

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

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

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

42
43 Section 1. Subsections (13), (14), and (22) of section
44 61.046, Florida Statutes, are amended to read:

45 61.046 Definitions.—As used in this chapter, the term:

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

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

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

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

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

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

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

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

87 (22) "Time-sharing schedule" means a timetable that must be

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88 included in the parenting plan that specifies the time,
89 including overnights and holidays, that a minor child will spend
90 with each parent. The time-sharing schedule shall be:

91 (a) If Developed and agreed to by the parents of a minor
92 child and, it must be approved by the court; or-

93 (b) Established by the court if the parents cannot agree or
94 if their agreed-upon schedule is not approved by the court, ~~the~~
95 ~~schedule shall be established by the court.~~

96 Section 2. Paragraph (d) of subsection (1) and subsections
97 (2), (3), and (6) of section 61.13, Florida Statutes, are
98 amended to read:

99 61.13 Support of children; parenting and time-sharing;
100 powers of court.-

101 (1)

102 (d)1. Unless the provisions of subparagraph 2. ~~3.~~ apply,
103 all child support orders must require ~~entered on or after~~
104 ~~January 1, 1985, shall direct that~~ child support ~~the payments be~~
105 made ~~of child support be made as provided in s. 61.181~~ through
106 the depository in the county where the court is located as
107 provided in s. 61.181. All child support orders must shall
108 provide the full name and date of birth of each minor child who
109 is the subject of the child support order.

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

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117 ~~2.3.~~ If both parties request and the court finds that it is
118 in the best interest of the child, support payments need not be
119 directed through the depository. The order of support must ~~shall~~
120 provide, or shall be deemed to provide, that either party may
121 subsequently apply to the depository to require that direction
122 ~~of~~ the payments be made through the depository. The court shall
123 provide a copy of the order to the depository.

124 ~~3.4.~~ If the parties elect not to require that support
125 payments be made through the depository, any party may
126 subsequently file an affidavit with the depository alleging a
127 default in payment of child support and stating that the party
128 wishes to require that payments be made through the depository.
129 The party shall provide copies of the affidavit to the court and
130 to the ~~each~~ other party. Fifteen days after receipt of the
131 affidavit, the depository shall notify both parties that future
132 payments must ~~shall~~ be paid through the depository.

133 ~~4.5.~~ In IV-D cases, the IV-D agency has ~~shall have~~ the same
134 rights as the obligee in requesting that payments be made
135 through the depository.

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

144 (b) A ~~Any~~ parenting plan approved by the court must, at a
145 minimum, describe in adequate detail how the parents will share

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146 and be responsible for the daily tasks associated with the
147 upbringing of the child;~~;~~ the time-sharing schedule arrangements
148 that specify the time that the minor child will spend with each
149 parent;~~;~~ a designation of who will be responsible for any and
150 all forms of health care, school-related matters including the
151 address to be used for school-boundary determination and
152 registration, and other activities; and the methods and
153 technologies that the parents will use to communicate with the
154 child.

155 (c)~~1.~~ The court shall determine all matters relating to
156 parenting and time-sharing of each minor child of the parties in
157 accordance with the best interests of the child and in
158 accordance with the Uniform Child Custody Jurisdiction and
159 Enforcement Act, except that modification of a parenting plan
160 and time-sharing schedule requires a showing of a substantial,
161 material, and unanticipated change of circumstances.

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

170 2. The court shall order that the parental responsibility
171 for a minor child be shared by both parents unless the court
172 finds that shared parental responsibility would be detrimental
173 to the child. Evidence that a parent has been convicted of a
174 misdemeanor ~~felony~~ of the first ~~third~~ degree or higher involving

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

192 a. In ordering shared parental responsibility, the court
193 may consider the expressed desires of the parents and may grant
194 to one party the ultimate responsibility over specific aspects
195 of the child's welfare or may divide those responsibilities
196 between the parties based on the best interests of the child.
197 Areas of responsibility may include education, health care, and
198 any other responsibilities that the court finds unique to a
199 particular family.

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

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

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

220 (3) For purposes of establishing or modifying parental
221 responsibility and creating, developing, approving, or modifying
222 a parenting plan, including a time-sharing schedule, which
223 governs each parent's relationship with his or her minor child
224 and the relationship between each parent with regard to his or
225 her minor child, the best interest of the child shall be the
226 primary consideration. A determination of parental
227 responsibility, a parenting plan, or a time-sharing schedule may
228 not be modified without a showing of a substantial, material,
229 and unanticipated change in circumstances and a determination
230 that the modification is in the best interests of the child.
231 Determination of the best interests of the child shall be made
232 by evaluating all of the factors affecting the welfare and

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233 interests of the particular minor child and the circumstances of
234 that family, including, but not limited to:

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

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

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

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

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

253 (f) The moral fitness of the parents.

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

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

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

259 (j) The demonstrated knowledge, capacity, and disposition
260 of each parent to be informed of the circumstances of the minor
261 child, including, but not limited to, the child's friends,

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262 teachers, medical care providers, daily activities, and favorite
263 things.

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

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

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

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

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

290 (p) The demonstrated capacity and disposition of each

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291 parent to participate and be involved in the child's school and
292 extracurricular activities.

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

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

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

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

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

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

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320 61.13001 Parental relocation with a child.-

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

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

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

335 (b) ~~(c)~~ "Court" means the circuit court in an original
336 proceeding which has proper venue and jurisdiction in accordance
337 with the Uniform Child Custody Jurisdiction and Enforcement Act,
338 the circuit court in the county in which either parent and the
339 child reside, or the circuit court in which the original action
340 was adjudicated.

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

346 (d) ~~(e)~~ "Parent" means any person so named by court order or
347 express written agreement who ~~that~~ is subject to court
348 enforcement or a person reflected as a parent on a birth

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349 certificate and who is entitled to access to or time-sharing
350 with the child ~~in whose home a child maintains a residence.~~

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

362 (2) RELOCATION BY AGREEMENT.—

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

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

373 (b) If there is an existing cause of action, judgment, or
374 decree of record pertaining to the child's residence or a time-
375 sharing schedule, the parties shall seek ratification of the
376 agreement by court order without the necessity of an evidentiary
377 hearing unless a hearing is requested, in writing, by one or

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378 more of the parties to the agreement within 10 days after the
379 date the agreement is filed with the court. If a hearing is not
380 timely requested, it shall be presumed that the relocation is in
381 the best interest of the child and the court may ratify the
382 agreement without an evidentiary hearing.

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

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

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

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

402 3. The home telephone number of the intended new residence,
403 if known.

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

405 5. A detailed statement of the specific reasons for the
406 proposed relocation ~~of the child~~. If one of the reasons is based

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407 upon a job offer that ~~which~~ has been reduced to writing, the
408 ~~that~~ written job offer must be attached to the petition Notice
409 ~~of Intent to Relocate~~.

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

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

422
423 A RESPONSE AN OBJECTION TO THE PETITION OBJECTING TO PROPOSED
424 RELOCATION MUST BE MADE IN WRITING, FILED WITH THE COURT, AND
425 SERVED ON THE PARENT OR OTHER PERSON SEEKING TO RELOCATE WITHIN
426 20 30 DAYS AFTER SERVICE OF THIS PETITION NOTICE OF INTENT TO
427 RELOCATE. IF YOU FAIL TO TIMELY OBJECT TO THE RELOCATION, THE
428 RELOCATION WILL BE ALLOWED, UNLESS IT IS NOT IN THE BEST
429 INTERESTS OF THE CHILD, WITHOUT FURTHER NOTICE AND WITHOUT A
430 HEARING.

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

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

444 ~~(b) The parent seeking to relocate shall also prepare a~~
445 ~~Certificate of Serving Notice of Intent to Relocate. The~~
446 ~~certificate shall certify the date that the Notice of Intent to~~
447 ~~Relocate was served on the other parent and on every other~~
448 ~~person entitled to time-sharing with the child.~~

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

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

462 ~~(d)(e) If the other parent and any other person entitled to~~
463 ~~access to or time-sharing with the child fails to timely file a~~
464 ~~response objecting to the petition to relocate an objection, it~~

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465 is ~~shall be~~ presumed that the relocation is in the best interest
466 of the child and that, the relocation should ~~shall~~ be allowed,
467 and the court shall, absent good cause, enter an order
468 specifying, ~~attaching a copy of the Notice of Intent to~~
469 ~~Relocate~~, ~~reflecting~~ that the order is entered as a result of
470 the failure to respond to the petition ~~object to the Notice of~~
471 ~~Intent to Relocate~~, and adopting the access and time-sharing
472 schedule and transportation arrangements contained in the
473 petition ~~Notice of Intent to Relocate~~. The order may be issued
474 ~~issue~~ in an expedited manner without the necessity of an
475 evidentiary hearing. If a response ~~an objection~~ is timely filed,
476 the parent or other person may not relocate, and must proceed to
477 a temporary hearing or trial and ~~burden returns to the parent or~~
478 ~~person seeking to relocate to initiate court proceedings to~~
479 obtain court permission to relocate ~~before doing so~~.

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

488 1. A factor in making a determination regarding the
489 relocation of a child.

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

492 3. A basis for ordering the temporary or permanent return
493 of the child.

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

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

501 (4) APPLICABILITY OF PUBLIC RECORDS LAW.—If the parent or
502 other person seeking to relocate a child, or the child, is
503 entitled to prevent disclosure of location information under a
504 any public records exemption applicable to that person, the
505 court may enter any order necessary to modify the disclosure
506 requirements of this section in compliance with the public
507 records exemption.

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

517 (6) TEMPORARY ORDER.—

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

522 1. That the petition to relocate does not comply with

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523 ~~subsection (3) The required notice of a proposed relocation of a~~
524 ~~child was not provided in a timely manner;~~

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

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

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

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

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

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

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

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

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

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

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

580 (d) The child's preference, taking into consideration the

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581 age and maturity of the child.

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

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

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

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

597 (i) The career and other opportunities available to the
598 objecting parent or ~~objecting~~ other person if the relocation
599 occurs.

600 (j) A history of substance abuse or domestic violence as
601 defined in s. 741.28 or which meets the criteria of s.
602 39.806(1)(d) by either parent, including a consideration of the
603 severity of such conduct and the failure or success of any
604 attempts at rehabilitation.

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

607 (8) BURDEN OF PROOF.—The parent or other person wishing to
608 relocate has the burden of proving ~~proof if an objection is~~
609 ~~filed and must then initiate a proceeding seeking court~~

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610 ~~permission for relocation. The initial burden is on the parent~~
611 ~~or person wishing to relocate to prove~~ by a preponderance of the
612 evidence that relocation is in the best interest of the child.
613 If that burden of proof is met, the burden shifts to the
614 nonrelocating parent or other person to show by a preponderance
615 of the evidence that the proposed relocation is not in the best
616 interest of the child.

617 (9) ORDER REGARDING RELOCATION.—If relocation is approved
618 ~~permitted~~:

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

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

634 (10) PRIORITY FOR HEARING OR TRIAL.—An evidentiary hearing
635 or nonjury trial on a pleading seeking temporary or permanent
636 relief filed under this section shall be accorded priority on
637 the court's calendar. If a motion seeking a temporary relocation
638 is filed, absent good cause, the hearing must occur no later

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639 than 30 days after the motion for a temporary relocation is
640 filed. If a notice to set the matter for a nonjury trial is
641 filed, absent good cause, the nonjury trial must occur no later
642 than 90 days after the notice is filed.

643 (11) APPLICABILITY.—

644 (a) This section applies:

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

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

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

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

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

665 61.183 Mediation of certain contested issues.—

666 (1) In any proceeding in which the issues of parental
667 responsibility, primary residence, access to, visitation with,

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668 or support of a child are contested, the court may refer the
669 parties to mediation in accordance with rules promulgated by the
670 Supreme Court. In Title IV-D cases, any costs, including filing
671 fees, recording fees, mediation costs, service of process fees,
672 and other expenses incurred by the clerk of the circuit court,
673 shall be assessed only against the nonprevailing obligor after
674 the court makes a determination of the nonprevailing obligor's
675 ability to pay such costs and fees.

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

678 61.20 Social investigation and recommendations regarding a
679 parenting plan.—

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

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

693 61.21 Parenting course authorized; fees; required
694 attendance authorized; contempt.—

695 (2) The Department of Children and Family Services shall
696 approve a parenting course which shall be a course of a minimum

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697 of 4 hours designed to educate, train, and assist divorcing
698 parents in regard to the consequences of divorce on parents and
699 children.

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

- 706 1. Legal aspects of deciding child-related issues between
707 parents.
- 708 2. Emotional aspects of separation and divorce on adults.
- 709 3. Emotional aspects of separation and divorce on children.
- 710 4. Family relationships and family dynamics.
- 711 5. Financial responsibilities to a child or children.
- 712 6. Issues regarding spousal or child abuse and neglect.
- 713 7. Skill-based relationship education that may be
714 generalized to parenting, workplace, school, neighborhood, and
715 civic relationships.

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

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726 within 45 days after an acknowledgment of paternity by that
727 party, an adjudication of paternity of that party, or an order
728 granting access ~~visitation~~ to or support from that party. Each
729 party to a dissolution or paternity action shall file proof of
730 compliance with this subsection with the court prior to the
731 entry of the final judgment.

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

736 Section 7. Paragraph (b) of subsection (11) of section
737 61.30, Florida Statutes, is amended to read:

738 61.30 Child support guidelines; retroactive child support.-

739 (11)

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

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

747 2. Calculate the percentage of overnight stays the child
748 spends with each parent.

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

752 4. The difference between the amounts calculated in
753 subparagraph 3. shall be the monetary transfer necessary between
754 the parents for the care of the child, subject to an adjustment

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755 for day care and health insurance expenses.

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

761 6. Adjust the support obligation owed by each parent
762 pursuant to subparagraph 4. by crediting or debiting the amount
763 calculated in subparagraph 5. This amount represents the child
764 support which must be exchanged between the parents.

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

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

777 Section 8. Paragraph (a) of subsection (5) of section
778 741.30, Florida Statutes, is amended to read:

779 741.30 Domestic violence; injunction; powers and duties of
780 court and clerk; petition; notice and hearing; temporary
781 injunction; issuance of injunction; statewide verification
782 system; enforcement.—

783 (5) (a) If ~~When~~ it appears to the court that an immediate

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784 and present danger of domestic violence exists, the court may
785 grant a temporary injunction ex parte, pending a full hearing,
786 and may grant such relief as the court deems proper, including
787 an injunction:

788 1. Restraining the respondent from committing any acts of
789 domestic violence.

790 2. Awarding to the petitioner the temporary exclusive use
791 and possession of the dwelling that the parties share or
792 excluding the respondent from the residence of the petitioner.

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

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