

1 A bill to be entitled  
2 An act relating to parental responsibility and time-  
3 sharing; amending s. 61.046, F.S.; redefining the terms  
4 "parenting plan" and "parenting plan recommendation";  
5 amending s. 61.13, F.S., relating to child support,  
6 parenting plans, and time-sharing; deleting obsolete  
7 provisions; providing conditions under which support  
8 payments are not subject to immediate income deduction;  
9 providing that payment of certain support orders be made  
10 to the State Disbursement Unit; requiring a parenting plan  
11 to include the address to be used for determining school  
12 boundaries; revising the elements of the rebuttable  
13 presumption that shared parental responsibility is  
14 detrimental to a child when a parent is convicted of a  
15 crime involving domestic violence; providing that the  
16 presumption applies to a crime that is a misdemeanor of  
17 the first degree or higher rather than to a crime that is  
18 a felony of the third degree or higher; allowing the  
19 modification of a parenting plan only upon a showing of  
20 substantially changed circumstances; requiring a court to  
21 make explicit written findings if, when determining the  
22 best interests of a child for the purposes of shared  
23 parental responsibility and visitation, the court  
24 considered evidence of domestic or sexual violence and  
25 child abuse, abandonment, or neglect; amending s.  
26 61.13001, F.S., relating to parental relocation with a  
27 child; deleting a definition and redefining the terms  
28 "other person," "parent," and "relocation"; substituting

29 the term "access to" for "visitation"; revising provisions  
 30 relating to a petition to relocate and responses thereto;  
 31 revising the time period within which a response to the  
 32 petition objecting to relocation must be made; requiring a  
 33 hearing on a motion seeking a temporary relocation to be  
 34 held within a certain time period; providing for  
 35 applicability of changes made by the act; amending ss.  
 36 61.183, 61.20, 61.21, and 61.30, F.S.; conforming  
 37 provisions to changes made by the act; amending s. 741.30,  
 38 F.S., relating to domestic violence; authorizing a court  
 39 to issue an ex parte injunction that provides a temporary  
 40 parenting plan; providing an effective date.

41

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

43

44 Section 1. Subsections (13) and (14) of section 61.046,  
 45 Florida Statutes, are amended to read:

46 61.046 Definitions.--As used in this chapter, the term:

47 (13) "Parenting plan" means a document created to govern  
 48 the relationship between the parents ~~parties~~ relating to ~~the~~  
 49 decisions that must be made regarding the minor child and shall  
 50 contain a time-sharing schedule for the parents and child. The  
 51 issues concerning the minor child may include, but are not  
 52 limited to, the child's education, health care, and physical,  
 53 social, and emotional well-being. In creating the plan, all  
 54 circumstances between the parents ~~parties~~, including their ~~the~~  
 55 ~~parties'~~ historic relationship, domestic violence, and other  
 56 factors must be taken into consideration.

57            (a) The parenting plan shall be:  
 58            1. Developed and agreed to by the parents and approved by  
 59 a court; or

60            2. If the parents cannot agree or their agreed-upon plan  
 61 is not approved by the court, established by the court with or  
 62 without the use of a court-ordered parenting plan  
 63 recommendation.

64            (b) ~~(a)~~ Any parenting plan formulated under this chapter  
 65 must address all jurisdictional issues, including, ~~but not~~  
 66 ~~limited to~~, the Uniform Child Custody Jurisdiction and  
 67 Enforcement Act, part II of this chapter, the International  
 68 Child Abduction Remedies Act, 42 U.S.C. ss. 11601 et seq., the  
 69 Parental Kidnapping Prevention Act, and the Convention on the  
 70 Civil Aspects of International Child Abduction enacted at the  
 71 Hague on October 25, 1980.

72            (c) ~~(b)~~ For purposes of the ~~application of the~~ Uniform  
 73 Child Custody Jurisdiction and Enforcement Act, part II of this  
 74 chapter, a judgment or order incorporating a parenting plan  
 75 under this part is a child custody determination under part II  
 76 of this chapter.

77            (d) ~~(e)~~ For purposes of the International Child Abduction  
 78 Remedies Act, 42 U.S.C. ss. 11601 et seq., and the Convention on  
 79 the Civil Aspects of International Child Abduction, enacted at  
 80 the Hague on October 25, 1980, rights of custody and rights of  
 81 access are ~~shall be~~ determined pursuant to ~~under~~ the parenting  
 82 plan under this part.

83            (14) "Parenting plan recommendation" means a nonbinding  
 84 recommendation concerning one or more elements of a parenting

85 plan made by a person who has been appointed pursuant to s.  
 86 61.20(2), by a guardian ad litem appointed pursuant to s.  
 87 61.401, or by a licensed mental health professional appointed by  
 88 the court ~~psychologist licensed under chapter 490.~~

89 Section 2. Paragraph (d) of subsection (1) and subsections  
 90 (2), (3), and (6) of section 61.13, Florida Statutes, are  
 91 amended to read:

92 61.13 Support of children; parenting and time-sharing;  
 93 powers of court.--

94 (1)

95 (d)1. ~~Unless the provisions of subparagraph 3. apply, all~~  
 96 ~~child support orders entered on or after January 1, 1985, shall~~  
 97 ~~direct that the payments of child support be made as provided in~~  
 98 ~~s. 61.181 through the depository in the county where the court~~  
 99 ~~is located.~~ All child support orders shall provide the full name  
 100 and date of birth of each minor child who is the subject of the  
 101 child support order.

102 ~~2. Unless the provisions of subparagraph 3. apply, all~~  
 103 ~~child support orders entered before January 1, 1985, shall be~~  
 104 ~~modified by the court to direct that payments of child support~~  
 105 ~~shall be made through the depository in the county where the~~  
 106 ~~court is located upon the subsequent appearance of either or~~  
 107 ~~both parents to modify or enforce the order, or in any related~~  
 108 ~~proceeding.~~

109 ~~2.3.~~ If both parties request and the court finds that it  
 110 is in the best interest of the child, support payments need not  
 111 be subject to immediate income deduction. Support orders that  
 112 are not subject to immediate income deduction may be directed

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113 through the depository under s. 61.181. Payments for all support  
114 orders that provide for immediate income deduction shall be made  
115 to the State Disbursement Unit. ~~The order of support shall~~  
116 ~~provide, or shall be deemed to provide, that either party may~~  
117 ~~subsequently apply to the depository to require direction of the~~  
118 ~~payments through the depository.~~ The court shall provide a copy  
119 of the order to the depository.

120 3.4. For support orders that do not provide for immediate  
121 income deduction if the parties elect not to require that  
122 support payments be made through the depository, any party, or  
123 the IV-D agency in a IV-D case, may subsequently file an  
124 affidavit with the State Disbursement Unit depository alleging a  
125 default in payment of child support and stating that the party  
126 wishes to require that payments be made through the State  
127 Disbursement Unit depository. The party shall provide copies of  
128 the affidavit to the court and to each other party. Fifteen days  
129 after receipt of the affidavit, the State Disbursement Unit  
130 ~~depository~~ shall notify all ~~both~~ parties that future payments  
131 shall be paid through the State Disbursement Unit depository.

132 ~~5. In IV-D cases, the IV-D agency shall have the same~~  
133 ~~rights as the obligee in requesting that payments be made~~  
134 ~~through the depository.~~

135 (2) (a) The court may ~~shall have jurisdiction to~~ approve,  
136 grant, or modify a parenting plan, notwithstanding that the  
137 child is not physically present in this state at the time of  
138 filing any proceeding under this chapter, if it appears to the  
139 court that the child was removed from this state for the primary  
140 purpose of removing the child from the court's jurisdiction ~~of~~

141 ~~the court~~ in an attempt to avoid the court's approval, creation,  
 142 or modification of a parenting plan.

143 (b) A ~~Any~~ parenting plan approved by the court shall ~~must~~,  
 144 at a minimum, describe in adequate detail how the parents will  
 145 share and be responsible for the daily tasks associated with the  
 146 upbringing of the child;;~~;~~ the time-sharing schedule arrangements  
 147 that specify the time that the minor child will spend with each  
 148 parent;;~~;~~ a designation of who will be responsible for any and  
 149 all forms of health care, school-related matters, including the  
 150 address to be used for school-boundary determination and  
 151 registration, and other activities;~~;~~ and the methods and  
 152 technologies that the parents will use to communicate with the  
 153 child.

154 (c)~~1.~~ The court shall determine all matters relating to  
 155 parenting and time-sharing of each minor child of the parties in  
 156 accordance with the best interests of the child and in  
 157 accordance with the Uniform Child Custody Jurisdiction and  
 158 Enforcement Act, except that modification of a parenting plan  
 159 and time-sharing schedule requires a showing of a substantial,  
 160 material change of circumstances that was not reasonably  
 161 contemplated at the time of the final judgment.

162 1. It is the public policy of this state ~~to assure~~ that  
 163 each minor child has frequent and continuing contact with both  
 164 parents after the parents separate or the marriage of the  
 165 parties is dissolved and to encourage parents to share the  
 166 rights and responsibilities, and joys, of childrearing. There is  
 167 no presumption for or against the father or mother of the child  
 168 or for or against any specific time-sharing schedule when

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169 creating or modifying the parenting plan of the child.

170 2. The court shall order that the parental responsibility  
171 for a minor child be shared by both parents unless the court  
172 finds that shared parental responsibility would be detrimental  
173 to the child. Evidence that a parent has been convicted of a  
174 misdemeanor ~~felony~~ of the first ~~third~~ degree or higher involving  
175 domestic violence, as defined in s. 741.28 and chapter 775, or  
176 meets the criteria of s. 39.806(1)(d), creates a rebuttable  
177 presumption of detriment to the child. If the presumption is not  
178 rebutted, shared parental responsibility, including time-sharing  
179 with the child, and decisions made regarding the child, may not  
180 be granted to the convicted parent. However, the convicted  
181 parent is not relieved of any obligation to provide financial  
182 support. If the court determines that shared parental  
183 responsibility would be detrimental to the child, it may order  
184 sole parental responsibility and make such arrangements for  
185 time-sharing as specified in the parenting plan as will best  
186 protect the child or abused spouse from further harm. Whether or  
187 not there is a conviction of any offense of domestic violence or  
188 child abuse or the existence of an injunction for protection  
189 against domestic violence, the court shall consider evidence of  
190 domestic violence or child abuse as evidence of detriment to the  
191 child.

192 a. In ordering shared parental responsibility, the court  
193 may consider the expressed desires of the parents and may grant  
194 to one party the ultimate responsibility over specific aspects  
195 of the child's welfare or may divide those responsibilities  
196 between the parties based on the best interests of the child.

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197 Areas of responsibility may include education, health care, and  
198 any other responsibilities that the court finds unique to a  
199 particular family.

200 b. The court shall order "sole parental responsibility for  
201 a minor child to one parent, with or without time-sharing with  
202 the other parent" if ~~when~~ it is in the best interests of the  
203 minor child.

204 3. Access to records and information pertaining to a minor  
205 child, including, but not limited to, medical, dental, and  
206 school records, may not be denied to either parent. Full rights  
207 under this subparagraph apply to either parent unless a court  
208 order specifically revokes these rights, including any  
209 restrictions on these rights as provided in a domestic violence  
210 injunction. A parent having rights under this subparagraph has  
211 the same rights upon request as to form, substance, and manner  
212 of access as are available to the other parent of a child,  
213 including, without limitation, the right to in-person  
214 communication with medical, dental, and education providers.

215 (d) The circuit court in the county in which either parent  
216 and the child reside or the circuit court in which the original  
217 order approving or creating the parenting plan was entered may  
218 ~~has jurisdiction to~~ modify the parenting plan. The court may  
219 change the venue in accordance with s. 47.122.

220 (3) For purposes of establishing or modifying parental  
221 responsibility and creating, developing, approving, or modifying  
222 a parenting plan, including a time-sharing schedule, which  
223 governs each parent's relationship with his or her minor child  
224 and the relationship between each parent with regard to his or



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225 her minor child, the best interest of the child shall be the  
226 primary consideration. A determination of parental  
227 responsibility, a parenting plan, or a time-sharing schedule may  
228 not be modified without a showing of a substantial, material  
229 change of circumstances that was not reasonably contemplated at  
230 the time of the final judgment and a determination that the  
231 modification is in the best interests of the child.

232 Determination of the best interests of the child shall be made  
233 by evaluating all of the factors affecting the welfare and  
234 interests of the particular minor child and the circumstances of  
235 that family, including, but not limited to:

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

240 (b) The anticipated division of parental responsibilities  
241 after the litigation, including the extent to which parental  
242 responsibilities will be delegated to third parties.

243 (c) The demonstrated capacity and disposition of each  
244 parent to determine, consider, and act upon the needs of the  
245 child as opposed to the needs or desires of the parent.

246 (d) The length of time the child has lived in a stable,  
247 satisfactory environment and the desirability of maintaining  
248 continuity.

249 (e) The geographic viability of the parenting plan, with  
250 special attention paid to the needs of school-age children and  
251 the amount of time to be spent traveling to effectuate the  
252 parenting plan. This factor does not create a presumption for or

253 against relocation of either parent with a child.

254 (f) The moral fitness of the parents.

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

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

257 (i) The reasonable preference of the child, if the court  
 258 deems the child to be of sufficient intelligence, understanding,  
 259 and experience to express a preference.

260 (j) The demonstrated knowledge, capacity, and disposition  
 261 of each parent to be informed of the circumstances of the minor  
 262 child, including, but not limited to, the child's friends,  
 263 teachers, medical care providers, daily activities, and favorite  
 264 things.

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

269 (l) The demonstrated capacity of each parent to  
 270 communicate with and keep the other parent informed of issues  
 271 and activities regarding the minor child, and the willingness of  
 272 each parent to adopt a unified front on all major issues when  
 273 dealing with the child.

274 (m) Evidence of domestic violence, sexual violence, child  
 275 abuse, child abandonment, or child neglect, regardless of  
 276 whether a prior or pending action relating to those issues has  
 277 been brought. If the court accepts evidence of prior or pending  
 278 actions regarding domestic violence, sexual violence, child  
 279 abuse, child abandonment, or child neglect, the court shall  
 280 specifically acknowledge in writing that such evidence was

281 considered when evaluating the best interests of the child.

282 (n) Evidence that either parent has knowingly provided  
283 false information to the court regarding any prior or pending  
284 action regarding domestic violence, sexual violence, child  
285 abuse, child abandonment, or child neglect.

286 (o) The particular parenting tasks customarily performed  
287 by each parent and the division of parental responsibilities  
288 before the institution of litigation and during the pending  
289 litigation, including the extent to which parenting  
290 responsibilities were undertaken by third parties.

291 (p) The demonstrated capacity and disposition of each  
292 parent to participate and be involved in the child's school and  
293 extracurricular activities.

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

297 (r) The capacity and disposition of each parent to protect  
298 the child from the ongoing litigation as demonstrated by not  
299 discussing the litigation with the child, not sharing documents  
300 or electronic media related to the litigation with the child,  
301 and refraining from disparaging comments about the other parent  
302 to the child.

303 (s) The developmental stages and needs of the child and  
304 the demonstrated capacity and disposition of each parent to meet  
305 the child's developmental needs.

306 (t) Any other factor that is relevant to the determination  
307 of a specific parenting plan, including the time-sharing  
308 schedule.

309           (6) In any proceeding under this section, the court may  
 310 not deny shared parental responsibility and time-sharing rights  
 311 to a parent solely because that parent is or is believed to be  
 312 infected with human immunodeficiency virus, but the court may, u  
 313 ~~condition such rights to require that parent~~ in an order  
 314 approving the parenting plan, require that parent to observe  
 315 measures approved by the Centers for Disease Control and  
 316 Prevention of the United States Public Health Service or by the  
 317 Department of Health for preventing the spread of human  
 318 immunodeficiency virus to the child.

319           Section 3. Section 61.13001, Florida Statutes, is amended  
 320 to read:

321           61.13001 Parental relocation with a child.--

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

323           ~~(a) "Change of residence address" means the relocation of~~  
 324 ~~a child to a principal residence more than 50 miles away from~~  
 325 ~~his or her principal place of residence at the time of the entry~~  
 326 ~~of the last order establishing or modifying the parenting plan~~  
 327 ~~or the time-sharing schedule or both for the minor child, unless~~  
 328 ~~the move places the principal residence of the minor child less~~  
 329 ~~than 50 miles from either parent.~~

330           (a) ~~(b)~~ "Child" means any person who is under the  
 331 jurisdiction of a state court pursuant to the Uniform Child  
 332 Custody Jurisdiction and Enforcement Act or is the subject of  
 333 any order granting to a parent or other person any right to  
 334 time-sharing, residential care, kinship, or custody, as provided  
 335 under state law.

336           (b) ~~(e)~~ "Court" means the circuit court in an original

337 proceeding which has proper venue and jurisdiction in accordance  
 338 with the Uniform Child Custody Jurisdiction and Enforcement Act,  
 339 the circuit court in the county in which either parent and the  
 340 child reside, or the circuit court in which the original action  
 341 was adjudicated.

342 (c)-(d) "Other person" means an individual who is not the  
 343 parent, but with whom the child resides pursuant to and who, by  
 344 court order, ~~maintains the primary residence of a child or who~~  
 345 has the right of access to, time-sharing with, or visitation  
 346 with the visitation rights with a child.

347 (d)-(e) "Parent" means any person so named by court order  
 348 or express written agreement who ~~that~~ is subject to court  
 349 enforcement or a person reflected as a parent on a birth  
 350 certificate and who is entitled to access to or time-sharing  
 351 with the child in whose home a child maintains a residence.

352 (e)-(f) "Relocation" means a change in the location of the  
 353 principal residence of a parent or other person from his or her  
 354 principal place of residence at the time of the last order  
 355 establishing or modifying time-sharing or at the time of filing  
 356 the pending action to establish or modify time-sharing. The  
 357 change of location must be at least 50 miles from the original  
 358 place of residence and for at least ~~child for a period of 60~~  
 359 consecutive days, not including ~~or more but does not include~~ a  
 360 temporary absence from the principal residence for purposes of  
 361 vacation, education, or the provision of health care for the  
 362 child.

363 (2) RELOCATION BY AGREEMENT.--

364 (a) If the parents and every other person entitled to

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365 access to or time-sharing with the child agree to the relocation  
 366 of the child, they may satisfy the requirements of this section  
 367 by signing a written agreement that:

- 368 1. Reflects ~~the~~ consent to the relocation;
- 369 2. Defines an access or a time-sharing schedule for the  
 370 nonrelocating parent and any other persons who are entitled to  
 371 access or time-sharing; and
- 372 3. Describes, if necessary, any transportation  
 373 arrangements related to access or time-sharing ~~the visitation~~.

374 (b) If there is an existing cause of action, judgment, or  
 375 decree of record pertaining to the child's residence or an  
 376 access or a time-sharing schedule, the parties shall seek  
 377 ratification of the agreement by court order without the  
 378 necessity of an evidentiary hearing unless a hearing is  
 379 requested, in writing, by one or more of the parties to the  
 380 agreement within 10 days after the date the agreement is filed  
 381 with the court. If a hearing is not timely requested, it shall  
 382 be presumed that the relocation is in the best interest of the  
 383 child and the court may ratify the agreement without an  
 384 evidentiary hearing.

385 (3) PETITION NOTICE OF INTENT TO RELOCATE WITH A  
 386 ~~CHILD~~.--Unless an agreement has been entered as described in  
 387 subsection (2), a parent or other person seeking relocation  
 388 shall file a petition to relocate and serve it upon ~~who is~~  
 389 ~~entitled to time-sharing with the child shall notify~~ the other  
 390 parent, and every other person entitled to access to or time-  
 391 sharing with the child, ~~of a proposed relocation of the child's~~  
 392 ~~residence~~. The pleadings must be in accordance with ~~form of~~

393 ~~notice shall be according to this section:~~

394 (a) The petition to relocate must be signed under oath or  
 395 affirmation under penalty of perjury and include parent seeking  
 396 ~~to relocate shall prepare a Notice of Intent to Relocate. The~~  
 397 ~~following information must be included with the Notice of Intent~~  
 398 ~~to Relocate and signed under oath under penalty of perjury:~~

399 1. A description of the location of the intended new  
 400 residence, including the state, city, and specific physical  
 401 address, if known.

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

404 3. The home telephone number of the intended new  
 405 residence, if known.

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

407 5. A detailed statement of the specific reasons for the  
 408 proposed relocation ~~of the child~~. If one of the reasons is based  
 409 upon a job offer that ~~which~~ has been reduced to writing, the  
 410 ~~that~~ written job offer must be attached to the petition ~~Notice~~  
 411 ~~of Intent to Relocate~~.

412 6. A proposal for the revised postrelocation schedule for  
 413 access and ~~of~~ time-sharing together with a proposal for the  
 414 postrelocation transportation arrangements necessary to  
 415 effectuate time-sharing with the child. Absent the existence of  
 416 a current, valid order abating, terminating, or restricting  
 417 access or time-sharing ~~visitation~~ or other good cause predating  
 418 the petition ~~Notice of Intent to Relocate~~, failure to comply  
 419 with this provision renders the petition ~~Notice of Intent to~~  
 420 relocate legally insufficient.

421           7. Substantially the following statement, in all capital  
 422 letters and in the same size type, or larger, as the type in the  
 423 remainder of the notice:

424  
 425 A RESPONSE ~~AN OBJECTION~~ TO THE PETITION OBJECTING TO PROPOSED  
 426 RELOCATION MUST BE MADE IN WRITING, FILED WITH THE COURT, AND  
 427 SERVED ON THE PARENT OR OTHER PERSON SEEKING TO RELOCATE WITHIN  
 428 20 ~~30~~ DAYS AFTER SERVICE OF THIS PETITION ~~NOTICE OF INTENT~~ TO  
 429 RELOCATE. IF YOU FAIL TO TIMELY OBJECT TO THE RELOCATION, THE  
 430 RELOCATION WILL BE ALLOWED, UNLESS IT IS NOT IN THE BEST  
 431 INTERESTS OF THE CHILD, WITHOUT FURTHER NOTICE AND WITHOUT A  
 432 HEARING.

433           ~~8. The mailing address of the parent or other person~~  
 434 ~~seeking to relocate to which the objection filed under~~  
 435 ~~subsection (5) to the Notice of Intent to Relocate should be~~  
 436 ~~sent.~~

437  
 438 ~~The contents of the Notice of Intent to Relocate are not~~  
 439 ~~privileged. For purposes of encouraging amicable resolution of~~  
 440 ~~the relocation issue, a copy of the Notice of Intent to Relocate~~  
 441 ~~shall initially not be filed with the court but instead served~~  
 442 ~~upon the nonrelocating parent, other person, and every other~~  
 443 ~~person entitled to time-sharing with the child, and the original~~  
 444 ~~thereof shall be maintained by the parent or other person~~  
 445 ~~seeking to relocate.~~

446           ~~(b) The parent seeking to relocate shall also prepare a~~  
 447 ~~Certificate of Serving Notice of Intent to Relocate. The~~  
 448 ~~certificate shall certify the date that the Notice of Intent to~~



449 ~~Relocate was served on the other parent and on every other~~  
 450 ~~person entitled to time-sharing with the child.~~

451 (b)-(e) The petition Notice of Intent to relocate shall,  
 452 ~~and the Certificate of Serving Notice of Intent to Relocate,~~  
 453 shall be served on the other parent and on every other person  
 454 entitled to access to and time-sharing with the child. If there  
 455 is a pending court action regarding the child, service of  
 456 process may be according to court rule. Otherwise, service of  
 457 process shall be according to chapters 48 and 49 or via  
 458 certified mail, restricted delivery, return receipt requested.

459 (c)-(d) A parent or other person seeking to relocate ~~giving~~  
 460 ~~notice of a proposed relocation or change of residence address~~  
 461 ~~under this section~~ has a continuing duty to provide current and  
 462 updated information required by this section when that  
 463 information becomes known.

464 (d)-(e) If the other parent and any other person entitled  
 465 to access to or time-sharing with the child fails to timely file  
 466 a response objecting to the petition to relocate ~~an objection,~~  
 467 it is ~~shall be~~ presumed that the relocation is in the best  
 468 interest of the child and that, the relocation should ~~shall~~ be  
 469 allowed, and the court shall, absent good cause, enter an order  
 470 specifying, ~~attaching a copy of the Notice of Intent to~~  
 471 ~~Relocate, reflecting~~ that the order is entered as a result of  
 472 the failure to respond to the petition ~~object to the Notice of~~  
 473 ~~Intent to Relocate,~~ and adopting the access and time-sharing  
 474 schedule and transportation arrangements contained in the  
 475 petition Notice of Intent to Relocate. The order may be issued  
 476 ~~issue~~ in an expedited manner without the necessity of an

477 evidentiary hearing. If a response ~~an objection~~ is timely filed,  
 478 the parent or other person may not relocate, and shall proceed  
 479 to a temporary hearing or trial and burden returns to the parent  
 480 ~~or person seeking to relocate to initiate court proceedings to~~  
 481 obtain court permission to relocate ~~before doing so.~~

482 ~~(e)-(f) The act of Relocating the child without complying~~  
 483 ~~after failure to comply with the requirements of notice of~~  
 484 ~~intent to relocate procedure described in this subsection~~  
 485 subjects the party in violation thereof to contempt and other  
 486 proceedings to compel the return of the child and may be taken  
 487 into account by the court in any initial or postjudgment action  
 488 seeking a determination or modification of the parenting plan or  
 489 the access or ~~the time-sharing schedule, or both,~~ as:

490 1. A factor in making a determination regarding the  
 491 relocation of a child.

492 2. A factor in determining whether the parenting plan or  
 493 the access or time-sharing schedule should be modified.

494 3. A basis for ordering the temporary or permanent return  
 495 of the child.

496 4. Sufficient cause to order the parent or other person  
 497 seeking to relocate the child to pay reasonable expenses and  
 498 attorney's fees incurred by the party objecting to the  
 499 relocation.

500 5. Sufficient cause for the award of reasonable attorney's  
 501 fees and costs, including interim travel expenses incident to  
 502 access or time-sharing or securing the return of the child.

503 (4) APPLICABILITY OF PUBLIC RECORDS LAW.--If the parent or  
 504 other person seeking to relocate a child, or the child, is

505 entitled to prevent disclosure of location information under a  
 506 ~~any public records exemption applicable to that person~~, the  
 507 court may enter any order necessary to modify the disclosure  
 508 requirements of this section in compliance with the public  
 509 records exemption.

510 (5) ~~CONTENT OF OBJECTION TO RELOCATION.--~~An answer  
 511 objecting to a proposed relocation ~~objection seeking to prevent~~  
 512 ~~the relocation of a child~~ must be verified and ~~served within 30~~  
 513 ~~days after service of the Notice of Intent to Relocate. The~~  
 514 ~~objection must~~ include the specific factual basis supporting the  
 515 reasons for seeking a prohibition of the relocation, including a  
 516 statement of the amount of participation or involvement the  
 517 objecting party currently has or has had in the life of the  
 518 child.

519 (6) TEMPORARY ORDER.--

520 (a) The court may grant a temporary order restraining the  
 521 relocation of a child, order ~~or ordering~~ the return of the  
 522 child, if a relocation has previously taken place, or order  
 523 other appropriate remedial relief, if the court finds:

524 1. That the petition to relocate does not comply with  
 525 subsection (3) ~~The required notice of a proposed relocation of a~~  
 526 ~~child was not provided in a timely manner;~~

527 2. That the child ~~already~~ has been relocated without a  
 528 ~~notice or~~ written agreement of the parties or without court  
 529 approval; or

530 3. From an examination of the evidence presented at the  
 531 preliminary hearing that there is a likelihood that upon final  
 532 hearing the court will not approve the relocation of the child.

533 (b) The court may grant a temporary order permitting the  
 534 relocation of the child pending final hearing, if the court  
 535 finds:

536 1. ~~Finds~~ That the petition ~~required Notice of Intent~~ to  
 537 relocate was properly filed and is otherwise in compliance with  
 538 subsection (3) provided in a timely manner; and

539 2. ~~Finds~~ From an examination of the evidence presented at  
 540 the preliminary hearing, that there is a likelihood that on  
 541 final hearing the court will approve the relocation of the  
 542 child, which findings must be supported by the same factual  
 543 basis as would be necessary to support approving the ~~permitting~~  
 544 ~~of~~ relocation in a final judgment.

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

549 (d) If temporary relocation of a child is approved  
 550 ~~permitted~~, the court may require the person relocating the child  
 551 to provide reasonable security, financial or otherwise, and  
 552 guarantee that the court-ordered contact with the child will not  
 553 be interrupted or interfered with by the relocating party.

554 (7) NO PRESUMPTION; FACTORS TO DETERMINE CONTESTED  
 555 RELOCATION.--A presumption ~~does not arise~~ in favor of or against  
 556 a request to relocate with the child does not arise if ~~when~~ a  
 557 parent or other person seeks to relocate ~~move the child~~ and the  
 558 move will materially affect the current schedule of contact,  
 559 access, and time-sharing with the nonrelocating parent or other  
 560 person. In reaching its decision regarding a proposed temporary

561 or permanent relocation, the court shall evaluate all of the  
562 following ~~factors~~:

563 (a) The nature, quality, extent of involvement, and  
564 duration of the child's relationship with the parent or other  
565 person proposing to relocate with the child and with the  
566 nonrelocating parent, other persons, siblings, half-siblings,  
567 and other significant persons in the child's life.

568 (b) The age and developmental stage of the child, the  
569 needs of the child, and the likely impact the relocation will  
570 have on the child's physical, educational, and emotional  
571 development, taking into consideration any special needs of the  
572 child.

573 (c) The feasibility of preserving the relationship between  
574 the nonrelocating parent or other person and the child through  
575 substitute arrangements that take into consideration the  
576 logistics of contact, access, and time-sharing, as well as the  
577 financial circumstances of the parties; whether those factors  
578 are sufficient to foster a continuing meaningful relationship  
579 between the child and the nonrelocating parent or other person;  
580 and the likelihood of compliance with the substitute  
581 arrangements by the relocating parent or other person once he or  
582 she is out of the jurisdiction of the court.

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

585 (e) Whether the relocation will enhance the general  
586 quality of life for both the parent or other person seeking the  
587 relocation and the child, including, but not limited to,  
588 financial or emotional benefits or educational opportunities.

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589 (f) The reasons ~~of~~ each parent or other person is ~~for~~  
 590 seeking or opposing the relocation.

591 (g) The current employment and economic circumstances of  
 592 each parent or other person and whether ~~or not~~ the proposed  
 593 relocation is necessary to improve the economic circumstances of  
 594 the parent or other person seeking relocation of the child.

595 (h) That the relocation is sought in good faith and the  
 596 extent to which the objecting parent has fulfilled his or her  
 597 financial obligations to the parent or other person seeking  
 598 relocation, including child support, spousal support, and  
 599 marital property and marital debt obligations.

600 (i) The career and other opportunities available to the  
 601 objecting parent or ~~objecting~~ other person if the relocation  
 602 occurs.

603 (j) A history of substance abuse or domestic violence as  
 604 defined in s. 741.28 or which meets the criteria of s.  
 605 39.806(1)(d) by either parent, including a consideration of the  
 606 severity of such conduct and the failure or success of any  
 607 attempts at rehabilitation.

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

610 (8) BURDEN OF PROOF.--The parent or other person wishing  
 611 to relocate has the burden of proving ~~proof if an objection is~~  
 612 ~~filed and must then initiate a proceeding seeking court~~  
 613 ~~permission for relocation. The initial burden is on the parent~~  
 614 ~~or person wishing to relocate to prove~~ by a preponderance of the  
 615 evidence that relocation is in the best interest of the child.  
 616 If that burden of proof is met, the burden shifts to the

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617 nonrelocating parent or other person to show by a preponderance  
 618 of the evidence that the proposed relocation is not in the best  
 619 interest of the child.

620 (9) ORDER REGARDING RELOCATION.--If relocation is approved  
 621 permitted:

622 (a) The court may, in its discretion, order contact with  
 623 the nonrelocating parent or other person, including access,  
 624 time-sharing, telephone, Internet, webcam, and other  
 625 arrangements sufficient to ensure that the child has frequent,  
 626 continuing, and meaningful contact, ~~access, and time-sharing~~  
 627 with the nonrelocating parent or other person ~~persons~~, if  
 628 contact is financially affordable and in the best interest of  
 629 the child.

630 (b) If applicable, the court shall specify how the  
 631 transportation costs are to ~~will~~ be allocated between the  
 632 parents and other persons entitled to contact, access, and time-  
 633 sharing and may adjust the child support award, as appropriate,  
 634 considering the costs of transportation and the respective net  
 635 incomes of the parents in accordance with the state child  
 636 support guidelines schedule.

637 (10) PRIORITY FOR HEARING OR TRIAL.--An evidentiary  
 638 hearing or nonjury trial on a pleading seeking temporary or  
 639 permanent relief filed under this section shall be accorded  
 640 priority on the court's calendar. If a motion seeking a  
 641 temporary relocation is filed, absent good cause, the hearing  
 642 shall occur no later than 30 days after the motion for a  
 643 temporary relocation is filed. If a notice to set the matter for  
 644 a nonjury trial is filed, absent good cause, the nonjury trial

645 shall occur no later than 90 days after the notice is filed.

646 (11) APPLICABILITY.--

647 (a) This section applies:

648 1. To orders entered before October 1, 2009 ~~2006~~, if the  
 649 existing order defining the parenting plan, custody, primary  
 650 residence, or access to or time-sharing, ~~or visitation of or~~  
 651 with the child does not expressly govern the relocation of the  
 652 child.

653 2. To an order, whether temporary or permanent, regarding  
 654 the parenting plan, custody, primary residence, or access to or  
 655 time-sharing, ~~or visitation of or~~ with the child entered on or  
 656 after October 1, 2009 ~~2006~~.

657 3. To any relocation or proposed relocation, whether  
 658 permanent or temporary, of a child during any proceeding pending  
 659 on October 1, 2009 ~~2006~~, wherein the parenting plan, custody,  
 660 primary residence, or access to or time-sharing, ~~or visitation~~  
 661 ~~of or~~ with the child is an issue.

662 (b) To the extent that a provision of this section  
 663 conflicts with an order existing on October 1, 2009 ~~2006~~, this  
 664 section does not apply to the terms of that order which  
 665 expressly govern relocation of the child or a change in the  
 666 principal residence address of a parent or other person.

667 Section 4. Subsection (1) of section 61.183, Florida  
 668 Statutes, is amended to read:

669 61.183 Mediation of certain contested issues.--

670 (1) In any proceeding in which the issues of parental  
 671 responsibility, primary residence, access to ~~visitation~~, or  
 672 support of a child are contested, the court may refer the



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673 parties to mediation in accordance with rules promulgated by the  
 674 Supreme Court. In Title IV-D cases, any costs, including filing  
 675 fees, recording fees, mediation costs, service of process fees,  
 676 and other expenses incurred by the clerk of the circuit court,  
 677 shall be assessed only against the nonprevailing obligor after  
 678 the court makes a determination of the nonprevailing obligor's  
 679 ability to pay such costs and fees.

680 Section 5. Subsection (3) of section 61.20, Florida  
 681 Statutes, is amended to read:

682 61.20 Social investigation and recommendations regarding a  
 683 parenting plan.--

684 (3) Except as to persons who obtain certification of  
 685 indigence as specified in subsection (2), for whom no costs are  
 686 ~~shall be~~ incurred, the parents ~~adult parties~~ involved in a  
 687 proceeding to determine a parenting plan in which ~~wherein~~ the  
 688 court has ordered the performance of a social investigation and  
 689 study are ~~shall be~~ responsible for paying ~~the payment of~~ the  
 690 costs of the ~~such~~ investigation and study. Upon submitting  
 691 ~~submission of~~ the study to the court, the agency, staff, or  
 692 person performing the study shall include a bill for services,  
 693 which shall be taxed and ordered paid as costs in the  
 694 proceeding.

695 Section 6. Paragraph (a) of subsection (2) and subsections  
 696 (5) and (9) of section 61.21, Florida Statutes, are amended to  
 697 read:

698 61.21 Parenting course authorized; fees; required  
 699 attendance authorized; contempt.--

700 (2) The Department of Children and Family Services shall

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701 approve a parenting course which shall be a course of a minimum  
 702 of 4 hours designed to educate, train, and assist divorcing  
 703 parents in regard to the consequences of divorce on parents and  
 704 children.

705 (a) The parenting course referred to in this section shall  
 706 be named the Parent Education and Family Stabilization Course  
 707 and may include, but need not be limited to, the following  
 708 topics as they relate to court actions between parents involving  
 709 custody, care, access to ~~visitation~~, and support of a child or  
 710 children:

711 1. Legal aspects of deciding child-related issues between  
 712 parents.

713 2. Emotional aspects of separation and divorce on adults.

714 3. Emotional aspects of separation and divorce on  
 715 children.

716 4. Family relationships and family dynamics.

717 5. Financial responsibilities to a child or children.

718 6. Issues regarding spousal or child abuse and neglect.

719 7. Skill-based relationship education that may be  
 720 generalized to parenting, workplace, school, neighborhood, and  
 721 civic relationships.

722 (5) All parties required to complete a parenting course  
 723 under this section shall begin the course as expeditiously as  
 724 possible. For dissolution of marriage actions, unless excused by  
 725 the court pursuant to subsection (4), the petitioner must  
 726 complete the course within 45 days after the filing of the  
 727 petition, and all other parties must complete the course within  
 728 45 days after service of the petition. For paternity actions,

729 unless excused by the court pursuant to subsection (4), the  
 730 petitioner must complete the course within 45 days after filing  
 731 the petition, and any other party must complete the course  
 732 within 45 days after an acknowledgment of paternity by that  
 733 party, an adjudication of paternity of that party, or an order  
 734 granting access ~~visitation~~ to or support from that party. Each  
 735 party to a dissolution or paternity action shall file proof of  
 736 compliance with this subsection with the court prior to the  
 737 entry of the final judgment.

738 (9) The court may hold any parent who fails to attend a  
 739 required parenting course in contempt, or that parent may be  
 740 denied shared parental responsibility or access ~~visitation~~ or  
 741 otherwise sanctioned as the court deems appropriate.

742 Section 7. Paragraph (b) of subsection (11) of section  
 743 61.30, Florida Statutes, is amended to read:

744 61.30 Child support guidelines; retroactive child  
 745 support.--

746 (11)

747 (b) Whenever a particular parenting plan provides that  
 748 each child spend a substantial amount of time with each parent,  
 749 the court shall adjust any award of child support, as follows:

750 1. In accordance with subsections (9) and (10), calculate  
 751 the amount of support obligation apportioned to each parent  
 752 without including day care and health insurance costs in the  
 753 calculation and multiply the amount by 1.5.

754 2. Calculate the percentage of overnight stays the child  
 755 spends with each parent.

756 3. Multiply each parent's support obligation as calculated

757 in subparagraph 1. by the percentage of the other parent's  
 758 overnight stays with the child as calculated in subparagraph 2.

759 4. The difference between the amounts calculated in  
 760 subparagraph 3. shall be the monetary transfer necessary between  
 761 the parents for the care of the child, subject to an adjustment  
 762 for day care and health insurance expenses.

763 5. Pursuant to subsections (7) and (8), calculate the net  
 764 amounts owed by each parent for the expenses incurred for day  
 765 care and health insurance coverage for the child. Day care shall  
 766 be calculated without regard to the 25-percent reduction applied  
 767 by subsection (7).

768 6. Adjust the support obligation owed by each parent  
 769 pursuant to subparagraph 4. by crediting or debiting the amount  
 770 calculated in subparagraph 5. This amount represents the child  
 771 support which must be exchanged between the parents.

772 7. The court may deviate from the child support amount  
 773 calculated pursuant to subparagraph 6. based upon the deviation  
 774 factors in paragraph (a), as well as the obligee parent's low  
 775 income and ability to maintain the basic necessities of the home  
 776 for the child, the likelihood that either parent will actually  
 777 exercise the time-sharing schedule set forth in the parenting  
 778 plan granted by the court, and whether all of the children are  
 779 exercising the same time-sharing schedule.

780 8. For purposes of adjusting any award of child support  
 781 under this paragraph, "substantial amount of time" means that a  
 782 parent exercises access ~~visitation~~ at least 40 percent of the  
 783 overnights of the year.

784 Section 8. Paragraph (a) of subsection (5) of section

785 741.30, Florida Statutes, is amended to read:

786 741.30 Domestic violence; injunction; powers and duties of  
 787 court and clerk; petition; notice and hearing; temporary  
 788 injunction; issuance of injunction; statewide verification  
 789 system; enforcement.--

790 (5) (a) If ~~When~~ it appears to the court that an immediate  
 791 and present danger of domestic violence exists, the court may  
 792 grant a temporary injunction ex parte, pending a full hearing,  
 793 and may grant such relief as the court deems proper, including  
 794 an injunction:

795 1. Restraining the respondent from committing any acts of  
 796 domestic violence.

797 2. Awarding to the petitioner the temporary exclusive use  
 798 and possession of the dwelling that the parties share or  
 799 excluding the respondent from the residence of the petitioner.

800 3. On the same basis as provided in s. 61.13, providing  
 801 the petitioner a temporary parenting plan, including a time-  
 802 sharing schedule, which may award the petitioner up to with 100  
 803 percent of the time-sharing. The temporary parenting plan  
 804 remains ~~that shall remain~~ in effect until the order expires or  
 805 an order is entered by a court of competent jurisdiction in a  
 806 pending or subsequent civil action or proceeding affecting the  
 807 placement of, access to, parental time with, adoption of, or  
 808 parental rights and responsibilities for the minor child.

809 Section 9. This act shall take effect July 1, 2009.