the payment to any assigned arrears on the  
1945 obligee's ~~custodial parent's~~ case; then

1946 2. Apply the payment to any administrative costs ordered by  
1947 the court pursuant to s. 409.2567 associated with the obligee's  
1948 ~~custodial parent's~~ case; then

1949 3. When the obligor ~~noncustodial parent~~ is subject to a  
1950 valid order to support another child in a case with a different  
1951 obligee ~~custodial parent~~ and the obligation is being enforced by  
1952 the department, the department shall send by certified mail,  
1953 restricted delivery, return receipt requested, to the obligor  
1954 ~~noncustodial parent~~ at the most recent address provided by the  
1955 obligor ~~noncustodial parent~~ to the tribunal that issued the  
1956 order, a notice stating the department's intention to apply the  
1957 payment pursuant to this subparagraph, and advising the obligor  
1958 ~~noncustodial parent~~ of the right to contest the department's  
1959 proposed action in the circuit court by filing and serving a

601-08357A-08

20082532c2

1960 petition on the department within 30 days after the mailing of  
1961 the notice. If the obligor ~~noncustodial parent~~ does not file and  
1962 serve a petition within the 30 days after mailing of the notice,  
1963 or upon a disposition of the judicial action favorable to the  
1964 department, the department shall apply the payment toward his or  
1965 her other support obligation. If there is more than one such  
1966 other case, the department shall allocate the remaining  
1967 undistributable amount as specified by s. 61.1301(4) (c); then

1968 4. Return the payment to the obligor ~~noncustodial parent~~;  
1969 then

1970 5. If the obligor ~~noncustodial parent~~ cannot be located  
1971 after diligent efforts by the department, the federal share of  
1972 the payment shall be credited to the Federal Government and the  
1973 state share shall be transferred to the General Revenue Fund.

1974 (c) Refunds to obligors ~~noncustodial parents~~ that are  
1975 determined to be undistributable shall be processed in the  
1976 following manner:

1977 1. The federal share of the refund shall be sent to the  
1978 Federal Government.

1979 2. The state share shall be credited to the General Revenue  
1980 Fund.

1981 (4) RECLAIMING COLLECTIONS DECLARED TO BE UNDISTRIBUTABLE  
1982 OR UNIDENTIFIABLE.--At such time as an undistributable or  
1983 unidentifiable collection that has been transferred to the  
1984 Federal Government and to the General Revenue Fund in the  
1985 relevant method above becomes distributable or identified,  
1986 meaning either the obligor ~~noncustodial parent~~ or the obligee  
1987 ~~custodial parent~~ is identified or located, the department shall  
1988 retrieve the transferred moneys in the following manner:

601-08357A-08

20082532c2

1989 (a) Offset the next credit to the Federal Government in an  
1990 amount equal to the share of the collection which had been  
1991 transferred; and

1992 (b) Offset the next transfer to the General Revenue Fund in  
1993 an amount equal to the state share of the collection which had  
1994 been transferred to the General Revenue Fund.

1995  
1996 The collection shall then be processed, as appropriate.

1997 Section 21. Paragraph (a) of subsection (1), paragraphs  
1998 (b), (c), (d), and (f) of subsection (2), subsection (4),  
1999 paragraphs (a) and (c) of subsection (5), subsection (6),  
2000 paragraphs (b), (c), (d), and (e) of subsection (7), paragraphs  
2001 (a) and (b) of subsection (10), and subsections (13) and (17) of  
2002 section 409.2563, Florida Statutes, are amended to read:

2003 409.2563 Administrative establishment of child support  
2004 obligations.--

2005 (1) DEFINITIONS.--As used in this section, the term:

2006 (a) "Administrative support order" means a final order  
2007 rendered by or on behalf of the department pursuant to this  
2008 section establishing or modifying the obligation of a  
2009 ~~noncustodial~~ parent to contribute to the support and maintenance  
2010 of his or her child or children, which may include provisions for  
2011 monetary support, retroactive support, health care, and other  
2012 elements of support pursuant to chapter 61.

2013 (2) PURPOSE AND SCOPE.--

2014 (b) The administrative procedure set forth in this section  
2015 concerns only the establishment of child support obligations.  
2016 This section does not grant jurisdiction to the department or the  
2017 Division of Administrative Hearings to hear or determine issues

601-08357A-08

20082532c2

2018 of dissolution of marriage, separation, alimony or spousal  
2019 support, termination of parental rights, dependency, disputed  
2020 paternity, except for a determination of paternity as provided in  
2021 s. 409.256, award of or change of time-sharing ~~custody, or~~  
2022 ~~visitation~~. This paragraph notwithstanding, the department and  
2023 the Division of Administrative Hearings may make findings of fact  
2024 that are necessary for a proper determination of a ~~noncustodial~~  
2025 parent's support obligation as authorized by this section.

2026 (c) If there is no support order for a child in a Title IV-  
2027 D case whose paternity has been established or is presumed by  
2028 law, or whose paternity is the subject of a proceeding under s.  
2029 409.256, the department may establish a ~~the noncustodial~~ parent's  
2030 child support obligation pursuant to this section, s. 61.30, and  
2031 other relevant provisions of state law. The ~~noncustodial~~ parent's  
2032 obligation determined by the department may include any  
2033 obligation to pay retroactive support and any obligation to  
2034 provide for health care for a child, whether through insurance  
2035 coverage, reimbursement of expenses, or both. The department may  
2036 proceed on behalf of:

2037 1. An applicant or recipient of public assistance, as  
2038 provided by ss. 409.2561 and 409.2567;

2039 2. A former recipient of public assistance, as provided by  
2040 s. 409.2569;

2041 3. An individual who has applied for services as provided  
2042 by s. 409.2567;

2043 4. Itself or the child, as provided by s. 409.2561; or

2044 5. A state or local government of another state, as  
2045 provided by chapter 88.

601-08357A-08

20082532c2

2046 (d) Either parent, or a caretaker relative if applicable,  
2047 may at any time file a civil action in a circuit court having  
2048 jurisdiction and proper venue to determine parental support  
2049 obligations ~~the noncustodial parent's child support obligations~~,  
2050 if any. A support order issued by a circuit court prospectively  
2051 supersedes an administrative support order rendered by the  
2052 department.

2053 (f) The department shall terminate the administrative  
2054 proceeding and file an action in circuit court to determine  
2055 support if within 20 days after receipt of the initial notice the  
2056 ~~noncustodial~~ parent from whom support is being sought requests in  
2057 writing that the department proceed in circuit court or states in  
2058 writing his or her ~~the noncustodial parent's~~ intention to address  
2059 issues concerning time-sharing ~~custody~~ or rights to parental  
2060 contact in court and if within 10 days after receipt of the  
2061 department's petition and waiver of service the ~~noncustodial~~  
2062 parent from whom support is being sought signs and returns the  
2063 waiver of service form to the department.

2064 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE  
2065 SUPPORT ORDER.--To commence a proceeding under this section, the  
2066 department shall provide to the ~~custodial~~ parent from whom  
2067 support is not being sought and serve the ~~noncustodial~~ parent  
2068 from whom support is being sought with a notice of proceeding to  
2069 establish administrative support order and a blank financial  
2070 affidavit form. The notice must state:

2071 (a) The names of both parents, the name of the caretaker  
2072 relative, if any, and the name and date of birth of the child or  
2073 children;

601-08357A-08

20082532c2

- 2074 (b) That the department intends to establish an  
2075 administrative support order as defined in this section;
- 2076 (c) That both parents must submit a completed financial  
2077 affidavit to the department within 20 days after receiving the  
2078 notice, as provided by paragraph (13) (a);
- 2079 (d) That both parents, or parent and caretaker relative if  
2080 applicable, are required to furnish to the department information  
2081 regarding their identities and locations, as provided by  
2082 paragraph (13) (b);
- 2083 (e) That both parents, or parent and caretaker relative if  
2084 applicable, are required to promptly notify the department of any  
2085 change in their mailing addresses to ensure receipt of all  
2086 subsequent pleadings, notices, and orders, as provided by  
2087 paragraph (13) (c);
- 2088 (f) That the department will calculate support obligations  
2089 based on the child support guidelines schedule in s. 61.30 and  
2090 using all available information, as provided by paragraph (5) (a),  
2091 and will incorporate such obligations into a proposed  
2092 administrative support order;
- 2093 (g) That the department will send by regular mail to both  
2094 parents, or parent and caretaker relative if applicable, a copy  
2095 of the proposed administrative support order, the department's  
2096 child support worksheet, and any financial affidavits submitted  
2097 by a parent or prepared by the department;
- 2098 (h) That the ~~noncustodial~~ parent from whom support is being  
2099 sought may file a request for a hearing in writing within 20 days  
2100 after the date of mailing or other service of the proposed  
2101 administrative support order or will be deemed to have waived the  
2102 right to request a hearing;

601-08357A-08

20082532c2

2103 (i) That if the ~~noncustodial~~ parent from whom support is  
2104 being sought does not file a timely request for hearing after  
2105 service of the proposed administrative support order, the  
2106 department will issue an administrative support order that  
2107 incorporates the findings of the proposed administrative support  
2108 order, and will send by regular mail a copy of the administrative  
2109 support order to both parents, or parent and caretaker relative  
2110 if applicable;

2111 (j) That after an administrative support order is rendered,  
2112 the department will file a copy of the order with the clerk of  
2113 the circuit court;

2114 (k) That after an administrative support order is rendered,  
2115 the department may enforce the administrative support order by  
2116 any lawful means;

2117 (l) That either parent, or caretaker relative if  
2118 applicable, may file at any time a civil action in a circuit  
2119 court having jurisdiction and proper venue to determine parental  
2120 support obligations ~~the noncustodial parent's child support~~  
2121 ~~obligations~~, if any, and that a support order issued by a circuit  
2122 court supersedes an administrative support order rendered by the  
2123 department;

2124 (m) That, neither the department nor the Division of  
2125 Administrative Hearings has jurisdiction to award or change child  
2126 custody or rights of parental contact or time-sharing and these  
2127 issues may only be addressed in circuit court.

2128 1. The parent from whom support is being sought  
2129 ~~noncustodial parent~~ may request in writing that the department  
2130 proceed in circuit court to determine his or her support  
2131 obligations.

601-08357A-08

20082532c2

2132           2. The parent from whom support is being sought  
2133 ~~noncustodial parent~~ may state in writing to the department his or  
2134 her intention to address issues concerning custody or rights to  
2135 parental contact in circuit court.

2136           3. If the parent from whom support is being sought  
2137 ~~noncustodial parent~~ submits the request authorized in  
2138 subparagraph 1., or the statement authorized in subparagraph 2.  
2139 to the department within 20 days after the receipt of the initial  
2140 notice, the department shall file a petition in circuit court for  
2141 the determination of the ~~noncustodial~~ parent's child support  
2142 obligations, and shall send to the parent from whom support is  
2143 being sought ~~noncustodial parent~~ a copy of its petition, a notice  
2144 of commencement of action, and a request for waiver of service of  
2145 process as provided in the Florida Rules of Civil Procedure.

2146           4. If, within 10 days after receipt of the department's  
2147 petition and waiver of service, the parent from whom support is  
2148 being sought ~~noncustodial parent~~ signs and returns the waiver of  
2149 service form to the department, the department shall terminate  
2150 the administrative proceeding without prejudice and proceed in  
2151 circuit court.

2152           5. In any circuit court action filed by the department  
2153 pursuant to this paragraph or filed by a parent from whom support  
2154 is being sought ~~noncustodial parent~~ or other person pursuant to  
2155 paragraph (l) or paragraph (n), the department shall be a party  
2156 only with respect to those issues of support allowed and  
2157 reimbursable under Title IV-D of the Social Security Act. It is  
2158 the responsibility of the parent from whom support is being  
2159 sought ~~noncustodial parent~~ or other person to take the necessary  
2160 steps to present other issues for the court to consider.

601-08357A-08

20082532c2

2161           (n) That if the parent from whom support is being sought  
2162 ~~noncustodial parent~~ files an action in circuit court and serves  
2163 the department with a copy of the petition within 20 days after  
2164 being served notice under this subsection, the administrative  
2165 process ends without prejudice and the action must proceed in  
2166 circuit court;

2167           (o) Information provided by the Office of State Courts  
2168 Administrator concerning the availability and location of self-  
2169 help programs for those who wish to file an action in circuit  
2170 court but who cannot afford an attorney.

2171  
2172 The department may serve the notice of proceeding to establish  
2173 administrative support order by certified mail, restricted  
2174 delivery, return receipt requested. Alternatively, the department  
2175 may serve the notice by any means permitted for service of  
2176 process in a civil action. For purposes of this section, an  
2177 authorized employee of the department may serve the notice and  
2178 execute an affidavit of service. Service by certified mail is  
2179 completed when the certified mail is received or refused by the  
2180 addressee or by an authorized agent as designated by the  
2181 addressee in writing. If a person other than the addressee signs  
2182 the return receipt, the department shall attempt to reach the  
2183 addressee by telephone to confirm whether the notice was  
2184 received, and the department shall document any telephonic  
2185 communications. If someone other than the addressee signs the  
2186 return receipt, the addressee does not respond to the notice, and  
2187 the department is unable to confirm that the addressee has  
2188 received the notice, service is not completed and the department  
2189 shall attempt to have the addressee served personally. The

601-08357A-08

20082532c2

2190 department shall provide the ~~custodial~~ parent from whom support  
2191 is not being sought or caretaker relative with a copy of the  
2192 notice by regular mail to the last known address of the ~~custodial~~  
2193 parent from whom support is not being sought or caretaker.

2194 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.--

2195 (a) After serving notice upon a ~~the noncustodial~~ parent in  
2196 accordance with subsection (4), the department shall calculate  
2197 that ~~the noncustodial~~ parent's child support obligation under the  
2198 child support guidelines schedule as provided by s. 61.30, based  
2199 on any timely financial affidavits received and other information  
2200 available to the department. If either parent fails to comply  
2201 with the requirement to furnish a financial affidavit, the  
2202 department may proceed on the basis of information available from  
2203 any source, if such information is sufficiently reliable and  
2204 detailed to allow calculation of guideline schedule amounts under  
2205 s. 61.30. If a ~~the custodial~~ parent receives public assistance  
2206 and fails to submit a financial affidavit, the department may  
2207 submit a financial affidavit for that ~~the custodial~~ parent  
2208 pursuant to s. 61.30(15). If there is a lack of sufficient  
2209 reliable information concerning a parent's actual earnings for a  
2210 current or past period, it shall be presumed for the purpose of  
2211 establishing a support obligation that the parent had an earning  
2212 capacity equal to the federal minimum wage during the applicable  
2213 period.

2214 (c) The department shall provide a notice of rights with  
2215 the proposed administrative support order, which notice must  
2216 inform the ~~noncustodial~~ parent from whom support is being sought  
2217 that:

601-08357A-08

20082532c2

2218 1. The ~~noncustodial~~ parent from whom support is being  
2219 sought may, within 20 days after the date of mailing or other  
2220 service of the proposed administrative support order, request a  
2221 hearing by filing a written request for hearing in a form and  
2222 manner specified by the department;

2223 2. If the ~~noncustodial~~ parent from whom support is being  
2224 sought files a timely request for a hearing, the case shall be  
2225 transferred to the Division of Administrative Hearings, which  
2226 shall conduct further proceedings and may enter an administrative  
2227 support order;

2228 3. A ~~noncustodial~~ parent from whom support is being sought  
2229 who fails to file a timely request for a hearing shall be deemed  
2230 to have waived the right to a hearing, and the department may  
2231 render an administrative support order pursuant to paragraph  
2232 (7) (b);

2233 4. The ~~noncustodial~~ parent from whom support is being  
2234 sought may consent in writing to entry of an administrative  
2235 support order without a hearing;

2236 5. The ~~noncustodial~~ parent from whom support is being  
2237 sought may, within 10 days after the date of mailing or other  
2238 service of the proposed administrative support order, contact a  
2239 department representative, at the address or telephone number  
2240 specified in the notice, to informally discuss the proposed  
2241 administrative support order and, if informal discussions are  
2242 requested timely, the time for requesting a hearing will be  
2243 extended until 10 days after the department notifies the  
2244 ~~noncustodial~~ parent that the informal discussions have been  
2245 concluded; and

601-08357A-08

20082532c2

2246           6. If an administrative support order that establishes a  
2247 ~~noncustodial~~ parent's support obligation is rendered, whether  
2248 after a hearing or without a hearing, the department may enforce  
2249 the administrative support order by any lawful means.

2250           (6) HEARING.--If the ~~noncustodial~~ parent from whom support  
2251 is being sought files a timely request for hearing, the  
2252 department shall refer the hearing request to the Division of  
2253 Administrative Hearings. Unless otherwise provided by this  
2254 section, chapter 120 and the Uniform Rules of Procedure shall  
2255 govern the conduct of the proceedings. The administrative law  
2256 judge shall consider all available and admissible information and  
2257 any presumptions that apply as provided by paragraph (5) (a).

2258           (7) ADMINISTRATIVE SUPPORT ORDER.--

2259           (b) If the ~~noncustodial~~ parent from whom support is being  
2260 sought does not file a timely request for a hearing, the  
2261 ~~noncustodial~~ parent will be deemed to have waived the right to  
2262 request a hearing.

2263           (c) If the ~~noncustodial~~ parent from whom support is being  
2264 sought waives the right to a hearing, or consents in writing to  
2265 the entry of an order without a hearing, the department may  
2266 render an administrative support order.

2267           (d) The department shall send by regular mail a copy of the  
2268 administrative support order, or the final order denying an  
2269 administrative support order, to both parents, or a parent and  
2270 caretaker relative if applicable. The ~~noncustodial~~ parent from  
2271 whom support is being sought shall be notified of the right to  
2272 seek judicial review of the administrative support order in  
2273 accordance with s. 120.68.

601-08357A-08

20082532c2

2274 (e) An administrative support order must comply with s.  
2275 61.30. The department shall develop a standard form or forms for  
2276 administrative support orders. An administrative support order  
2277 must provide and state findings, if applicable, concerning:

- 2278 1. The full name and date of birth of the child or  
2279 children;
- 2280 2. The name of the ~~noncustodial~~ parent from whom support is  
2281 being sought and the other ~~custodial~~ parent or caretaker  
2282 relative;
- 2283 3. The ~~noncustodial~~ parent's duty and ability to provide  
2284 support;
- 2285 4. The amount of the ~~noncustodial~~ parent's monthly support  
2286 obligation;
- 2287 5. Any obligation to pay retroactive support;
- 2288 6. The ~~noncustodial~~ parent's obligation to provide for the  
2289 health care needs of each child, whether through insurance  
2290 coverage, contribution towards the cost of insurance coverage,  
2291 payment or reimbursement of health care expenses for the child,  
2292 or any combination thereof;
- 2293 7. The beginning date of any required monthly payments and  
2294 health care coverage;
- 2295 8. That all support payments ordered must be paid to the  
2296 Florida State Disbursement Unit as provided by s. 61.1824;
- 2297 9. That the parents, or caretaker relative if applicable,  
2298 must file with the department when the administrative support  
2299 order is rendered, if they have not already done so, and update  
2300 as appropriate the information required pursuant to paragraph  
2301 (13) (b);

601-08357A-08

20082532c2

2302 10. That both parents, or parent and caretaker relative if  
2303 applicable, are required to promptly notify the department of any  
2304 change in their mailing addresses pursuant to paragraph (13)(c);  
2305 and

2306 11. That if the ~~noncustodial~~ parent ordered to pay support  
2307 receives unemployment compensation benefits, the payor shall  
2308 withhold, and transmit to the department, 40 percent of the  
2309 benefits for payment of support, not to exceed the amount owed.

2310  
2311 An income deduction order as provided by s. 61.1301 must be  
2312 incorporated into the administrative support order or, if not  
2313 incorporated into the administrative support order, the  
2314 department or the Division of Administrative Hearings shall  
2315 render a separate income deduction order.

2316 (10) JUDICIAL REVIEW, ENFORCEMENT, OR COURT ORDER  
2317 SUPERSEDING ADMINISTRATIVE SUPPORT ORDER.--

2318 (a) The obligor ~~A noncustodial parent~~ has the right to seek  
2319 judicial review of an administrative support order or a final  
2320 order denying an administrative support order in accordance with  
2321 s. 120.68. The department has the right to seek judicial review,  
2322 in accordance with s. 120.68, of an administrative support order  
2323 or a final order denying an administrative support order entered  
2324 by an administrative law judge of the Division of Administrative  
2325 Hearings.

2326 (b) An administrative support order rendered under this  
2327 section has the same force and effect as a court order and may be  
2328 enforced by any circuit court in the same manner as a support  
2329 order issued by the court, except for contempt. If the circuit  
2330 court issues its own order enforcing the administrative support

601-08357A-08

20082532c2

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

2344 (13) REQUIRED DISCLOSURES; PRESUMPTIONS; NOTICE SENT TO  
2345 ADDRESS OF RECORD.--In all proceedings pursuant to this section:

2346 (a) Each ~~The noncustodial~~ parent ~~and custodial parent~~ must  
2347 execute and furnish to the department, no later than 20 days  
2348 after receipt of the notice of proceeding to establish  
2349 administrative support order, a financial affidavit in the form  
2350 prescribed by the department. An updated financial affidavit must  
2351 be executed and furnished to the department at the inception of  
2352 each proceeding to modify an administrative support order.  
2353 Caretaker relatives are not required to furnish financial  
2354 affidavits.

2355 (b) Each ~~The noncustodial~~ parent, ~~custodial parent,~~ and  
2356 caretaker relative if applicable, shall disclose to the  
2357 department, no later than 20 days after receipt of the notice of  
2358 proceeding to establish administrative support order, and update  
2359 as appropriate, information regarding his or her ~~their~~ identity

601-08357A-08

20082532c2

2360 and location, including names he or she is ~~they are~~ known by;  
2361 social security number ~~numbers~~; residential and mailing  
2362 addresses; telephone numbers; driver's license numbers; and  
2363 names, addresses, and telephone numbers of employers. Pursuant to  
2364 the federal Personal Responsibility and Work Opportunity  
2365 Reconciliation Act of 1996, each person must provide his or her  
2366 social security number in accordance with this section.  
2367 Disclosure of social security numbers obtained through this  
2368 requirement shall be limited to the purpose of administration of  
2369 the Title IV-D program for child support enforcement.

2370 (c) Each ~~The noncustodial parent, custodial parent,~~ and  
2371 caretaker relative, if applicable, have a continuing obligation  
2372 to promptly inform the department in writing of any change in his  
2373 or her ~~their~~ mailing address ~~addresses~~ to ensure receipt of all  
2374 subsequent pleadings, notices, payments, statements, and orders,  
2375 and receipt is presumed if sent by regular mail to the most  
2376 recent address furnished by the person.

2377 ~~(17) EVALUATION. The Office of Program Policy Analysis and~~  
2378 ~~Government Accountability shall conduct an evaluation of the~~  
2379 ~~statewide implementation of the administrative process for~~  
2380 ~~establishing child support provided for in this section. This~~  
2381 ~~evaluation shall examine whether these processes have been~~  
2382 ~~effectively implemented and administered statewide and are~~  
2383 ~~operating to the benefit of the children, including, but not~~  
2384 ~~limited to the ability of Title IV-D parents to easily access the~~  
2385 ~~court system for necessary court action. The Office of Program~~  
2386 ~~Policy Analysis and Government Accountability shall submit an~~  
2387 ~~evaluation report on the statewide implementation of the~~

601-08357A-08

20082532c2

2388 ~~administrative processes for establishing child support by June~~  
2389 ~~30, 2006.~~

2390 Section 22. Subsections (1), (4), and (11) of section  
2391 409.2564, Florida Statutes, are amended to read:

2392 409.2564 Actions for support.--

2393 (1) In each case in which regular support payments are not  
2394 being made as provided herein, the department shall institute,  
2395 within 30 days after determination of the obligor's reasonable  
2396 ability to pay, action as is necessary to secure the obligor's  
2397 payment of current support and any arrearage which may have  
2398 accrued under an existing order of support. The department shall  
2399 notify the program attorney in the judicial circuit in which the  
2400 recipient resides setting forth the facts in the case, including  
2401 the obligor's address, if known, and the public assistance case  
2402 number. Whenever applicable, the procedures established under the  
2403 provisions of chapter 88, Uniform Interstate Family Support Act,  
2404 chapter 61, Dissolution of Marriage; Support; Time-sharing  
2405 ~~Custody~~, chapter 39, Proceedings Relating to Children, chapter  
2406 984, Children and Families in Need of Services, and chapter 985,  
2407 Delinquency; Interstate Compact on Juveniles, may govern actions  
2408 instituted under the provisions of this act, except that actions  
2409 for support under chapter 39, chapter 984, or chapter 985 brought  
2410 pursuant to this act shall not require any additional  
2411 investigation or supervision by the department.

2412 (4) Whenever the Department of Revenue has undertaken an  
2413 action for enforcement of support, the Department of Revenue may  
2414 enter into an agreement with the obligor for the entry of a  
2415 judgment determining paternity, if applicable, and for periodic  
2416 child support payments based on the child support guidelines

601-08357A-08

20082532c2

2417 schedule in s. 61.30. Prior to entering into this agreement, the  
2418 obligor shall be informed that a judgment will be entered based  
2419 on the agreement. The clerk of the court shall file the agreement  
2420 without the payment of any fees or charges, and the court, upon  
2421 entry of the judgment, shall forward a copy of the judgment to  
2422 the parties to the action. To encourage out-of-court settlement  
2423 and promote support order compliance, if the obligor and the  
2424 Department of Revenue agree on entry of a support order and its  
2425 terms, the guideline amount owed for retroactive support that is  
2426 permanently assigned to the state shall be reduced by 25 percent.

2427 (11) The Title IV-D agency shall review child support  
2428 orders in IV-D cases at least every 3 years upon request by  
2429 either party, or the agency in cases where there is an assignment  
2430 of support to the state under s. 414.095(7), and may seek  
2431 adjustment of the order if appropriate under the guidelines  
2432 schedule established in s. 61.30. Not less than once every 3  
2433 years the IV-D agency shall provide notice to the parties subject  
2434 to the order informing them of their right to request a review  
2435 and, if appropriate, an adjustment of the child support order.  
2436 Said notice requirement may be met by including appropriate  
2437 language in the initial support order or any subsequent orders.

2438 Section 23. Paragraph (a) of subsection (2) of section  
2439 409.25657, Florida Statutes, is amended to read:

2440 409.25657 Requirements for financial institutions.--

2441 (2) The department shall develop procedures to enter into  
2442 agreements with financial institutions doing business in the  
2443 state, in coordination with such financial institutions and with  
2444 the Federal Parent Locator Service in the case of financial  
2445 institutions doing business in two or more states, to develop and

601-08357A-08

20082532c2

2446 operate a data match system, using automated data exchanges to  
2447 the maximum extent feasible, in which each financial institution  
2448 is required to provide for each calendar quarter the name, record  
2449 address, social security number or other taxpayer identification  
2450 number, average daily account balance, and other identifying  
2451 information for:

2452 (a) Each ~~noncustodial~~ parent who maintains an account at  
2453 such institution and who owes past due support, as identified by  
2454 the department by name and social security number or other  
2455 taxpayer identification number; or

2456 Section 24. Subsections (2) and (5) of section 409.25659,  
2457 Florida Statutes, are amended to read:

2458 409.25659 Insurance claim data exchange.--

2459 (2) The department shall develop and operate a data match  
2460 system after consultation with one or more insurers, using  
2461 automated data exchanges to the maximum extent feasible, in which  
2462 an insurer may voluntarily provide the department monthly with  
2463 the name, address, and, if known, date of birth and social  
2464 security number or other taxpayer identification number for each  
2465 ~~noncustodial~~ parent who has a claim with the insurer and who owes  
2466 past due support, and the claim number maintained by the insurer  
2467 for each claim. An insurer may provide such data by:

2468 (a) Authorizing an insurance claim data collection  
2469 organization, to which the insurer subscribes and to which the  
2470 insurer submits the required claim data on at least a monthly  
2471 basis, to:

2472 1. Receive or access a data file from the department and  
2473 conduct a data match of all ~~noncustodial~~ parents who have a claim  
2474 with the insurer and who owe past due support and submit the

601-08357A-08

20082532c2

2475 required data for each such ~~noncustodial~~ parent to the  
2476 department; or

2477 2. Submit a data file to the department which contains the  
2478 required data for each claim being maintained by the insurer for  
2479 the department to conduct a data match;

2480 (b) Providing the required data for each claim being  
2481 maintained by the insurer directly to the department in an  
2482 electronic medium; or

2483 (c) Receiving or accessing a data file from the department  
2484 and conducting a data match of all ~~noncustodial~~ parents who have  
2485 a claim with the insurer and who owe past due support and  
2486 submitting the required data for each such ~~noncustodial~~ parent to  
2487 the department.

2488 (5) The department and insurers may only use the data  
2489 obtained pursuant to subsection (2) for the purpose of  
2490 identifying ~~noncustodial~~ parents who owe past due support. If the  
2491 department does not match such data with a ~~noncustodial~~ parent  
2492 who owes past due support, such data shall be destroyed  
2493 immediately and shall not be maintained by the department.

2494 Section 25. Section 409.2577, Florida Statutes, is amended  
2495 to read:

2496 409.2577 Parent locator service.--The department shall  
2497 establish a parent locator service to assist in locating parents  
2498 who have deserted their children and other persons liable for  
2499 support of dependent children. The department shall use all  
2500 sources of information available, including the Federal Parent  
2501 Locator Service, and may request and shall receive information  
2502 from the records of any person or the state or any of its  
2503 political subdivisions or any officer thereof. Any agency as

601-08357A-08

20082532c2

2504 defined in s. 120.52, any political subdivision, and any other  
2505 person shall, upon request, provide the department any  
2506 information relating to location, salary, insurance, social  
2507 security, income tax, and employment history necessary to locate  
2508 parents who owe or potentially owe a duty of support pursuant to  
2509 Title IV-D of the Social Security Act. This provision shall  
2510 expressly take precedence over any other statutory nondisclosure  
2511 provision which limits the ability of an agency to disclose such  
2512 information, except that law enforcement information as provided  
2513 in s. 119.071(4)(d) is not required to be disclosed, and except  
2514 that confidential taxpayer information possessed by the  
2515 Department of Revenue shall be disclosed only to the extent  
2516 authorized in s. 213.053(16). Nothing in this section requires  
2517 the disclosure of information if such disclosure is prohibited by  
2518 federal law. Information gathered or used by the parent locator  
2519 service is confidential and exempt from the provisions of s.  
2520 119.07(1). Additionally, the department is authorized to collect  
2521 any additional information directly bearing on the identity and  
2522 whereabouts of a person owing or asserted to be owing an  
2523 obligation of support for a dependent child. The department  
2524 shall, upon request, make information available only to public  
2525 officials and agencies of this state; political subdivisions of  
2526 this state, including any agency thereof providing child support  
2527 enforcement services to non-Title IV-D clients; the ~~eustodial~~  
2528 parent owed support, legal guardian, attorney, or agent of the  
2529 child; and other states seeking to locate parents who have  
2530 deserted their children and other persons liable for support of  
2531 dependents, for the sole purpose of establishing, modifying, or  
2532 enforcing their liability for support, and shall make such

601-08357A-08

20082532c2

2533 information available to the Department of Children and Family  
2534 Services for the purpose of diligent search activities pursuant  
2535 to chapter 39. If the department has reasonable evidence of  
2536 domestic violence or child abuse and the disclosure of  
2537 information could be harmful to the ~~custodial~~ parent owed support  
2538 or the child of such parent, the child support program director  
2539 or designee shall notify the Department of Children and Family  
2540 Services and the Secretary of the United States Department of  
2541 Health and Human Services of this evidence. Such evidence is  
2542 sufficient grounds for the department to disapprove an  
2543 application for location services.

2544 Section 26. Paragraph (e) of subsection (1) of section  
2545 409.2579, Florida Statutes, is amended to read:

2546 409.2579 Safeguarding Title IV-D case file information.--

2547 (1) Information concerning applicants for or recipients of  
2548 Title IV-D child support services is confidential and exempt from  
2549 the provisions of s. 119.07(1). The use or disclosure of such  
2550 information by the IV-D program is limited to purposes directly  
2551 connected with:

2552 (e) Mandatory disclosure of identifying and location  
2553 information as provided in s. 61.13(7)~~(8)~~ by the IV-D program  
2554 when providing Title IV-D services.

2555 Section 27. Subsection (11) of section 409.811, Florida  
2556 Statutes, is amended to read:

2557 409.811 Definitions relating to Florida Kidcare Act.--As  
2558 used in ss. 409.810-409.820, the term:

2559 (11) "Family" means the group or the individuals whose  
2560 income is considered in determining eligibility for the Florida  
2561 Kidcare program. The family includes a child with a ~~custodial~~

601-08357A-08

20082532c2

2562 parent or caretaker relative who resides in the same house or  
2563 living unit or, in the case of a child whose disability of nonage  
2564 has been removed under chapter 743, the child. The family may  
2565 also include other individuals whose income and resources are  
2566 considered in whole or in part in determining eligibility of the  
2567 child.

2568 Section 28. Subsection (5) of section 414.0252, Florida  
2569 Statutes, is amended to read:

2570 414.0252 Definitions.--As used in ss. 414.025-414.55, the  
2571 term:

2572 (5) "Family" means the assistance group or the individuals  
2573 whose needs, resources, and income are considered when  
2574 determining eligibility for temporary assistance. The family for  
2575 purposes of temporary assistance includes the minor child, a  
2576 ~~eustodial~~ parent, or caretaker relative who resides in the same  
2577 house or living unit. The family may also include individuals  
2578 whose income and resources are considered in whole or in part in  
2579 determining eligibility for temporary assistance but whose needs,  
2580 due to federal or state restrictions, are not considered. These  
2581 individuals include, but are not limited to, ineligible  
2582 noncitizens or sanctioned individuals.

2583 Section 29. Paragraph (a) of subsection (4) and subsection  
2584 (5) of section 414.065, Florida Statutes, are amended to read:

2585 414.065 Noncompliance with work requirements.--

2586 (4) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.--Unless  
2587 otherwise provided, the situations listed in this subsection  
2588 shall constitute exceptions to the penalties for noncompliance  
2589 with participation requirements, except that these situations do

601-08357A-08

20082532c2

2590 | not constitute exceptions to the applicable time limit for  
2591 | receipt of temporary cash assistance:

2592 |       (a) Noncompliance related to child care.--Temporary cash  
2593 | assistance may not be terminated for refusal to participate in  
2594 | work activities if the individual is a single ~~custodial~~ parent  
2595 | caring for a child who has not attained 6 years of age, and the  
2596 | adult proves to the regional workforce board an inability to  
2597 | obtain needed child care for one or more of the following  
2598 | reasons, as defined in the Child Care and Development Fund State  
2599 | Plan required by 45 C.F.R. part 98:

2600 |           1. Unavailability of appropriate child care within a  
2601 | reasonable distance from the individual's home or worksite.

2602 |           2. Unavailability or unsuitability of informal child care  
2603 | by a relative or under other arrangements.

2604 |           3. Unavailability of appropriate and affordable formal  
2605 | child care arrangements.

2606 |       (5) WORK ACTIVITY REQUIREMENTS FOR ~~NONCUSTODIAL~~ PARENTS.--

2607 |       (a) The court may order a ~~noncustodial~~ parent who is  
2608 | delinquent in support payments, pursuant to the terms of a  
2609 | support order, to participate in work activities under this  
2610 | chapter, or as provided in s. 61.14(5)(b), so that the parent may  
2611 | obtain employment and fulfill the obligation to provide support  
2612 | payments. A ~~noncustodial~~ parent who fails to satisfactorily  
2613 | engage in court-ordered work activities may be held in contempt.

2614 |       (b) The court may order a ~~noncustodial~~ parent to  
2615 | participate in work activities under this chapter if the child of  
2616 | the ~~noncustodial~~ parent has been placed with a relative, in an  
2617 | emergency shelter, in foster care, or in other substitute care,  
2618 | and:

601-08357A-08

20082532c2

2619 1. The case plan requires the ~~noncustodial~~ parent to  
2620 participate in work activities; or

2621 2. The ~~noncustodial~~ parent would be eligible to participate  
2622 in work activities and subject to work activity requirements if  
2623 the child were living with the parent.

2624  
2625 If a ~~noncustodial~~ parent fails to comply with the case plan, the  
2626 ~~noncustodial~~ parent may be removed from program participation.

2627 Section 30. Paragraph (c) of subsection (1) of section  
2628 414.085, Florida Statutes, is amended to read:

2629 414.085 Income eligibility standards.--

2630 (1) For purposes of program simplification and effective  
2631 program management, certain income definitions, as outlined in  
2632 the food stamp regulations at 7 C.F.R. s. 273.9, shall be applied  
2633 to the temporary cash assistance program as determined by the  
2634 department to be consistent with federal law regarding temporary  
2635 cash assistance and Medicaid for needy families, except as to the  
2636 following:

2637 (c) The first \$50 of child support paid to a ~~eustodial~~  
2638 parent receiving temporary cash assistance may not be disregarded  
2639 in calculating the amount of temporary cash assistance for the  
2640 family, unless such exclusion is required by federal law.

2641 Section 31. Subsection (2) and paragraph (a) of subsection  
2642 (6) of section 414.095, Florida Statutes, are amended to read:

2643 414.095 Determining eligibility for temporary cash  
2644 assistance.--

2645 (2) ADDITIONAL ELIGIBILITY REQUIREMENTS.--

2646 (a) To be eligible for services or temporary cash  
2647 assistance and Medicaid:

601-08357A-08

20082532c2

- 2648 1. An applicant must be a United States citizen, or a  
2649 qualified noncitizen, as defined in this section.
- 2650 2. An applicant must be a legal resident of the state.
- 2651 3. Each member of a family must provide to the department  
2652 the member's social security number or shall provide proof of  
2653 application for a social security number. An individual who fails  
2654 to provide a social security number, or proof of application for  
2655 a social security number, is not eligible to participate in the  
2656 program.
- 2657 4. A minor child must reside with a ~~custodial~~ parent or  
2658 parents, with a relative caretaker who is within the specified  
2659 degree of blood relationship as defined by 45 C.F.R. part 233,  
2660 or, if the minor is a teen parent with a child, in a setting  
2661 approved by the department as provided in subsection (14).
- 2662 5. Each family must have a minor child and meet the income  
2663 and resource requirements of the program. All minor children who  
2664 live in the family, as well as the parents of the minor children,  
2665 shall be included in the eligibility determination unless  
2666 specifically excluded.
- 2667 (b) The following members of a family are eligible to  
2668 participate in the program if all eligibility requirements are  
2669 met:
- 2670 1. A minor child who resides with a ~~custodial~~ parent or  
2671 other adult caretaker relative.
- 2672 2. The parent of a minor child with whom the child resides.
- 2673 3. The caretaker relative with whom the minor child resides  
2674 who chooses to have her or his needs and income included in the  
2675 family.

601-08357A-08

20082532c2

2676 4. Unwed minor children and their children if the unwed  
2677 minor child lives at home or in an adult-supervised setting and  
2678 if temporary cash assistance is paid to an alternative payee.

2679 5. A pregnant woman.

2680 (6) CHILD SUPPORT ENFORCEMENT.--As a condition of  
2681 eligibility for public assistance, the family must cooperate with  
2682 the state agency responsible for administering the child support  
2683 enforcement program in establishing the paternity of the child,  
2684 if the child is born out of wedlock, and in obtaining support for  
2685 the child or for the parent or caretaker relative and the child.  
2686 Cooperation is defined as:

2687 (a) Assisting in identifying and locating a ~~noncustodial~~  
2688 parent who does not live in the same home as the child and  
2689 providing complete and accurate information on that parent;

2690  
2691 This subsection does not apply if the state agency that  
2692 administers the child support enforcement program determines that  
2693 the parent or caretaker relative has good cause for failing to  
2694 cooperate.

2695 Section 32. Subsection (1) of section 414.295, Florida  
2696 Statutes, is amended to read:

2697 414.295 Temporary cash assistance programs; public records  
2698 exemption.--

2699 (1) Personal identifying information of a temporary cash  
2700 assistance program participant, a participant's family, or a  
2701 participant's family or household member, except for information  
2702 identifying a ~~noncustodial~~ parent who does not live in the same  
2703 home as the child, held by the department, the Agency for  
2704 Workforce Innovation, Workforce Florida, Inc., the Department of

601-08357A-08

20082532c2

2705 Health, the Department of Revenue, the Department of Education,  
2706 or a regional workforce board or local committee created pursuant  
2707 to s. 445.007 is confidential and exempt from s. 119.07(1) and s.  
2708 24(a), Art. I of the State Constitution. Such confidential and  
2709 exempt information may be released for purposes directly  
2710 connected with:

2711 (a) The administration of the temporary assistance for  
2712 needy families plan under Title IV-A of the Social Security Act,  
2713 as amended, by the department, the Agency for Workforce  
2714 Innovation, Workforce Florida, Inc., the Department of Military  
2715 Affairs, the Department of Health, the Department of Revenue, the  
2716 Department of Education, a regional workforce board or local  
2717 committee created pursuant to s. 445.007, or a school district.

2718 (b) The administration of the state's plan or program  
2719 approved under Title IV-B, Title IV-D, or Title IV-E of the  
2720 Social Security Act, as amended, or under Title I, Title X, Title  
2721 XIV, Title XVI, Title XIX, Title XX, or Title XXI of the Social  
2722 Security Act, as amended.

2723 (c) Any investigation, prosecution, or any criminal, civil,  
2724 or administrative proceeding conducted in connection with the  
2725 administration of any of the plans or programs specified in  
2726 paragraph (a) or paragraph (b) by a federal, state, or local  
2727 governmental entity, upon request by that entity, when such  
2728 request is made pursuant to the proper exercise of that entity's  
2729 duties and responsibilities.

2730 (d) The administration of any other state, federal, or  
2731 federally assisted program that provides assistance or services  
2732 on the basis of need, in cash or in kind, directly to a  
2733 participant.

601-08357A-08

20082532c2

2734 (e) Any audit or similar activity, such as a review of  
2735 expenditure reports or financial review, conducted in connection  
2736 with the administration of any of the plans or programs specified  
2737 in paragraph (a) or paragraph (b) by a governmental entity  
2738 authorized by law to conduct such audit or activity.

2739 (f) The administration of the unemployment compensation  
2740 program.

2741 (g) The reporting to the appropriate agency or official of  
2742 information about known or suspected instances of physical or  
2743 mental injury, sexual abuse or exploitation, or negligent  
2744 treatment or maltreatment of a child or elderly person receiving  
2745 assistance, if circumstances indicate that the health or welfare  
2746 of the child or elderly person is threatened.

2747 (h) The administration of services to elderly persons under  
2748 ss. 430.601-430.606.

2749 Section 33. Paragraph (c) of subsection (3) of section  
2750 445.024, Florida Statutes, is amended to read:

2751 445.024 Work requirements.--

2752 (3) EXEMPTION FROM WORK ACTIVITY REQUIREMENTS.--The  
2753 following individuals are exempt from work activity requirements:

2754 (c) A single ~~custodial~~ parent of a child under 3 months of  
2755 age, except that the parent may be required to attend parenting  
2756 classes or other activities to better prepare for the  
2757 responsibilities of raising a child.

2758 Section 34. Paragraphs (b), (c), and (d) of subsection (3)  
2759 of section 741.0306, Florida Statutes, are amended, and  
2760 subsection (5) is added to that section, to read:

2761 741.0306 Creation of a family law handbook.--

601-08357A-08

20082532c2

2762 (3) The information contained in the handbook or other  
2763 electronic media presentation may be reviewed and updated  
2764 annually, and may include, but need not be limited to:

2765 (b) Shared parental responsibility for children and, the  
2766 determination of a parenting plan, including a time-sharing  
2767 schedule ~~primary residence or custody and secondary residence or~~  
2768 ~~routine visitation, holiday, summer, and vacation visitation~~  
2769 ~~arrangements, telephone access, and the process for notice for~~  
2770 ~~changes.~~

2771 (c) Permanent relocation restrictions ~~on parents with~~  
2772 ~~primary residential responsibility.~~

2773 (d) Child support for minor children; both parents are  
2774 obligated for support in accordance with applicable child support  
2775 guidelines schedule.

2776 (5) The existing family law handbook shall be reviewed and  
2777 a report provided to the Legislature by October 1, 2008, or as  
2778 soon thereafter as practicable, with recommendations for updating  
2779 the handbook.

2780 Section 35. Subsection (3), paragraph (a) of subsection  
2781 (5), and paragraph (a) of subsection (6) of section 741.30,  
2782 Florida Statutes, are amended to read:

2783 741.30 Domestic violence; injunction; powers and duties of  
2784 court and clerk; petition; notice and hearing; temporary  
2785 injunction; issuance of injunction; statewide verification  
2786 system; enforcement.--

2787 (3) (a) The sworn petition shall allege the existence of  
2788 such domestic violence and shall include the specific facts and  
2789 circumstances upon the basis of which relief is sought.

2790

601-08357A-08

20082532c2

2791 (b) The sworn petition shall be in substantially the  
2792 following form:

2793

2794 PETITION FOR

2795 INJUNCTION FOR PROTECTION

2796 AGAINST DOMESTIC VIOLENCE

2797

2798 Before me, the undersigned authority, personally appeared  
2799 Petitioner (Name) , who has been sworn and says that the  
2800 following statements are true:

2801 (a) Petitioner resides at: (address)

2802 (Petitioner may furnish address to the court in a separate  
2803 confidential filing if, for safety reasons, the petitioner  
2804 requires the location of the current residence to be  
2805 confidential.)

2806 (b) Respondent resides at: (last known address)

2807 (c) Respondent's last known place of employment: (name of  
2808 business and address)

2809 (d) Physical description of respondent: \_\_\_\_\_

2810 Race \_\_\_\_\_

2811 Sex \_\_\_\_\_

2812 Date of birth \_\_\_\_\_

2813 Height \_\_\_\_\_

2814 Weight \_\_\_\_\_

2815 Eye color \_\_\_\_\_

2816 Hair color \_\_\_\_\_

2817 Distinguishing marks or scars \_\_\_\_\_

2818 (e) Aliases of respondent: \_\_\_\_\_

601-08357A-08

20082532c2

2819 (f) Respondent is the spouse or former spouse of the  
2820 petitioner or is any other person related by blood or marriage to  
2821 the petitioner or is any other person who is or was residing  
2822 within a single dwelling unit with the petitioner, as if a  
2823 family, or is a person with whom the petitioner has a child in  
2824 common, regardless of whether the petitioner and respondent are  
2825 or were married or residing together, as if a family.

2826 (g) The following describes any other cause of action  
2827 currently pending between the petitioner and respondent:  
2828

2829 The petitioner should also describe any previous or pending  
2830 attempts by the petitioner to obtain an injunction for protection  
2831 against domestic violence in this or any other circuit, and the  
2832 results of that attempt  
2833

2834 Case numbers should be included if available.

2835 (h) Petitioner is either a victim of domestic violence or  
2836 has reasonable cause to believe he or she is in imminent danger  
2837 of becoming a victim of domestic violence because respondent has  
2838 \_\_\_\_\_ (mark all sections that apply and describe in the spaces  
2839 below the incidents of violence or threats of violence,  
2840 specifying when and where they occurred, including, but not  
2841 limited to, locations such as a home, school, place of  
2842 employment, or visitation exchange) \_\_\_\_\_:

2843 \_\_\_\_\_ committed or threatened to commit domestic violence  
2844 defined in s. 741.28, Florida Statutes, as any assault,  
2845 aggravated assault, battery, aggravated battery, sexual assault,  
2846 sexual battery, stalking, aggravated stalking, kidnapping, false  
2847 imprisonment, or any criminal offense resulting in physical

601-08357A-08

20082532c2

2848 injury or death of one family or household member by another.  
2849 With the exception of persons who are parents of a child in  
2850 common, the family or household members must be currently  
2851 residing or have in the past resided together in the same single  
2852 dwelling unit.

2853 \_\_\_\_\_ previously threatened, harassed, stalked, or physically  
2854 abused the petitioner.

2855 \_\_\_\_\_ attempted to harm the petitioner or family members or  
2856 individuals closely associated with the petitioner.

2857 \_\_\_\_\_ threatened to conceal, kidnap, or harm the petitioner's  
2858 child or children.

2859 \_\_\_\_\_ intentionally injured or killed a family pet.

2860 \_\_\_\_\_ used, or has threatened to use, against the petitioner  
2861 any weapons such as guns or knives.

2862 \_\_\_\_\_ physically restrained the petitioner from leaving the  
2863 home or calling law enforcement.

2864 \_\_\_\_\_ a criminal history involving violence or the threat of  
2865 violence (if known).

2866 \_\_\_\_\_ another order of protection issued against him or her  
2867 previously or from another jurisdiction (if known).

2868 \_\_\_\_\_ destroyed personal property, including, but not limited  
2869 to, telephones or other communication equipment, clothing, or  
2870 other items belonging to the petitioner.

2871 \_\_\_\_\_ engaged in any other behavior or conduct that leads the  
2872 petitioner to have reasonable cause to believe he or she is in  
2873 imminent danger of becoming a victim of domestic violence.

2874 (i) Petitioner alleges the following additional specific  
2875 facts: (mark appropriate sections)

601-08357A-08

20082532c2

2876           A minor child or minor children reside with the  
2877 petitioner ~~is the custodian of a minor child or children~~ whose  
2878 names and ages are as follows:

2879

2880           \_\_\_\_ Petitioner needs the exclusive use and possession of  
2881 the dwelling that the parties share.

2882           \_\_\_\_ Petitioner is unable to obtain safe alternative housing  
2883 because:

2884           \_\_\_\_ Petitioner genuinely fears that respondent imminently  
2885 will abuse, remove, or hide the minor child or children from  
2886 petitioner because:

2887

2888           (j) Petitioner genuinely fears imminent domestic violence  
2889 by respondent.

2890           (k) Petitioner seeks an injunction: (mark appropriate  
2891 section or sections)

2892           \_\_\_\_ Immediately restraining the respondent from committing  
2893 any acts of domestic violence.

2894           \_\_\_\_ Restraining the respondent from committing any acts of  
2895 domestic violence.

2896           \_\_\_\_ Awarding to the petitioner the temporary exclusive use  
2897 and possession of the dwelling that the parties share or  
2898 excluding the respondent from the residence of the petitioner.

2899           \_\_\_\_ Providing a temporary parenting plan, including a  
2900 temporary time-sharing schedule ~~Awarding temporary custody of, or~~  
2901 ~~temporary visitation rights~~ with regard to, the minor child or  
2902 children of the parties which might involve, ~~or~~ prohibiting or  
2903 limiting time-sharing or requiring that it be ~~visitation to that~~  
2904 ~~which is~~ supervised by a third party.

601-08357A-08

20082532c2

2905 \_\_\_\_\_ Establishing temporary support for the minor child or  
2906 children or the petitioner.

2907 \_\_\_\_\_ Directing the respondent to participate in a batterers'  
2908 intervention program or other treatment pursuant to s. 39.901,  
2909 Florida Statutes.

2910 \_\_\_\_\_ Providing any terms the court deems necessary for the  
2911 protection of a victim of domestic violence, or any minor  
2912 children of the victim, including any injunctions or directives  
2913 to law enforcement agencies.

2914 (c) Every petition for an injunction against domestic  
2915 violence shall contain, directly above the signature line, a  
2916 statement in all capital letters and bold type not smaller than  
2917 the surrounding text, as follows:

2918  
2919  
2920 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH  
2921 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS  
2922 MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY,  
2923 PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES.

2924 (initials)

2925  
2926 (d) If the sworn petition seeks to determine a parenting  
2927 plan and time-sharing schedule ~~issues of custody or visitation~~  
2928 with regard to the minor child or children of the parties, the  
2929 sworn petition shall be accompanied by or shall incorporate the  
2930 allegations required by s. 61.522 of the Uniform Child Custody  
2931 Jurisdiction and Enforcement Act.

2932 (5) (a) When it appears to the court that an immediate and  
2933 present danger of domestic violence exists, the court may grant a

601-08357A-08

20082532c2

2934 temporary injunction ex parte, pending a full hearing, and may  
2935 grant such relief as the court deems proper, including an  
2936 injunction:

2937 1. Restraining the respondent from committing any acts of  
2938 domestic violence.

2939 2. Awarding to the petitioner the temporary exclusive use  
2940 and possession of the dwelling that the parties share or  
2941 excluding the respondent from the residence of the petitioner.

2942 3. On the same basis as provided in s. 61.13, providing the  
2943 petitioner with 100 percent of the time-sharing that shall remain  
2944 ~~granting to the petitioner temporary custody of a minor child. An~~  
2945 ~~order of temporary custody remains~~ in effect until the order  
2946 expires or an order is entered by a court of competent  
2947 jurisdiction in a pending or subsequent civil action or  
2948 proceeding affecting the placement of, access to, parental time  
2949 with, adoption of, or parental rights and responsibilities for  
2950 the minor child.

2951 (6) (a) Upon notice and hearing, when it appears to the  
2952 court that the petitioner is either the victim of domestic  
2953 violence as defined by s. 741.28 or has reasonable cause to  
2954 believe he or she is in imminent danger of becoming a victim of  
2955 domestic violence, the court may grant such relief as the court  
2956 deems proper, including an injunction:

2957 1. Restraining the respondent from committing any acts of  
2958 domestic violence.

2959 2. Awarding to the petitioner the exclusive use and  
2960 possession of the dwelling that the parties share or excluding  
2961 the respondent from the residence of the petitioner.

601-08357A-08

20082532c2

2962           3. On the same basis as provided in chapter 61, providing  
2963 the petitioner with 100 percent of the time-sharing in a  
2964 temporary parenting plan that shall remain ~~awarding temporary~~  
2965 ~~custody of, or temporary visitation rights with regard to, a~~  
2966 ~~minor child or children of the parties. An order of temporary~~  
2967 ~~custody or visitation remains~~ in effect until the order expires  
2968 or an order is entered by a court of competent jurisdiction in a  
2969 pending or subsequent civil action or proceeding affecting the  
2970 placement of, access to, parental time with, adoption of, or  
2971 parental rights and responsibilities for the minor child.

2972           4. On the same basis as provided in chapter 61,  
2973 establishing temporary support for a minor child or children or  
2974 the petitioner. An order of temporary support remains in effect  
2975 until the order expires or an order is entered by a court of  
2976 competent jurisdiction in a pending or subsequent civil action or  
2977 proceeding affecting child support.

2978           5. Ordering the respondent to participate in treatment,  
2979 intervention, or counseling services to be paid for by the  
2980 respondent. When the court orders the respondent to participate  
2981 in a batterers' intervention program, the court, or any entity  
2982 designated by the court, must provide the respondent with a list  
2983 of all certified batterers' intervention programs and all  
2984 programs which have submitted an application to the Department of  
2985 Children and Family Services to become certified under s. 741.32,  
2986 from which the respondent must choose a program in which to  
2987 participate. If there are no certified batterers' intervention  
2988 programs in the circuit, the court shall provide a list of  
2989 acceptable programs from which the respondent must choose a  
2990 program in which to participate.

601-08357A-08

20082532c2

2991           6. Referring a petitioner to a certified domestic violence  
2992 center. The court must provide the petitioner with a list of  
2993 certified domestic violence centers in the circuit which the  
2994 petitioner may contact.

2995           7. Ordering such other relief as the court deems necessary  
2996 for the protection of a victim of domestic violence, including  
2997 injunctions or directives to law enforcement agencies, as  
2998 provided in this section.

2999           Section 36. Subsections (1) and (2) of section 742.031,  
3000 Florida Statutes, are amended to read:

3001           742.031 Hearings; court orders for support, hospital  
3002 expenses, and attorney's fee.--

3003           (1) Hearings for the purpose of establishing or refuting  
3004 the allegations of the complaint and answer shall be held in the  
3005 chambers and may be restricted to persons, in addition to the  
3006 parties involved and their counsel, as the judge in his or her  
3007 discretion may direct. The court shall determine the issues of  
3008 paternity of the child and the ability of the parents to support  
3009 the child. Each party's social security number shall be recorded  
3010 in the file containing the adjudication of paternity. If the  
3011 court finds that the alleged father is the father of the child,  
3012 it shall so order. If appropriate, the court shall order the  
3013 father to pay the complainant, her guardian, or any other person  
3014 assuming responsibility for the child moneys sufficient to pay  
3015 reasonable attorney's fees, hospital or medical expenses, cost of  
3016 confinement, and any other expenses incident to the birth of the  
3017 child and to pay all costs of the proceeding. Bills for  
3018 pregnancy, childbirth, and scientific testing are admissible as  
3019 evidence without requiring third-party foundation testimony, and

601-08357A-08

20082532c2

3020 shall constitute prima facie evidence of amounts incurred for  
3021 such services or for testing on behalf of the child. The court  
3022 shall order either or both parents owing a duty of support to the  
3023 child to pay support pursuant to s. 61.30. The court shall issue,  
3024 upon motion by a party, a temporary order requiring ~~the provision~~  
3025 ~~of~~ child support pursuant to s. 61.30 pending an administrative  
3026 or judicial determination of parentage, if there is clear and  
3027 convincing evidence of paternity on the basis of genetic tests or  
3028 other evidence. The court may also make a determination of an  
3029 appropriate parenting plan, including a time-sharing schedule, ~~as~~  
3030 ~~to the parental responsibility and residential care and custody~~  
3031 ~~of the minor children~~ in accordance with chapter 61.

3032 (2) If a judgment of paternity contains only a child  
3033 support award with no parenting plan or time-sharing schedule,  
3034 the obligee parent shall receive all of the time-sharing and sole  
3035 parental responsibility ~~no explicit award of custody, the~~  
3036 ~~establishment of a support obligation or of visitation rights in~~  
3037 ~~one parent shall be considered a judgment granting primary~~  
3038 ~~residential care and custody to the other parent~~ without  
3039 prejudice to the obligor parent. If a paternity judgment contains  
3040 no such provisions, ~~custody shall be presumed to be with the~~  
3041 ~~mother~~ shall be presumed to have all of the time-sharing and sole  
3042 parental responsibility.

3043 Section 37. Subsection (3) of section 753.01, Florida  
3044 Statutes, is amended to read:

3045 753.01 Definitions.--As used in this chapter, the term:

3046 (3) "Exchange monitoring" means supervision of movement of  
3047 a child from one parent ~~the custodial~~ to the other ~~noncustodial~~

601-08357A-08

20082532c2

3048 parent at the start of the visit and back to the first ~~eustodial~~  
3049 parent at the end of the visit.

3050 Section 38. Subsection (1) of section 827.06, Florida  
3051 Statutes, is amended to read:

3052 827.06 Nonsupport of dependents.--

3053 (1) The Legislature finds that most ~~noneustodial~~ parents  
3054 want to support their children and remain connected to their  
3055 families. The Legislature also finds that while many ~~noneustodial~~  
3056 parents lack the financial resources and other skills necessary  
3057 to provide that support, some parents willfully fail to provide  
3058 support to their children even when they are aware of the  
3059 obligation and have the ability to do so. The Legislature further  
3060 finds that existing statutory provisions for civil enforcement of  
3061 support have not proven sufficiently effective or efficient in  
3062 gaining adequate support for all children. Recognizing that it is  
3063 the public policy of this state that children shall be maintained  
3064 primarily from the resources of their parents, thereby relieving,  
3065 at least in part, the burden presently borne by the general  
3066 citizenry through public assistance programs, it is the intent of  
3067 the Legislature that the criminal penalties provided for in this  
3068 section are to be pursued in all appropriate cases where civil  
3069 enforcement has not resulted in payment.

3070 Section 39. For the purpose of incorporating the amendment  
3071 made by this act to section 741.30, Florida Statutes, in a  
3072 reference thereto, paragraph (a) of subsection (3) of section  
3073 61.1825, Florida Statutes, is reenacted to read:

3074 61.1825 State Case Registry.--

3075 (3)(a) For the purpose of this section, a family violence  
3076 indicator must be placed on a record when:

601-08357A-08

20082532c2

3077           1. A party executes a sworn statement requesting that a  
3078 family violence indicator be placed on that party's record which  
3079 states that the party has reason to believe that release of  
3080 information to the Federal Case Registry may result in physical  
3081 or emotional harm to the party or the child; or

3082           2. A temporary or final injunction for protection against  
3083 domestic violence has been granted pursuant to s. 741.30(6), an  
3084 injunction for protection against domestic violence has been  
3085 issued by a court of a foreign state pursuant to s. 741.315, or a  
3086 temporary or final injunction for protection against repeat  
3087 violence has been granted pursuant to s. 784.046; or

3088           3. The department has received information on a Title IV-D  
3089 case from the Domestic Violence and Repeat Violence Injunction  
3090 Statewide Verification System, established pursuant to s.  
3091 784.046(8)(b), that a court has granted a party a domestic  
3092 violence or repeat violence injunction.

3093           Section 40. This act shall take effect October 1, 2008.