

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, in addition to a crime that is a  
17          felony of the third degree or higher, to a crime that is a  
18          misdemeanor of the first degree or higher the victim of  
19          which was the other parent or a spouse or is a child  
20          affected by the parenting plan; allowing the modification  
21          of a parenting plan only upon a showing of substantially  
22          changed circumstances; requiring a court to make explicit  
23          written findings if, when determining the best interests  
24          of a child for the purposes of shared parental  
25          responsibility and visitation, the court considered  
26          evidence of domestic or sexual violence and child abuse,  
27          abandonment, or neglect; amending s. 61.13001, F.S.,  
28          relating to parental relocation with a child; deleting a

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

43

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

45

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

48 61.046 Definitions.--As used in this chapter, the term:

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

57 ~~parties'~~ historic relationship, domestic violence, and other  
 58 factors must be taken into consideration.

59 (a) The parenting plan shall be:

60 1. Developed and agreed to by the parents and approved by  
 61 a court; or,

62 2. ~~If the parents cannot agree,~~ Established by the court  
 63 with or without the use of a court-ordered parenting plan  
 64 recommendation, if the parties cannot agree to a plan or the  
 65 parents' agreed-upon plan is not approved by the court.

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

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

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

85           (14) "Parenting plan recommendation" means a nonbinding  
 86 recommendation concerning one or more elements of a parenting  
 87 plan made by a person who meets the same qualifications as a  
 88 person listed under s. 61.20(2), by a guardian ad litem  
 89 appointed pursuant to s. 61.401, or by a licensed mental health  
 90 professional appointed by the court ~~psychologist licensed under~~  
 91 ~~chapter 490.~~

92           Section 2. Paragraph (d) of subsection (1) and subsections  
 93 (2), (3), and (6) of section 61.13, Florida Statutes, are  
 94 amended to read:

95           61.13 Support of children; parenting and time-sharing;  
 96 powers of court.--

97           (1)

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

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

112           ~~2.3.~~ If both parties request and the court finds that it

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113 is in the best interest of the child, support payments need not  
114 be subject to immediate income deduction. Support orders that  
115 are not subject to immediate income deduction may be directed  
116 through the depository under s. 61.181. Payments for all support  
117 orders that provide for immediate income deduction shall be made  
118 to the State Disbursement Unit. ~~The order of support shall~~  
119 ~~provide, or shall be deemed to provide, that either party may~~  
120 ~~subsequently apply to the depository to require direction of the~~  
121 ~~payments through the depository~~. The court shall provide a copy  
122 of the order to the depository.

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

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

138 (2) (a) The court may ~~shall have jurisdiction to~~ approve,  
139 grant, or modify a parenting plan, notwithstanding that the  
140 child is not physically present in this state at the time of

141 filing any proceeding under this chapter, if it appears to the  
 142 court that the child was removed from this state for the primary  
 143 purpose of removing the child from the court's jurisdiction ~~of~~  
 144 ~~the court~~ in an attempt to avoid the court's approval, creation,  
 145 or modification of a parenting plan.

146 (b) A ~~Any~~ parenting plan approved by the court shall ~~must~~,  
 147 at a minimum, describe in adequate detail how the parents will  
 148 share and be responsible for the daily tasks associated with the  
 149 upbringing of the child;7 the time-sharing schedule arrangements  
 150 that specify the time that the minor child will spend with each  
 151 parent;7 a designation of who will be responsible for any and  
 152 all forms of health care, school-related matters, including the  
 153 address to be used for school-boundary determination and  
 154 registration, and other activities;7 and the methods and  
 155 technologies that the parents will use to communicate with the  
 156 child.

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

166 1. It is the public policy of this state ~~to assure~~ that  
 167 each minor child has frequent and continuing contact with both  
 168 parents after the parents separate or the marriage of the

169 parties is dissolved and to encourage parents to share the  
170 rights and responsibilities, and joys, of childrearing. There is  
171 no presumption for or against the father or mother of the child  
172 or for or against any specific time-sharing schedule when  
173 creating or modifying the parenting plan of the child.

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

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197 conviction of any offense of domestic violence or child abuse or  
198 the existence of an injunction for protection against domestic  
199 violence, the court shall consider evidence of domestic violence  
200 or child abuse as evidence of detriment to the child.

201 a. In ordering shared parental responsibility, the court  
202 may consider the expressed desires of the parents and may grant  
203 to one party the ultimate responsibility over specific aspects  
204 of the child's welfare or may divide those responsibilities  
205 between the parties based on the best interests of the child.  
206 Areas of responsibility may include education, health care, and  
207 any other responsibilities that the court finds unique to a  
208 particular family.

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

213 3. Access to records and information pertaining to a minor  
214 child, including, but not limited to, medical, dental, and  
215 school records, may not be denied to either parent. Full rights  
216 under this subparagraph apply to either parent unless a court  
217 order specifically revokes these rights, including any  
218 restrictions on these rights as provided in a domestic violence  
219 injunction. A parent having rights under this subparagraph has  
220 the same rights upon request as to form, substance, and manner  
221 of access as are available to the other parent of a child,  
222 including, without limitation, the right to in-person  
223 communication with medical, dental, and education providers.

224 (d) The circuit court in the county in which either parent



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225 and the child reside or the circuit court in which the original  
226 order approving or creating the parenting plan was entered may  
227 ~~has jurisdiction to~~ modify the parenting plan. The court may  
228 change the venue in accordance with s. 47.122.

229 (3) For purposes of establishing or modifying parental  
230 responsibility and creating, developing, approving, or modifying  
231 a parenting plan, including a time-sharing schedule, which  
232 governs each parent's relationship with his or her minor child  
233 and the relationship between each parent with regard to his or  
234 her minor child, the best interest of the child shall be the  
235 primary consideration. A determination of parental  
236 responsibility, a parenting plan, or a time-sharing schedule may  
237 not be modified without a showing of a substantial, material  
238 change of circumstances that was not reasonably contemplated at  
239 the time of the final judgment or final order sought to be  
240 modified and a determination that the modification is in the  
241 best interests of the child. Determination of the best interests  
242 of the child shall be made by evaluating all of the factors  
243 affecting the welfare and interests of the particular minor  
244 child and the circumstances of that family, including, but not  
245 limited to:

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

250 (b) The anticipated division of parental responsibilities  
251 after the litigation, including the extent to which parental  
252 responsibilities will be delegated to third parties.

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

256 (d) The length of time the child has lived in a stable,  
257 satisfactory environment and the desirability of maintaining  
258 continuity.

259 (e) The geographic viability of the parenting plan, with  
260 special attention paid to the needs of school-age children and  
261 the amount of time to be spent traveling to effectuate the  
262 parenting plan. This factor does not create a presumption for or  
263 against relocation of either parent with a child.

264 (f) The moral fitness of the parents.

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

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

267 (i) The reasonable preference of the child, if the court  
268 deems the child to be of sufficient intelligence, understanding,  
269 and experience to express a preference.

270 (j) The demonstrated knowledge, capacity, and disposition  
271 of each parent to be informed of the circumstances of the minor  
272 child, including, but not limited to, the child's friends,  
273 teachers, medical care providers, daily activities, and favorite  
274 things.

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

279 (l) The demonstrated capacity of each parent to  
280 communicate with and keep the other parent informed of issues

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281 and activities regarding the minor child, and the willingness of  
282 each parent to adopt a unified front on all major issues when  
283 dealing with the child.

284 (m) Evidence of domestic violence, sexual violence, child  
285 abuse, child abandonment, or child neglect, regardless of  
286 whether a prior or pending action relating to those issues has  
287 been brought. If the court accepts evidence of prior or pending  
288 actions regarding domestic violence, sexual violence, child  
289 abuse, child abandonment, or child neglect, the court shall  
290 specifically acknowledge in writing that such evidence was  
291 considered when evaluating the best interests of the child.

292 (n) Evidence that either parent has knowingly provided  
293 false information to the court regarding any prior or pending  
294 action regarding domestic violence, sexual violence, child  
295 abuse, child abandonment, or child neglect.

296 (o) The particular parenting tasks customarily performed  
297 by each parent and the division of parental responsibilities  
298 before the institution of litigation and during the pending  
299 litigation, including the extent to which parenting  
300 responsibilities were undertaken by third parties.

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

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

307 (r) The capacity and disposition of each parent to protect  
308 the child from the ongoing litigation as demonstrated by not

309 discussing the litigation with the child, not sharing documents  
 310 or electronic media related to the litigation with the child,  
 311 and refraining from disparaging comments about the other parent  
 312 to the child.

313 (s) The developmental stages and needs of the child and  
 314 the demonstrated capacity and disposition of each parent to meet  
 315 the child's developmental needs.

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

319 (6) In any proceeding under this section, the court may  
 320 not deny shared parental responsibility and time-sharing rights  
 321 to a parent solely because that parent is or is believed to be  
 322 infected with human immunodeficiency virus, but the court may,  
 323 ~~condition such rights to require that parent~~ in an order  
 324 approving the parenting plan, require that parent to observe  
 325 measures approved by the Centers for Disease Control and  
 326 Prevention of the United States Public Health Service or by the  
 327 Department of Health for preventing the spread of human  
 328 immunodeficiency virus to the child.

329 Section 3. Section 61.13001, Florida Statutes, is amended  
 330 to read:

331 61.13001 Parental relocation with a child.--

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

333 ~~(a) "Change of residence address" means the relocation of~~  
 334 ~~a child to a principal residence more than 50 miles away from~~  
 335 ~~his or her principal place of residence at the time of the entry~~  
 336 ~~of the last order establishing or modifying the parenting plan~~

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337 ~~or the time-sharing schedule or both for the minor child, unless~~  
338 ~~the move places the principal residence of the minor child less~~  
339 ~~than 50 miles from either parent.~~

340 (a)~~(b)~~ "Child" means any person who is under the  
341 jurisdiction of a state court pursuant to the Uniform Child  
342 Custody Jurisdiction and Enforcement Act or is the subject of  
343 any order granting to a parent or other person any right to  
344 time-sharing, residential care, kinship, or custody, as provided  
345 under state law.

346 (b)~~(e)~~ "Court" means the circuit court in an original  
347 proceeding which has proper venue and jurisdiction in accordance  
348 with the Uniform Child Custody Jurisdiction and Enforcement Act,  
349 the circuit court in the county in which either parent and the  
350 child reside, or the circuit court in which the original action  
351 was adjudicated.

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

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

362 (e)~~(f)~~ "Relocation" means a change in the location of the  
363 principal residence of a parent or other person from his or her  
364 principal place of residence at the time of the last order

365 establishing or modifying time-sharing or at the time of filing  
 366 the pending action to establish or modify time-sharing. The  
 367 change of location must be at least 50 miles from that residence  
 368 and for at least ~~child for a period of~~ 60 consecutive days, not  
 369 including ~~or more but does not include~~ a temporary absence from  
 370 the principal residence for purposes of vacation, education, or  
 371 the provision of health care for the child.

372 (2) RELOCATION BY AGREEMENT.--

373 (a) If the parents and every other person entitled to  
 374 access to or time-sharing with the child agree to the relocation  
 375 of the child, they may satisfy the requirements of this section  
 376 by signing a written agreement that:

- 377 1. Reflects ~~the~~ consent to the relocation;
- 378 2. Defines an access or ~~a~~ time-sharing schedule for the  
 379 nonrelocating parent and any other persons who are entitled to  
 380 access or time-sharing; and
- 381 3. Describes, if necessary, any transportation  
 382 arrangements related to access or time-sharing ~~the visitation~~.

383 (b) If there is an existing cause of action, judgment, or  
 384 decree of record pertaining to the child's residence or an  
 385 access or ~~a~~ time-sharing schedule, the parties shall seek  
 386 ratification of the agreement by court order without the  
 387 necessity of an evidentiary hearing unless a hearing is  
 388 requested, in writing, by one or more of the parties to the  
 389 agreement within 10 days after the date the agreement is filed  
 390 with the court. If a hearing is not timely requested, it shall  
 391 be presumed that the relocation is in the best interest of the  
 392 child and the court may ratify the agreement without an

393 evidentiary hearing.

394 (3) PETITION NOTICE OF INTENT TO RELOCATE WITH A  
 395 ~~CHILD~~.--Unless an agreement has been entered as described in  
 396 subsection (2), a parent or other person seeking relocation  
 397 shall file a petition to relocate and serve it upon ~~who is~~  
 398 ~~entitled to time-sharing with the child shall notify~~ the other  
 399 parent, and every other person entitled to access to or time-  
 400 sharing with the child, ~~of a proposed relocation of the child's~~  
 401 ~~residence~~. The pleadings must be in accordance with ~~form of~~  
 402 ~~notice shall be according to~~ this section:

403 (a) The petition to relocate must be signed under oath or  
 404 affirmation under penalty of perjury and include ~~parent seeking~~  
 405 ~~to relocate shall prepare a Notice of Intent to Relocate. The~~  
 406 ~~following information must be included with the Notice of Intent~~  
 407 ~~to Relocate and signed under oath under penalty of perjury:~~

408 1. A description of the location of the intended new  
 409 residence, including the state, city, and specific physical  
 410 address, if known.

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

413 3. The home telephone number of the intended new  
 414 residence, if known.

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

416 5. A detailed statement of the specific reasons for the  
 417 proposed relocation ~~of the child~~. If one of the reasons is based  
 418 upon a job offer that ~~which~~ has been reduced to writing, the  
 419 ~~that~~ written job offer must be attached to the petition ~~Notice~~  
 420 ~~of Intent to Relocate~~.

421           6. A proposal for the revised postrelocation schedule for  
 422 access and ~~of~~ time-sharing together with a proposal for the  
 423 postrelocation transportation arrangements necessary to  
 424 effectuate time-sharing with the child. Absent the existence of  
 425 a current, valid order abating, terminating, or restricting  
 426 access or time-sharing ~~visitation~~ or other good cause predating  
 427 the petition ~~Notice of Intent to Relocate~~, failure to comply  
 428 with this provision renders the petition ~~Notice of Intent~~ to  
 429 relocate legally insufficient.

430           7. Substantially the following statement, in all capital  
 431 letters and in the same size type, or larger, as the type in the  
 432 remainder of the notice:

433  
 434 A RESPONSE ~~AN OBJECTION~~ TO THE PETITION OBJECTING TO PROPOSED  
 435 RELOCATION MUST BE MADE IN WRITING, FILED WITH THE COURT, AND  
 436 SERVED ON THE PARENT OR OTHER PERSON SEEKING TO RELOCATE WITHIN  
 437 20 ~~30~~ DAYS AFTER SERVICE OF THIS PETITION ~~NOTICE OF INTENT~~ TO  
 438 RELOCATE. IF YOU FAIL TO TIMELY OBJECT TO THE RELOCATION, THE  
 439 RELOCATION WILL BE ALLOWED, UNLESS IT IS NOT IN THE BEST  
 440 INTERESTS OF THE CHILD, WITHOUT FURTHER NOTICE AND WITHOUT A  
 441 HEARING.

442           ~~8. The mailing address of the parent or other person~~  
 443 ~~seeking to relocate to which the objection filed under~~  
 444 ~~subsection (5) to the Notice of Intent to Relocate should be~~  
 445 ~~sent.~~

446  
 447 ~~The contents of the Notice of Intent to Relocate are not~~  
 448 ~~privileged. For purposes of encouraging amicable resolution of~~



449 ~~the relocation issue, a copy of the Notice of Intent to Relocate~~  
450 ~~shall initially not be filed with the court but instead served~~  
451 ~~upon the nonrelocating parent, other person, and every other~~  
452 ~~person entitled to time sharing with the child, and the original~~  
453 ~~thereof shall be maintained by the parent or other person~~  
454 ~~seeking to relocate.~~

455 ~~(b) The parent seeking to relocate shall also prepare a~~  
456 ~~Certificate of Serving Notice of Intent to Relocate. The~~  
457 ~~certificate shall certify the date that the Notice of Intent to~~  
458 ~~Relocate was served on the other parent and on every other~~  
459 ~~person entitled to time sharing with the child.~~

460 ~~(b)(e) The petition Notice of Intent to relocate shall,~~  
461 ~~and the Certificate of Serving Notice of Intent to Relocate,~~  
462 ~~shall be served on the other parent and on every other person~~  
463 ~~entitled to access to and time-sharing with the child. If there~~  
464 ~~is a pending court action regarding the child, service of~~  
465 ~~process may be according to court rule. Otherwise, service of~~  
466 ~~process shall be according to chapters 48 and 49 or via~~  
467 ~~certified mail, restricted delivery, return receipt requested.~~

468 ~~(c)(d) A parent or other person seeking to relocate giving~~  
469 ~~notice of a proposed relocation or change of residence address~~  
470 ~~under this section has a continuing duty to provide current and~~  
471 ~~updated information required by this section when that~~  
472 ~~information becomes known.~~

473 ~~(d)(e) If the other parent and any other person entitled~~  
474 ~~to access to or time-sharing with the child fails to timely file~~  
475 ~~a response objecting to the petition to relocate an objection,~~  
476 ~~it is shall be presumed that the relocation is in the best~~

477 interest of the child and that, the relocation should ~~shall~~ be  
 478 allowed, and the court shall, absent good cause, enter an order  
 479 specifying, ~~attaching a copy of the Notice of Intent to~~  
 480 ~~Relocate~~, reflecting that the order is entered as a result of  
 481 the failure to respond to the petition ~~object to the Notice of~~  
 482 ~~Intent to Relocate~~, and adopting the access and time-sharing  
 483 schedule and transportation arrangements contained in the  
 484 petition ~~Notice of Intent to Relocate~~. The order may be issued  
 485 ~~issue~~ in an expedited manner without the necessity of an  
 486 evidentiary hearing. If a response ~~an objection~~ is timely filed,  
 487 the parent or other person may not relocate, and shall proceed  
 488 to a temporary hearing or trial and burden returns to the parent  
 489 ~~or person seeking to relocate to initiate court proceedings to~~  
 490 obtain court permission to relocate ~~before doing so~~.

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

- 499 1. A factor in making a determination regarding the  
 500 relocation of a child.
- 501 2. A factor in determining whether the parenting plan or  
 502 the access or time-sharing schedule should be modified.
- 503 3. A basis for ordering the temporary or permanent return  
 504 of the child.

505           4. Sufficient cause to order the parent or other person  
 506 seeking to relocate the child to pay reasonable expenses and  
 507 attorney's fees incurred by the party objecting to the  
 508 relocation.

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

512           (4) APPLICABILITY OF PUBLIC RECORDS LAW.--If the parent or  
 513 other person seeking to relocate a child, or the child, is  
 514 entitled to prevent disclosure of location information under a  
 515 ~~any public records exemption applicable to that person,~~ the  
 516 court may enter any order necessary to modify the disclosure  
 517 requirements of this section in compliance with the public  
 518 records exemption.

519           (5) ~~CONTENT OF OBJECTION TO RELOCATION.--An~~ answer  
 520 objecting to a proposed relocation ~~objection seeking to prevent~~  
 521 ~~the relocation of a child~~ must be verified and ~~served within 30~~  
 522 ~~days after service of the Notice of Intent to Relocate. The~~  
 523 ~~objection must~~ include the specific factual basis supporting the  
 524 reasons for seeking a prohibition of the relocation, including a  
 525 statement of the amount of participation or involvement the  
 526 objecting party currently has or has had in the life of the  
 527 child.

528           (6) TEMPORARY ORDER.--

529           (a) The court may grant a temporary order restraining the  
 530 relocation of a child, order ~~or ordering~~ the return of the  
 531 child, if a relocation has previously taken place, or order  
 532 other appropriate remedial relief, if the court finds:

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

536           2. That the child ~~already~~ has been relocated without a  
 537 ~~notice or~~ written agreement of the parties or without court  
 538 approval; or

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

542           (b) The court may grant a temporary order permitting the  
 543 relocation of the child pending final hearing, if the court  
 544 finds:

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

548           2. ~~Finds~~ From an examination of the evidence presented at  
 549 the preliminary hearing, that there is a likelihood that on  
 550 final hearing the court will approve the relocation of the  
 551 child, which findings must be supported by the same factual  
 552 basis as would be necessary to support approving the ~~permitting~~  
 553 ~~of~~ relocation in a final judgment.

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

558           (d) If temporary relocation of a child is approved  
 559 ~~permitted~~, the court may require the person relocating the child  
 560 to provide reasonable security, financial or otherwise, and

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561 | guarantee that the court-ordered contact with the child will not  
562 | be interrupted or interfered with by the relocating party.

563 |       (7) NO PRESUMPTION; FACTORS TO DETERMINE CONTESTED  
564 | RELOCATION.--A presumption ~~does not arise~~ in favor of or against  
565 | a request to relocate with the child does not arise if ~~when~~ a  
566 | parent or other person seeks to relocate ~~move the child~~ and the  
567 | move will materially affect the current schedule of contact,  
568 | access, and time-sharing with the nonrelocating parent or other  
569 | person. In reaching its decision regarding a proposed temporary  
570 | or permanent relocation, the court shall evaluate all of the  
571 | following ~~factors~~:

572 |       (a) The nature, quality, extent of involvement, and  
573 | duration of the child's relationship with the parent or other  
574 | person proposing to relocate with the child and with the  
575 | nonrelocating parent, other persons, siblings, half-siblings,  
576 | and other significant persons in the child's life.

577 |       (b) The age and developmental stage of the child, the  
578 | needs of the child, and the likely impact the relocation will  
579 | have on the child's physical, educational, and emotional  
580 | development, taking into consideration any special needs of the  
581 | child.

582 |       (c) The feasibility of preserving the relationship between  
583 | the nonrelocating parent or other person and the child through  
584 | substitute arrangements that take into consideration the  
585 | logistics of contact, access, and time-sharing, as well as the  
586 | financial circumstances of the parties; whether those factors  
587 | are sufficient to foster a continuing meaningful relationship  
588 | between the child and the nonrelocating parent or other person;

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589 and the likelihood of compliance with the substitute  
590 arrangements by the relocating parent or other person once he or  
591 she is out of the jurisdiction of the court.

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

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

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

600 (g) The current employment and economic circumstances of  
601 each parent or other person and whether ~~or not~~ the proposed  
602 relocation is necessary to improve the economic circumstances of  
603 the parent or other person seeking relocation of the child.

604 (h) That the relocation is sought in good faith and the  
605 extent to which the objecting parent has fulfilled his or her  
606 financial obligations to the parent or other person seeking  
607 relocation, including child support, spousal support, and  
608 marital property and marital debt obligations.

609 (i) The career and other opportunities available to the  
610 objecting parent or ~~objecting~~ other person if the relocation  
611 occurs.

612 (j) A history of substance abuse or domestic violence as  
613 defined in s. 741.28 or which meets the criteria of s.  
614 39.806(1)(d) by either parent, including a consideration of the  
615 severity of such conduct and the failure or success of any  
616 attempts at rehabilitation.

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

619 (8) BURDEN OF PROOF.--The parent or other person wishing  
 620 to relocate has the burden of proving ~~proof if an objection is~~  
 621 ~~filed and must then initiate a proceeding seeking court~~  
 622 ~~permission for relocation. The initial burden is on the parent~~  
 623 ~~or person wishing to relocate to prove by a preponderance of the~~  
 624 evidence that relocation is in the best interest of the child.  
 625 If that burden of proof is met, the burden shifts to the  
 626 nonrelocating parent or other person to show by a preponderance  
 627 of the evidence that the proposed relocation is not in the best  
 628 interest of the child.

629 (9) ORDER REGARDING RELOCATION.--If relocation is approved  
 630 permitted:

631 (a) The court may, in its discretion, order contact with  
 632 the nonrelocating parent or other person, including access,  
 633 time-sharing, telephone, Internet, webcam, and other  
 634 arrangements sufficient to ensure that the child has frequent,  
 635 continuing, and meaningful contact, ~~access, and time-sharing~~  
 636 with the nonrelocating parent or other person ~~persons~~, if  
 637 contact is financially affordable and in the best interest of  
 638 the child.

639 (b) If applicable, the court shall specify how the  
 640 transportation costs are to ~~will~~ be allocated between the  
 641 parents and other persons entitled to contact, access, and time-  
 642 sharing and may adjust the child support award, as appropriate,  
 643 considering the costs of transportation and the respective net  
 644 incomes of the parents in accordance with the state child

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645 support guidelines schedule.

646 (10) PRIORITY FOR HEARING OR TRIAL.--An evidentiary  
647 hearing or nonjury trial on a pleading seeking temporary or  
648 permanent relief filed under this section shall be accorded  
649 priority on the court's calendar. If a motion seeking a  
650 temporary relocation is filed, absent good cause, the hearing  
651 shall occur no later than 30 days after the motion for a  
652 temporary relocation is filed. If a notice to set the matter for  
653 a nonjury trial is filed, absent good cause, the nonjury trial  
654 shall occur no later than 90 days after the notice is filed.

655 (11) APPLICABILITY.--

656 (a) This section applies:

657 1. To orders entered before October 1, 2009 ~~2006~~, if the  
658 existing order defining the parenting plan, custody, primary  
659 residence, or access to or time-sharing, ~~or visitation of or~~  
660 with the child does not expressly govern the relocation of the  
661 child.

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

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

671 (b) To the extent that a provision of this section  
672 conflicts with an order existing on October 1, 2009 ~~2006~~, this



673 section does not apply to the terms of that order which  
 674 expressly govern relocation of the child or a change in the  
 675 principal residence address of a parent or other person.

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

678 61.183 Mediation of certain contested issues.--

679 (1) In any proceeding in which the issues of parental  
 680 responsibility, primary residence, access to ~~visitation~~, or  
 681 support of a child are contested, the court may refer the  
 682 parties to mediation in accordance with rules promulgated by the  
 683 Supreme Court. In Title IV-D cases, any costs, including filing  
 684 fees, recording fees, mediation costs, service of process fees,  
 685 and other expenses incurred by the clerk of the circuit court,  
 686 shall be assessed only against the nonprevailing obligor after  
 687 the court makes a determination of the nonprevailing obligor's  
 688 ability to pay such costs and fees.

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

691 61.20 Social investigation and recommendations regarding a  
 692 parenting plan.--

693 (3) Except as to persons who obtain certification of  
 694 indigence as specified in subsection (2), for whom no costs are  
 695 ~~shall be~~ incurred, the parents ~~adult parties~~ involved in a  
 696 proceeding to determine a parenting plan in which ~~wherein~~ the  
 697 court has ordered the performance of a social investigation and  
 698 study are ~~shall be~~ responsible for paying ~~the payment of~~ the  
 699 costs of the ~~such~~ investigation and study. Upon submitting  
 700 ~~submission of~~ the study to the court, the agency, staff, or

701 person performing the study shall include a bill for services,  
 702 which shall be taxed and ordered paid as costs in the  
 703 proceeding.

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

707 61.21 Parenting course authorized; fees; required  
 708 attendance authorized; contempt.--

709 (2) The Department of Children and Family Services shall  
 710 approve a parenting course which shall be a course of a minimum  
 711 of 4 hours designed to educate, train, and assist divorcing  
 712 parents in regard to the consequences of divorce on parents and  
 713 children.

714 (a) The parenting course referred to in this section shall  
 715 be named the Parent Education and Family Stabilization Course  
 716 and may include, but need not be limited to, the following  
 717 topics as they relate to court actions between parents involving  
 718 custody, care, time-sharing ~~visitation~~, and support of a child  
 719 or children:

- 720 1. Legal aspects of deciding child-related issues between
- 721 parents.
- 722 2. Emotional aspects of separation and divorce on adults.
- 723 3. Emotional aspects of separation and divorce on
- 724 children.
- 725 4. Family relationships and family dynamics.
- 726 5. Financial responsibilities to a child or children.
- 727 6. Issues regarding spousal or child abuse and neglect.
- 728 7. Skill-based relationship education that may be

729 | generalized to parenting, workplace, school, neighborhood, and  
 730 | civic relationships.

731 |       (5) All parties required to complete a parenting course  
 732 | under this section shall begin the course as expeditiously as  
 733 | possible. For dissolution of marriage actions, unless excused by  
 734 | the court pursuant to subsection (4), the petitioner must  
 735 | complete the course within 45 days after the filing of the  
 736 | petition, and all other parties must complete the course within  
 737 | 45 days after service of the petition. For paternity actions,  
 738 | unless excused by the court pursuant to subsection (4), the  
 739 | petitioner must complete the course within 45 days after filing  
 740 | the petition, and any other party must complete the course  
 741 | within 45 days after an acknowledgment of paternity by that  
 742 | party, an adjudication of paternity of that party, or an order  
 743 | granting time-sharing ~~visitation~~ to or support from that party.  
 744 | Each party to a dissolution or paternity action shall file proof  
 745 | of compliance with this subsection with the court prior to the  
 746 | entry of the final judgment.

747 |       (9) The court may hold any parent who fails to attend a  
 748 | required parenting course in contempt, or that parent may be  
 749 | denied shared parental responsibility or time-sharing ~~visitation~~  
 750 | or otherwise sanctioned as the court deems appropriate.

751 |       Section 7. Paragraph (b) of subsection (11) of section  
 752 | 61.30, Florida Statutes, is amended to read:

753 |       61.30 Child support guidelines; retroactive child  
 754 | support.--

755 |       (11)

756 |       (b) Whenever a particular parenting plan provides that

757 each child spend a substantial amount of time with each parent,  
758 the court shall adjust any award of child support, as follows:

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

763 2. Calculate the percentage of overnight stays the child  
764 spends with each parent.

765 3. Multiply each parent's support obligation as calculated  
766 in subparagraph 1. by the percentage of the other parent's  
767 overnight stays with the child as calculated in subparagraph 2.

768 4. The difference between the amounts calculated in  
769 subparagraph 3. shall be the monetary transfer necessary between  
770 the parents for the care of the child, subject to an adjustment  
771 for day care and health insurance expenses.

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

777 6. Adjust the support obligation owed by each parent  
778 pursuant to subparagraph 4. by crediting or debiting the amount  
779 calculated in subparagraph 5. This amount represents the child  
780 support which must be exchanged between the parents.

781 7. The court may deviate from the child support amount  
782 calculated pursuant to subparagraph 6. based upon the deviation  
783 factors in paragraph (a), as well as the obligee parent's low  
784 income and ability to maintain the basic necessities of the home

785 for the child, the likelihood that either parent will actually  
 786 exercise the time-sharing schedule set forth in the parenting  
 787 plan granted by the court, and whether all of the children are  
 788 exercising the same time-sharing schedule.

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

793 Section 8. Paragraph (a) of subsection (5) of section  
 794 741.30, Florida Statutes, is amended to read:

795 741.30 Domestic violence; injunction; powers and duties of  
 796 court and clerk; petition; notice and hearing; temporary  
 797 injunction; issuance of injunction; statewide verification  
 798 system; enforcement.--

799 (5) (a) If ~~When~~ it appears to the court that an immediate  
 800 and present danger of domestic violence exists, the court may  
 801 grant a temporary injunction ex parte, pending a full hearing,  
 802 and may grant such relief as the court deems proper, including  
 803 an injunction:

804 1. Restraining the respondent from committing any acts of  
 805 domestic violence.

806 2. Awarding to the petitioner the temporary exclusive use  
 807 and possession of the dwelling that the parties share or  
 808 excluding the respondent from the residence of the petitioner.

809 3. On the same basis as provided in s. 61.13, providing  
 810 the petitioner a temporary parenting plan, including a time-  
 811 sharing schedule, which may award the petitioner up to ~~with~~ 100  
 812 percent of the time-sharing. The temporary parenting plan

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813 remains ~~that shall remain~~ in effect until the order expires or  
814 an order is entered by a court of competent jurisdiction in a  
815 pending or subsequent civil action or proceeding affecting the  
816 placement of, access to, parental time with, adoption of, or  
817 parental rights and responsibilities for the minor child.

818 Section 9. This act shall take effect October 1, 2009.