

By Senator Deutch

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1 A bill to be entitled
2 An act relating to child custody and visitation;
3 amending s. 61.046, F.S.; redefining the terms
4 "parenting plan" and "parenting plan recommendations";
5 amending s. 61.13, F.S., relating to child support,
6 parenting plans, and time-sharing; deleting obsolete
7 provisions; requiring a parenting plan to include the
8 address to be used for determining school boundaries;
9 revising the elements of the rebuttable presumption
10 that a parent is a detriment to his or her child if he
11 or she is convicted of a crime involving domestic
12 violence; providing that the presumption applies to a
13 crime that is a misdemeanor of the first degree or
14 higher rather than to a crime that is a felony of the
15 third degree or higher; allowing the modification of a
16 parenting plan only upon a showing of changed
17 circumstances; requiring a court to make explicit
18 written findings that, when determining the best
19 interests of a child for the purposes of shared
20 parental responsibility and visitation, the court
21 considered evidence of domestic or sexual violence and
22 child abuse, abandonment, or neglect; amending s.
23 61.13001, F.S., relating to parental relocation;
24 deleting terms and redefining the terms "other
25 person," "parent," and "relocation"; substituting the
26 term "access to" for "visitation"; deleting provisions
27 relating to the requirement for a Notice of Intent to
28 Relocate and substituting procedures relating to
29 filing a petition to relocate; requiring a hearing on

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30 a motion seeking a temporary relocation to be held
31 within a certain time; providing for applicability of
32 changes made by the act; amending ss. 61.183, 61.20,
33 61.21, and 61.30, F.S.; conforming terms; amending s.
34 741.30, F.S., relating to domestic violence;
35 authorizing a court to issue an ex parte injunction
36 that provides a temporary parenting plan; providing an
37 effective date.

38
39 Be It Enacted by the Legislature of the State of Florida:

40
41 Section 1. Subsections (13) and (14) of section 61.046,
42 Florida Statutes, are amended to read:

43 61.046 Definitions.—As used in this chapter, the term:

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

54 (a) The parenting plan must ~~shall~~ be:

- 55 1. Developed and agreed to by the parents and approved by a
56 court; ~~or~~
57 2. If the parents cannot agree or the plan is not approved
58 by the court, established by the court with or without the use

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59 of a court-ordered parenting plan recommendation.

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

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

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

78 (14) "Parenting plan recommendation" means a nonbinding
79 recommendation relating to a parenting plan which is made by a
80 psychologist licensed under chapter 490, a psychotherapist
81 licensed under chapter 491, a guardian ad litem appointed
82 pursuant to s. 61.401, or a licensed mental health professional
83 appointed by the court pursuant to Rule 12.363, Florida Family
84 Law Rules of Procedure.

85 Section 2. Paragraph (d) of subsection (1) and subsections
86 (2), (3), and (6) of section 61.13, Florida Statutes, are
87 amended, to read:

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88 61.13 Support of children; parenting and time-sharing;
89 powers of court.-

90 (1)

91 (d)1. Unless the provisions of subparagraph 2. ~~3.~~ apply,
92 all child support orders must require ~~entered on or after~~
93 ~~January 1, 1985,~~ shall ~~direct~~ that child support the payments be
94 made ~~of child support be made as provided in s. 61.181~~ through
95 the depository in the county where the court is located as
96 provided in s. 61.181. All child support orders must ~~shall~~
97 provide the full name and date of birth of each minor child who
98 is the subject of the child support order.

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

106 ~~2.3.~~ If both parties request and the court finds that it is
107 in the best interest of the child, support payments need not be
108 directed through the depository. The order of support must ~~shall~~
109 provide, or shall be deemed to provide, that either party may
110 subsequently apply to the depository to require that ~~direction~~
111 ~~of the~~ payments be made through the depository. The court shall
112 provide a copy of the order to the depository.

113 ~~3.4.~~ If the parties elect not to require that support
114 payments be made through the depository, any party may
115 subsequently file an affidavit with the depository alleging a
116 default in payment of child support and stating that the party

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117 wishes to require that payments be made through the depository.
118 The party shall provide copies of the affidavit to the court and
119 to the each other party. Fifteen days after receipt of the
120 affidavit, the depository shall notify both parties that future
121 payments must ~~shall~~ be paid through the depository.

122 ~~4.5.~~ In IV-D cases, the IV-D agency has ~~shall have~~ the same
123 rights as the obligee in requesting that payments be made
124 through the depository.

125 (2) (a) The court may ~~shall have jurisdiction to~~ approve,
126 grant, or modify a parenting plan, notwithstanding that the
127 child is not physically present in this state at the time of
128 filing any proceeding under this chapter, if it appears to the
129 court that the child was removed from this state for the primary
130 purpose of removing the child from the court's jurisdiction ~~of~~
131 ~~the court~~ in an attempt to avoid the court's approval, creation,
132 or modification of a parenting plan.

133 (b) A ~~Any~~ parenting plan approved by the court must, at a
134 minimum, describe in adequate detail how the parents will share
135 and be responsible for the daily tasks associated with the
136 upbringing of the child; the time-sharing schedule arrangements
137 that specify the time that the minor child will spend with each
138 parent; a designation of who will be responsible for any and
139 all forms of health care, school-related matters including the
140 address to be used for school-boundary determination and
141 registration, and other activities; and the methods and
142 technologies that the parents will use to communicate with the
143 child.

144 (c) ~~1.~~ The court shall determine all matters relating to
145 parenting and time-sharing of each minor child of the parties in

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146 accordance with the best interests of the child and in
147 accordance with the Uniform Child Custody Jurisdiction and
148 Enforcement Act.

149 1. It is the public policy of this state ~~to assure~~ that
150 each minor child has frequent and continuing contact with both
151 parents after the parents separate or the marriage of the
152 parties is dissolved and to encourage parents to share the
153 rights and responsibilities, and joys, of childrearing. There is
154 no presumption for or against the father or mother of the child
155 when creating or modifying the parenting plan of the child.

156 2. The court shall order that the parental responsibility
157 for a minor child be shared by both parents unless the court
158 finds that shared parental responsibility would be detrimental
159 to the child. Evidence that a parent has been convicted of a
160 misdemeanor ~~felony~~ of the first ~~third~~ degree or higher involving
161 domestic violence, as defined in s. 741.28 and chapter 775, or
162 meets the criteria of s. 39.806(1)(d), creates a rebuttable
163 presumption of detriment to the child. If the presumption is not
164 rebutted, shared parental responsibility, including time-sharing
165 with the child, and decisions made regarding the child, may not
166 be granted to the convicted parent. However, the convicted
167 parent is not relieved of any obligation to provide financial
168 support. If the court determines that shared parental
169 responsibility would be detrimental to the child, it may order
170 sole parental responsibility and make such arrangements for
171 time-sharing as specified in the parenting plan as will best
172 protect the child or abused spouse from further harm. Whether or
173 not there is a conviction of any offense of domestic violence or
174 child abuse or the existence of an injunction for protection

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175 against domestic violence, the court shall consider evidence of
176 domestic violence or child abuse as evidence of detriment to the
177 child.

178 a. In ordering shared parental responsibility, the court
179 may consider the expressed desires of the parents and may grant
180 to one party ~~the~~ ultimate responsibility over specific aspects
181 of the child's welfare or may divide those responsibilities
182 between the parties based on the best interests of the child.
183 Areas of responsibility may include education, health care, and
184 any other responsibilities that the court finds unique to a
185 particular family.

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

190 3. Access to records and information pertaining to a minor
191 child, including, but not limited to, medical, dental, and
192 school records, may not be denied to either parent. Full rights
193 under this subparagraph apply to either parent unless a court
194 order specifically revokes these rights, including any
195 restrictions on these rights as provided in a domestic violence
196 injunction. A parent having rights under this subparagraph has
197 the same rights upon request as to form, substance, and manner
198 of access as are available to the other parent of a child,
199 including, without limitation, the right to in-person
200 communication with medical, dental, and education providers.

201 (d) The circuit court in the county in which either parent
202 and the child reside or the circuit court in which the original
203 order approving or creating the parenting plan was entered may

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204 ~~has jurisdiction to~~ modify the parenting plan. The court may
205 change the venue in accordance with s. 47.122.

206 (3) For purposes of establishing or modifying parental
207 responsibility and creating, developing, approving, or modifying
208 a parenting plan, including a time-sharing schedule, which
209 governs each parent's relationship with his or her minor child
210 and the relationship between each parent with regard to his or
211 her minor child, the best interest of the child shall be the
212 primary consideration. However, any modification of the plan
213 requires a showing of a substantial, involuntary change in
214 circumstances before determining the child's best interests.

215 Determination of the best interests of the child shall be made
216 by evaluating all of the factors affecting the welfare and
217 interests of the minor child, including, but not limited to:

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

222 (b) The anticipated division of parental responsibilities
223 after the litigation, including the extent to which parental
224 responsibilities will be delegated to third parties.

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

228 (d) The length of time the child has lived in a stable,
229 satisfactory environment and the desirability of maintaining
230 continuity.

231 (e) The geographic viability of the parenting plan, with
232 special attention paid to the needs of school-age children and

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233 the amount of time to be spent traveling to effectuate the
234 parenting plan. This factor does not create a presumption for or
235 against relocation of either parent with a child.

236 (f) The moral fitness of the parents.

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

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

239 (i) The reasonable preference of the child, if the court
240 deems the child to be of sufficient intelligence, understanding,
241 and experience to express a preference.

242 (j) The demonstrated knowledge, capacity, and disposition
243 of each parent to be informed of the circumstances of the minor
244 child, including, but not limited to, the child's friends,
245 teachers, medical care providers, daily activities, and favorite
246 things.

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

251 (l) The demonstrated capacity of each parent to communicate
252 with and keep the other parent informed of issues and activities
253 regarding the minor child, and the willingness of each parent to
254 adopt a unified front on all major issues when dealing with the
255 child.

256 (m) Evidence of domestic violence, sexual violence, child
257 abuse, child abandonment, or child neglect, regardless of
258 whether a prior or pending action relating to those issues has
259 been brought. If the court accepts evidence of prior or pending
260 actions regarding domestic violence, sexual violence, child
261 abuse, child abandonment, or child neglect, the court must

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262 specifically acknowledge in writing that such evidence was
263 considered when evaluating the best interests of the child.

264 (n) Evidence that either parent has knowingly provided
265 false information to the court regarding any prior or pending
266 action regarding domestic violence, sexual violence, child
267 abuse, child abandonment, or child neglect.

268 (o) The particular parenting tasks customarily performed by
269 each parent and the division of parental responsibilities before
270 the institution of litigation and during the pending litigation,
271 including the extent to which parenting responsibilities were
272 undertaken by third parties.

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

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

279 (r) The capacity and disposition of each parent to protect
280 the child from the ongoing litigation as demonstrated by not
281 discussing the litigation with the child, not sharing documents
282 or electronic media related to the litigation with the child,
283 and refraining from disparaging comments about the other parent
284 to the child.

285 (s) The developmental stages and needs of the child and the
286 demonstrated capacity and disposition of each parent to meet the
287 child's developmental needs.

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

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291 (6) In any proceeding under this section, the court may not
292 deny shared parental responsibility and time-sharing rights to a
293 parent solely because that parent is or is believed to be
294 infected with human immunodeficiency virus, but the court may,
295 ~~condition such rights to require that parent~~ in an order
296 approving the parenting plan, require that parent to observe
297 measures approved by the Centers for Disease Control and
298 Prevention of the United States Public Health Service or by the
299 Department of Health for preventing the spread of human
300 immunodeficiency virus to the child.

301 Section 3. Section 61.13001, Florida Statutes, is amended
302 to read:

303 61.13001 Parental relocation with a child.-

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

305 ~~(a) "Change of residence address" means the relocation of a~~
306 ~~child to a principal residence more than 50 miles away from his~~
307 ~~or her principal place of residence at the time of the entry of~~
308 ~~the last order establishing or modifying the parenting plan or~~
309 ~~the time-sharing schedule or both for the minor child, unless~~
310 ~~the move places the principal residence of the minor child less~~
311 ~~than 50 miles from either parent.~~

312 (a) ~~(b)~~ "Child" means any person who is under the
313 jurisdiction of a state court pursuant to the Uniform Child
314 Custody Jurisdiction and Enforcement Act or is the subject of
315 any order granting to a parent or other person any right to
316 time-sharing, residential care, kinship, or custody, as provided
317 under state law.

318 (b) ~~(e)~~ "Court" means the circuit court in an original
319 proceeding which has proper venue and jurisdiction in accordance

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320 with the Uniform Child Custody Jurisdiction and Enforcement Act,
321 the circuit court in the county in which either parent and the
322 child reside, or the circuit court in which the original action
323 was adjudicated.

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

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

334 (e)~~(f)~~ "Relocation" means a change in the location of the
335 principal residence of a parent or other person from his or her
336 principal place of residence at the time of the last order
337 establishing or modifying time-sharing, or at the time of filing
338 a pending action to establish or modify time-sharing. The change
339 of location must be at least 50 miles from the original place of
340 residence, and for at least child for a period of 60 consecutive
341 days not including or more but does not include a temporary
342 absence from the principal residence for purposes of vacation,
343 education, or the provision of health care for the child.

344 (2) RELOCATION BY AGREEMENT.—

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

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349 1. Reflects ~~the~~ consent to the relocation;

350 2. Defines an access or ~~a~~ time-sharing schedule for the
351 nonrelocating parent and any other persons who are entitled to
352 access or time-sharing; and

353 3. Describes, if necessary, any transportation arrangements
354 related to access or time-sharing ~~the visitation~~.

355 (b) If there is an existing cause of action, judgment, or
356 decree of record pertaining to the child's residence or a time-
357 sharing schedule, the parties shall seek ratification of the
358 agreement by court order without the necessity of an evidentiary
359 hearing unless a hearing is requested, in writing, by one or
360 more of the parties to the agreement within 10 days after the
361 date the agreement is filed with the court. If a hearing is not
362 timely requested, it is ~~shall be~~ presumed that the relocation is
363 in the best interest of the child and the court may ratify the
364 agreement without an evidentiary hearing.

365 (3) PETITION NOTICE OF INTENT TO RELOCATE WITH A CHILD.—
366 Unless an agreement has been entered as described in subsection
367 (2), a parent or other person seeking relocation must file a
368 petition to relocate and serve it upon ~~who is entitled to time-~~
369 ~~sharing with the child shall notify~~ the other parent, and every
370 other person entitled to access to or time-sharing with the
371 child, ~~of a proposed relocation of the child's residence. The~~
372 pleadings must be in accordance with ~~form of notice shall be~~
373 ~~according to~~ this section:

374 (a) The petition to relocate must be signed under oath
375 under penalty of perjury and include ~~parent seeking to relocate~~
376 ~~shall prepare a Notice of Intent to Relocate. The following~~
377 ~~information must be included with the Notice of Intent to~~

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378 ~~Relocate and signed under oath under penalty of perjury:~~

379 1. A description of the location of the intended new
380 residence, including the state, city, and specific physical
381 address, if known.

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

384 3. The home telephone number of the intended new residence,
385 if known.

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

387 5. A detailed statement of the specific reasons for the
388 proposed relocation ~~of the child~~. If one of the reasons is based
389 upon a job offer that ~~which~~ has been reduced to writing, the
390 ~~that~~ written job offer must be attached to the petition Notice
391 ~~of Intent to Relocate~~.

392 6. A proposal for the revised postrelocation schedule for
393 access and ~~of~~ time-sharing together with a proposal for the
394 postrelocation transportation arrangements necessary to
395 effectuate time-sharing with the child. Absent the existence of
396 a current, valid order abating, terminating, or restricting
397 access or time-sharing ~~visitation~~ or other good cause predating
398 the petition Notice of Intent to Relocate, failure to comply
399 with this provision renders the petition Notice of Intent to
400 relocate legally insufficient.

401 ~~7. Substantially the following statement, in all capital~~
402 ~~letters and in the same size type, or larger, as the type in the~~
403 ~~remainder of the notice:~~

404
405 ~~AN OBJECTION TO THE PROPOSED RELOCATION MUST BE MADE IN WRITING,~~
406 ~~FILED WITH THE COURT, AND SERVED ON THE PARENT OR OTHER PERSON~~

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407 ~~SEEKING TO RELOCATE WITHIN 30 DAYS AFTER SERVICE OF THIS NOTICE~~
408 ~~OF INTENT TO RELOCATE. IF YOU FAIL TO TIMELY OBJECT TO THE~~
409 ~~RELOCATION, THE RELOCATION WILL BE ALLOWED, UNLESS IT IS NOT IN~~
410 ~~THE BEST INTERESTS OF THE CHILD, WITHOUT FURTHER NOTICE AND~~
411 ~~WITHOUT A HEARING.~~

412 ~~8. The mailing address of the parent or other person~~
413 ~~seeking to relocate to which the objection filed under~~
414 ~~subsection (5) to the Notice of Intent to Relocate should be~~
415 ~~sent.~~

416
417 ~~The contents of the Notice of Intent to Relocate are not~~
418 ~~privileged. For purposes of encouraging amicable resolution of~~
419 ~~the relocation issue, a copy of the Notice of Intent to Relocate~~
420 ~~shall initially not be filed with the court but instead served~~
421 ~~upon the nonrelocating parent, other person, and every other~~
422 ~~person entitled to time sharing with the child, and the original~~
423 ~~thereof shall be maintained by the parent or other person~~
424 ~~seeking to relocate.~~

425 ~~(b) The parent seeking to relocate shall also prepare a~~
426 ~~Certificate of Serving Notice of Intent to Relocate. The~~
427 ~~certificate shall certify the date that the Notice of Intent to~~
428 ~~Relocate was served on the other parent and on every other~~
429 ~~person entitled to time sharing with the child.~~

430 ~~(b)(e) The petition Notice of Intent to relocate must, and~~
431 ~~the Certificate of Serving Notice of Intent to Relocate, shall~~
432 ~~be served on the other parent and on every other person entitled~~
433 ~~to access to and time-sharing with the child. If there is a~~
434 ~~pending court action regarding the child, service of process may~~
435 ~~be according to court rule. Otherwise, service of process shall~~

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436 be according to chapters 48 and 49 or via certified mail,
437 restricted delivery, return receipt requested.

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

443 ~~(d)-(e)~~ If the other parent and any other person entitled to
444 access to or time-sharing with the child fails to timely respond
445 to the petition to relocate ~~file an objection~~, it ~~is~~ shall be
446 presumed that the relocation is in the best interest of the
447 child, that the relocation should ~~shall~~ be allowed, and that the
448 court shall, absent good cause, enter an order, ~~attaching a copy~~
449 ~~of the Notice of Intent to Relocate~~, reflecting that the order
450 is entered as a result of the failure to respond to the petition
451 ~~object to the Notice of Intent to Relocate~~, and adopting the
452 access and time-sharing schedule and transportation arrangements
453 contained in the petition ~~Notice of Intent to Relocate~~. The
454 order may be issued ~~issue~~ in an expedited manner without the
455 necessity of an evidentiary hearing. If a response ~~an objection~~
456 is timely filed, the parent or other person may not relocate,
457 and must proceed to a temporary hearing or trial and the burden
458 ~~returns to the parent or person seeking to relocate to initiate~~
459 ~~court proceedings to obtain court permission to relocate before~~
460 ~~doing so~~.

461 (f) ~~The act of~~ Relocating the child without complying after
462 ~~failure to comply with the requirements of notice of intent to~~
463 ~~relocate procedure described in this subsection~~ subjects the
464 party in violation thereof to contempt and other proceedings to

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465 compel the return of the child and may be taken into account by
 466 the court in any initial or postjudgment action seeking a
 467 determination or modification of the parenting plan or the
 468 access or ~~the~~ time-sharing schedule, ~~or both,~~ as:

469 1. A factor in making a determination regarding the
 470 relocation of a child.

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

473 3. A basis for ordering the temporary or permanent return
 474 of the child.

475 4. Sufficient cause to order the parent or other person
 476 seeking to relocate the child to pay reasonable expenses and
 477 attorney's fees incurred by the party objecting to the
 478 relocation.

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

482 (4) APPLICABILITY OF PUBLIC RECORDS LAW.—If the parent or
 483 other person seeking to relocate a child, or the child, is
 484 entitled to prevent disclosure of location information under a
 485 ~~any~~ public records exemption ~~applicable to that person,~~ the
 486 court may enter any order necessary to modify the disclosure
 487 requirements of this section in compliance with the public
 488 records exemption.

489 (5) ~~CONTENT OF~~ OBJECTION TO RELOCATION.—An answer objecting
 490 to a proposed relocation ~~objection seeking to prevent the~~
 491 ~~relocation of a child~~ must be verified and ~~and served within 30~~
 492 ~~days after service of the Notice of Intent to Relocate. The~~
 493 ~~objection~~ must include the specific factual basis supporting the

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494 reasons for seeking a prohibition of the relocation, including a
495 statement of the amount of participation or involvement the
496 objecting party currently has or has had in the life of the
497 child.

498 (6) TEMPORARY ORDER.—

499 (a) The court may grant a temporary order restraining the
500 relocation of a child, order ~~or ordering~~ the return of the
501 child, if a relocation has ~~previously~~ taken place, or order
502 other appropriate remedial relief, if the court finds:

503 1. The petition to relocate is not in accordance with
504 subsection (3) The required notice of a proposed relocation of a
505 child was not provided in a timely manner;

506 2. The child ~~already~~ has been relocated without notice or
507 written agreement of the parties or without court approval; or

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

511 (b) The court may grant a temporary order permitting the
512 relocation of the child pending final hearing, if the court
513 finds:

514 1. ~~Finds~~ That the petition ~~required~~ Notice of Intent to
515 relocate was properly filed and is otherwise in accordance with
516 subsection (3) provided in a timely manner; and

517 2. ~~Finds~~ From an examination of the evidence presented at
518 the preliminary hearing, that there is a likelihood that on
519 final hearing the court will approve the relocation of the
520 child, which ~~findings~~ must be supported by the same factual
521 basis as would be necessary to support approving the ~~permitting~~
522 ~~of~~ relocation in a final judgment.

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

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

532 (7) NO PRESUMPTION; FACTORS TO DETERMINE CONTESTED
533 RELOCATION.—A presumption ~~does not arise~~ in favor of or against
534 a request to relocate with the child does not arise if ~~when~~ a
535 parent or other person seeks to relocate ~~move the child~~ and the
536 move will materially affect the current schedule of contact,
537 access, and time-sharing with the nonrelocating parent or other
538 person. In reaching its decision regarding a proposed temporary
539 or permanent relocation, the court shall evaluate all of the
540 following ~~factors~~:

541 (a) The nature, quality, extent of involvement, and
542 duration of the child's relationship with the parent or other
543 person proposing to relocate with the child and with the
544 nonrelocating parent or other person, ~~other persons~~, siblings,
545 half-siblings, and other significant persons in the child's
546 life.

547 (b) The age and developmental stage of the child, the needs
548 of the child, and the likely impact the relocation will have on
549 the child's physical, educational, and emotional development,
550 taking into consideration any special needs of the child.

551 (c) The feasibility of preserving the relationship between

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552 the nonrelocating parent or other person and the child through
553 substitute arrangements that take into consideration the
554 logistics of contact, access, and time-sharing, as well as the
555 financial circumstances of the parties; whether those factors
556 are sufficient to foster a continuing meaningful relationship
557 between the child and the nonrelocating parent or other person;
558 and the likelihood of compliance with the substitute
559 arrangements by the relocating parent or other person once he or
560 she is out of the court's jurisdiction ~~of the court~~.

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

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

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

569 (g) The current employment and economic circumstances of
570 each parent or other person and whether ~~or not~~ the proposed
571 relocation is necessary to improve the economic circumstances of
572 the parent or other person seeking relocation of the child.

573 (h) That the relocation is sought in good faith and the
574 extent to which the objecting parent has fulfilled his or her
575 financial obligations to the parent or other person seeking
576 relocation, including child support, spousal support, and
577 marital property and marital debt obligations.

578 (i) The career and other opportunities available to the
579 objecting parent or ~~objecting~~ other person if the relocation
580 occurs.

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581 (j) A history of substance abuse or domestic violence as
582 defined in s. 741.28 or which meets the criteria of s.
583 39.806(1)(d) by either parent, including a consideration of the
584 severity of such conduct and the failure or success of any
585 attempts at rehabilitation.

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

588 (8) BURDEN OF PROOF.—The parent or other person wishing to
589 relocate has the burden of proving ~~proof if an objection is~~
590 ~~filed and must then initiate a proceeding seeking court~~
591 ~~permission for relocation. The initial burden is on the parent~~
592 ~~or person wishing to relocate to prove by a preponderance of the~~
593 evidence that relocation is in the best interest of the child.
594 If that burden of proof is met, the burden shifts to the
595 nonrelocating parent or other person to show by a preponderance
596 of ~~the~~ evidence that the proposed relocation is not in the best
597 interest of the child.

598 (9) ORDER REGARDING RELOCATION.—If relocation is approved
599 permitted:

600 (a) The court may, ~~in its discretion,~~ order contact with
601 the nonrelocating parent or other person, including access,
602 time-sharing, telephone, Internet, webcam, and other
603 arrangements sufficient to ensure that the child has frequent,
604 continuing, and meaningful contact, ~~access, and time-sharing~~
605 with the nonrelocating parent or other person ~~persons~~, if
606 contact is financially affordable and in the best interest of
607 the child.

608 (b) If applicable, the court shall specify how the
609 transportation costs are to ~~will~~ be allocated between the

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610 parents and other persons entitled to contact, access, and time-
611 sharing and may adjust the child support award, as appropriate,
612 considering the costs of transportation and the respective net
613 incomes of the parents or other persons in accordance with the
614 state child support guidelines schedule.

615 (10) PRIORITY FOR HEARING OR TRIAL.—An evidentiary hearing
616 or nonjury trial on a pleading seeking temporary or permanent
617 relief filed under this section shall be accorded priority on
618 the court's calendar. If a motion seeking a temporary relocation
619 is filed, absent good cause, the hearing must occur within 30
620 days. Once the notice to set cause for a nonjury trial is filed,
621 absent good cause, the nonjury trial must occur within 90 days.

622 (11) APPLICABILITY.—

623 (a) This section applies:

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

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

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

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

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

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

644 61.183 Mediation of certain contested issues.—

645 (1) In any proceeding in which the issues of parental
646 responsibility, primary residence, access to ~~visitation~~, or
647 support of a child are contested, the court may refer the
648 parties to mediation in accordance with rules promulgated by the
649 Supreme Court. In Title IV-D cases, any costs, including filing
650 fees, recording fees, mediation costs, service of process fees,
651 and other expenses incurred by the clerk of the circuit court,
652 shall be assessed only against the nonprevailing obligor after
653 the court makes a determination of the nonprevailing obligor's
654 ability to pay such costs and fees.

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

657 61.20 Social investigation and recommendations regarding a
658 parenting plan.—

659 (3) Except as to persons who obtain certification of
660 indigence as provided ~~specified~~ in subsection (2), for whom no
661 costs are ~~shall be~~ incurred, the parents ~~adult parties~~ involved
662 in a proceeding to determine a parenting plan where ~~wherein~~ the
663 court has ordered the performance of a social investigation and
664 study are ~~shall be~~ responsible for the payment of the costs of
665 such investigation and study. Upon submission of the study to
666 the court, the agency, staff, or person performing the study
667 shall include a bill for services, which shall be taxed and

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668 ordered paid as costs in the proceeding.

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

672 61.21 Parenting course authorized; fees; required
673 attendance authorized; contempt.—

674 (2) The Department of Children and Family Services shall
675 approve a parenting course which shall be a course of a minimum
676 of 4 hours designed to educate, train, and assist divorcing
677 parents in regard to the consequences of divorce on parents and
678 children.

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

- 685 1. Legal aspects of deciding child-related issues between
686 parents.
- 687 2. Emotional aspects of separation and divorce on adults.
- 688 3. Emotional aspects of separation and divorce on children.
- 689 4. Family relationships and family dynamics.
- 690 5. Financial responsibilities to a child or children.
- 691 6. Issues regarding spousal or child abuse and neglect.
- 692 7. Skill-based relationship education that may be
693 generalized to parenting, workplace, school, neighborhood, and
694 civic relationships.

695 (5) All parties required to complete a parenting course
696 under this section shall begin the course as expeditiously as

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697 possible. For dissolution of marriage actions, unless excused by
698 the court pursuant to subsection (4), the petitioner must
699 complete the course within 45 days after the filing of the
700 petition, and all other parties must complete the course within
701 45 days after service of the petition. For paternity actions,
702 unless excused by the court pursuant to subsection (4), the
703 petitioner must complete the course within 45 days after filing
704 the petition, and any other party must complete the course
705 within 45 days after an acknowledgment of paternity by that
706 party, an adjudication of paternity of that party, or an order
707 granting access ~~visitation~~ to or support from that party. Each
708 party to a dissolution or paternity action shall file proof of
709 compliance with this subsection with the court prior to the
710 entry of the final judgment.

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

715 Section 7. Paragraph (b) of subsection (11) of section
716 61.30, Florida Statutes, is amended to read:

717 61.30 Child support guidelines; retroactive child support.-

718 (11)

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

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

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726 2. Calculate the percentage of overnight stays the child
727 spends with each parent.

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

731 4. The difference between the amounts calculated in
732 subparagraph 3. shall be the monetary transfer necessary between
733 the parents for the care of the child, subject to an adjustment
734 for day care and health insurance expenses.

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

740 6. Adjust the support obligation owed by each parent
741 pursuant to subparagraph 4. by crediting or debiting the amount
742 calculated in subparagraph 5. This amount represents the child
743 support which must be exchanged between the parents.

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

752 8. For purposes of adjusting any award of child support
753 under this paragraph, "substantial amount of time" means that a
754 parent exercises access ~~visitation~~ at least 40 percent of the

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755 overnights of the year.

756 Section 8. Paragraph (a) of subsection (5) of section
757 741.30, Florida Statutes, is amended to read:

758 741.30 Domestic violence; injunction; powers and duties of
759 court and clerk; petition; notice and hearing; temporary
760 injunction; issuance of injunction; statewide verification
761 system; enforcement.—

762 (5) (a) If ~~When~~ it appears to the court that an immediate
763 and present danger of domestic violence exists, the court may
764 grant a temporary injunction ex parte, pending a full hearing,
765 and may grant such relief as the court deems proper, including
766 an injunction:

767 1. Restraining the respondent from committing any acts of
768 domestic violence.

769 2. Awarding to the petitioner the temporary exclusive use
770 and possession of the dwelling that the parties share or
771 excluding the respondent from the residence of the petitioner.

772 3. On the same basis as provided in s. 61.13, providing the
773 petitioner a temporary parenting plan, including a time-sharing
774 schedule, which may award the petitioner up to with 100 percent
775 of the time-sharing. The temporary parenting plan remains that
776 ~~shall remain~~ in effect until the order expires or an order is
777 entered by a court of competent jurisdiction in a pending or
778 subsequent civil action or proceeding affecting the placement
779 of, access to, parental time with, adoption of, or parental
780 rights and responsibilities for the minor child.

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