

By the Committee on Children, Families, and Elder Affairs; and
Senator Deutch

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

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

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

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

44 61.046 Definitions.—As used in this chapter, the term:

45 (13) "Parenting plan" means a document created to govern
46 the relationship between the parents ~~parties~~ relating to ~~the~~
47 decisions that must be made regarding the minor child and must
48 ~~shall~~ contain a time-sharing schedule for the parents and child.

49 The issues concerning the minor child may include, but are not
50 limited to, the child's education, health care, and physical,
51 social, and emotional well-being. In creating the plan, all
52 circumstances between the parents ~~parties~~, including their ~~the~~
53 ~~parties'~~ historic relationship, domestic violence, and other
54 factors must be taken into consideration.

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

56 1. Developed and agreed to by the parents and approved by a
57 court; or

58 2. If the parents cannot agree or their agreed plan is not

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59 approved by the court, established by the court with or without
60 the use of a court-ordered parenting plan recommendation.

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

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

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

80 (14) "Parenting plan recommendation" means a nonbinding
81 recommendation concerning one or more elements of a parenting
82 plan made by a court-appointed mental health practitioner or
83 other professional designated pursuant to s. 61.20, s. 61.401,
84 or Florida Family Law Rules of Procedure 12.363 ~~psychologist~~
85 ~~licensed under chapter 490.~~

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

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88 amended to read:

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

91 (1)

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

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

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

114 ~~3.4.~~ If the parties elect not to require that support
115 payments be made through the depository, any party may
116 subsequently file an affidavit with the depository alleging a

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

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

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

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

145 (c) ~~1.~~ The court shall determine all matters relating to

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146 parenting and time-sharing of each minor child of the parties in
147 accordance with the best interests of the child and in
148 accordance with the Uniform Child Custody Jurisdiction and
149 Enforcement Act, except that modification of a parenting plan
150 and time-sharing schedule requires a showing of a substantial,
151 material, and unanticipated change of circumstances.

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

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

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175 time-sharing as specified in the parenting plan as will best
176 protect the child or abused spouse from further harm. Whether or
177 not there is a conviction of any offense of domestic violence or
178 child abuse or the existence of an injunction for protection
179 against domestic violence, the court shall consider evidence of
180 domestic violence or child abuse as evidence of detriment to the
181 child.

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

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

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

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204 communication with medical, dental, and education providers.

205 (d) The circuit court in the county in which either parent
206 and the child reside or the circuit court in which the original
207 order approving or creating the parenting plan was entered may
208 ~~has jurisdiction to~~ modify the parenting plan. The court may
209 change the venue in accordance with s. 47.122.

210 (3) For purposes of establishing or modifying parental
211 responsibility and creating, developing, approving, or modifying
212 a parenting plan, including a time-sharing schedule, which
213 governs each parent's relationship with his or her minor child
214 and the relationship between each parent with regard to his or
215 her minor child, the best interest of the child shall be the
216 primary consideration. A determination of parental
217 responsibility, a parenting plan, or a time-sharing schedule may
218 not be modified without a showing of a substantial, material,
219 and unanticipated change in circumstances and a determination
220 that the modification is in the best interests of the child.
221 Determination of the best interests of the child shall be made
222 by evaluating all of the factors affecting the welfare and
223 interests of the particular minor child and the circumstances of
224 that family, including, but not limited to:

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

229 (b) The anticipated division of parental responsibilities
230 after the litigation, including the extent to which parental
231 responsibilities will be delegated to third parties.

232 (c) The demonstrated capacity and disposition of each

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233 parent to determine, consider, and act upon the needs of the
234 child as opposed to the needs or desires of the parent.

235 (d) The length of time the child has lived in a stable,
236 satisfactory environment and the desirability of maintaining
237 continuity.

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

243 (f) The moral fitness of the parents.

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

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

246 (i) The reasonable preference of the child, if the court
247 deems the child to be of sufficient intelligence, understanding,
248 and experience to express a preference.

249 (j) The demonstrated knowledge, capacity, and disposition
250 of each parent to be informed of the circumstances of the minor
251 child, including, but not limited to, the child's friends,
252 teachers, medical care providers, daily activities, and favorite
253 things.

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

258 (l) The demonstrated capacity of each parent to communicate
259 with and keep the other parent informed of issues and activities
260 regarding the minor child, and the willingness of each parent to
261 adopt a unified front on all major issues when dealing with the

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262 child.

263 (m) Evidence of domestic violence, sexual violence, child
264 abuse, child abandonment, or child neglect, regardless of
265 whether a prior or pending action relating to those issues has
266 been brought. If the court accepts evidence of prior or pending
267 actions regarding domestic violence, sexual violence, child
268 abuse, child abandonment, or child neglect, the court must
269 specifically acknowledge in writing that such evidence was
270 considered when evaluating the best interests of the child.

271 (n) Evidence that either parent has knowingly provided
272 false information to the court regarding any prior or pending
273 action regarding domestic violence, sexual violence, child
274 abuse, child abandonment, or child neglect.

275 (o) The particular parenting tasks customarily performed by
276 each parent and the division of parental responsibilities before
277 the institution of litigation and during the pending litigation,
278 including the extent to which parenting responsibilities were
279 undertaken by third parties.

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

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

286 (r) The capacity and disposition of each parent to protect
287 the child from the ongoing litigation as demonstrated by not
288 discussing the litigation with the child, not sharing documents
289 or electronic media related to the litigation with the child,
290 and refraining from disparaging comments about the other parent

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291 to the child.

292 (s) The developmental stages and needs of the child and the
293 demonstrated capacity and disposition of each parent to meet the
294 child's developmental needs.

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

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

308 Section 3. Section 61.13001, Florida Statutes, is amended
309 to read:

310 61.13001 Parental relocation with a child.-

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

312 ~~(a) "Change of residence address" means the relocation of a~~
313 ~~child to a principal residence more than 50 miles away from his~~
314 ~~or her principal place of residence at the time of the entry of~~
315 ~~the last order establishing or modifying the parenting plan or~~
316 ~~the time-sharing schedule or both for the minor child, unless~~
317 ~~the move places the principal residence of the minor child less~~
318 ~~than 50 miles from either parent.~~

319 (a) ~~(b)~~ "Child" means any person who is under the

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320 jurisdiction of a state court pursuant to the Uniform Child
321 Custody Jurisdiction and Enforcement Act or is the subject of
322 any order granting to a parent or other person any right to
323 time-sharing, residential care, kinship, or custody, as provided
324 under state law.

325 (b)~~(e)~~ "Court" means the circuit court in an original
326 proceeding which has proper venue and jurisdiction in accordance
327 with the Uniform Child Custody Jurisdiction and Enforcement Act,
328 the circuit court in the county in which either parent and the
329 child reside, or the circuit court in which the original action
330 was adjudicated.

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

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

341 (e)~~(f)~~ "Relocation" means a change in the location of the
342 principal residence of a parent or other person from his or her
343 principal place of residence at the time of the last order
344 establishing or modifying time-sharing, or at the time of filing
345 the pending action to establish or modify time-sharing. The
346 change of location must be at least 50 miles from the original
347 place of residence, and for at least child for a period of 60
348 consecutive days not including or more but does not include a

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349 temporary absence from the principal residence for purposes of
350 vacation, education, or the provision of health care for the
351 child.

352 (2) RELOCATION BY AGREEMENT.—

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

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

358 2. Defines an access or a time-sharing schedule for the
359 nonrelocating parent and any other persons who are entitled to
360 access or time-sharing; and

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

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

373 (3) PETITION NOTICE OF INTENT TO RELOCATE WITH A CHILD.—

374 Unless an agreement has been entered as described in subsection
375 (2), a parent or other person seeking relocation must file a
376 petition to relocate and serve it upon ~~who is entitled to time-~~
377 ~~sharing with the child shall notify~~ the other parent, and every

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378 other person entitled to access to or time-sharing with the
379 child, ~~of a proposed relocation of the child's residence.~~ The
380 pleadings must be in accordance with form of notice shall be
381 ~~according to~~ this section:

382 (a) The petition to relocate must be signed under oath or
383 affirmation under penalty of perjury and include ~~parent seeking~~
384 ~~to relocate shall prepare a Notice of Intent to Relocate. The~~
385 ~~following information must be included with the Notice of Intent~~
386 ~~to Relocate and signed under oath under penalty of perjury:~~

387 1. A description of the location of the intended new
388 residence, including the state, city, and specific physical
389 address, if known.

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

392 3. The home telephone number of the intended new residence,
393 if known.

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

395 5. A detailed statement of the specific reasons for the
396 proposed relocation ~~of the child.~~ If one of the reasons is based
397 upon a job offer that ~~which~~ has been reduced to writing, the
398 ~~that~~ written job offer must be attached to the petition ~~Notice~~
399 ~~of Intent to Relocate.~~

400 6. A proposal for the revised postrelocation schedule for
401 access and ~~of~~ time-sharing together with a proposal for the
402 postrelocation transportation arrangements necessary to
403 effectuate time-sharing with the child. Absent the existence of
404 a current, valid order abating, terminating, or restricting
405 access or time-sharing ~~visitation~~ or other good cause predating
406 the petition ~~Notice of Intent to Relocate,~~ failure to comply

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407 with this provision renders the petition ~~Notice of Intent~~ to
408 relocate legally insufficient.

409 7. Substantially the following statement, in all capital
410 letters and in the same size type, or larger, as the type in the
411 remainder of the notice:

412

413 A RESPONSE ~~AN OBJECTION~~ TO THE PETITION OBJECTING TO ~~PROPOSED~~
414 RELOCATION MUST BE MADE IN WRITING, FILED WITH THE COURT, AND
415 SERVED ON THE PARENT OR OTHER PERSON SEEKING TO RELOCATE WITHIN
416 20 ~~30~~ DAYS AFTER SERVICE OF THIS PETITION ~~NOTICE OF INTENT~~ TO
417 RELOCATE. IF YOU FAIL TO TIMELY OBJECT TO THE RELOCATION, THE
418 RELOCATION WILL BE ALLOWED, UNLESS IT IS NOT IN THE BEST
419 INTERESTS OF THE CHILD, WITHOUT FURTHER NOTICE AND WITHOUT A
420 HEARING.

421 ~~8. The mailing address of the parent or other person~~
422 ~~seeking to relocate to which the objection filed under~~
423 ~~subsection (5) to the Notice of Intent to Relocate should be~~
424 ~~sent.~~

425

426 ~~The contents of the Notice of Intent to Relocate are not~~
427 ~~privileged. For purposes of encouraging amicable resolution of~~
428 ~~the relocation issue, a copy of the Notice of Intent to Relocate~~
429 ~~shall initially not be filed with the court but instead served~~
430 ~~upon the nonrelocating parent, other person, and every other~~
431 ~~person entitled to time-sharing with the child, and the original~~
432 ~~thereof shall be maintained by the parent or other person~~
433 ~~seeking to relocate.~~

434 ~~(b) The parent seeking to relocate shall also prepare a~~
435 ~~Certificate of Serving Notice of Intent to Relocate. The~~

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436 ~~certificate shall certify the date that the Notice of Intent to~~
437 ~~Relocate was served on the other parent and on every other~~
438 ~~person entitled to time-sharing with the child.~~

439 ~~(b)(e)~~ The petition ~~Notice of Intent~~ to relocate must, and
440 ~~the Certificate of Serving Notice of Intent to Relocate,~~ shall
441 be served on the other parent and on every other person entitled
442 to access to and time-sharing with the child. If there is a
443 pending court action regarding the child, service of process may
444 be according to court rule. Otherwise, service of process shall
445 be according to chapters 48 and 49 or via certified mail,
446 restricted delivery, return receipt requested.

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

452 ~~(d)(e)~~ If the other parent and any other person entitled to
453 access to or time-sharing with the child fails to timely file a
454 response objecting to the petition to relocate ~~an objection,~~ it
455 ~~is shall be~~ presumed that the relocation is in the best interest
456 of the child and that, the relocation should ~~shall~~ be allowed,
457 and the court shall, absent good cause, enter an order
458 specifying, ~~attaching a copy of the Notice of Intent to~~
459 ~~Relocate,~~ reflecting that the order is entered as a result of
460 the failure to respond to the petition ~~object to the Notice of~~
461 ~~Intent to Relocate,~~ and adopting the access and time-sharing
462 schedule and transportation arrangements contained in the
463 petition ~~Notice of Intent to Relocate.~~ The order may be issued
464 ~~issue~~ in an expedited manner without the necessity of an

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465 evidentiary hearing. If a response ~~an objection~~ is timely filed,
466 the parent or other person may not relocate, and must proceed to
467 a temporary hearing or trial and ~~burden returns to the parent or~~
468 ~~person seeking to relocate to initiate court proceedings to~~
469 obtain court permission to relocate ~~before doing so.~~

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

478 1. A factor in making a determination regarding the
479 relocation of a child.

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

482 3. A basis for ordering the temporary or permanent return
483 of the child.

484 4. Sufficient cause to order the parent or other person
485 seeking to relocate the child to pay reasonable expenses and
486 attorney's fees incurred by the party objecting to the
487 relocation.

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

491 (4) APPLICABILITY OF PUBLIC RECORDS LAW.—If the parent or
492 other person seeking to relocate a child, or the child, is
493 entitled to prevent disclosure of location information under a

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494 any public records exemption ~~applicable to that person~~, the
495 court may enter any order necessary to modify the disclosure
496 requirements of this section in compliance with the public
497 records exemption.

498 (5) ~~CONTENT OF OBJECTION TO RELOCATION.~~—An answer objecting
499 to a proposed relocation ~~objection seeking to prevent the~~
500 ~~relocation of a child~~ must be verified and ~~served within 30 days~~
501 ~~after service of the Notice of Intent to Relocate. The objection~~
502 ~~must~~ include the specific factual basis supporting the reasons
503 for seeking a prohibition of the relocation, including a
504 statement of the amount of participation or involvement the
505 objecting party currently has or has had in the life of the
506 child.

507 (6) TEMPORARY ORDER.—

508 (a) The court may grant a temporary order restraining the
509 relocation of a child, order ~~or ordering~~ the return of the
510 child, if a relocation has previously taken place, or order
511 other appropriate remedial relief, if the court finds:

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

515 2. That the child ~~already~~ has been relocated without a
516 ~~notice or~~ written agreement of the parties or without court
517 approval; or

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

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

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523 finds:

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

527 2. ~~Finds~~ From an examination of the evidence presented at
528 the preliminary hearing, that there is a likelihood that on
529 final hearing the court will approve the relocation of the
530 child, which findings must be supported by the same factual
531 basis as would be necessary to support approving the ~~permitting~~
532 ~~of~~ relocation in a final judgment.

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

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

542 (7) NO PRESUMPTION; FACTORS TO DETERMINE CONTESTED
543 RELOCATION.—A presumption ~~does not arise~~ in favor of or against
544 a request to relocate with the child does not arise if ~~when~~ a
545 parent or other person seeks to relocate ~~move the child~~ and the
546 move will materially affect the current schedule of contact,
547 access, and time-sharing with the nonrelocating parent or other
548 person. In reaching its decision regarding a proposed temporary
549 or permanent relocation, the court shall evaluate all of the
550 following ~~factors~~:

551 (a) The nature, quality, extent of involvement, and

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552 duration of the child's relationship with the parent or other
553 person proposing to relocate with the child and with the
554 nonrelocating parent, other persons, siblings, half-siblings,
555 and other significant persons in the child's life.

556 (b) The age and developmental stage of the child, the needs
557 of the child, and the likely impact the relocation will have on
558 the child's physical, educational, and emotional development,
559 taking into consideration any special needs of the child.

560 (c) The feasibility of preserving the relationship between
561 the nonrelocating parent or other person and the child through
562 substitute arrangements that take into consideration the
563 logistics of contact, access, and time-sharing, as well as the
564 financial circumstances of the parties; whether those factors
565 are sufficient to foster a continuing meaningful relationship
566 between the child and the nonrelocating parent or other person;
567 and the likelihood of compliance with the substitute
568 arrangements by the relocating parent or other person once he or
569 she is out of the jurisdiction of the court.

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

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

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

578 (g) The current employment and economic circumstances of
579 each parent or other person and whether ~~or not~~ the proposed
580 relocation is necessary to improve the economic circumstances of

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581 the parent or other person seeking relocation of the child.

582 (h) That the relocation is sought in good faith and the
583 extent to which the objecting parent has fulfilled his or her
584 financial obligations to the parent or other person seeking
585 relocation, including child support, spousal support, and
586 marital property and marital debt obligations.

587 (i) The career and other opportunities available to the
588 objecting parent or ~~objecting~~ other person if the relocation
589 occurs.

590 (j) A history of substance abuse or domestic violence as
591 defined in s. 741.28 or which meets the criteria of s.
592 39.806(1)(d) by either parent, including a consideration of the
593 severity of such conduct and the failure or success of any
594 attempts at rehabilitation.

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

597 (8) BURDEN OF PROOF.—The parent or other person wishing to
598 relocate has the burden of proving ~~proof if an objection is~~
599 ~~filed and must then initiate a proceeding seeking court~~
600 ~~permission for relocation. The initial burden is on the parent~~
601 ~~or person wishing to relocate to prove~~ by a preponderance of the
602 evidence that relocation is in the best interest of the child.
603 If that burden of proof is met, the burden shifts to the
604 nonrelocating parent or other person to show by a preponderance
605 of the evidence that the proposed relocation is not in the best
606 interest of the child.

607 (9) ORDER REGARDING RELOCATION.—If relocation is approved
608 ~~permitted~~:

609 (a) The court may, in its discretion, order contact with

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610 the nonrelocating parent or other person, including access,
611 time-sharing, telephone, Internet, webcam, and other
612 arrangements sufficient to ensure that the child has frequent,
613 continuing, and meaningful contact, ~~access, and time-sharing~~
614 with the nonrelocating parent or other person ~~persons~~, if
615 contact is financially affordable and in the best interest of
616 the child.

617 (b) If applicable, the court shall specify how the
618 transportation costs are to ~~will~~ be allocated between the
619 parents and other persons entitled to contact, access, and time-
620 sharing and may adjust the child support award, as appropriate,
621 considering the costs of transportation and the respective net
622 incomes of the parents in accordance with the state child
623 support guidelines schedule.

624 (10) PRIORITY FOR HEARING OR TRIAL.—An evidentiary hearing
625 or nonjury trial on a pleading seeking temporary or permanent
626 relief filed under this section shall be accorded priority on
627 the court's calendar. If a motion seeking a temporary relocation
628 is filed, absent good cause, the hearing must occur no later
629 than 30 days after the motion for a temporary relocation is
630 filed. If a notice to set the matter for a nonjury trial is
631 filed, absent good cause, the nonjury trial must occur no later
632 than 90 days after the notice is filed.

633 (11) APPLICABILITY.—

634 (a) This section applies:

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

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

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

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

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

655 61.183 Mediation of certain contested issues.—

656 (1) In any proceeding in which the issues of parental
657 responsibility, primary residence, access to, visitation with,
658 or support of a child are contested, the court may refer the
659 parties to mediation in accordance with rules promulgated by the
660 Supreme Court. In Title IV-D cases, any costs, including filing
661 fees, recording fees, mediation costs, service of process fees,
662 and other expenses incurred by the clerk of the circuit court,
663 shall be assessed only against the nonprevailing obligor after
664 the court makes a determination of the nonprevailing obligor's
665 ability to pay such costs and fees.

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

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668 61.20 Social investigation and recommendations regarding a
669 parenting plan.—

670 (3) Except as to persons who obtain certification of
671 indigence as specified in subsection (2), for whom no costs are
672 ~~shall be~~ incurred, the parents ~~adult parties~~ involved in a
673 proceeding to determine a parenting plan where ~~wherein~~ the court
674 has ordered the performance of a social investigation and study
675 are ~~shall be~~ responsible for paying ~~the payment of~~ the costs of
676 the ~~such~~ investigation and study. Upon submitting ~~submission of~~
677 the study to the court, the agency, staff, or person performing
678 the study shall include a bill for services, which shall be
679 taxed and ordered paid as costs in the proceeding.

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

683 61.21 Parenting course authorized; fees; required
684 attendance authorized; contempt.—

685 (2) The Department of Children and Family Services shall
686 approve a parenting course which shall be a course of a minimum
687 of 4 hours designed to educate, train, and assist divorcing
688 parents in regard to the consequences of divorce on parents and
689 children.

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

696 1. Legal aspects of deciding child-related issues between

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697 parents.

- 698 2. Emotional aspects of separation and divorce on adults.
699 3. Emotional aspects of separation and divorce on children.
700 4. Family relationships and family dynamics.
701 5. Financial responsibilities to a child or children.
702 6. Issues regarding spousal or child abuse and neglect.
703 7. Skill-based relationship education that may be
704 generalized to parenting, workplace, school, neighborhood, and
705 civic relationships.

706 (5) All parties required to complete a parenting course
707 under this section shall begin the course as expeditiously as
708 possible. For dissolution of marriage actions, unless excused by
709 the court pursuant to subsection (4), the petitioner must
710 complete the course within 45 days after the filing of the
711 petition, and all other parties must complete the course within
712 45 days after service of the petition. For paternity actions,
713 unless excused by the court pursuant to subsection (4), the
714 petitioner must complete the course within 45 days after filing
715 the petition, and any other party must complete the course
716 within 45 days after an acknowledgment of paternity by that
717 party, an adjudication of paternity of that party, or an order
718 granting access ~~visitation~~ to or support from that party. Each
719 party to a dissolution or paternity action shall file proof of
720 compliance with this subsection with the court prior to the
721 entry of the final judgment.

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

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726 Section 7. Paragraph (b) of subsection (11) of section
727 61.30, Florida Statutes, is amended to read:

728 61.30 Child support guidelines; retroactive child support.-
729 (11)

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

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

737 2. Calculate the percentage of overnight stays the child
738 spends with each parent.

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

742 4. The difference between the amounts calculated in
743 subparagraph 3. shall be the monetary transfer necessary between
744 the parents for the care of the child, subject to an adjustment
745 for day care and health insurance expenses.

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

751 6. Adjust the support obligation owed by each parent
752 pursuant to subparagraph 4. by crediting or debiting the amount
753 calculated in subparagraph 5. This amount represents the child
754 support which must be exchanged between the parents.

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

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

767 Section 8. Paragraph (a) of subsection (5) of section
768 741.30, Florida Statutes, is amended to read:

769 741.30 Domestic violence; injunction; powers and duties of
770 court and clerk; petition; notice and hearing; temporary
771 injunction; issuance of injunction; statewide verification
772 system; enforcement.—

773 (5) (a) If ~~When~~ it appears to the court that an immediate
774 and present danger of domestic violence exists, the court may
775 grant a temporary injunction ex parte, pending a full hearing,
776 and may grant such relief as the court deems proper, including
777 an injunction:

778 1. Restraining the respondent from committing any acts of
779 domestic violence.

780 2. Awarding to the petitioner the temporary exclusive use
781 and possession of the dwelling that the parties share or
782 excluding the respondent from the residence of the petitioner.

783 3. On the same basis as provided in s. 61.13, providing the

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784 petitioner a temporary parenting plan, including a time-sharing
785 schedule, which may award the petitioner up to ~~with~~ 100 percent
786 of the time-sharing. The temporary parenting plan remains ~~that~~
787 ~~shall remain~~ in effect until the order expires or an order is
788 entered by a court of competent jurisdiction in a pending or
789 subsequent civil action or proceeding affecting the placement
790 of, access to, parental time with, adoption of, or parental
791 rights and responsibilities for the minor child.

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