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1 A bill to be entitled

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

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30 changes in terminology; amending s. 61.30, F.S.;
31 conforming provisions to changes in terminology; amending
32 ss. 61.401, 61.45, 409.2554, and 409.2558, F.S.;
33 conforming provisions to changes in terminology; amending
34 s. 409.2563, F.S.; conforming provisions to changes in
35 terminology; revising provisions relating to presumption
36 of a parent's income for the purpose of establishing a
37 support obligation; deleting an obsolete provision
38 concerning a study by the Office of Program Policy
39 Analysis and Government Accountability; amending ss.
40 409.2564, 409.25657, 409.25659, and 409.2577, F.S.;
41 conforming provisions to changes in terminology; amending
42 s. 409.2579, F.S.; conforming a cross-reference; amending
43 ss. 409.811, 414.0252, 414.065, 414.085, 414.095, 414.295,
44 and 445.024, F.S.; conforming provisions to changes in
45 terminology; amending s. 741.0306, F.S.; revising
46 requirements for a family law handbook; conforming
47 provisions to changes in terminology; requiring a review
48 of the handbook and report to the Legislature; amending s.
49 741.30, F.S.; conforming provisions to changes in
50 terminology; amending s. 742.031, F.S.; conforming
51 provisions to changes in terminology; providing for time-
52 sharing and parental responsibility in paternity
53 judgments; amending ss. 753.01 and 827.06, F.S.;
54 conforming provisions to changes in terminology;
55 reenacting s. 61.1825(3)(a), F.S., relating to the State
56 Case Registry, to incorporate the amendments made to s.
57 741.30, F.S., in a reference thereto; providing an
58 effective date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

211 61.052 Dissolution of marriage.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

416 (I) Current support, as ordered.

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

418 (III) Past due support, as ordered.

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

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

427 (I) Current support, as ordered.

428 (II) Past due support, as ordered.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

602 (f) The moral fitness of the parents.

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

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604 (h) The home, school, and community record of the child.

605 (i) The reasonable preference of the child, if the court
606 deems the child to be of sufficient intelligence, understanding,
607 and experience to express a preference.

608 (j) The demonstrated knowledge, capacity, and disposition
609 of each parent to be informed of the circumstances of the minor
610 child, including, but not limited to, the child's friends,
611 teachers, medical care providers, daily activities, and favorite
612 things.

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

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

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

629 (n) ~~(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,
632 child abandonment, or child neglect ~~of domestic violence or child~~

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633 abuse.

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

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

646 (r) 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 (s) 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 (t) 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
661 should have received the child support or alimony may shall not

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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

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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 ~~eustodial~~ 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 ~~eustodial~~ 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 ~~eustodial~~ 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 eustodial~~ parent
704 and child reside further than 60 miles from the other
705 ~~noneustodial~~ parent.~~;~~

706 6.5. May ~~award custody, rotating custody, or primary~~
707 ~~residence to the noneustodial parent,~~ upon the request of the
708 ~~noneustodial~~ 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

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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

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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

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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,

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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~~

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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

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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

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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.

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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.

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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.--

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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

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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

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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.

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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

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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 ~~custody~~ 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 ~~custody~~
1119 if there is clear and convincing evidence that the temporary
1120 modification or amendment is in the best interests of the child.

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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 (4) ~~(3)~~ This section does not apply to permanent change of
1145 station moves by military personnel, which shall be governed by
1146 s. 61.13001.

1147 Section 11. Paragraph (a) of subsection (1) of section
1148 61.14, Florida Statutes, is amended to read:

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1149 61.14 Enforcement and modification of support, maintenance,
1150 or alimony agreements or orders.--

1151 (1) (a) When the parties enter into an agreement for
1152 payments for, or instead of, support, maintenance, or alimony,
1153 whether in connection with a proceeding for dissolution or
1154 separate maintenance or with any voluntary property settlement,
1155 or when a party is required by court order to make any payments,
1156 and the circumstances or the financial ability of either party
1157 changes or the child who is a beneficiary of an agreement or
1158 court order as described herein reaches majority after the
1159 execution of the agreement or the rendition of the order, either
1160 party may apply to the circuit court of the circuit in which the
1161 parties, or either of them, resided at the date of the execution
1162 of the agreement or reside at the date of the application, or in
1163 which the agreement was executed or in which the order was
1164 rendered, for an order decreasing or increasing the amount of
1165 support, maintenance, or alimony, and the court has jurisdiction
1166 to make orders as equity requires, with due regard to the changed
1167 circumstances or the financial ability of the parties or the
1168 child, decreasing, increasing, or confirming the amount of
1169 separate support, maintenance, or alimony provided for in the
1170 agreement or order. A finding that medical insurance is
1171 reasonably available or the child support guidelines schedule in
1172 s. 61.30 may constitute changed circumstances. Except as
1173 otherwise provided in s. 61.30(11)(c), the court may modify an
1174 order of support, maintenance, or alimony by increasing or
1175 decreasing the support, maintenance, or alimony retroactively to
1176 the date of the filing of the action or supplemental action for
1177 modification as equity requires, giving due regard to the changed

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1178 circumstances or the financial ability of the parties or the
1179 child.

1180 Section 12. Paragraph (d) of subsection (3) of section
1181 61.181, Florida Statutes, is amended to read:

1182 61.181 Depository for alimony transactions, support,
1183 maintenance, and support payments; fees.--

1184 (3)

1185 (d) When time-sharing ~~custody~~ of a child is relinquished by
1186 a ~~custodial~~ parent who is entitled to receive child support
1187 moneys from the depository to the custody of a licensed or
1188 registered long-term care child agency, that agency may request
1189 from the court an order directing child support payments that
1190 ~~which~~ would otherwise be distributed to the ~~custodial~~ parent be
1191 distributed to the agency for the period of time that ~~custody of~~
1192 the child is with ~~by~~ the agency. Thereafter, payments shall be
1193 distributed to the agency as if the agency were the ~~custodial~~
1194 parent until further order of the court.

1195 Section 13. Paragraphs (b) and (d) of subsection (1) of
1196 section 61.1827, Florida Statutes, are amended to read:

1197 61.1827 Identifying information concerning applicants for
1198 and recipients of child support services.--

1199 (1) Any information that reveals the identity of applicants
1200 for or recipients of child support services, including the name,
1201 address, and telephone number of such persons, held by a non-
1202 Title IV-D county child support enforcement agency is
1203 confidential and exempt from s. 119.07(1) and s. 24(a) of Art. I
1204 of the State Constitution. The use or disclosure of such
1205 information by the non-Title IV-D county child support

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1206 enforcement agency is limited to the purposes directly connected
1207 with:

1208 (b) Mandatory disclosure of identifying and location
1209 information as provided in s. 61.13(7)~~(8)~~ by the non-Title IV-D
1210 county child support enforcement agency when providing non-Title
1211 IV-D services;

1212 (d) Disclosure to an authorized person, as defined in 45
1213 C.F.R. s. 303.15, for purposes of enforcing any state or federal
1214 law with respect to the unlawful taking or restraint of a child
1215 or making or enforcing a parenting plan ~~child custody or~~
1216 ~~visitation determination~~. As used in this paragraph, the term
1217 "authorized person" includes a ~~noncustodial~~ parent with whom the
1218 child does not currently reside, unless a court has entered an
1219 order under s. 741.30, s. 741.31, or s. 784.046.

1220 Section 14. Section 61.20, Florida Statutes, is amended to
1221 read:

1222 61.20 Social investigation and recommendations regarding a
1223 parenting plan ~~when child custody is in issue.--~~

1224 (1) In any action where the parenting plan ~~custody of a~~
1225 ~~minor child~~ is at in issue because the parents are unable to
1226 agree, the court may order a social investigation and study
1227 concerning all pertinent details relating to the child and each
1228 parent when such an investigation has not been done and the study
1229 therefrom provided to the court by the parties or when the court
1230 determines that the investigation and study that have been done
1231 are insufficient. The agency, staff, or person conducting the
1232 investigation and study ordered by the court pursuant to this
1233 section shall furnish the court and all parties of record in the
1234 proceeding a written study containing recommendations, including

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1235 a written statement of facts found in the social investigation on
1236 which the recommendations are based. The court may consider the
1237 information contained in the study in making a decision on the
1238 parenting plan ~~child's custody~~ and the technical rules of
1239 evidence do not exclude the study from consideration.

1240 (2) A social investigation and study, when ordered by the
1241 court, shall be conducted by qualified staff of the court; a
1242 child-placing agency licensed pursuant to s. 409.175; a
1243 psychologist licensed pursuant to chapter 490; or a clinical
1244 social worker, marriage and family therapist, or mental health
1245 counselor licensed pursuant to chapter 491. If a certification of
1246 indigence based on an affidavit filed with the court pursuant to
1247 s. 57.081 is provided by an adult party to the proceeding and the
1248 court does not have qualified staff to perform the investigation
1249 and study, the court may request that the Department of Children
1250 and Family Services conduct the investigation and study.

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

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

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

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

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

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

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

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

1276 4. The availability of community services and resources.

1277 (6) All parties to a modification of a final judgment
1278 involving a parenting plan or a time-sharing schedule ~~shared~~
1279 ~~parental responsibilities, custody, or visitation~~ may be required
1280 to complete a court-approved parenting course prior to the entry
1281 of an order modifying the final judgment.

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

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

1286 (1)(a) The child support guideline amount as determined by
1287 this section presumptively establishes the amount the trier of
1288 fact shall order as child support in an initial proceeding for
1289 such support or in a proceeding for modification of an existing
1290 order for such support, whether the proceeding arises under this
1291 or another chapter. The trier of fact may order payment of child

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1292 support which varies, plus or minus 5 percent, from the guideline
1293 amount, after considering all relevant factors, including the
1294 needs of the child or children, age, station in life, standard of
1295 living, and the financial status and ability of each parent. The
1296 trier of fact may order payment of child support in an amount
1297 which varies more than 5 percent from such guideline amount only
1298 upon a written finding explaining why ordering payment of such
1299 guideline amount would be unjust or inappropriate.

1300 Notwithstanding the variance limitations of this section, the
1301 trier of fact shall order payment of child support which varies
1302 from the guideline amount as provided in paragraph (11) (b)
1303 whenever any of the children are required by court order or
1304 mediation agreement to spend a substantial amount of time with
1305 either parent ~~the primary and secondary residential parents~~. This
1306 requirement applies to any living arrangement, whether temporary
1307 or permanent.

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

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

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1321 showing of a change in circumstances.

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

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

1326 1. Salary or wages.

1327 2. Bonuses, commissions, allowances, overtime, tips, and
1328 other similar payments.

1329 3. Business income from sources such as self-employment,
1330 partnership, close corporations, and independent contracts.

1331 "Business income" means gross receipts minus ordinary and
1332 necessary expenses required to produce income.

1333 4. Disability benefits.

1334 5. All workers' compensation benefits and settlements.

1335 6. Unemployment compensation.

1336 7. Pension, retirement, or annuity payments.

1337 8. Social security benefits.

1338 9. Spousal support received from a previous marriage or
1339 court ordered in the marriage before the court.

1340 10. Interest and dividends.

1341 11. Rental income, which is gross receipts minus ordinary
1342 and necessary expenses required to produce the income.

1343 12. Income from royalties, trusts, or estates.

1344 13. Reimbursed expenses or in kind payments to the extent
1345 that they reduce living expenses.

1346 14. Gains derived from dealings in property, unless the
1347 gain is nonrecurring.

1348 (b) Income on a monthly basis shall be imputed to an
1349 unemployed or underemployed parent when such employment or

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1350 underemployment is found by the court to be voluntary on that
1351 parent's part, absent a finding of fact by the court of physical
1352 or mental incapacity or other circumstances over which the parent
1353 has no control. In the event of such voluntary unemployment or
1354 underemployment, the employment potential and probable earnings
1355 level of the parent shall be determined based upon his or her
1356 recent work history, occupational qualifications, and prevailing
1357 earnings level in the community as provided in this paragraph;
1358 however, the court may refuse to impute income to a ~~primary~~
1359 ~~residential~~ parent if the court finds it necessary for the parent
1360 to stay home with the child who is the subject of a child support
1361 calculation.

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

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

1366 (a) Federal, state, and local income tax deductions,
1367 adjusted for actual filing status and allowable dependents and
1368 income tax liabilities.

1369 (b) Federal insurance contributions or self-employment tax.

1370 (c) Mandatory union dues.

1371 (d) Mandatory retirement payments.

1372 (e) Health insurance payments, excluding payments for
1373 coverage of the minor child.

1374 (f) Court-ordered support for other children which is
1375 actually paid.

1376 (g) Spousal support paid pursuant to a court order from a
1377 previous marriage or the marriage before the court.

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1378 (4) Net income for each parent ~~the obligor and net income~~
 1379 ~~for the obligee~~ shall be computed by subtracting allowable
 1380 deductions from gross income.

1381 (5) Net income for each parent ~~the obligor and net income~~
 1382 ~~for the obligee~~ shall be added together for a combined net
 1383 income.

1384 (6) The following guidelines schedule ~~schedules~~ shall be
 1385 applied to the combined net income to determine the minimum child
 1386 support need:

1387

Combined Monthly <u>Net</u> Available Income	Child or Children					
	One	Two	Three	Four	Five	Six
1388 650.00	74	75	75	76	77	78
1389 700.00	119	120	121	123	124	125
1390 750.00	164	166	167	169	171	173
1391 800.00	190	211	213	216	218	220
1392 850.00	202	257	259	262	265	268
1393 900.00	213	302	305	309	312	315
1394 950.00	224	347	351	355	359	363
1395						
1396						

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1397	1000.00	235	365	397	402	406	410
1398	1050.00	246	382	443	448	453	458
1399	1100.00	258	400	489	495	500	505
1400	1150.00	269	417	522	541	547	553
1401	1200.00	280	435	544	588	594	600
1402	1250.00	290	451	565	634	641	648
1403	1300.00	300	467	584	659	688	695
1404	1350.00	310	482	603	681	735	743
1405	1400.00	320	498	623	702	765	790
1406	1450.00	330	513	642	724	789	838
1407	1500.00	340	529	662	746	813	869
1408	1550.00	350	544	681	768	836	895
1409	1600.00	360	560	701	790	860	920
1410	1650.00	370	575	720	812	884	945
	1700.00	380	591	740	833	907	971

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1411	1750.00	390	606	759	855	931	996
1412	1800.00	400	622	779	877	955	1022
1413	1850.00	410	638	798	900	979	1048
1414	1900.00	421	654	818	923	1004	1074
1415	1950.00	431	670	839	946	1029	1101
1416	2000.00	442	686	859	968	1054	1128
1417	2050.00	452	702	879	991	1079	1154
1418	2100.00	463	718	899	1014	1104	1181
1419	2150.00	473	734	919	1037	1129	1207
1420	2200.00	484	751	940	1060	1154	1234
1421	2250.00	494	767	960	1082	1179	1261
1422	2300.00	505	783	980	1105	1204	1287
1423	2350.00	515	799	1000	1128	1229	1314
1424	2400.00	526	815	1020	1151	1254	1340
1425							

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1426	2450.00	536	831	1041	1174	1279	1367
1427	2500.00	547	847	1061	1196	1304	1394
1428	2550.00	557	864	1081	1219	1329	1420
1429	2600.00	568	880	1101	1242	1354	1447
1430	2650.00	578	896	1121	1265	1379	1473
1431	2700.00	588	912	1141	1287	1403	1500
1432	2750.00	597	927	1160	1308	1426	1524
1433	2800.00	607	941	1178	1328	1448	1549
1434	2850.00	616	956	1197	1349	1471	1573
1435	2900.00	626	971	1215	1370	1494	1598
1436	2950.00	635	986	1234	1391	1517	1622
1437	3000.00	644	1001	1252	1412	1540	1647
1438	3050.00	654	1016	1271	1433	1563	1671
1439	3100.00	663	1031	1289	1453	1586	1695
	3150.00	673	1045	1308	1474	1608	1720

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1440	3200.00	682	1060	1327	1495	1631	1744
1441	3250.00	691	1075	1345	1516	1654	1769
1442	3300.00	701	1090	1364	1537	1677	1793
1443	3350.00	710	1105	1382	1558	1700	1818
1444	3400.00	720	1120	1401	1579	1723	1842
1445	3450.00	729	1135	1419	1599	1745	1867
1446	3500.00	738	1149	1438	1620	1768	1891
1447	3550.00	748	1164	1456	1641	1791	1915
1448	3600.00	757	1179	1475	1662	1814	1940
1449	3650.00	767	1194	1493	1683	1837	1964
1450	3700.00	776	1208	1503	1702	1857	1987
1451	3750.00	784	1221	1520	1721	1878	2009
1452	3800.00	793	1234	1536	1740	1899	2031
1453	3850.00	802	1248	1553	1759	1920	2053
1454							

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1455	3900.00	811	1261	1570	1778	1940	2075
1456	3950.00	819	1275	1587	1797	1961	2097
1457	4000.00	828	1288	1603	1816	1982	2119
1458	4050.00	837	1302	1620	1835	2002	2141
1459	4100.00	846	1315	1637	1854	2023	2163
1460	4150.00	854	1329	1654	1873	2044	2185
1461	4200.00	863	1342	1670	1892	2064	2207
1462	4250.00	872	1355	1687	1911	2085	2229
1463	4300.00	881	1369	1704	1930	2106	2251
1464	4350.00	889	1382	1721	1949	2127	2273
1465	4400.00	898	1396	1737	1968	2147	2295
1466	4450.00	907	1409	1754	1987	2168	2317
1467	4500.00	916	1423	1771	2006	2189	2339
1468	4550.00	924	1436	1788	2024	2209	2361
	4600.00	933	1450	1804	2043	2230	2384

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1469	4650.00	942	1463	1821	2062	2251	2406
1470	4700.00	951	1477	1838	2081	2271	2428
1471	4750.00	959	1490	1855	2100	2292	2450
1472	4800.00	968	1503	1871	2119	2313	2472
1473	4850.00	977	1517	1888	2138	2334	2494
1474	4900.00	986	1530	1905	2157	2354	2516
1475	4950.00	993	1542	1927	2174	2372	2535
1476	5000.00	1000	1551	1939	2188	2387	2551
1477	5050.00	1006	1561	1952	2202	2402	2567
1478	5100.00	1013	1571	1964	2215	2417	2583
1479	5150.00	1019	1580	1976	2229	2432	2599
1480	5200.00	1025	1590	1988	2243	2447	2615
1481	5250.00	1032	1599	2000	2256	2462	2631
1482	5300.00	1038	1609	2012	2270	2477	2647
1483							

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1484	5350.00	1045	1619	2024	2283	2492	2663
1485	5400.00	1051	1628	2037	2297	2507	2679
1486	5450.00	1057	1638	2049	2311	2522	2695
1487	5500.00	1064	1647	2061	2324	2537	2711
1488	5550.00	1070	1657	2073	2338	2552	2727
1489	5600.00	1077	1667	2085	2352	2567	2743
1490	5650.00	1083	1676	2097	2365	2582	2759
1491	5700.00	1089	1686	2109	2379	2597	2775
1492	5750.00	1096	1695	2122	2393	2612	2791
1493	5800.00	1102	1705	2134	2406	2627	2807
1494	5850.00	1107	1713	2144	2418	2639	2820
1495	5900.00	1111	1721	2155	2429	2651	2833
1496	5950.00	1116	1729	2165	2440	2663	2847
1497	6000.00	1121	1737	2175	2451	2676	2860
	6050.00	1126	1746	2185	2462	2688	2874

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1498	6100.00	1131	1754	2196	2473	2700	2887
1499	6150.00	1136	1762	2206	2484	2712	2900
1500	6200.00	1141	1770	2216	2495	2724	2914
1501	6250.00	1145	1778	2227	2506	2737	2927
1502	6300.00	1150	1786	2237	2517	2749	2941
1503	6350.00	1155	1795	2247	2529	2761	2954
1504	6400.00	1160	1803	2258	2540	2773	2967
1505	6450.00	1165	1811	2268	2551	2785	2981
1506	6500.00	1170	1819	2278	2562	2798	2994
1507	6550.00	1175	1827	2288	2573	2810	3008
1508	6600.00	1179	1835	2299	2584	2822	3021
1509	6650.00	1184	1843	2309	2595	2834	3034
1510	6700.00	1189	1850	2317	2604	2845	3045
1511	6750.00	1193	1856	2325	2613	2854	3055
1512							

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1513	6800.00	1196	1862	2332	2621	2863	3064
1514	6850.00	1200	1868	2340	2630	2872	3074
1515	6900.00	1204	1873	2347	2639	2882	3084
1516	6950.00	1208	1879	2355	2647	2891	3094
1517	7000.00	1212	1885	2362	2656	2900	3103
1518	7050.00	1216	1891	2370	2664	2909	3113
1519	7100.00	1220	1897	2378	2673	2919	3123
1520	7150.00	1224	1903	2385	2681	2928	3133
1521	7200.00	1228	1909	2393	2690	2937	3142
1522	7250.00	1232	1915	2400	2698	2946	3152
1523	7300.00	1235	1921	2408	2707	2956	3162
1524	7350.00	1239	1927	2415	2716	2965	3172
1525	7400.00	1243	1933	2423	2724	2974	3181
1526	7450.00	1247	1939	2430	2733	2983	3191
	7500.00	1251	1945	2438	2741	2993	3201

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1527	7550.00	1255	1951	2446	2750	3002	3211
1528	7600.00	1259	1957	2453	2758	3011	3220
1529	7650.00	1263	1963	2461	2767	3020	3230
1530	7700.00	1267	1969	2468	2775	3030	3240
1531	7750.00	1271	1975	2476	2784	3039	3250
1532	7800.00	1274	1981	2483	2792	3048	3259
1533	7850.00	1278	1987	2491	2801	3057	3269
1534	7900.00	1282	1992	2498	2810	3067	3279
1535	7950.00	1286	1998	2506	2818	3076	3289
1536	8000.00	1290	2004	2513	2827	3085	3298
1537	8050.00	1294	2010	2521	2835	3094	3308
1538	8100.00	1298	2016	2529	2844	3104	3318
1539	8150.00	1302	2022	2536	2852	3113	3328
1540	8200.00	1306	2028	2544	2861	3122	3337
1541							

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1542	8250.00	1310	2034	2551	2869	3131	3347
1543	8300.00	1313	2040	2559	2878	3141	3357
1544	8350.00	1317	2046	2566	2887	3150	3367
1545	8400.00	1321	2052	2574	2895	3159	3376
1546	8450.00	1325	2058	2581	2904	3168	3386
1547	8500.00	1329	2064	2589	2912	3178	3396
1548	8550.00	1333	2070	2597	2921	3187	3406
1549	8600.00	1337	2076	2604	2929	3196	3415
1550	8650.00	1341	2082	2612	2938	3205	3425
1551	8700.00	1345	2088	2619	2946	3215	3435
1552	8750.00	1349	2094	2627	2955	3224	3445
1553	8800.00	1352	2100	2634	2963	3233	3454
1554	8850.00	1356	2106	2642	2972	3242	3464
1555	8900.00	1360	2111	2649	2981	3252	3474
	8950.00	1364	2117	2657	2989	3261	3484

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1556	9000.00	1368	2123	2664	2998	3270	3493
1557	9050.00	1372	2129	2672	3006	3279	3503
1558	9100.00	1376	2135	2680	3015	3289	3513
1559	9150.00	1380	2141	2687	3023	3298	3523
1560	9200.00	1384	2147	2695	3032	3307	3532
1561	9250.00	1388	2153	2702	3040	3316	3542
1562	9300.00	1391	2159	2710	3049	3326	3552
1563	9350.00	1395	2165	2717	3058	3335	3562
1564	9400.00	1399	2171	2725	3066	3344	3571
1565	9450.00	1403	2177	2732	3075	3353	3581
1566	9500.00	1407	2183	2740	3083	3363	3591
1567	9550.00	1411	2189	2748	3092	3372	3601
1568	9600.00	1415	2195	2755	3100	3381	3610
1569	9650.00	1419	2201	2763	3109	3390	3620
1570							

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1571	9700.00	1422	2206	2767	3115	3396	3628
1572	9750.00	1425	2210	2772	3121	3402	3634
1573	9800.00	1427	2213	2776	3126	3408	3641
1574	9850.00	1430	2217	2781	3132	3414	3647
1575	9900.00	1432	2221	2786	3137	3420	3653
1576	9950.00	1435	2225	2791	3143	3426	3659
1577	10000.00	1437	2228	2795	3148	3432	3666

1578 For combined monthly net available income less than the amount
 1579 set out on the above guidelines schedule ~~schedules~~, the parent
 1580 should be ordered to pay a child support amount, determined on a
 1581 case-by-case basis, to establish the principle of payment and lay
 1582 the basis for increased orders should the parent's income
 1583 increase in the future. For combined monthly net available income
 1584 greater than the amount set out in the above guidelines schedule
 1585 ~~schedules~~, the obligation shall be the minimum amount of support
 1586 provided by the guidelines schedule plus the following
 1587 percentages multiplied by the amount of income over \$10,000:

1588 Child or Children

1589 One Two Three Four Five Six

1590

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5.0% 7.5% 9.5% 11.0% 12.0% 12.5%

1591

1592 (7) Child care costs incurred on behalf of the children due
1593 to employment, job search, or education calculated to result in
1594 employment or to enhance income of current employment of either
1595 parent shall be reduced by 25 percent and then shall be added to
1596 the basic obligation. After the adjusted child care costs are
1597 added to the basic obligation, any moneys prepaid by a ~~the~~
1598 ~~noncustodial~~ parent for child care costs for the child or
1599 children of this action shall be deducted from that ~~noncustodial~~
1600 parent's child support obligation for that child or those
1601 children. Child care costs shall not exceed the level required to
1602 provide quality care from a licensed source for the children.

1603 (8) Health insurance costs resulting from coverage ordered
1604 pursuant to s. 61.13(1)(b), and any noncovered medical, dental,
1605 and prescription medication expenses of the child, shall be added
1606 to the basic obligation unless these expenses have been ordered
1607 to be separately paid on a percentage basis. After the health
1608 insurance costs are added to the basic obligation, any moneys
1609 prepaid by a ~~the noncustodial~~ parent for health-related costs for
1610 the child or children of this action shall be deducted from that
1611 ~~noncustodial~~ parent's child support obligation for that child or
1612 those children.

1613 (9) Each parent's percentage share of the child support
1614 need shall be determined by dividing each parent's net monthly
1615 income by the combined net monthly income.

1616 (10) Each parent's actual dollar share of the total minimum
1617 child support need shall be determined by multiplying the minimum

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1618 child support need by each parent's percentage share of the
1619 combined monthly net income.

1620 (11) (a) The court may adjust the total minimum child
1621 support award, or either or both parents' share of the total
1622 minimum child support award, based upon the following deviation
1623 factors ~~considerations~~:

1624 1. Extraordinary medical, psychological, educational, or
1625 dental expenses.

1626 2. Independent income of the child, not to include moneys
1627 received by a child from supplemental security income.

1628 3. The payment of support for a parent which regularly has
1629 been paid and for which there is a demonstrated need.

1630 4. Seasonal variations in one or both parents' incomes or
1631 expenses.

1632 5. The age of the child, taking into account the greater
1633 needs of older children.

1634 6. Special needs, such as costs that may be associated with
1635 the disability of a child, that have traditionally been met
1636 within the family budget even though the fulfilling of those
1637 needs will cause the support to exceed the presumptive amount
1638 established by the ~~proposed~~ guidelines.

1639 7. Total available assets of the obligee, obligor, and the
1640 child.

1641 8. The impact of the Internal Revenue Service dependency
1642 exemption and waiver of that exemption. The court may order a ~~the~~
1643 ~~primary residential~~ parent to execute a waiver of the Internal
1644 Revenue Service dependency exemption if the paying ~~noncustodial~~
1645 parent is current in support payments.

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1646 9. When application of the child support guidelines
1647 schedule requires a person to pay another person more than 55
1648 percent of his or her gross income for a child support obligation
1649 for current support resulting from a single support order.

1650 10. The particular parenting plan ~~shared parental~~
1651 ~~arrangement~~, such as where the child spends a significant amount
1652 of time, but less than 40 percent of the overnights, with one ~~the~~
1653 ~~noncustodial~~ parent, thereby reducing the financial expenditures
1654 incurred by the other ~~primary residential~~ parent; or the refusal
1655 of a ~~the noncustodial~~ parent to become involved in the activities
1656 of the child.

1657 11. Any other adjustment which is needed to achieve an
1658 equitable result which may include, but not be limited to, a
1659 reasonable and necessary existing expense or debt. Such expense
1660 or debt may include, but is not limited to, a reasonable and
1661 necessary expense or debt which the parties jointly incurred
1662 during the marriage.

1663 (b) Whenever a particular parenting plan ~~shared parental~~
1664 ~~arrangement~~ provides that each child spend a substantial amount
1665 of time with each parent, the court shall adjust any award of
1666 child support, as follows:

1667 1. In accordance with subsections (9) and (10), calculate
1668 the amount of support obligation apportioned to each ~~the~~
1669 ~~noncustodial~~ parent without including day care and health
1670 insurance costs in the calculation and multiply the amount by
1671 1.5.

1672 ~~2. In accordance with subsections (9) and (10), calculate~~
1673 ~~the amount of support obligation apportioned to the custodial~~

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1674 ~~parent without including day care and health insurance costs in~~
1675 ~~the calculation and multiply the amount by 1.5.~~

1676 2.3. Calculate the percentage of overnight stays the child
1677 spends with each parent.

1678 3.4. Multiply each ~~the noncustodial~~ parent's support
1679 obligation as calculated in subparagraph 1. by the percentage of
1680 the other ~~eustodial~~ parent's overnight stays with the child as
1681 calculated in subparagraph 2. ~~3.~~

1682 ~~5.~~ Multiply the ~~custodial~~ parent's support obligation as
1683 calculated in subparagraph 2. by the percentage of the
1684 ~~noncustodial~~ parent's overnight stays with the child as
1685 calculated in subparagraph 3.

1686 4.6. The difference between the amounts calculated in
1687 subparagraph 3. ~~subparagraphs 4. and 5.~~ shall be the monetary
1688 transfer necessary between the ~~eustodial and noncustodial~~ parents
1689 for the care of the child, subject to an adjustment for day care
1690 and health insurance expenses.

1691 5.7. Pursuant to subsections (7) and (8), calculate the net
1692 amounts owed by each parent ~~the custodial and noncustodial~~
1693 ~~parents~~ for the expenses incurred for day care and health
1694 insurance coverage for the child. Day care shall be calculated
1695 without regard to the 25-percent reduction applied by subsection
1696 (7).

1697 6.8. Adjust the support obligation owed by each ~~the~~
1698 ~~eustodial or noncustodial~~ parent pursuant to subparagraph 4. ~~6.~~
1699 by crediting or debiting the amount calculated in subparagraph 5.
1700 ~~7.~~ This amount represents the child support which must be
1701 exchanged between the ~~eustodial and noncustodial~~ parents.

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1702 ~~7.9.~~ The court may deviate from the child support amount
1703 calculated pursuant to subparagraph ~~6. 8.~~ based upon the
1704 deviation factors ~~considerations set forth~~ in paragraph (a), as
1705 well as the obligee ~~custodial~~ parent's low income and ability to
1706 maintain the basic necessities of the home for the child, the
1707 likelihood that either ~~the noncustodial~~ parent will actually
1708 exercise the time-sharing schedule set forth in the parenting
1709 plan ~~visitation~~ granted by the court, and whether all of the
1710 children are exercising the same time-sharing schedule ~~shared~~
1711 ~~parental arrangement~~.

1712 ~~8.10.~~ For purposes of adjusting any award of child support
1713 under this paragraph, "substantial amount of time" means that a
1714 ~~the noncustodial~~ parent exercises visitation at least 40 percent
1715 of the overnights of the year.

1716 (c) A ~~noncustodial~~ parent's failure to regularly exercise
1717 court-ordered or agreed time-sharing schedule ~~visitation~~ not
1718 caused by the other ~~custodial~~ parent which resulted in the
1719 adjustment of the amount of child support pursuant to
1720 subparagraph (a)10. or paragraph (b) shall be deemed a
1721 substantial change of circumstances for purposes of modifying the
1722 child support award. A modification pursuant to this paragraph
1723 shall be retroactive to the date the noncustodial parent first
1724 failed to regularly exercise court-ordered or agreed time-sharing
1725 schedule ~~visitation~~.

1726 (12) (a) A parent with a support obligation may have other
1727 children living with him or her who were born or adopted after
1728 the support obligation arose. If such subsequent children exist,
1729 the court, when considering an upward modification of an existing
1730 award, may disregard the income from secondary employment

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1731 obtained in addition to the parent's primary employment if the
1732 court determines that the employment was obtained primarily to
1733 support the subsequent children.

1734 (b) Except as provided in paragraph (a), the existence of
1735 such subsequent children should not as a general rule be
1736 considered by the court as a basis for disregarding the amount
1737 provided in the guidelines schedule. The parent with a support
1738 obligation for subsequent children may raise the existence of
1739 such subsequent children as a justification for deviation from
1740 the guidelines schedule. However, if the existence of such
1741 subsequent children is raised, the income of the other parent of
1742 the subsequent children shall be considered by the court in
1743 determining whether or not there is a basis for deviation from
1744 the guideline amount.

1745 (c) The issue of subsequent children under paragraph (a) or
1746 paragraph (b) may only be raised in a proceeding for an upward
1747 modification of an existing award and may not be applied to
1748 justify a decrease in an existing award.

1749 (13) If the recurring income is not sufficient to meet the
1750 needs of the child, the court may order child support to be paid
1751 from nonrecurring income or assets.

1752 (14) Every petition for child support or for modification
1753 of child support shall be accompanied by an affidavit which shows
1754 the party's income, allowable deductions, and net income computed
1755 in accordance with this section. The affidavit shall be served at
1756 the same time that the petition is served. The respondent,
1757 whether or not a stipulation is entered, shall make an affidavit
1758 which shows the party's income, allowable deductions, and net
1759 income computed in accordance with this section. The respondent

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1760 shall include his or her affidavit with the answer to the
1761 petition or as soon thereafter as is practicable, but in any case
1762 at least 72 hours prior to any hearing on the finances of either
1763 party.

1764 (15) For purposes of establishing an obligation for support
1765 in accordance with this section, if a person who is receiving
1766 public assistance is found to be noncooperative as defined in s.
1767 409.2572, the IV-D agency is authorized to submit to the court an
1768 affidavit attesting to the income of that ~~the custodial~~ parent
1769 based upon information available to the IV-D agency.

1770 (16) The Legislature shall review the guidelines schedule
1771 established in this section at least every 4 years beginning in
1772 1997.

1773 (17) In an initial determination of child support, whether
1774 in a paternity action, dissolution of marriage action, or
1775 petition for support during the marriage, the court has
1776 discretion to award child support retroactive to the date when
1777 the parents did not reside together in the same household with
1778 the child, not to exceed a period of 24 months preceding the
1779 filing of the petition, regardless of whether that date precedes
1780 the filing of the petition. In determining the retroactive award
1781 in such cases, the court shall consider the following:

1782 (a) The court shall apply the guidelines schedule in effect
1783 at the time of the hearing subject to the obligor's demonstration
1784 of his or her actual income, as defined by subsection (2), during
1785 the retroactive period. Failure of the obligor to so demonstrate
1786 shall result in the court using the obligor's income at the time
1787 of the hearing in computing child support for the retroactive
1788 period.

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1789 (b) All actual payments made by a ~~the noncustodial~~ parent
1790 to the other ~~custodial~~ parent or the child or third parties for
1791 the benefit of the child throughout the proposed retroactive
1792 period.

1793 (c) The court should consider an installment payment plan
1794 for the payment of retroactive child support.

1795 Section 17. Section 61.401, Florida Statutes, is amended to
1796 read:

1797 61.401 Appointment of guardian ad litem.-- In an action for
1798 dissolution of marriage or for the creation, approval, or
1799 modification of a parenting plan, ~~parental responsibility,~~
1800 ~~custody, or visitation,~~ if the court finds it is in the best
1801 interest of the child, the court may appoint a guardian ad litem
1802 to act as next friend of the child, investigator or evaluator,
1803 not as attorney or advocate. The court in its discretion may also
1804 appoint legal counsel for a child to act as attorney or advocate;
1805 however, the guardian and the legal counsel shall not be the same
1806 person. In such actions which involve an allegation of child
1807 abuse, abandonment, or neglect as defined in s. 39.01, which
1808 allegation is verified and determined by the court to be well-
1809 founded, the court shall appoint a guardian ad litem for the
1810 child. The guardian ad litem shall be a party to any judicial
1811 proceeding from the date of the appointment until the date of
1812 discharge.

1813 Section 18. Section 61.45, Florida Statutes, is amended to
1814 read:

1815 61.45 Court-ordered parenting plan ~~Court order of~~
1816 ~~visitation or custody;~~ risk of violation; bond.--

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1817 (1) In any ~~a~~ proceeding in which the court enters a
1818 parenting plan, including a time-sharing schedule ~~an order of~~
1819 ~~child custody or visitation~~, including in a modification
1820 proceeding, upon the presentation of competent substantial
1821 evidence that there is a risk that one party may violate the
1822 court's parenting plan ~~order of visitation or custody~~ by removing
1823 a child from this state or country or by concealing the
1824 whereabouts of a child, or upon stipulation of the parties, the
1825 court may:

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

1829 (b) Order that a parent may not remove the child from this
1830 country without the notarized written permission of both parents
1831 or further court order;

1832 (c) Order that a parent may not take the child to a country
1833 that has not ratified or acceded to the Hague Convention on the
1834 Civil Aspects of International Child Abduction unless the other
1835 parent agrees in writing that the child may be taken to the
1836 country;

1837 (d) Require a parent to surrender the passport of the
1838 child; or

1839 (e) Require that party to post bond or other security.

1840 (2) If the court enters a parenting plan, including a time-
1841 sharing schedule ~~an order of child custody or visitation~~,
1842 including in a modification proceeding, that includes a provision
1843 entered under paragraph (1) (b) or paragraph (1) (c), a certified
1844 copy of the order should be sent by the parent who requested the
1845 restriction to the Passport Services Office of the United States

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1846 Department of State requesting that they not issue a passport to
1847 the child without their signature or further court order.

1848 (3) In assessing the need for a bond or other security, the
1849 court may consider any reasonable factor bearing upon the risk
1850 that a party may violate a parenting plan ~~visitation or custody~~
1851 ~~order~~ by removing a child from this state or country or by
1852 concealing the whereabouts of a child, including but not limited
1853 to whether:

1854 (a) A court has previously found that a party previously
1855 removed a child from Florida or another state in violation of a
1856 parenting plan ~~custody or visitation order~~, or whether a court
1857 had found that a party has threatened to take a child out of
1858 Florida or another state in violation of a parenting plan ~~custody~~
1859 ~~or visitation order~~;

1860 (b) The party has strong family and community ties to
1861 Florida or to other states or countries, including whether the
1862 party or child is a citizen of another country;

1863 (c) The party has strong financial reasons to remain in
1864 Florida or to relocate to another state or country;

1865 (d) The party has engaged in activities that suggest plans
1866 to leave Florida, such as quitting employment; sale of a
1867 residence or termination of a lease on a residence, without
1868 efforts to acquire an alternative residence in the state; closing
1869 bank accounts or otherwise liquidating assets; or applying for a
1870 passport;

1871 (e) Either party has had a history of domestic violence as
1872 either a victim or perpetrator, child abuse or child neglect
1873 evidenced by criminal history, including but not limited to,
1874 arrest, an injunction for protection against domestic violence

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1875 issued after notice and hearing under s. 741.30, medical records,
1876 affidavits, or any other relevant information; or

1877 (f) The party has a criminal record.

1878 (4) The court must consider the party's financial resources
1879 prior to setting the bond amount under this section. Under no
1880 circumstances may the court set a bond that is unreasonable.

1881 (5) Any deficiency of bond or security shall not absolve
1882 the violating party of responsibility to pay the full amount of
1883 damages determined by the court.

1884 (6) (a) Upon a material violation of any parenting plan
1885 ~~custody or visitation order~~ by removing a child from this state
1886 or this country or by concealing the whereabouts of a child, the
1887 court may order the bond or other security forfeited in whole or
1888 in part.

1889 (b) This section, including the requirement to post a bond
1890 or other security, does not apply to a parent who, in a
1891 proceeding to order or modify a parenting plan or time-sharing
1892 schedule, is determined by the court to be ~~child custody or~~
1893 ~~visitation, the court determines~~ is a victim of an act of
1894 domestic violence or provides the court with ~~has~~ reasonable cause
1895 to believe that he or she is about to become the victim of an act
1896 of domestic violence, as defined in s. 741.28. An injunction for
1897 protection against domestic violence issued pursuant to s. 741.30
1898 for a parent as the petitioner which is in effect at the time of
1899 the court proceeding shall be one means of demonstrating
1900 sufficient evidence that the parent is a victim of domestic
1901 violence or is about to become the victim of an act of domestic
1902 violence, as defined in s. 741.28, and shall exempt the parent
1903 from this section, including the requirement to post a bond or

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1904 other security. A parent who is determined by the court to be
1905 exempt from the requirements of this section must meet the
1906 requirements of s. 787.03(6) if an offense of interference with
1907 the parenting plan or time-sharing schedule ~~custody~~ is committed.

1908 (7) (a) Upon an order of forfeiture, the proceeds of any
1909 bond or other security posted pursuant to this subsection may
1910 only be used to:

1911 1. Reimburse the nonviolating party for actual costs or
1912 damages incurred in upholding the court's parenting plan ~~order of~~
1913 ~~custody or visitation~~.

1914 2. Locate and return the child to the residence as set
1915 forth in the parenting plan ~~visitation or custody order~~.

1916 3. Reimburse reasonable fees and costs as determined by the
1917 court.

1918 (b) Any remaining proceeds shall be held as further
1919 security if deemed necessary by the court, and if further
1920 security is not found to be necessary; applied to any child
1921 support arrears owed by the parent against whom the bond was
1922 required, and if no arrears exists; all remaining proceeds will
1923 be allocated by the court in the best interest of the child.

1924 (8) At any time after the forfeiture of the bond or other
1925 security, the party who posted the bond or other security, or the
1926 court on its own motion may request that the party provide
1927 documentation substantiating that the proceeds received as a
1928 result of the forfeiture have been used solely in accordance with
1929 this subsection. Any party using such proceeds for purposes not
1930 in accordance with this section may be found in contempt of
1931 court.

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1932 Section 19. Subsection (14) of section 409.2554, Florida
1933 Statutes, is amended to read:

1934 409.2554 Definitions; ss. 409.2551-409.2598.--As used in
1935 ss. 409.2551-409.2598, the term:

1936 (14) "Unidentifiable collection" means a payment received
1937 by the department for which a ~~the noncustodial~~ parent, ~~custodial~~
1938 ~~parent~~, depository or circuit civil numbers, or source of the
1939 payment cannot be identified.

1940 Section 20. Paragraphs (b) and (c) of subsection (2) and
1941 subsection (4) of section 409.2558, Florida Statutes, are amended
1942 to read:

1943 409.2558 Support distribution and disbursement.--

1944 (2) UNDISTRIBUTABLE COLLECTIONS.--

1945 (b) Collections that are determined to be undistributable
1946 shall be processed in the following order of priority:

1947 1. Apply the payment to any assigned arrears on the
1948 obligee's ~~custodial parent's~~ case; then

1949 2. Apply the payment to any administrative costs ordered by
1950 the court pursuant to s. 409.2567 associated with the obligee's
1951 ~~custodial parent's~~ case; then

1952 3. When the obligor ~~noncustodial parent~~ is subject to a
1953 valid order to support another child in a case with a different
1954 obligee ~~custodial parent~~ and the obligation is being enforced by
1955 the department, the department shall send by certified mail,
1956 restricted delivery, return receipt requested, to the obligor
1957 ~~noncustodial parent~~ at the most recent address provided by the
1958 obligor ~~noncustodial parent~~ to the tribunal that issued the
1959 order, a notice stating the department's intention to apply the
1960 payment pursuant to this subparagraph, and advising the obligor

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1961 ~~noncustodial parent~~ of the right to contest the department's
1962 proposed action in the circuit court by filing and serving a
1963 petition on the department within 30 days after the mailing of
1964 the notice. If the obligor ~~noncustodial parent~~ does not file and
1965 serve a petition within the 30 days after mailing of the notice,
1966 or upon a disposition of the judicial action favorable to the
1967 department, the department shall apply the payment toward his or
1968 her other support obligation. If there is more than one such
1969 other case, the department shall allocate the remaining
1970 undistributable amount as specified by s. 61.1301(4)(c); then

1971 4. Return the payment to the obligor ~~noncustodial parent~~;
1972 then

1973 5. If the obligor ~~noncustodial parent~~ cannot be located
1974 after diligent efforts by the department, the federal share of
1975 the payment shall be credited to the Federal Government and the
1976 state share shall be transferred to the General Revenue Fund.

1977 (c) Refunds to obligors ~~noncustodial parents~~ that are
1978 determined to be undistributable shall be processed in the
1979 following manner:

1980 1. The federal share of the refund shall be sent to the
1981 Federal Government.

1982 2. The state share shall be credited to the General Revenue
1983 Fund.

1984 (4) RECLAIMING COLLECTIONS DECLARED TO BE UNDISTRIBUTABLE
1985 OR UNIDENTIFIABLE.--At such time as an undistributable or
1986 unidentifiable collection that has been transferred to the
1987 Federal Government and to the General Revenue Fund in the
1988 relevant method above becomes distributable or identified,
1989 meaning either the obligor ~~noncustodial parent~~ or the obligee

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1990 ~~eustodial parent~~ is identified or located, the department shall
1991 retrieve the transferred moneys in the following manner:

1992 (a) Offset the next credit to the Federal Government in an
1993 amount equal to the share of the collection which had been
1994 transferred; and

1995 (b) Offset the next transfer to the General Revenue Fund in
1996 an amount equal to the state share of the collection which had
1997 been transferred to the General Revenue Fund.

1998

1999 The collection shall then be processed, as appropriate.

2000 Section 21. Paragraph (a) of subsection (1), paragraphs
2001 (b), (c), (d), and (f) of subsection (2), subsection (4),
2002 paragraphs (a) and (c) of subsection (5), subsection (6),
2003 paragraphs (b), (c), (d), and (e) of subsection (7), paragraphs
2004 (a) and (b) of subsection (10), and subsections (13) and (17) of
2005 section 409.2563, Florida Statutes, are amended to read:

2006 409.2563 Administrative establishment of child support
2007 obligations.--

2008 (1) DEFINITIONS.--As used in this section, the term:

2009 (a) "Administrative support order" means a final order
2010 rendered by or on behalf of the department pursuant to this
2011 section establishing or modifying the obligation of a
2012 ~~noncustodial~~ parent to contribute to the support and maintenance
2013 of his or her child or children, which may include provisions for
2014 monetary support, retroactive support, health care, and other
2015 elements of support pursuant to chapter 61.

2016 (2) PURPOSE AND SCOPE.--

2017 (b) The administrative procedure set forth in this section
2018 concerns only the establishment of child support obligations.

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2019 This section does not grant jurisdiction to the department or the
2020 Division of Administrative Hearings to hear or determine issues
2021 of dissolution of marriage, separation, alimony or spousal
2022 support, termination of parental rights, dependency, disputed
2023 paternity, except for a determination of paternity as provided in
2024 s. 409.256, award of or change of time-sharing custody, ~~or~~
2025 ~~visitation~~. This paragraph notwithstanding, the department and
2026 the Division of Administrative Hearings may make findings of fact
2027 that are necessary for a proper determination of a ~~noncustodial~~
2028 parent's support obligation as authorized by this section.

2029 (c) If there is no support order for a child in a Title IV-
2030 D case whose paternity has been established or is presumed by
2031 law, or whose paternity is the subject of a proceeding under s.
2032 409.256, the department may establish a ~~the noncustodial~~ parent's
2033 child support obligation pursuant to this section, s. 61.30, and
2034 other relevant provisions of state law. The ~~noncustodial~~ parent's
2035 obligation determined by the department may include any
2036 obligation to pay retroactive support and any obligation to
2037 provide for health care for a child, whether through insurance
2038 coverage, reimbursement of expenses, or both. The department may
2039 proceed on behalf of:

2040 1. An applicant or recipient of public assistance, as
2041 provided by ss. 409.2561 and 409.2567;

2042 2. A former recipient of public assistance, as provided by
2043 s. 409.2569;

2044 3. An individual who has applied for services as provided
2045 by s. 409.2567;

2046 4. Itself or the child, as provided by s. 409.2561; or

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2047 5. A state or local government of another state, as
2048 provided by chapter 88.

2049 (d) Either parent, or a caretaker relative if applicable,
2050 may at any time file a civil action in a circuit court having
2051 jurisdiction and proper venue to determine parental support
2052 obligations ~~the noncustodial parent's child support obligations~~,
2053 if any. A support order issued by a circuit court prospectively
2054 supersedes an administrative support order rendered by the
2055 department.

2056 (f) The department shall terminate the administrative
2057 proceeding and file an action in circuit court to determine
2058 support if within 20 days after receipt of the initial notice the
2059 ~~noncustodial~~ parent from whom support is being sought requests in
2060 writing that the department proceed in circuit court or states in
2061 writing his or her ~~the noncustodial parent's~~ intention to address
2062 issues concerning time-sharing ~~custody~~ or rights to parental
2063 contact in court and if within 10 days after receipt of the
2064 department's petition and waiver of service the ~~noncustodial~~
2065 parent from whom support is being sought signs and returns the
2066 waiver of service form to the department.

2067 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE
2068 SUPPORT ORDER.--To commence a proceeding under this section, the
2069 department shall provide to the ~~custodial~~ parent from whom
2070 support is not being sought and serve the ~~noncustodial~~ parent
2071 from whom support is being sought with a notice of proceeding to
2072 establish administrative support order and a blank financial
2073 affidavit form. The notice must state:

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2074 (a) The names of both parents, the name of the caretaker
2075 relative, if any, and the name and date of birth of the child or
2076 children;

2077 (b) That the department intends to establish an
2078 administrative support order as defined in this section;

2079 (c) That both parents must submit a completed financial
2080 affidavit to the department within 20 days after receiving the
2081 notice, as provided by paragraph (13) (a);

2082 (d) That both parents, or parent and caretaker relative if
2083 applicable, are required to furnish to the department information
2084 regarding their identities and locations, as provided by
2085 paragraph (13) (b);

2086 (e) That both parents, or parent and caretaker relative if
2087 applicable, are required to promptly notify the department of any
2088 change in their mailing addresses to ensure receipt of all
2089 subsequent pleadings, notices, and orders, as provided by
2090 paragraph (13) (c);

2091 (f) That the department will calculate support obligations
2092 based on the child support guidelines schedule in s. 61.30 and
2093 using all available information, as provided by paragraph (5) (a),
2094 and will incorporate such obligations into a proposed
2095 administrative support order;

2096 (g) That the department will send by regular mail to both
2097 parents, or parent and caretaker relative if applicable, a copy
2098 of the proposed administrative support order, the department's
2099 child support worksheet, and any financial affidavits submitted
2100 by a parent or prepared by the department;

2101 (h) That the ~~noncustodial~~ parent from whom support is being
2102 sought may file a request for a hearing in writing within 20 days

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2103 after the date of mailing or other service of the proposed
2104 administrative support order or will be deemed to have waived the
2105 right to request a hearing;

2106 (i) That if the ~~noncustodial~~ parent from whom support is
2107 being sought does not file a timely request for hearing after
2108 service of the proposed administrative support order, the
2109 department will issue an administrative support order that
2110 incorporates the findings of the proposed administrative support
2111 order, and will send by regular mail a copy of the administrative
2112 support order to both parents, or parent and caretaker relative
2113 if applicable;

2114 (j) That after an administrative support order is rendered,
2115 the department will file a copy of the order with the clerk of
2116 the circuit court;

2117 (k) That after an administrative support order is rendered,
2118 the department may enforce the administrative support order by
2119 any lawful means;

2120 (l) That either parent, or caretaker relative if
2121 applicable, may file at any time a civil action in a circuit
2122 court having jurisdiction and proper venue to determine parental
2123 support obligations ~~the noncustodial parent's child support~~
2124 ~~obligations~~, if any, and that a support order issued by a circuit
2125 court supersedes an administrative support order rendered by the
2126 department;

2127 (m) That, neither the department nor the Division of
2128 Administrative Hearings has jurisdiction to award or change child
2129 custody or rights of parental contact or time-sharing and these
2130 issues may only be addressed in circuit court.

2131 1. The parent from whom support is being sought

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2132 ~~noncustodial parent~~ may request in writing that the department
2133 proceed in circuit court to determine his or her support
2134 obligations.

2135 2. The parent from whom support is being sought
2136 ~~noncustodial parent~~ may state in writing to the department his or
2137 her intention to address issues concerning custody or rights to
2138 parental contact in circuit court.

2139 3. If the parent from whom support is being sought
2140 ~~noncustodial parent~~ submits the request authorized in
2141 subparagraph 1., or the statement authorized in subparagraph 2.
2142 to the department within 20 days after the receipt of the initial
2143 notice, the department shall file a petition in circuit court for
2144 the determination of the ~~noncustodial~~ parent's child support
2145 obligations, and shall send to the parent from whom support is
2146 being sought ~~noncustodial parent~~ a copy of its petition, a notice
2147 of commencement of action, and a request for waiver of service of
2148 process as provided in the Florida Rules of Civil Procedure.

2149 4. If, within 10 days after receipt of the department's
2150 petition and waiver of service, the parent from whom support is
2151 being sought ~~noncustodial parent~~ signs and returns the waiver of
2152 service form to the department, the department shall terminate
2153 the administrative proceeding without prejudice and proceed in
2154 circuit court.

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

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2161 the responsibility of the parent from whom support is being
2162 sought ~~noncustodial parent~~ or other person to take the necessary
2163 steps to present other issues for the court to consider.

2164 (n) That if the parent from whom support is being sought
2165 ~~noncustodial parent~~ files an action in circuit court and serves
2166 the department with a copy of the petition within 20 days after
2167 being served notice under this subsection, the administrative
2168 process ends without prejudice and the action must proceed in
2169 circuit court;

2170 (o) Information provided by the Office of State Courts
2171 Administrator concerning the availability and location of self-
2172 help programs for those who wish to file an action in circuit
2173 court but who cannot afford an attorney.

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

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2190 the department is unable to confirm that the addressee has
2191 received the notice, service is not completed and the department
2192 shall attempt to have the addressee served personally. The
2193 department shall provide the ~~custodial~~ parent from whom support
2194 is not being sought or caretaker relative with a copy of the
2195 notice by regular mail to the last known address of the ~~custodial~~
2196 parent from whom support is not being sought or caretaker.

2197 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.--

2198 (a) After serving notice upon a ~~the noncustodial~~ parent in
2199 accordance with subsection (4), the department shall calculate
2200 that ~~the noncustodial~~ parent's child support obligation under the
2201 child support guidelines schedule as provided by s. 61.30, based
2202 on any timely financial affidavits received and other information
2203 available to the department. If either parent fails to comply
2204 with the requirement to furnish a financial affidavit, the
2205 department may proceed on the basis of information available from
2206 any source, if such information is sufficiently reliable and
2207 detailed to allow calculation of guideline schedule amounts under
2208 s. 61.30. If a ~~the custodial~~ parent receives public assistance
2209 and fails to submit a financial affidavit, the department may
2210 submit a financial affidavit for that ~~the custodial~~ parent
2211 pursuant to s. 61.30(15). If there is a lack of sufficient
2212 reliable information concerning a parent's actual earnings for a
2213 current or past period, it shall be presumed for the purpose of
2214 establishing a support obligation that the parent had an earning
2215 capacity equal to the federal minimum wage during the applicable
2216 period.

2217 (c) The department shall provide a notice of rights with
2218 the proposed administrative support order, which notice must

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2219 inform the ~~noncustodial~~ parent from whom support is being sought
2220 that:

2221 1. The ~~noncustodial~~ parent from whom support is being
2222 sought may, within 20 days after the date of mailing or other
2223 service of the proposed administrative support order, request a
2224 hearing by filing a written request for hearing in a form and
2225 manner specified by the department;

2226 2. If the ~~noncustodial~~ parent from whom support is being
2227 sought files a timely request for a hearing, the case shall be
2228 transferred to the Division of Administrative Hearings, which
2229 shall conduct further proceedings and may enter an administrative
2230 support order;

2231 3. A ~~noncustodial~~ parent from whom support is being sought
2232 who fails to file a timely request for a hearing shall be deemed
2233 to have waived the right to a hearing, and the department may
2234 render an administrative support order pursuant to paragraph
2235 (7) (b);

2236 4. The ~~noncustodial~~ parent from whom support is being
2237 sought may consent in writing to entry of an administrative
2238 support order without a hearing;

2239 5. The ~~noncustodial~~ parent from whom support is being
2240 sought may, within 10 days after the date of mailing or other
2241 service of the proposed administrative support order, contact a
2242 department representative, at the address or telephone number
2243 specified in the notice, to informally discuss the proposed
2244 administrative support order and, if informal discussions are
2245 requested timely, the time for requesting a hearing will be
2246 extended until 10 days after the department notifies the

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2247 ~~noncustodial~~ parent that the informal discussions have been
2248 concluded; and

2249 6. If an administrative support order that establishes a
2250 ~~noncustodial~~ parent's support obligation is rendered, whether
2251 after a hearing or without a hearing, the department may enforce
2252 the administrative support order by any lawful means.

2253 (6) HEARING.--If the ~~noncustodial~~ parent from whom support
2254 is being sought files a timely request for hearing, the
2255 department shall refer the hearing request to the Division of
2256 Administrative Hearings. Unless otherwise provided by this
2257 section, chapter 120 and the Uniform Rules of Procedure shall
2258 govern the conduct of the proceedings. The administrative law
2259 judge shall consider all available and admissible information and
2260 any presumptions that apply as provided by paragraph (5) (a).

2261 (7) ADMINISTRATIVE SUPPORT ORDER.--

2262 (b) If the ~~noncustodial~~ parent from whom support is being
2263 sought does not file a timely request for a hearing, the
2264 ~~noncustodial~~ parent will be deemed to have waived the right to
2265 request a hearing.

2266 (c) If the ~~noncustodial~~ parent from whom support is being
2267 sought waives the right to a hearing, or consents in writing to
2268 the entry of an order without a hearing, the department may
2269 render an administrative support order.

2270 (d) The department shall send by regular mail a copy of the
2271 administrative support order, or the final order denying an
2272 administrative support order, to both parents, or a parent and
2273 caretaker relative if applicable. The ~~noncustodial~~ parent from
2274 whom support is being sought shall be notified of the right to

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2275 seek judicial review of the administrative support order in
2276 accordance with s. 120.68.

2277 (e) An administrative support order must comply with s.
2278 61.30. The department shall develop a standard form or forms for
2279 administrative support orders. An administrative support order
2280 must provide and state findings, if applicable, concerning:

2281 1. The full name and date of birth of the child or
2282 children;

2283 2. The name of the ~~noncustodial~~ parent from whom support is
2284 being sought and the other ~~custodial~~ parent or caretaker
2285 relative;

2286 3. The ~~noncustodial~~ parent's duty and ability to provide
2287 support;

2288 4. The amount of the ~~noncustodial~~ parent's monthly support
2289 obligation;

2290 5. Any obligation to pay retroactive support;

2291 6. The ~~noncustodial~~ parent's obligation to provide for the
2292 health care needs of each child, whether through insurance
2293 coverage, contribution towards the cost of insurance coverage,
2294 payment or reimbursement of health care expenses for the child,
2295 or any combination thereof;

2296 7. The beginning date of any required monthly payments and
2297 health care coverage;

2298 8. That all support payments ordered must be paid to the
2299 Florida State Disbursement Unit as provided by s. 61.1824;

2300 9. That the parents, or caretaker relative if applicable,
2301 must file with the department when the administrative support
2302 order is rendered, if they have not already done so, and update

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2303 as appropriate the information required pursuant to paragraph
2304 (13) (b);

2305 10. That both parents, or parent and caretaker relative if
2306 applicable, are required to promptly notify the department of any
2307 change in their mailing addresses pursuant to paragraph (13) (c);
2308 and

2309 11. That if the ~~noncustodial~~ parent ordered to pay support
2310 receives unemployment compensation benefits, the payor shall
2311 withhold, and transmit to the department, 40 percent of the
2312 benefits for payment of support, not to exceed the amount owed.

2313
2314 An income deduction order as provided by s. 61.1301 must be
2315 incorporated into the administrative support order or, if not
2316 incorporated into the administrative support order, the
2317 department or the Division of Administrative Hearings shall
2318 render a separate income deduction order.

2319 (10) JUDICIAL REVIEW, ENFORCEMENT, OR COURT ORDER
2320 SUPERSEDING ADMINISTRATIVE SUPPORT ORDER.--

2321 (a) The obligor ~~A noncustodial parent~~ has the right to seek
2322 judicial review of an administrative support order or a final
2323 order denying an administrative support order in accordance with
2324 s. 120.68. The department has the right to seek judicial review,
2325 in accordance with s. 120.68, of an administrative support order
2326 or a final order denying an administrative support order entered
2327 by an administrative law judge of the Division of Administrative
2328 Hearings.

2329 (b) An administrative support order rendered under this
2330 section has the same force and effect as a court order and may be
2331 enforced by any circuit court in the same manner as a support

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2332 order issued by the court, except for contempt. If the circuit
2333 court issues its own order enforcing the administrative support
2334 order, the circuit court may enforce its own order by contempt.
2335 The presumption of ability to pay and purge contempt established
2336 in s. 61.14(5) (a) applies to an administrative support order that
2337 includes a finding of present ability to pay. Enforcement by the
2338 court, without any change by the court in the support obligations
2339 established in the administrative support order, does not
2340 supersede the administrative support order or affect the
2341 department's authority to modify the administrative support order
2342 as provided by subsection (12). An order by the court that
2343 requires a ~~the noncustodial~~ parent to make periodic payments on
2344 arrearages does not constitute a change in the support
2345 obligations established in the administrative support order and
2346 does not supersede the administrative order.

2347 (13) REQUIRED DISCLOSURES; PRESUMPTIONS; NOTICE SENT TO
2348 ADDRESS OF RECORD.--In all proceedings pursuant to this section:

2349 (a) Each ~~The noncustodial~~ parent and ~~custodial~~ parent must
2350 execute and furnish to the department, no later than 20 days
2351 after receipt of the notice of proceeding to establish
2352 administrative support order, a financial affidavit in the form
2353 prescribed by the department. An updated financial affidavit must
2354 be executed and furnished to the department at the inception of
2355 each proceeding to modify an administrative support order.
2356 Caretaker relatives are not required to furnish financial
2357 affidavits.

2358 (b) Each ~~The noncustodial~~ parent, ~~custodial~~ parent, and
2359 caretaker relative if applicable, shall disclose to the
2360 department, no later than 20 days after receipt of the notice of

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2361 proceeding to establish administrative support order, and update
2362 as appropriate, information regarding his or her ~~their~~ identity
2363 and location, including names he or she is ~~they are~~ known by;
2364 social security number ~~numbers~~; residential and mailing
2365 addresses; telephone numbers; driver's license numbers; and
2366 names, addresses, and telephone numbers of employers. Pursuant to
2367 the federal Personal Responsibility and Work Opportunity
2368 Reconciliation Act of 1996, each person must provide his or her
2369 social security number in accordance with this section.
2370 Disclosure of social security numbers obtained through this
2371 requirement shall be limited to the purpose of administration of
2372 the Title IV-D program for child support enforcement.

2373 (c) Each ~~The noncustodial parent, custodial parent,~~ and
2374 caretaker relative, if applicable, have a continuing obligation
2375 to promptly inform the department in writing of any change in his
2376 or her ~~their~~ mailing address ~~addresses~~ to ensure receipt of all
2377 subsequent pleadings, notices, payments, statements, and orders,
2378 and receipt is presumed if sent by regular mail to the most
2379 recent address furnished by the person.

2380 ~~(17) EVALUATION. The Office of Program Policy Analysis and~~
2381 ~~Government Accountability shall conduct an evaluation of the~~
2382 ~~statewide implementation of the administrative process for~~
2383 ~~establishing child support provided for in this section. This~~
2384 ~~evaluation shall examine whether these processes have been~~
2385 ~~effectively implemented and administered statewide and are~~
2386 ~~operating to the benefit of the children, including, but not~~
2387 ~~limited to the ability of Title IV-D parents to easily access the~~
2388 ~~court system for necessary court action. The Office of Program~~
2389 ~~Policy Analysis and Government Accountability shall submit an~~

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2390 ~~evaluation report on the statewide implementation of the~~
2391 ~~administrative processes for establishing child support by June~~
2392 ~~30, 2006.~~

2393 Section 22. Subsections (1), (4), and (11) of section
2394 409.2564, Florida Statutes, are amended to read:

2395 409.2564 Actions for support.--

2396 (1) In each case in which regular support payments are not
2397 being made as provided herein, the department shall institute,
2398 within 30 days after determination of the obligor's reasonable
2399 ability to pay, action as is necessary to secure the obligor's
2400 payment of current support and any arrearage which may have
2401 accrued under an existing order of support. The department shall
2402 notify the program attorney in the judicial circuit in which the
2403 recipient resides setting forth the facts in the case, including
2404 the obligor's address, if known, and the public assistance case
2405 number. Whenever applicable, the procedures established under the
2406 provisions of chapter 88, Uniform Interstate Family Support Act,
2407 chapter 61, Dissolution of Marriage; Support; Time-sharing
2408 ~~Custody~~, chapter 39, Proceedings Relating to Children, chapter
2409 984, Children and Families in Need of Services, and chapter 985,
2410 Delinquency; Interstate Compact on Juveniles, may govern actions
2411 instituted under the provisions of this act, except that actions
2412 for support under chapter 39, chapter 984, or chapter 985 brought
2413 pursuant to this act shall not require any additional
2414 investigation or supervision by the department.

2415 (4) Whenever the Department of Revenue has undertaken an
2416 action for enforcement of support, the Department of Revenue may
2417 enter into an agreement with the obligor for the entry of a
2418 judgment determining paternity, if applicable, and for periodic

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2419 child support payments based on the child support guidelines
2420 schedule in s. 61.30. Prior to entering into this agreement, the
2421 obligor shall be informed that a judgment will be entered based
2422 on the agreement. The clerk of the court shall file the agreement
2423 without the payment of any fees or charges, and the court, upon
2424 entry of the judgment, shall forward a copy of the judgment to
2425 the parties to the action. To encourage out-of-court settlement
2426 and promote support order compliance, if the obligor and the
2427 Department of Revenue agree on entry of a support order and its
2428 terms, the guideline amount owed for retroactive support that is
2429 permanently assigned to the state shall be reduced by 25 percent.

2430 (11) The Title IV-D agency shall review child support
2431 orders in IV-D cases at least every 3 years upon request by
2432 either party, or the agency in cases where there is an assignment
2433 of support to the state under s. 414.095(7), and may seek
2434 adjustment of the order if appropriate under the guidelines
2435 schedule established in s. 61.30. Not less than once every 3
2436 years the IV-D agency shall provide notice to the parties subject
2437 to the order informing them of their right to request a review
2438 and, if appropriate, an adjustment of the child support order.
2439 Said notice requirement may be met by including appropriate
2440 language in the initial support order or any subsequent orders.

2441 Section 23. Paragraph (a) of subsection (2) of section
2442 409.25657, Florida Statutes, is amended to read:

2443 409.25657 Requirements for financial institutions.--

2444 (2) The department shall develop procedures to enter into
2445 agreements with financial institutions doing business in the
2446 state, in coordination with such financial institutions and with
2447 the Federal Parent Locator Service in the case of financial

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2448 institutions doing business in two or more states, to develop and
2449 operate a data match system, using automated data exchanges to
2450 the maximum extent feasible, in which each financial institution
2451 is required to provide for each calendar quarter the name, record
2452 address, social security number or other taxpayer identification
2453 number, average daily account balance, and other identifying
2454 information for:

2455 (a) Each ~~noncustodial~~ parent who maintains an account at
2456 such institution and who owes past due support, as identified by
2457 the department by name and social security number or other
2458 taxpayer identification number; or

2459 Section 24. Subsections (2) and (5) of section 409.25659,
2460 Florida Statutes, are amended to read:

2461 409.25659 Insurance claim data exchange.--

2462 (2) The department shall develop and operate a data match
2463 system after consultation with one or more insurers, using
2464 automated data exchanges to the maximum extent feasible, in which
2465 an insurer may voluntarily provide the department monthly with
2466 the name, address, and, if known, date of birth and social
2467 security number or other taxpayer identification number for each
2468 ~~noncustodial~~ parent who has a claim with the insurer and who owes
2469 past due support, and the claim number maintained by the insurer
2470 for each claim. An insurer may provide such data by:

2471 (a) Authorizing an insurance claim data collection
2472 organization, to which the insurer subscribes and to which the
2473 insurer submits the required claim data on at least a monthly
2474 basis, to:

2475 1. Receive or access a data file from the department and
2476 conduct a data match of all ~~noncustodial~~ parents who have a claim

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2477 with the insurer and who owe past due support and submit the
2478 required data for each such ~~noncustodial~~ parent to the
2479 department; or

2480 2. Submit a data file to the department which contains the
2481 required data for each claim being maintained by the insurer for
2482 the department to conduct a data match;

2483 (b) Providing the required data for each claim being
2484 maintained by the insurer directly to the department in an
2485 electronic medium; or

2486 (c) Receiving or accessing a data file from the department
2487 and conducting a data match of all ~~noncustodial~~ parents who have
2488 a claim with the insurer and who owe past due support and
2489 submitting the required data for each such ~~noncustodial~~ parent to
2490 the department.

2491 (5) The department and insurers may only use the data
2492 obtained pursuant to subsection (2) for the purpose of
2493 identifying ~~noncustodial~~ parents who owe past due support. If the
2494 department does not match such data with a ~~noncustodial~~ parent
2495 who owes past due support, such data shall be destroyed
2496 immediately and shall not be maintained by the department.

2497 Section 25. Section 409.2577, Florida Statutes, is amended
2498 to read:

2499 409.2577 Parent locator service.--The department shall
2500 establish a parent locator service to assist in locating parents
2501 who have deserted their children and other persons liable for
2502 support of dependent children. The department shall use all
2503 sources of information available, including the Federal Parent
2504 Locator Service, and may request and shall receive information
2505 from the records of any person or the state or any of its

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2506 political subdivisions or any officer thereof. Any agency as
2507 defined in s. 120.52, any political subdivision, and any other
2508 person shall, upon request, provide the department any
2509 information relating to location, salary, insurance, social
2510 security, income tax, and employment history necessary to locate
2511 parents who owe or potentially owe a duty of support pursuant to
2512 Title IV-D of the Social Security Act. This provision shall
2513 expressly take precedence over any other statutory nondisclosure
2514 provision which limits the ability of an agency to disclose such
2515 information, except that law enforcement information as provided
2516 in s. 119.071(4)(d) is not required to be disclosed, and except
2517 that confidential taxpayer information possessed by the
2518 Department of Revenue shall be disclosed only to the extent
2519 authorized in s. 213.053(16). Nothing in this section requires
2520 the disclosure of information if such disclosure is prohibited by
2521 federal law. Information gathered or used by the parent locator
2522 service is confidential and exempt from the provisions of s.
2523 119.07(1). Additionally, the department is authorized to collect
2524 any additional information directly bearing on the identity and
2525 whereabouts of a person owing or asserted to be owing an
2526 obligation of support for a dependent child. The department
2527 shall, upon request, make information available only to public
2528 officials and agencies of this state; political subdivisions of
2529 this state, including any agency thereof providing child support
2530 enforcement services to non-Title IV-D clients; the ~~eustodial~~
2531 parent owed support, legal guardian, attorney, or agent of the
2532 child; and other states seeking to locate parents who have
2533 deserted their children and other persons liable for support of
2534 dependents, for the sole purpose of establishing, modifying, or

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2535 enforcing their liability for support, and shall make such
2536 information available to the Department of Children and Family
2537 Services for the purpose of diligent search activities pursuant
2538 to chapter 39. If the department has reasonable evidence of
2539 domestic violence or child abuse and the disclosure of
2540 information could be harmful to the ~~custodial~~ parent owed support
2541 or the child of such parent, the child support program director
2542 or designee shall notify the Department of Children and Family
2543 Services and the Secretary of the United States Department of
2544 Health and Human Services of this evidence. Such evidence is
2545 sufficient grounds for the department to disapprove an
2546 application for location services.

2547 Section 26. Paragraph (e) of subsection (1) of section
2548 409.2579, Florida Statutes, is amended to read:

2549 409.2579 Safeguarding Title IV-D case file information.--

2550 (1) Information concerning applicants for or recipients of
2551 Title IV-D child support services is confidential and exempt from
2552 the provisions of s. 119.07(1). The use or disclosure of such
2553 information by the IV-D program is limited to purposes directly
2554 connected with:

2555 (e) Mandatory disclosure of identifying and location
2556 information as provided in s. 61.13(7)~~(8)~~ by the IV-D program
2557 when providing Title IV-D services.

2558 Section 27. Subsection (11) of section 409.811, Florida
2559 Statutes, is amended to read:

2560 409.811 Definitions relating to Florida Kidcare Act.--As
2561 used in ss. 409.810-409.820, the term:

2562 (11) "Family" means the group or the individuals whose
2563 income is considered in determining eligibility for the Florida

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2564 Kidcare program. The family includes a child with a ~~custodial~~
2565 parent or caretaker relative who resides in the same house or
2566 living unit or, in the case of a child whose disability of nonage
2567 has been removed under chapter 743, the child. The family may
2568 also include other individuals whose income and resources are
2569 considered in whole or in part in determining eligibility of the
2570 child.

2571 Section 28. Subsection (5) of section 414.0252, Florida
2572 Statutes, is amended to read:

2573 414.0252 Definitions.--As used in ss. 414.025-414.55, the
2574 term:

2575 (5) "Family" means the assistance group or the individuals
2576 whose needs, resources, and income are considered when
2577 determining eligibility for temporary assistance. The family for
2578 purposes of temporary assistance includes the minor child, a
2579 ~~custodial~~ parent, or caretaker relative who resides in the same
2580 house or living unit. The family may also include individuals
2581 whose income and resources are considered in whole or in part in
2582 determining eligibility for temporary assistance but whose needs,
2583 due to federal or state restrictions, are not considered. These
2584 individuals include, but are not limited to, ineligible
2585 noncitizens or sanctioned individuals.

2586 Section 29. Paragraph (a) of subsection (4) and subsection
2587 (5) of section 414.065, Florida Statutes, are amended to read:

2588 414.065 Noncompliance with work requirements.--

2589 (4) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.--Unless
2590 otherwise provided, the situations listed in this subsection
2591 shall constitute exceptions to the penalties for noncompliance
2592 with participation requirements, except that these situations do

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2593 not constitute exceptions to the applicable time limit for
2594 receipt of temporary cash assistance:

2595 (a) Noncompliance related to child care.--Temporary cash
2596 assistance may not be terminated for refusal to participate in
2597 work activities if the individual is a single ~~custodial~~ parent
2598 caring for a child who has not attained 6 years of age, and the
2599 adult proves to the regional workforce board an inability to
2600 obtain needed child care for one or more of the following
2601 reasons, as defined in the Child Care and Development Fund State
2602 Plan required by 45 C.F.R. part 98:

2603 1. Unavailability of appropriate child care within a
2604 reasonable distance from the individual's home or worksite.

2605 2. Unavailability or unsuitability of informal child care
2606 by a relative or under other arrangements.

2607 3. Unavailability of appropriate and affordable formal
2608 child care arrangements.

2609 (5) WORK ACTIVITY REQUIREMENTS FOR ~~NONCUSTODIAL~~ PARENTS.--

2610 (a) The court may order a ~~noncustodial~~ parent who is
2611 delinquent in support payments, pursuant to the terms of a
2612 support order, to participate in work activities under this
2613 chapter, or as provided in s. 61.14(5)(b), so that the parent may
2614 obtain employment and fulfill the obligation to provide support
2615 payments. A ~~noncustodial~~ parent who fails to satisfactorily
2616 engage in court-ordered work activities may be held in contempt.

2617 (b) The court may order a ~~noncustodial~~ parent to
2618 participate in work activities under this chapter if the child of
2619 the ~~noncustodial~~ parent has been placed with a relative, in an
2620 emergency shelter, in foster care, or in other substitute care,
2621 and:

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2622 1. The case plan requires the ~~noncustodial~~ parent to
2623 participate in work activities; or

2624 2. The ~~noncustodial~~ parent would be eligible to participate
2625 in work activities and subject to work activity requirements if
2626 the child were living with the parent.

2627
2628 If a ~~noncustodial~~ parent fails to comply with the case plan, the
2629 ~~noncustodial~~ parent may be removed from program participation.

2630 Section 30. Paragraph (c) of subsection (1) of section
2631 414.085, Florida Statutes, is amended to read:

2632 414.085 Income eligibility standards.--

2633 (1) For purposes of program simplification and effective
2634 program management, certain income definitions, as outlined in
2635 the food stamp regulations at 7 C.F.R. s. 273.9, shall be applied
2636 to the temporary cash assistance program as determined by the
2637 department to be consistent with federal law regarding temporary
2638 cash assistance and Medicaid for needy families, except as to the
2639 following:

2640 (c) The first \$50 of child support paid to a ~~custodial~~
2641 parent receiving temporary cash assistance may not be disregarded
2642 in calculating the amount of temporary cash assistance for the
2643 family, unless such exclusion is required by federal law.

2644 Section 31. Subsection (2) and paragraph (a) of subsection
2645 (6) of section 414.095, Florida Statutes, are amended to read:

2646 414.095 Determining eligibility for temporary cash
2647 assistance.--

2648 (2) ADDITIONAL ELIGIBILITY REQUIREMENTS.--

2649 (a) To be eligible for services or temporary cash
2650 assistance and Medicaid:

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- 2651 1. An applicant must be a United States citizen, or a
2652 qualified noncitizen, as defined in this section.
- 2653 2. An applicant must be a legal resident of the state.
- 2654 3. Each member of a family must provide to the department
2655 the member's social security number or shall provide proof of
2656 application for a social security number. An individual who fails
2657 to provide a social security number, or proof of application for
2658 a social security number, is not eligible to participate in the
2659 program.
- 2660 4. A minor child must reside with a ~~custodial~~ parent or
2661 parents, with a relative caretaker who is within the specified
2662 degree of blood relationship as defined by 45 C.F.R. part 233,
2663 or, if the minor is a teen parent with a child, in a setting
2664 approved by the department as provided in subsection (14).
- 2665 5. Each family must have a minor child and meet the income
2666 and resource requirements of the program. All minor children who
2667 live in the family, as well as the parents of the minor children,
2668 shall be included in the eligibility determination unless
2669 specifically excluded.
- 2670 (b) The following members of a family are eligible to
2671 participate in the program if all eligibility requirements are
2672 met:
- 2673 1. A minor child who resides with a ~~custodial~~ parent or
2674 other adult caretaker relative.
- 2675 2. The parent of a minor child with whom the child resides.
- 2676 3. The caretaker relative with whom the minor child resides
2677 who chooses to have her or his needs and income included in the
2678 family.

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2679 4. Unwed minor children and their children if the unwed
2680 minor child lives at home or in an adult-supervised setting and
2681 if temporary cash assistance is paid to an alternative payee.

2682 5. A pregnant woman.

2683 (6) CHILD SUPPORT ENFORCEMENT.--As a condition of
2684 eligibility for public assistance, the family must cooperate with
2685 the state agency responsible for administering the child support
2686 enforcement program in establishing the paternity of the child,
2687 if the child is born out of wedlock, and in obtaining support for
2688 the child or for the parent or caretaker relative and the child.
2689 Cooperation is defined as:

2690 (a) Assisting in identifying and locating a ~~noncustodial~~
2691 parent who does not live in the same home as the child and
2692 providing complete and accurate information on that parent;

2693
2694 This subsection does not apply if the state agency that
2695 administers the child support enforcement program determines that
2696 the parent or caretaker relative has good cause for failing to
2697 cooperate.

2698 Section 32. Subsection (1) of section 414.295, Florida
2699 Statutes, is amended to read:

2700 414.295 Temporary cash assistance programs; public records
2701 exemption.--

2702 (1) Personal identifying information of a temporary cash
2703 assistance program participant, a participant's family, or a
2704 participant's family or household member, except for information
2705 identifying a ~~noncustodial~~ parent who does not live in the same
2706 home as the child, held by the department, the Agency for
2707 Workforce Innovation, Workforce Florida, Inc., the Department of

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2708 Health, the Department of Revenue, the Department of Education,
2709 or a regional workforce board or local committee created pursuant
2710 to s. 445.007 is confidential and exempt from s. 119.07(1) and s.
2711 24(a), Art. I of the State Constitution. Such confidential and
2712 exempt information may be released for purposes directly
2713 connected with:

2714 (a) The administration of the temporary assistance for
2715 needy families plan under Title IV-A of the Social Security Act,
2716 as amended, by the department, the Agency for Workforce
2717 Innovation, Workforce Florida, Inc., the Department of Military
2718 Affairs, the Department of Health, the Department of Revenue, the
2719 Department of Education, a regional workforce board or local
2720 committee created pursuant to s. 445.007, or a school district.

2721 (b) The administration of the state's plan or program
2722 approved under Title IV-B, Title IV-D, or Title IV-E of the
2723 Social Security Act, as amended, or under Title I, Title X, Title
2724 XIV, Title XVI, Title XIX, Title XX, or Title XXI of the Social
2725 Security Act, as amended.

2726 (c) Any investigation, prosecution, or any criminal, civil,
2727 or administrative proceeding conducted in connection with the
2728 administration of any of the plans or programs specified in
2729 paragraph (a) or paragraph (b) by a federal, state, or local
2730 governmental entity, upon request by that entity, when such
2731 request is made pursuant to the proper exercise of that entity's
2732 duties and responsibilities.

2733 (d) The administration of any other state, federal, or
2734 federally assisted program that provides assistance or services
2735 on the basis of need, in cash or in kind, directly to a
2736 participant.

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2737 (e) Any audit or similar activity, such as a review of
2738 expenditure reports or financial review, conducted in connection
2739 with the administration of any of the plans or programs specified
2740 in paragraph (a) or paragraph (b) by a governmental entity
2741 authorized by law to conduct such audit or activity.

2742 (f) The administration of the unemployment compensation
2743 program.

2744 (g) The reporting to the appropriate agency or official of
2745 information about known or suspected instances of physical or
2746 mental injury, sexual abuse or exploitation, or negligent
2747 treatment or maltreatment of a child or elderly person receiving
2748 assistance, if circumstances indicate that the health or welfare
2749 of the child or elderly person is threatened.

2750 (h) The administration of services to elderly persons under
2751 ss. 430.601-430.606.

2752 Section 33. Paragraph (c) of subsection (3) of section
2753 445.024, Florida Statutes, is amended to read:

2754 445.024 Work requirements.--

2755 (3) EXEMPTION FROM WORK ACTIVITY REQUIREMENTS.--The
2756 following individuals are exempt from work activity requirements:

2757 (c) A single ~~custodial~~ parent of a child under 3 months of
2758 age, except that the parent may be required to attend parenting
2759 classes or other activities to better prepare for the
2760 responsibilities of raising a child.

2761 Section 34. Paragraphs (b), (c), and (d) of subsection (3)
2762 of section 741.0306, Florida Statutes, are amended, and
2763 subsection (5) is added to that section, to read:

2764 741.0306 Creation of a family law handbook.--

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2765 (3) The information contained in the handbook or other
2766 electronic media presentation may be reviewed and updated
2767 annually, and may include, but need not be limited to:

2768 (b) Shared parental responsibility for children ~~and~~ the
2769 determination of a parenting plan, including a time-sharing
2770 schedule ~~primary residence or custody and secondary residence or~~
2771 ~~routine visitation, holiday, summer, and vacation visitation~~
2772 ~~arrangements, telephone access, and the process for notice for~~
2773 ~~changes.~~

2774 (c) Permanent relocation restrictions ~~on parents with~~
2775 ~~primary residential responsibility.~~

2776 (d) Child support for minor children; both parents are
2777 obligated for support in accordance with applicable child support
2778 guidelines schedule.

2779 (5) The existing family law handbook shall be reviewed and
2780 a report provided to the Legislature by October 1, 2008, or as
2781 soon thereafter as practicable, with recommendations for updating
2782 the handbook.

2783 Section 35. Subsection (3), paragraph (a) of subsection
2784 (5), and paragraph (a) of subsection (6) of section 741.30,
2785 Florida Statutes, are amended to read:

2786 741.30 Domestic violence; injunction; powers and duties of
2787 court and clerk; petition; notice and hearing; temporary
2788 injunction; issuance of injunction; statewide verification
2789 system; enforcement.--

2790 (3) (a) The sworn petition shall allege the existence of
2791 such domestic violence and shall include the specific facts and
2792 circumstances upon the basis of which relief is sought.

2793

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2794 (b) The sworn petition shall be in substantially the
2795 following form:

2796
2797 PETITION FOR
2798 INJUNCTION FOR PROTECTION
2799 AGAINST DOMESTIC VIOLENCE

2800

2801 Before me, the undersigned authority, personally appeared
2802 Petitioner (Name) , who has been sworn and says that the
2803 following statements are true:

2804 (a) Petitioner resides at: (address)

2805 (Petitioner may furnish address to the court in a separate
2806 confidential filing if, for safety reasons, the petitioner
2807 requires the location of the current residence to be
2808 confidential.)

2809 (b) Respondent resides at: (last known address)

2810 (c) Respondent's last known place of employment: (name of
2811 business and address)

2812 (d) Physical description of respondent: _____

2813 Race _____

2814 Sex _____

2815 Date of birth _____

2816 Height _____

2817 Weight _____

2818 Eye color _____

2819 Hair color _____

2820 Distinguishing marks or scars _____

2821 (e) Aliases of respondent: _____

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2822 (f) Respondent is the spouse or former spouse of the
2823 petitioner or is any other person related by blood or marriage to
2824 the petitioner or is any other person who is or was residing
2825 within a single dwelling unit with the petitioner, as if a
2826 family, or is a person with whom the petitioner has a child in
2827 common, regardless of whether the petitioner and respondent are
2828 or were married or residing together, as if a family.

2829 (g) The following describes any other cause of action
2830 currently pending between the petitioner and respondent:

2831
2832 The petitioner should also describe any previous or pending
2833 attempts by the petitioner to obtain an injunction for protection
2834 against domestic violence in this or any other circuit, and the
2835 results of that attempt

2836
2837 Case numbers should be included if available.

2838 (h) Petitioner is either a victim of domestic violence or
2839 has reasonable cause to believe he or she is in imminent danger
2840 of becoming a victim of domestic violence because respondent has
2841 _____ (mark all sections that apply and describe in the spaces
2842 below the incidents of violence or threats of violence,
2843 specifying when and where they occurred, including, but not
2844 limited to, locations such as a home, school, place of
2845 employment, or visitation exchange) _____:

2846 _____ committed or threatened to commit domestic violence
2847 defined in s. 741.28, Florida Statutes, as any assault,
2848 aggravated assault, battery, aggravated battery, sexual assault,
2849 sexual battery, stalking, aggravated stalking, kidnapping, false
2850 imprisonment, or any criminal offense resulting in physical

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2851 injury or death of one family or household member by another.

2852 With the exception of persons who are parents of a child in
2853 common, the family or household members must be currently
2854 residing or have in the past resided together in the same single
2855 dwelling unit.

2856 _____ previously threatened, harassed, stalked, or physically
2857 abused the petitioner.

2858 _____ attempted to harm the petitioner or family members or
2859 individuals closely associated with the petitioner.

2860 _____ threatened to conceal, kidnap, or harm the petitioner's
2861 child or children.

2862 _____ intentionally injured or killed a family pet.

2863 _____ used, or has threatened to use, against the petitioner
2864 any weapons such as guns or knives.

2865 _____ physically restrained the petitioner from leaving the
2866 home or calling law enforcement.

2867 _____ a criminal history involving violence or the threat of
2868 violence (if known).

2869 _____ another order of protection issued against him or her
2870 previously or from another jurisdiction (if known).

2871 _____ destroyed personal property, including, but not limited
2872 to, telephones or other communication equipment, clothing, or
2873 other items belonging to the petitioner.

2874 _____ engaged in any other behavior or conduct that leads the
2875 petitioner to have reasonable cause to believe he or she is in
2876 imminent danger of becoming a victim of domestic violence.

2877 (i) Petitioner alleges the following additional specific
2878 facts: (mark appropriate sections)

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2879 A minor child or minor children reside with the
2880 petitioner ~~is the custodian of a minor child or children~~ whose
2881 names and ages are as follows:

2882
2883 ____ Petitioner needs the exclusive use and possession of
2884 the dwelling that the parties share.

2885 ____ Petitioner is unable to obtain safe alternative housing
2886 because:

2887 ____ Petitioner genuinely fears that respondent imminently
2888 will abuse, remove, or hide the minor child or children from
2889 petitioner because:

2890

2891 (j) Petitioner genuinely fears imminent domestic violence
2892 by respondent.

2893 (k) Petitioner seeks an injunction: (mark appropriate
2894 section or sections)

2895 ____ Immediately restraining the respondent from committing
2896 any acts of domestic violence.

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

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

2902 ____ Providing a temporary parenting plan, including a
2903 temporary time-sharing schedule ~~Awarding temporary custody of, or~~
2904 ~~temporary visitation rights~~ with regard to, the minor child or
2905 children of the parties which might involve, or prohibiting or
2906 limiting time-sharing or requiring that it be ~~visitation to that~~
2907 ~~which is~~ supervised by a third party.

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2908 _____ Establishing temporary support for the minor child or
2909 children or the petitioner.

2910 _____ Directing the respondent to participate in a batterers'
2911 intervention program or other treatment pursuant to s. 39.901,
2912 Florida Statutes.

2913 _____ Providing any terms the court deems necessary for the
2914 protection of a victim of domestic violence, or any minor
2915 children of the victim, including any injunctions or directives
2916 to law enforcement agencies.

2917 (c) Every petition for an injunction against domestic
2918 violence shall contain, directly above the signature line, a
2919 statement in all capital letters and bold type not smaller than
2920 the surrounding text, as follows:

2921

2922

2923 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH
2924 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS
2925 MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY,
2926 PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES.

2927 (initials)

2928

2929 (d) If the sworn petition seeks to determine a parenting
2930 plan and time-sharing schedule ~~issues of custody or visitation~~
2931 with regard to the minor child or children of the parties, the
2932 sworn petition shall be accompanied by or shall incorporate the
2933 allegations required by s. 61.522 of the Uniform Child Custody
2934 Jurisdiction and Enforcement Act.

2935 (5) (a) When it appears to the court that an immediate and
2936 present danger of domestic violence exists, the court may grant a

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2937 temporary injunction ex parte, pending a full hearing, and may
2938 grant such relief as the court deems proper, including an
2939 injunction:

2940 1. Restraining the respondent from committing any acts of
2941 domestic violence.

2942 2. Awarding to the petitioner the temporary exclusive use
2943 and possession of the dwelling that the parties share or
2944 excluding the respondent from the residence of the petitioner.

2945 3. On the same basis as provided in s. 61.13, providing the
2946 petitioner with 100 percent of the time-sharing that shall remain
2947 granting to the petitioner temporary custody of a minor child. An
2948 order of temporary custody remains in effect until the order
2949 expires or an order is entered by a court of competent
2950 jurisdiction in a pending or subsequent civil action or
2951 proceeding affecting the placement of, access to, parental time
2952 with, adoption of, or parental rights and responsibilities for
2953 the minor child.

2954 (6) (a) Upon notice and hearing, when it appears to the
2955 court that the petitioner is either the victim of domestic
2956 violence as defined by s. 741.28 or has reasonable cause to
2957 believe he or she is in imminent danger of becoming a victim of
2958 domestic violence, the court may grant such relief as the court
2959 deems proper, including an injunction:

2960 1. Restraining the respondent from committing any acts of
2961 domestic violence.

2962 2. Awarding to the petitioner the exclusive use and
2963 possession of the dwelling that the parties share or excluding
2964 the respondent from the residence of the petitioner.

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2965 3. On the same basis as provided in chapter 61, providing
2966 the petitioner with 100 percent of the time-sharing in a
2967 temporary parenting plan that shall remain ~~awarding temporary~~
2968 ~~custody of, or temporary visitation rights with regard to, a~~
2969 ~~minor child or children of the parties. An order of temporary~~
2970 ~~custody or visitation remains~~ in effect until the order expires
2971 or an order is entered by a court of competent jurisdiction in a
2972 pending or subsequent civil action or proceeding affecting the
2973 placement of, access to, parental time with, adoption of, or
2974 parental rights and responsibilities for the minor child.

2975 4. On the same basis as provided in chapter 61,
2976 establishing temporary support for a minor child or children or
2977 the petitioner. An order of temporary support remains in effect
2978 until the order expires or an order is entered by a court of
2979 competent jurisdiction in a pending or subsequent civil action or
2980 proceeding affecting child support.

2981 5. Ordering the respondent to participate in treatment,
2982 intervention, or counseling services to be paid for by the
2983 respondent. When the court orders the respondent to participate
2984 in a batterers' intervention program, the court, or any entity
2985 designated by the court, must provide the respondent with a list
2986 of all certified batterers' intervention programs and all
2987 programs which have submitted an application to the Department of
2988 Children and Family Services to become certified under s. 741.32,
2989 from which the respondent must choose a program in which to
2990 participate. If there are no certified batterers' intervention
2991 programs in the circuit, the court shall provide a list of
2992 acceptable programs from which the respondent must choose a
2993 program in which to participate.

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2994 6. Referring a petitioner to a certified domestic violence
2995 center. The court must provide the petitioner with a list of
2996 certified domestic violence centers in the circuit which the
2997 petitioner may contact.

2998 7. Ordering such other relief as the court deems necessary
2999 for the protection of a victim of domestic violence, including
3000 injunctions or directives to law enforcement agencies, as
3001 provided in this section.

3002 Section 36. Subsections (1) and (2) of section 742.031,
3003 Florida Statutes, are amended to read:

3004 742.031 Hearings; court orders for support, hospital
3005 expenses, and attorney's fee.--

3006 (1) Hearings for the purpose of establishing or refuting
3007 the allegations of the complaint and answer shall be held in the
3008 chambers and may be restricted to persons, in addition to the
3009 parties involved and their counsel, as the judge in his or her
3010 discretion may direct. The court shall determine the issues of
3011 paternity of the child and the ability of the parents to support
3012 the child. Each party's social security number shall be recorded
3013 in the file containing the adjudication of paternity. If the
3014 court finds that the alleged father is the father of the child,
3015 it shall so order. If appropriate, the court shall order the
3016 father to pay the complainant, her guardian, or any other person
3017 assuming responsibility for the child moneys sufficient to pay
3018 reasonable attorney's fees, hospital or medical expenses, cost of
3019 confinement, and any other expenses incident to the birth of the
3020 child and to pay all costs of the proceeding. Bills for
3021 pregnancy, childbirth, and scientific testing are admissible as
3022 evidence without requiring third-party foundation testimony, and

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3023 shall constitute prima facie evidence of amounts incurred for
3024 such services or for testing on behalf of the child. The court
3025 shall order either or both parents owing a duty of support to the
3026 child to pay support pursuant to s. 61.30. The court shall issue,
3027 upon motion by a party, a temporary order requiring ~~the provision~~
3028 ~~of~~ child support pursuant to s. 61.30 pending an administrative
3029 or judicial determination of parentage, if there is clear and
3030 convincing evidence of paternity on the basis of genetic tests or
3031 other evidence. The court may also make a determination of an
3032 appropriate parenting plan, including a time-sharing schedule, as
3033 ~~to the parental responsibility and residential care and custody~~
3034 ~~of the minor children~~ in accordance with chapter 61.

3035 (2) If a judgment of paternity contains only a child
3036 support award with no parenting plan or time-sharing schedule,
3037 the obligee parent shall receive all of the time-sharing and sole
3038 parental responsibility ~~no explicit award of custody, the~~
3039 ~~establishment of a support obligation or of visitation rights in~~
3040 ~~one parent shall be considered a judgment granting primary~~
3041 ~~residential care and custody to the other parent without~~
3042 ~~prejudice to the obligor parent.~~ If a paternity judgment contains
3043 no such provisions, ~~eustody shall be presumed to be with the~~
3044 ~~mother shall be presumed to have all of the time-sharing and sole~~
3045 parental responsibility.

3046 Section 37. Subsection (3) of section 753.01, Florida
3047 Statutes, is amended to read:

3048 753.01 Definitions.--As used in this chapter, the term:

3049 (3) "Exchange monitoring" means supervision of movement of
3050 a child from one parent ~~the custodial~~ to the other ~~noneustodial~~

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3051 parent at the start of the visit and back to the first ~~custodial~~
3052 parent at the end of the visit.

3053 Section 38. Subsection (1) of section 827.06, Florida
3054 Statutes, is amended to read:

3055 827.06 Nonsupport of dependents.--

3056 (1) The Legislature finds that most ~~noncustodial~~ parents
3057 want to support their children and remain connected to their
3058 families. The Legislature also finds that while many ~~noncustodial~~
3059 parents lack the financial resources and other skills necessary
3060 to provide that support, some parents willfully fail to provide
3061 support to their children even when they are aware of the
3062 obligation and have the ability to do so. The Legislature further
3063 finds that existing statutory provisions for civil enforcement of
3064 support have not proven sufficiently effective or efficient in
3065 gaining adequate support for all children. Recognizing that it is
3066 the public policy of this state that children shall be maintained
3067 primarily from the resources of their parents, thereby relieving,
3068 at least in part, the burden presently borne by the general
3069 citizenry through public assistance programs, it is the intent of
3070 the Legislature that the criminal penalties provided for in this
3071 section are to be pursued in all appropriate cases where civil
3072 enforcement has not resulted in payment.

3073 Section 39. For the purpose of incorporating the amendment
3074 made by this act to section 741.30, Florida Statutes, in a
3075 reference thereto, paragraph (a) of subsection (3) of section
3076 61.1825, Florida Statutes, is reenacted to read:

3077 61.1825 State Case Registry.--

3078 (3) (a) For the purpose of this section, a family violence
3079 indicator must be placed on a record when:

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3080 1. A party executes a sworn statement requesting that a
3081 family violence indicator be placed on that party's record which
3082 states that the party has reason to believe that release of
3083 information to the Federal Case Registry may result in physical
3084 or emotional harm to the party or the child; or

3085 2. A temporary or final injunction for protection against
3086 domestic violence has been granted pursuant to s. 741.30(6), an
3087 injunction for protection against domestic violence has been
3088 issued by a court of a foreign state pursuant to s. 741.315, or a
3089 temporary or final injunction for protection against repeat
3090 violence has been granted pursuant to s. 784.046; or

3091 3. The department has received information on a Title IV-D
3092 case from the Domestic Violence and Repeat Violence Injunction
3093 Statewide Verification System, established pursuant to s.
3094 784.046(8)(b), that a court has granted a party a domestic
3095 violence or repeat violence injunction.

3096 Section 40. This act shall take effect October 1, 2008.