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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           creating s. 61.125, F.S.; providing for parenting  
7           coordination as an alternative dispute resolution  
8           process to resolve parenting plan disputes; providing  
9           for court referral; providing for domestic violence  
10          situations; providing the qualifications required for  
11          a parenting coordinator and for the disqualification  
12          of a coordinator; providing for the payment of  
13          parenting coordination fees and costs; providing for  
14          confidentiality; providing for emergency reporting to  
15          the court by the coordinator; providing a limitation  
16          on the coordinator's liability; amending s. 61.13,  
17          F.S., relating to child support, parenting plans, and  
18          time-sharing; deleting obsolete provisions; requiring  
19          a parenting plan to include the address to be used for  
20          determining school boundaries; revising the elements  
21          of the rebuttable presumption that shared parental  
22          responsibility is detrimental to a child when a parent  
23          is convicted of a crime involving domestic violence;  
24          providing that the presumption applies to a crime that  
25          is a misdemeanor of the first degree or higher rather  
26          than to a crime that is a felony of the third degree  
27          or higher; allowing the modification of a parenting  
28          plan only upon a showing of substantially changed  
29          circumstances; requiring a court to make explicit

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30 written findings if, when determining the best  
31 interests of a child for the purposes of shared  
32 parental responsibility and visitation, the court  
33 considered evidence of domestic or sexual violence and  
34 child abuse, abandonment, or neglect; amending s.  
35 61.13001, F.S., relating to parental relocation;  
36 deleting terms and redefining the terms "other  
37 person," "parent," and "relocation"; substituting the  
38 term "access to" for "visitation"; deleting provisions  
39 relating to the requirement for a Notice of Intent to  
40 Relocate and substituting procedures relating to  
41 filing a petition to relocate; requiring a hearing on  
42 a motion seeking a temporary relocation to be held  
43 within a certain time; providing for applicability of  
44 changes made by the act; amending ss. 61.183, 61.20,  
45 and 61.21, F.S.; conforming provisions to changes made  
46 by the act; amending s. 741.30, F.S., relating to  
47 domestic violence; authorizing a court to issue an ex  
48 parte injunction that provides a temporary parenting  
49 plan; providing an effective date.

50  
51 Be It Enacted by the Legislature of the State of Florida:

52  
53 Section 1. Subsections (13), (14), and (22) of section  
54 61.046, Florida Statutes, are amended to read:

55 61.046 Definitions.—As used in this chapter, the term:

56 (13) "Parenting plan" means a document created to govern  
57 the relationship between the parents ~~parties~~ relating to ~~the~~  
58 decisions that must be made regarding the minor child and must

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59 ~~shall~~ contain a time-sharing schedule for the parents and child.  
60 The issues concerning the minor child may include, but are not  
61 limited to, the child's education, health care, and physical,  
62 social, and emotional well-being. In creating the plan, all  
63 circumstances between the parents parties, including their the  
64 ~~parties'~~ historic relationship, domestic violence, and other  
65 factors must be taken into consideration.

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

67 1. Developed and agreed to by the parents and approved by a  
68 court; ~~or~~

69 2. ~~If the parents cannot agree,~~ Established by the court,  
70 with or without the use of a court-ordered parenting plan  
71 recommendation, if the parents cannot agree to a plan or the  
72 parents agreed to a plan that is not approved by the court.

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

81 (c) ~~(b)~~ For purposes of the ~~application of the~~ Uniform Child  
82 Custody Jurisdiction and Enforcement Act, part II of this  
83 chapter, a judgment or order incorporating a parenting plan  
84 under this part is a child custody determination under part II  
85 of this chapter.

86 (d) ~~(c)~~ For purposes of the International Child Abduction  
87 Remedies Act, 42 U.S.C. ss. 11601 et seq., and the Convention on

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88 the Civil Aspects of International Child Abduction, enacted at  
89 the Hague on October 25, 1980, rights of custody and rights of  
90 access are ~~shall be~~ determined pursuant to ~~under~~ the parenting  
91 plan under this part.

92 (14) "Parenting plan recommendation" means a nonbinding  
93 recommendation concerning one or more elements of a parenting  
94 plan made by a court-appointed mental health practitioner or  
95 other professional designated pursuant to s. 61.20, s. 61.401,  
96 or Florida Family Law Rules of Procedure 12.363 ~~psychologist~~  
97 ~~licensed under chapter 490.~~

98 (22) "Time-sharing schedule" means a timetable that must be  
99 included in the parenting plan that specifies the time,  
100 including overnights and holidays, that a minor child will spend  
101 with each parent. The time-sharing schedule shall be:

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

104 (b) Established by the court if the parents cannot agree or  
105 if their agreed-upon schedule is not approved by the court, the  
106 schedule shall be established by the court.

107 Section 2. Section 61.125, Florida Statutes, is created to  
108 read:

109 61.125 Parenting coordination.-

110 (1) PURPOSE.-The purpose of parenting coordination is to  
111 provide a child-focused alternative dispute resolution process  
112 whereby a parenting coordinator assists the parents in creating  
113 or implementing a parenting plan by facilitating the resolution  
114 of disputes between the parents by providing education, making  
115 recommendations, and, with the prior approval of the parents and  
116 the court, making limited decisions within the scope of the

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117 court's order of referral.

118 (2) REFERRAL.—In any action in which a judgment or order  
119 has been sought or entered adopting, establishing, or modifying  
120 a parenting plan, except for a domestic violence proceeding  
121 under chapter 741, and upon agreement of the parties, the  
122 court's own motion, or the motion of a party, the court may  
123 appoint a parenting coordinator and refer the parties to  
124 parenting coordination to assist in the resolution of disputes  
125 concerning their parenting plan.

126 (3) DOMESTIC VIOLENCE ISSUES.—

127 (a) If there has been a history of domestic violence, the  
128 court may not refer the parties to parenting coordination unless  
129 both parents consent. The court shall offer each party an  
130 opportunity to consult with an attorney or domestic violence  
131 advocate before accepting the party's consent. The court must  
132 determine whether each party's consent has been given freely and  
133 voluntarily.

134 (b) In determining whether there has been a history of  
135 domestic violence, the court shall consider whether a party has  
136 committed an act of domestic violence as defined s. 741.28, or  
137 child abuse as defined in s. 39.01, against the other party or  
138 any member of the other party's family; engaged in a pattern of  
139 behaviors that exert power and control over the other party and  
140 that may compromise the other party's ability to negotiate a  
141 fair result; or engaged in behavior that leads the other party  
142 to have reasonable cause to believe he or she is in imminent  
143 danger of becoming a victim of domestic violence. The court  
144 shall consider and evaluate all relevant factors, including, but  
145 not limited to, the factors listed in s. 741.30(6)(b).

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146 (c) If there is a history of domestic violence, the court  
147 shall order safeguards to protect the safety of the  
148 participants, including, but not limited to, adherence to all  
149 provisions of an injunction for protection or conditions of  
150 bail, probation, or a sentence arising from criminal  
151 proceedings.

152 (4) QUALIFICATIONS OF A PARENTING COORDINATOR.—A parenting  
153 coordinator is an impartial third person whose role is to assist  
154 the parents in successfully creating or implementing a parenting  
155 plan. Unless there is a written agreement between the parties,  
156 the court may appoint only a qualified parenting coordinator.

157 (a) To be qualified, a parenting coordinator must:

158 1. Meet one of the following professional requirements:

159 a. Be licensed as a mental health professional under  
160 chapter 490 or chapter 491.

161 b. Be licensed as a physician under chapter 458, with  
162 certification by the American Board of Psychiatry and Neurology.

163 c. Be certified by the Florida Supreme Court as a family  
164 law mediator, with at least a master's degree in a mental health  
165 field.

166 d. Be a member in good standing of The Florida Bar.

167 2. Complete all of the following:

168 a. Three years of postlicensure or postcertification  
169 practice.

170 b. A family mediation training program certified by the  
171 Florida Supreme Court.

172 c. A minimum of 24 hours of parenting coordination training  
173 in parenting coordination concepts and ethics, family systems  
174 theory and application, family dynamics in separation and

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175 divorce, child and adolescent development, the parenting  
176 coordination process, parenting coordination techniques, and  
177 Florida family law and procedure, and a minimum of 4 hours of  
178 training in domestic violence and child abuse which is related  
179 to parenting coordination.

180 (b) The court may require additional qualifications to  
181 address issues specific to the parties.

182 (c) A qualified parenting coordinator must be in good  
183 standing, or in clear and active status, with his or her  
184 respective licensing authority, certification board, or both, as  
185 applicable.

186 (5) DISQUALIFICATIONS OF PARENTING COORDINATOR.—

187 (a) The court may not appoint a person to serve as  
188 parenting coordinator who, in any jurisdiction:

189 1. Has been convicted or had adjudication withheld on a  
190 charge of child abuse, child neglect, domestic violence,  
191 parental kidnapping, or interference with custody;

192 2. Has been found by a court in a child protection hearing  
193 to have abused, neglected, or abandoned a child;

194 3. Has consented to an adjudication or a withholding of  
195 adjudication on a petition for dependency; or

196 4. Is or has been a respondent in a final order or  
197 injunction of protection against domestic violence.

198 (b) A parenting coordinator must discontinue service as a  
199 parenting coordinator and immediately report to the court and  
200 the parties if any of the disqualifying circumstances described  
201 in paragraph (a) occur, or if he or she no longer meets the  
202 minimum qualifications in subsection (4), and the court may  
203 appoint another parenting coordinator.

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204 (6) FEES FOR PARENTING COORDINATION.—The court shall  
205 determine the allocation of fees and costs for parenting  
206 coordination between the parties. The court may not order the  
207 parties to parenting coordination without their consent unless  
208 it determines that the parties have the financial ability to pay  
209 the parenting coordination fees and costs.

210 (a) In determining if a nonindigent party has the financial  
211 ability to pay the parenting coordination fees and costs, the  
212 court shall consider the party's financial circumstances,  
213 including income, assets, liabilities, financial obligations,  
214 resources, and whether paying the fees and costs would create a  
215 substantial hardship.

216 (b) If a party is found to be indigent based upon the  
217 factors in s. 57.082, the court may not order the party to  
218 parenting coordination unless public funds are available to pay  
219 the indigent party's allocated portion of the fees and costs or  
220 the nonindigent party consents to paying all of the fees and  
221 costs.

222 (7) CONFIDENTIALITY.—Except as otherwise provided in this  
223 section, all communications made by, between, or among the  
224 parties and the parenting coordinator during parenting  
225 coordination sessions are confidential. The parenting  
226 coordinator and each party designated in the order appointing  
227 the coordinator may not testify or offer evidence about  
228 communications made by, between, or among the parties and the  
229 parenting coordinator during parenting coordination sessions,  
230 except if:

231 (a) Necessary to identify, authenticate, confirm, or deny a  
232 written agreement entered into by the parties during parenting



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233 coordination;

234 (b) The testimony or evidence is necessary to identify an  
235 issue for resolution by the court without otherwise disclosing  
236 communications made by any party or the parenting coordinator;

237 (c) The testimony or evidence is limited to the subject of  
238 a party's compliance with the order of referral to parenting  
239 coordination, orders for psychological evaluation, counseling  
240 ordered by the court or recommended by a health care provider,  
241 or for substance abuse testing or treatment;

242 (d) The parenting coordinator reports that the case is no  
243 longer appropriate for parenting coordination;

244 (e) The parenting coordinator is reporting that he or she  
245 is unable or unwilling to continue to serve and that a successor  
246 parenting coordinator should be appointed;

247 (f) The testimony or evidence is necessary pursuant to  
248 paragraph (5) (b) or subsection (8);

249 (g) The parenting coordinator is not qualified to address  
250 or resolve certain issues in the case and a more qualified  
251 coordinator should be appointed;

252 (h) The parties agree that the testimony or evidence be  
253 permitted; or

254 (i) The testimony or evidence is necessary to protect any  
255 person from future acts that would constitute domestic violence  
256 under chapter 741; child abuse, neglect, or abandonment under  
257 chapter 39; or abuse, neglect, or exploitation of an elderly or  
258 disabled adult under chapter 825.

259 (8) REPORT OF EMERGENCY TO COURT.—

260 (a) A parenting coordinator must immediately inform the  
261 court by affidavit or verified report without notice to the

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262 parties of an emergency situation if:

263 1. There is a reasonable cause to suspect that a child will  
264 suffer or is suffering abuse, neglect, or abandonment as  
265 provided under chapter 39;

266 2. There is a reasonable cause to suspect a vulnerable  
267 adult has been or is being abused, neglected, or exploited as  
268 provided under chapter 415;

269 3. A party, or someone acting on a party's behalf, is  
270 expected to wrongfully remove or is wrongfully removing the  
271 child from the jurisdiction of the court without prior court  
272 approval or compliance with the requirements of s. 61.13001. If  
273 the parenting coordinator suspects that the parent has relocated  
274 within the state to avoid domestic violence, the coordinator may  
275 not disclose the location of the parent and child unless  
276 required by court order.

277 (b) Upon such information and belief, a parenting  
278 coordinator shall immediately inform the court by affidavit or  
279 verified report and serve a copy on each party of an emergency  
280 in which a party obtains a final order or injunction of  
281 protection against domestic violence or is arrested for an act  
282 of domestic violence as provided under chapter 741.

283 (9) LIMITATION ON LIABILITY.—A parenting coordinator  
284 appointed by the court is not liable for civil damages for any  
285 act or omission in the scope of his or her duties pursuant to an  
286 order of referral unless such person acted in bad faith or with  
287 malicious purpose or in a manner exhibiting wanton and willful  
288 disregard for the rights, safety, or property of the parties.

289 Section 3. Paragraph (d) of subsection (1) and subsections  
290 (2), (3), and (6) of section 61.13, Florida Statutes, are

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291 amended to read:

292 61.13 Support of children; parenting and time-sharing;  
293 powers of court.—

294 (1)

295 (d)1. Unless the provisions of subparagraph 2. ~~3.~~ apply,  
296 all child support orders must require ~~entered on or after~~  
297 ~~January 1, 1985, shall direct~~ that child support ~~the payments be~~  
298 made ~~of child support be made as provided in s. 61.181~~ through  
299 the depository in the county where the court is located as  
300 provided in s. 61.181. All child support orders must ~~shall~~  
301 provide the full name and date of birth of each minor child who  
302 is the subject of the child support order.

303 ~~2. Unless the provisions of subparagraph 3. apply, all~~  
304 ~~child support orders entered before January 1, 1985, shall be~~  
305 ~~modified by the court to direct that payments of child support~~  
306 ~~shall be made through the depository in the county where the~~  
307 ~~court is located upon the subsequent appearance of either or~~  
308 ~~both parents to modify or enforce the order, or in any related~~  
309 ~~proceeding.~~

310 ~~2.3.~~ If both parties request and the court finds that it is  
311 in the best interest of the child, support payments need not be  
312 directed through the depository. The order of support must ~~shall~~  
313 provide, or shall be deemed to provide, that either party may  
314 subsequently apply to the depository to require that direction  
315 ~~of~~ the payments be made through the depository. The court shall  
316 provide a copy of the order to the depository.

317 ~~3.4.~~ If the parties elect not to require that support  
318 payments be made through the depository, any party may  
319 subsequently file an affidavit with the depository alleging a

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320 default in payment of child support and stating that the party  
321 wishes to require that payments be made through the depository.  
322 The party shall provide copies of the affidavit to the court and  
323 to the ~~each~~ other party. Fifteen days after receipt of the  
324 affidavit, the depository shall notify both parties that future  
325 payments must ~~shall~~ be paid through the depository.

326 ~~4.5.~~ In IV-D cases, the IV-D agency has ~~shall have~~ the same  
327 rights as the obligee in requesting that payments be made  
328 through the depository.

329 (2) (a) The court may ~~shall have jurisdiction to~~ approve,  
330 grant, or modify a parenting plan, notwithstanding that the  
331 child is not physically present in this state at the time of  
332 filing any proceeding under this chapter, if it appears to the  
333 court that the child was removed from this state for the primary  
334 purpose of removing the child from the court's jurisdiction ~~of~~  
335 ~~the court~~ in an attempt to avoid the court's approval, creation,  
336 or modification of a parenting plan.

337 (b) A ~~Any~~ parenting plan approved by the court must, at a  
338 minimum, describe in adequate detail how the parents will share  
339 and be responsible for the daily tasks associated with the  
340 upbringing of the child; the time-sharing schedule arrangements  
341 that specify the time that the minor child will spend with each  
342 parent; a designation of who will be responsible for any and  
343 all forms of health care, school-related matters including the  
344 address to be used for school-boundary determination and  
345 registration, and other activities; and the methods and  
346 technologies that the parents will use to communicate with the  
347 child.

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

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349 parenting and time-sharing of each minor child of the parties in  
350 accordance with the best interests of the child and in  
351 accordance with the Uniform Child Custody Jurisdiction and  
352 Enforcement Act, except that modification of a parenting plan  
353 and time-sharing schedule requires a showing of a substantial,  
354 material, and unanticipated change of circumstances.

355 1. It is the public policy of this state ~~to assure~~ that  
356 each minor child has frequent and continuing contact with both  
357 parents after the parents separate or the marriage of the  
358 parties is dissolved and to encourage parents to share the  
359 rights and responsibilities, and joys, of childrearing. There is  
360 no presumption for or against the father or mother of the child  
361 or for or against any specific time-sharing schedule when  
362 creating or modifying the parenting plan of the child.

363 2. The court shall order that the parental responsibility  
364 for a minor child be shared by both parents unless the court  
365 finds that shared parental responsibility would be detrimental  
366 to the child. Evidence that a parent has been convicted of a  
367 misdemeanor ~~felony~~ of the first ~~third~~ degree or higher involving  
368 domestic violence, as defined in s. 741.28 and chapter 775, or  
369 meets the criteria of s. 39.806(1)(d), creates a rebuttable  
370 presumption of detriment to the child. If the presumption is not  
371 rebutted, shared parental responsibility, including time-sharing  
372 with the child, and decisions made regarding the child, may not  
373 be granted to the convicted parent. However, the convicted  
374 parent is not relieved of any obligation to provide financial  
375 support. If the court determines that shared parental  
376 responsibility would be detrimental to the child, it may order  
377 sole parental responsibility and make such arrangements for

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378 time-sharing as specified in the parenting plan as will best  
379 protect the child or abused spouse from further harm. Whether or  
380 not there is a conviction of any offense of domestic violence or  
381 child abuse or the existence of an injunction for protection  
382 against domestic violence, the court shall consider evidence of  
383 domestic violence or child abuse as evidence of detriment to the  
384 child.

385 a. In ordering shared parental responsibility, the court  
386 may consider the expressed desires of the parents and may grant  
387 to one party the ultimate responsibility over specific aspects  
388 of the child's welfare or may divide those responsibilities  
389 between the parties based on the best interests of the child.  
390 Areas of responsibility may include education, health care, and  
391 any other responsibilities that the court finds unique to a  
392 particular family.

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

397 3. Access to records and information pertaining to a minor  
398 child, including, but not limited to, medical, dental, and  
399 school records, may not be denied to either parent. Full rights  
400 under this subparagraph apply to either parent unless a court  
401 order specifically revokes these rights, including any  
402 restrictions on these rights as provided in a domestic violence  
403 injunction. A parent having rights under this subparagraph has  
404 the same rights upon request as to form, substance, and manner  
405 of access as are available to the other parent of a child,  
406 including, without limitation, the right to in-person

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407 communication with medical, dental, and education providers.

408 (d) The circuit court in the county in which either parent  
409 and the child reside or the circuit court in which the original  
410 order approving or creating the parenting plan was entered may  
411 ~~has jurisdiction to~~ modify the parenting plan. The court may  
412 change the venue in accordance with s. 47.122.

413 (3) For purposes of establishing or modifying parental  
414 responsibility and creating, developing, approving, or modifying  
415 a parenting plan, including a time-sharing schedule, which  
416 governs each parent's relationship with his or her minor child  
417 and the relationship between each parent with regard to his or  
418 her minor child, the best interest of the child shall be the  
419 primary consideration. A determination of parental  
420 responsibility, a parenting plan, or a time-sharing schedule may  
421 not be modified without a showing of a substantial, material,  
422 and unanticipated change in circumstances and a determination  
423 that the modification is in the best interests of the child.  
424 Determination of the best interests of the child shall be made  
425 by evaluating all of the factors affecting the welfare and  
426 interests of the particular minor child and the circumstances of  
427 that family, including, but not limited to:

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

432 (b) The anticipated division of parental responsibilities  
433 after the litigation, including the extent to which parental  
434 responsibilities will be delegated to third parties.

435 (c) The demonstrated capacity and disposition of each

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

438 (d) The length of time the child has lived in a stable,  
439 satisfactory environment and the desirability of maintaining  
440 continuity.

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

446 (f) The moral fitness of the parents.

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

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

449 (i) The reasonable preference of the child, if the court  
450 deems the child to be of sufficient intelligence, understanding,  
451 and experience to express a preference.

452 (j) The demonstrated knowledge, capacity, and disposition  
453 of each parent to be informed of the circumstances of the minor  
454 child, including, but not limited to, the child's friends,  
455 teachers, medical care providers, daily activities, and favorite  
456 things.

457 (k) The demonstrated capacity and disposition of each  
458 parent to provide a consistent routine for the child, such as  
459 discipline, and daily schedules for homework, meals, and  
460 bedtime.

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



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465 child.

466 (m) Evidence of domestic violence, sexual violence, child  
467 abuse, child abandonment, or child neglect, regardless of  
468 whether a prior or pending action relating to those issues has  
469 been brought. If the court accepts evidence of prior or pending  
470 actions regarding domestic violence, sexual violence, child  
471 abuse, child abandonment, or child neglect, the court must  
472 specifically acknowledge in writing that such evidence was  
473 considered when evaluating the best interests of the child.

474 (n) Evidence that either parent has knowingly provided  
475 false information to the court regarding any prior or pending  
476 action regarding domestic violence, sexual violence, child  
477 abuse, child abandonment, or child neglect.

478 (o) The particular parenting tasks customarily performed by  
479 each parent and the division of parental responsibilities before  
480 the institution of litigation and during the pending litigation,  
481 including the extent to which parenting responsibilities were  
482 undertaken by third parties.

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

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

489 (r) The capacity and disposition of each parent to protect  
490 the child from the ongoing litigation as demonstrated by not  
491 discussing the litigation with the child, not sharing documents  
492 or electronic media related to the litigation with the child,  
493 and refraining from disparaging comments about the other parent

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494 to the child.

495 (s) The developmental stages and needs of the child and the  
496 demonstrated capacity and disposition of each parent to meet the  
497 child's developmental needs.

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

501 (6) In any proceeding under this section, the court may not  
502 deny shared parental responsibility and time-sharing rights to a  
503 parent solely because that parent is or is believed to be  
504 infected with human immunodeficiency virus, but the court may,  
505 ~~condition such rights to require that parent~~ in an order  
506 approving the parenting plan, require that parent to observe  
507 measures approved by the Centers for Disease Control and  
508 Prevention of the United States Public Health Service or by the  
509 Department of Health for preventing the spread of human  
510 immunodeficiency virus to the child.

511 Section 4. Section 61.13001, Florida Statutes, is amended  
512 to read:

513 61.13001 Parental relocation with a child.-

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

515 ~~(a) "Change of residence address" means the relocation of a~~  
516 ~~child to a principal residence more than 50 miles away from his~~  
517 ~~or her principal place of residence at the time of the entry of~~  
518 ~~the last order establishing or modifying the parenting plan or~~  
519 ~~the time-sharing schedule or both for the minor child, unless~~  
520 ~~the move places the principal residence of the minor child less~~  
521 ~~than 50 miles from either parent.~~

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

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523 jurisdiction of a state court pursuant to the Uniform Child  
524 Custody Jurisdiction and Enforcement Act or is the subject of  
525 any order granting to a parent or other person any right to  
526 time-sharing, residential care, kinship, or custody, as provided  
527 under state law.

528 (b)~~(e)~~ "Court" means the circuit court in an original  
529 proceeding which has proper venue and jurisdiction in accordance  
530 with the Uniform Child Custody Jurisdiction and Enforcement Act,  
531 the circuit court in the county in which either parent and the  
532 child reside, or the circuit court in which the original action  
533 was adjudicated.

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

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

544 (e)~~(f)~~ "Relocation" means a change in the location of the  
545 principal residence of a parent or other person from his or her  
546 principal place of residence at the time of the last order  
547 establishing or modifying time-sharing, or at the time of filing  
548 the pending action to establish or modify time-sharing. The  
549 change of location must be at least 50 miles from that  
550 residence, and for at least child for a period of 60 consecutive  
551 days not including or more but does not include a temporary

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552 absence from the principal residence for purposes of vacation,  
553 education, or the provision of health care for the child.

554 (2) RELOCATION BY AGREEMENT.—

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

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

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

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

565 (b) If there is an existing cause of action, judgment, or  
566 decree of record pertaining to the child's residence or a time-  
567 sharing schedule, the parties shall seek ratification of the  
568 agreement by court order without the necessity of an evidentiary  
569 hearing unless a hearing is requested, in writing, by one or  
570 more of the parties to the agreement within 10 days after the  
571 date the agreement is filed with the court. If a hearing is not  
572 timely requested, it shall be presumed that the relocation is in  
573 the best interest of the child and the court may ratify the  
574 agreement without an evidentiary hearing.

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

576 Unless an agreement has been entered as described in subsection

577 (2), a parent or other person seeking relocation must file a  
578 petition to relocate and serve it upon ~~who is entitled to time-~~  
579 ~~sharing with the child shall notify~~ the other parent, and every  
580 other person entitled to access to or time-sharing with the

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581 child, ~~of a proposed relocation of the child's residence. The~~  
582 pleadings must be in accordance with form of notice shall be  
583 ~~according to~~ this section:

584 (a) The petition to relocate must be signed under oath or  
585 affirmation under penalty of perjury and include parent seeking  
586 ~~to relocate shall prepare a Notice of Intent to Relocate. The~~  
587 ~~following information must be included with the Notice of Intent~~  
588 ~~to Relocate and signed under oath under penalty of perjury:~~

589 1. A description of the location of the intended new  
590 residence, including the state, city, and specific physical  
591 address, if known.

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

594 3. The home telephone number of the intended new residence,  
595 if known.

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

597 5. A detailed statement of the specific reasons for the  
598 proposed relocation ~~of the child~~. If one of the reasons is based  
599 upon a job offer that ~~which~~ has been reduced to writing, the  
600 ~~that~~ written job offer must be attached to the petition ~~Notice~~  
601 ~~of Intent to Relocate~~.

602 6. A proposal for the revised postrelocation schedule for  
603 access and ~~of~~ time-sharing together with a proposal for the  
604 postrelocation transportation arrangements necessary to  
605 effectuate time-sharing with the child. Absent the existence of  
606 a current, valid order abating, terminating, or restricting  
607 access or time-sharing ~~visitation~~ or other good cause predating  
608 the petition ~~Notice of Intent to Relocate~~, failure to comply  
609 with this provision renders the petition ~~Notice of Intent to~~

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610 relocate legally insufficient.

611 7. Substantially the following statement, in all capital  
612 letters and in the same size type, or larger, as the type in the  
613 remainder of the petition notice:

614

615 A RESPONSE AN OBJECTION TO THE PETITION OBJECTING TO PROPOSED  
616 RELOCATION MUST BE MADE IN WRITING, FILED WITH THE COURT, AND  
617 SERVED ON THE PARENT OR OTHER PERSON SEEKING TO RELOCATE WITHIN  
618 20 30 DAYS AFTER SERVICE OF THIS PETITION NOTICE OF INTENT TO  
619 RELOCATE. IF YOU FAIL TO TIMELY OBJECT TO THE RELOCATION, THE  
620 RELOCATION WILL BE ALLOWED, UNLESS IT IS NOT IN THE BEST  
621 INTERESTS OF THE CHILD, WITHOUT FURTHER NOTICE AND WITHOUT A  
622 HEARING.

623 ~~8. The mailing address of the parent or other person~~  
624 ~~seeking to relocate to which the objection filed under~~  
625 ~~subsection (5) to the Notice of Intent to Relocate should be~~  
626 ~~sent.~~

627

628 ~~The contents of the Notice of Intent to Relocate are not~~  
629 ~~privileged. For purposes of encouraging amicable resolution of~~  
630 ~~the relocation issue, a copy of the Notice of Intent to Relocate~~  
631 ~~shall initially not be filed with the court but instead served~~  
632 ~~upon the nonrelocating parent, other person, and every other~~  
633 ~~person entitled to time sharing with the child, and the original~~  
634 ~~thereof shall be maintained by the parent or other person~~  
635 ~~seeking to relocate.~~

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

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639 Relocate was served on the other parent and on every other  
640 person entitled to time-sharing with the child.

641 (b)~~(e)~~ The petition Notice of Intent to relocate must,~~and~~  
642 ~~the Certificate of Serving Notice of Intent to Relocate,~~ shall  
643 be served on the other parent and on every other person entitled  
644 to access to and time-sharing with the child. If there is a  
645 pending court action regarding the child, service of process may  
646 be according to court rule. Otherwise, service of process shall  
647 be according to chapters 48 and 49 or via certified mail,  
648 restricted delivery, return receipt requested.

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

654 (d)~~(e)~~ If the other parent and any other person entitled to  
655 access to or time-sharing with the child fails to timely file a  
656 response objecting to the petition to relocate ~~an objection~~, it  
657 ~~is~~ shall be presumed that the relocation is in the best interest  
658 of the child and that, the relocation should ~~shall~~ be allowed,  
659 and the court shall, absent good cause, enter an order  
660 specifying, ~~attaching a copy of the Notice of Intent to~~  
661 ~~Relocate,~~ reflecting that the order is entered as a result of  
662 the failure to respond to the petition ~~object to the Notice of~~  
663 ~~Intent to Relocate,~~ and adopting the access and time-sharing  
664 schedule and transportation arrangements contained in the  
665 petition Notice of Intent to Relocate. The order may be issued  
666 ~~issue~~ in an expedited manner without the necessity of an  
667 evidentiary hearing. If a response ~~an objection~~ is timely filed,

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668 the parent or other person may not relocate, and must proceed to  
669 a temporary hearing or trial and burden returns to the parent or  
670 person seeking to relocate to initiate court proceedings to  
671 obtain court permission to relocate before doing so.

672 (e) (f) The act of Relocating the child without complying  
673 after failure to comply with the requirements of notice of  
674 intent to relocate procedure described in this subsection  
675 subjects the party in violation thereof to contempt and other  
676 proceedings to compel the return of the child and may be taken  
677 into account by the court in any initial or postjudgment action  
678 seeking a determination or modification of the parenting plan or  
679 the access or the time-sharing schedule, or both, as:

680 1. A factor in making a determination regarding the  
681 relocation of a child.

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

684 3. A basis for ordering the temporary or permanent return  
685 of the child.

686 4. Sufficient cause to order the parent or other person  
687 seeking to relocate the child to pay reasonable expenses and  
688 attorney's fees incurred by the party objecting to the  
689 relocation.

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

693 (4) APPLICABILITY OF PUBLIC RECORDS LAW.—If the parent or  
694 other person seeking to relocate a child, or the child, is  
695 entitled to prevent disclosure of location information under a  
696 any public records exemption applicable to that person, the



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697 court may enter any order necessary to modify the disclosure  
698 requirements of this section in compliance with the public  
699 records exemption.

700 (5) ~~CONTENT OF~~ OBJECTION TO RELOCATION.—An answer objecting  
701 to a proposed relocation ~~objection seeking to prevent the~~  
702 ~~relocation of a child~~ must be verified and ~~served within 30 days~~  
703 ~~after service of the Notice of Intent to Relocate. The objection~~  
704 ~~must~~ include the specific factual basis supporting the reasons  
705 for seeking a prohibition of the relocation, including a  
706 statement of the amount of participation or involvement the  
707 objecting party currently has or has had in the life of the  
708 child.

709 (6) TEMPORARY ORDER.—

710 (a) The court may grant a temporary order restraining the  
711 relocation of a child, order ~~or ordering~~ the return of the  
712 child, if a relocation has previously taken place, or order  
713 other appropriate remedial relief, if the court finds:

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

717 2. That the child ~~already~~ has been relocated without a  
718 ~~notice~~ ~~or~~ written agreement of the parties or without court  
719 approval; or

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

723 (b) The court may grant a temporary order permitting the  
724 relocation of the child pending final hearing, if the court  
725 finds:

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

729 2. ~~Finds~~ From an examination of the evidence presented at  
730 the preliminary hearing, that there is a likelihood that on  
731 final hearing the court will approve the relocation of the  
732 child, which findings must be supported by the same factual  
733 basis as would be necessary to support approving the ~~permitting~~  
734 ~~of~~ relocation in a final judgment.

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

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

744 (7) NO PRESUMPTION; FACTORS TO DETERMINE CONTESTED  
745 RELOCATION.—A presumption ~~does not arise~~ in favor of or against  
746 a request to relocate with the child does not arise if ~~when~~ a  
747 parent or other person seeks to relocate ~~move the child~~ and the  
748 move will materially affect the current schedule of contact,  
749 access, and time-sharing with the nonrelocating parent or other  
750 person. In reaching its decision regarding a proposed temporary  
751 or permanent relocation, the court shall evaluate all of the  
752 following ~~factors~~:

753 (a) The nature, quality, extent of involvement, and  
754 duration of the child's relationship with the parent or other

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755 person proposing to relocate with the child and with the  
756 nonrelocating parent, other persons, siblings, half-siblings,  
757 and other significant persons in the child's life.

758 (b) The age and developmental stage of the child, the needs  
759 of the child, and the likely impact the relocation will have on  
760 the child's physical, educational, and emotional development,  
761 taking into consideration any special needs of the child.

762 (c) The feasibility of preserving the relationship between  
763 the nonrelocating parent or other person and the child through  
764 substitute arrangements that take into consideration the  
765 logistics of contact, access, and time-sharing, as well as the  
766 financial circumstances of the parties; whether those factors  
767 are sufficient to foster a continuing meaningful relationship  
768 between the child and the nonrelocating parent or other person;  
769 and the likelihood of compliance with the substitute  
770 arrangements by the relocating parent or other person once he or  
771 she is out of the jurisdiction of the court.

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

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

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

780 (g) The current employment and economic circumstances of  
781 each parent or other person and whether ~~or not~~ the proposed  
782 relocation is necessary to improve the economic circumstances of  
783 the parent or other person seeking relocation of the child.

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784 (h) That the relocation is sought in good faith and the  
785 extent to which the objecting parent has fulfilled his or her  
786 financial obligations to the parent or other person seeking  
787 relocation, including child support, spousal support, and  
788 marital property and marital debt obligations.

789 (i) The career and other opportunities available to the  
790 objecting parent or ~~objecting~~ other person if the relocation  
791 occurs.

792 (j) A history of substance abuse or domestic violence as  
793 defined in s. 741.28 or which meets the criteria of s.  
794 39.806(1)(d) by either parent, including a consideration of the  
795 severity of such conduct and the failure or success of any  
796 attempts at rehabilitation.

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

799 (8) BURDEN OF PROOF.—The parent or other person wishing to  
800 relocate has the burden of proving proof ~~if an objection is~~  
801 ~~filed and must then initiate a proceeding seeking court~~  
802 ~~permission for relocation. The initial burden is on the parent~~  
803 ~~or person wishing to relocate to prove by a preponderance of the~~  
804 evidence that relocation is in the best interest of the child.  
805 If that burden of proof is met, the burden shifts to the  
806 nonrelocating parent or other person to show by a preponderance  
807 of the evidence that the proposed relocation is not in the best  
808 interest of the child.

809 (9) ORDER REGARDING RELOCATION.—If relocation is approved  
810 permitted:

811 (a) The court may, in its discretion, order contact with  
812 the nonrelocating parent or other person, including access,

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813 time-sharing, telephone, Internet, webcam, and other  
814 arrangements sufficient to ensure that the child has frequent,  
815 continuing, and meaningful contact, ~~access, and time-sharing~~  
816 with the nonrelocating parent or other person ~~persons~~, if  
817 contact is financially affordable and in the best interest of  
818 the child.

819 (b) If applicable, the court shall specify how the  
820 transportation costs are to ~~will~~ be allocated between the  
821 parents and other persons entitled to contact, access, and time-  
822 sharing and may adjust the child support award, as appropriate,  
823 considering the costs of transportation and the respective net  
824 incomes of the parents in accordance with the state child  
825 support guidelines schedule.

826 (10) PRIORITY FOR HEARING OR TRIAL.—An evidentiary hearing  
827 or nonjury trial on a pleading seeking temporary or permanent  
828 relief filed under this section shall be accorded priority on  
829 the court's calendar. If a motion seeking a temporary relocation  
830 is filed, absent good cause, the hearing must occur no later  
831 than 30 days after the motion for a temporary relocation is  
832 filed. If a notice to set the matter for a nonjury trial is  
833 filed, absent good cause, the nonjury trial must occur no later  
834 than 90 days after the notice is filed.

835 (11) APPLICABILITY.—

836 (a) This section applies:

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

841 2. To an order, whether temporary or permanent, regarding

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842 the parenting plan, custody, primary residence, time-sharing, or  
843 access to ~~visitation of or with~~ the child entered on or after  
844 October 1, 2009 ~~2006~~.

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

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

855 Section 5. Subsection (1) of section 61.183, Florida  
856 Statutes, is amended to read:

857 61.183 Mediation of certain contested issues.—

858 (1) In any proceeding in which the issues of parental  
859 responsibility, primary residence, access to, visitation with,  
860 or support of a child are contested, the court may refer the  
861 parties to mediation in accordance with rules promulgated by the  
862 Supreme Court. In Title IV-D cases, any costs, including filing  
863 fees, recording fees, mediation costs, service of process fees,  
864 and other expenses incurred by the clerk of the circuit court,  
865 shall be assessed only against the nonprevailing obligor after  
866 the court makes a determination of the nonprevailing obligor's  
867 ability to pay such costs and fees.

868 Section 6. Subsection (3) of section 61.20, Florida  
869 Statutes, is amended to read:

870 61.20 Social investigation and recommendations regarding a

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871 parenting plan.—

872 (3) Except as to persons who obtain certification of  
873 indigence as specified in subsection (2), for whom no costs are  
874 ~~shall be~~ incurred, the parents ~~adult parties~~ involved in a  
875 proceeding to determine a parenting plan where ~~wherein~~ the court  
876 has ordered the performance of a social investigation and study  
877 are ~~shall be~~ responsible for paying ~~the payment of~~ the costs of  
878 the ~~such~~ investigation and study. Upon submitting ~~submission of~~  
879 the study to the court, the agency, staff, or person performing  
880 the study shall include a bill for services, which shall be  
881 taxed and ordered paid as costs in the proceeding.

882 Section 7. Paragraph (a) of subsection (2) and subsections  
883 (5) and (9) of section 61.21, Florida Statutes, are amended to  
884 read:

885 61.21 Parenting course authorized; fees; required  
886 attendance authorized; contempt.—

887 (2) The Department of Children and Family Services shall  
888 approve a parenting course which shall be a course of a minimum  
889 of 4 hours designed to educate, train, and assist divorcing  
890 parents in regard to the consequences of divorce on parents and  
891 children.

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

898 1. Legal aspects of deciding child-related issues between  
899 parents.

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

901 3. Emotional aspects of separation and divorce on children.

902 4. Family relationships and family dynamics.

903 5. Financial responsibilities to a child or children.

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

905 7. Skill-based relationship education that may be  
906 generalized to parenting, workplace, school, neighborhood, and  
907 civic relationships.

908 (5) All parties required to complete a parenting course  
909 under this section shall begin the course as expeditiously as  
910 possible. For dissolution of marriage actions, unless excused by  
911 the court pursuant to subsection (4), the petitioner must  
912 complete the course within 45 days after the filing of the  
913 petition, and all other parties must complete the course within  
914 45 days after service of the petition. For paternity actions,  
915 unless excused by the court pursuant to subsection (4), the  
916 petitioner must complete the course within 45 days after filing  
917 the petition, and any other party must complete the course  
918 within 45 days after an acknowledgment of paternity by that  
919 party, an adjudication of paternity of that party, or an order  
920 granting time-sharing ~~visitation~~ to or support from that party.  
921 Each party to a dissolution or paternity action shall file proof  
922 of compliance with this subsection with the court prior to the  
923 entry of the final judgment.

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

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



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929 741.30, Florida Statutes, is amended to read:

930 741.30 Domestic violence; injunction; powers and duties of  
931 court and clerk; petition; notice and hearing; temporary  
932 injunction; issuance of injunction; statewide verification  
933 system; enforcement.—

934 (5) (a) If ~~When~~ it appears to the court that an immediate  
935 and present danger of domestic violence exists, the court may  
936 grant a temporary injunction ex parte, pending a full hearing,  
937 and may grant such relief as the court deems proper, including  
938 an injunction:

939 1. Restraining the respondent from committing any acts of  
940 domestic violence.

941 2. Awarding to the petitioner the temporary exclusive use  
942 and possession of the dwelling that the parties share or  
943 excluding the respondent from the residence of the petitioner.

944 3. On the same basis as provided in s. 61.13, providing the  
945 petitioner a temporary parenting plan, including a time-sharing  
946 schedule, which may award the petitioner up to ~~with~~ 100 percent  
947 of the time-sharing. The temporary parenting plan remains ~~that~~  
948 ~~shall remain~~ in effect until the order expires or an order is  
949 entered by a court of competent jurisdiction in a pending or  
950 subsequent civil action or proceeding affecting the placement  
951 of, access to, parental time with, adoption of, or parental  
952 rights and responsibilities for the minor child.

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