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

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

309 ~~2.3.~~ If both parties request and the court finds that it is
310 in the best interest of the child, support payments need not be
311 subject to immediate income deduction. Support orders that are
312 not subject to immediate income deduction may be directed
313 through the depository under s. 61.181. Payments for all support
314 orders that provide for immediate income deduction shall be made
315 to the State Disbursement Unit. The order of support shall
316 ~~provide, or shall be deemed to provide, that either party may~~
317 ~~subsequently apply to the depository to require direction of the~~
318 ~~payments through the depository. The court shall provide a copy~~
319 ~~of the order to the depository.~~

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320 ~~3.4.~~ For support orders that do not provide for immediate
321 income deduction ~~if the parties elect not to require that~~
322 ~~support payments be made through the depository, any party, or~~
323 the IV-D agency in a IV-D case, may subsequently file an
324 affidavit with the State Disbursement Unit ~~depository~~ alleging a
325 default in payment of child support and stating that the party
326 wishes to require that payments be made through the State
327 Disbursement Unit ~~depository~~. The party shall provide copies of
328 the affidavit to the court and to each other party. Fifteen days
329 after receipt of the affidavit, the State Disbursement Unit
330 ~~depository~~ shall notify all ~~both~~ parties that future payments
331 shall be paid through the State Disbursement Unit ~~depository~~.

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

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

343 (b) A ~~Any~~ parenting plan approved by the court must, at a
344 minimum, describe in adequate detail how the parents will share
345 and be responsible for the daily tasks associated with the
346 upbringing of the child; ; ~~;~~ the time-sharing schedule arrangements
347 that specify the time that the minor child will spend with each
348 parent; ; ~~;~~ a designation of who will be responsible for any and

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349 all forms of health care, school-related matters including the
350 address to be used for school-boundary determination and
351 registration, and other activities;~~r~~ and the methods and
352 technologies that the parents will use to communicate with the
353 child.

354 (c)~~1~~. The court shall determine all matters relating to
355 parenting and time-sharing of each minor child of the parties in
356 accordance with the best interests of the child and in
357 accordance with the Uniform Child Custody Jurisdiction and
358 Enforcement Act, except that modification of a parenting plan
359 and time-sharing schedule requires a showing of a substantial,
360 material, and unanticipated change of circumstances.

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

369 2. The court shall order that the parental responsibility
370 for a minor child be shared by both parents unless the court
371 finds that shared parental responsibility would be detrimental
372 to the child. Evidence that a parent has been convicted of a
373 misdemeanor ~~felony~~ of the first ~~third~~ degree or higher involving
374 domestic violence, as defined in s. 741.28 and chapter 775, or
375 meets the criteria of s. 39.806(1)(d), creates a rebuttable
376 presumption of detriment to the child. If the presumption is not
377 rebutted after the convicted parent is advised by the court that

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378 the presumption exists, shared parental responsibility,
379 including time-sharing with the child, and decisions made
380 regarding the child, may not be granted to the convicted parent.
381 However, the convicted parent is not relieved of any obligation
382 to provide financial support. If the court determines that
383 shared parental responsibility would be detrimental to the
384 child, it may order sole parental responsibility and make such
385 arrangements for time-sharing as specified in the parenting plan
386 as will best protect the child or abused spouse from further
387 harm. Whether or not there is a conviction of any offense of
388 domestic violence or child abuse or the existence of an
389 injunction for protection against domestic violence, the court
390 shall consider evidence of domestic violence or child abuse as
391 evidence of detriment to the child.

392 a. In ordering shared parental responsibility, the court
393 may consider the expressed desires of the parents and may grant
394 to one party the ultimate responsibility over specific aspects
395 of the child's welfare or may divide those responsibilities
396 between the parties based on the best interests of the child.
397 Areas of responsibility may include education, health care, and
398 any other responsibilities that the court finds unique to a
399 particular family.

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

404 3. Access to records and information pertaining to a minor
405 child, including, but not limited to, medical, dental, and
406 school records, may not be denied to either parent. Full rights

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407 under this subparagraph apply to either parent unless a court
408 order specifically revokes these rights, including any
409 restrictions on these rights as provided in a domestic violence
410 injunction. A parent having rights under this subparagraph has
411 the same rights upon request as to form, substance, and manner
412 of access as are available to the other parent of a child,
413 including, without limitation, the right to in-person
414 communication with medical, dental, and education providers.

415 (d) The circuit court in the county in which either parent
416 and the child reside or the circuit court in which the original
417 order approving or creating the parenting plan was entered may
418 ~~has jurisdiction to~~ modify the parenting plan. The court may
419 change the venue in accordance with s. 47.122.

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

435 (a) The demonstrated capacity and disposition of each

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436 parent to facilitate and encourage a close and continuing
437 parent-child relationship, to honor the time-sharing schedule,
438 and to be reasonable when changes are required.

439 (b) The anticipated division of parental responsibilities
440 after the litigation, including the extent to which parental
441 responsibilities will be delegated to third parties.

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

445 (d) The length of time the child has lived in a stable,
446 satisfactory environment and the desirability of maintaining
447 continuity.

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

453 (f) The moral fitness of the parents.

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

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

456 (i) The reasonable preference of the child, if the court
457 deems the child to be of sufficient intelligence, understanding,
458 and experience to express a preference.

459 (j) The demonstrated knowledge, capacity, and disposition
460 of each parent to be informed of the circumstances of the minor
461 child, including, but not limited to, the child's friends,
462 teachers, medical care providers, daily activities, and favorite
463 things.

464 (k) The demonstrated capacity and disposition of each

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465 parent to provide a consistent routine for the child, such as
466 discipline, and daily schedules for homework, meals, and
467 bedtime.

468 (l) The demonstrated capacity of each parent to communicate
469 with and keep the other parent informed of issues and activities
470 regarding the minor child, and the willingness of each parent to
471 adopt a unified front on all major issues when dealing with the
472 child.

473 (m) Evidence of domestic violence, sexual violence, child
474 abuse, child abandonment, or child neglect, regardless of
475 whether a prior or pending action relating to those issues has
476 been brought. If the court accepts evidence of prior or pending
477 actions regarding domestic violence, sexual violence, child
478 abuse, child abandonment, or child neglect, the court must
479 specifically acknowledge in writing that such evidence was
480 considered when evaluating the best interests of the child.

481 (n) Evidence that either parent has knowingly provided
482 false information to the court regarding any prior or pending
483 action regarding domestic violence, sexual violence, child
484 abuse, child abandonment, or child neglect.

485 (o) The particular parenting tasks customarily performed by
486 each parent and the division of parental responsibilities before
487 the institution of litigation and during the pending litigation,
488 including the extent to which parenting responsibilities were
489 undertaken by third parties.

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

493 (q) The demonstrated capacity and disposition of each

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494 parent to maintain an environment for the child which is free
495 from substance abuse.

496 (r) The capacity and disposition of each parent to protect
497 the child from the ongoing litigation as demonstrated by not
498 discussing the litigation with the child, not sharing documents
499 or electronic media related to the litigation with the child,
500 and refraining from disparaging comments about the other parent
501 to the child.

502 (s) The developmental stages and needs of the child and the
503 demonstrated capacity and disposition of each parent to meet the
504 child's developmental needs.

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

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

518 Section 4. Section 61.13001, Florida Statutes, is amended
519 to read:

520 61.13001 Parental relocation with a child.—

521 (1) DEFINITIONS.—As used in this section, the term:

522 ~~(a) "Change of residence address" means the relocation of a~~

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523 ~~child to a principal residence more than 50 miles away from his~~
524 ~~or her principal place of residence at the time of the entry of~~
525 ~~the last order establishing or modifying the parenting plan or~~
526 ~~the time-sharing schedule or both for the minor child, unless~~
527 ~~the move places the principal residence of the minor child less~~
528 ~~than 50 miles from either parent.~~

529 (a) ~~(b)~~ "Child" means any person who is under the
530 jurisdiction of a state court pursuant to the Uniform Child
531 Custody Jurisdiction and Enforcement Act or is the subject of
532 any order granting to a parent or other person any right to
533 time-sharing, residential care, kinship, or custody, as provided
534 under state law.

535 (b) ~~(c)~~ "Court" means the circuit court in an original
536 proceeding which has proper venue and jurisdiction in accordance
537 with the Uniform Child Custody Jurisdiction and Enforcement Act,
538 the circuit court in the county in which either parent and the
539 child reside, or the circuit court in which the original action
540 was adjudicated.

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

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

551 (e) ~~(f)~~ "Relocation" means a change in the location of the

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552 principal residence of a parent or other person from his or her
553 principal place of residence at the time of the last order
554 establishing or modifying time-sharing, or at the time of filing
555 the pending action to establish or modify time-sharing. The
556 change of location must be at least 50 miles from that
557 residence, and for at least ~~child for a period of~~ 60 consecutive
558 days not including ~~or more but does not include~~ a temporary
559 absence from the principal residence for purposes of vacation,
560 education, or the provision of health care for the child.

561 (2) RELOCATION BY AGREEMENT.—

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

- 566 1. Reflects ~~the~~ consent to the relocation;
- 567 2. Defines an access or ~~a~~ time-sharing schedule for the
568 nonrelocating parent and any other persons who are entitled to
569 access or time-sharing; and
- 570 3. Describes, if necessary, any transportation arrangements
571 related to access or time-sharing ~~the visitation~~.

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

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581 agreement without an evidentiary hearing.

582 (3) PETITION NOTICE OF INTENT TO RELOCATE WITH A CHILD.—
583 Unless an agreement has been entered as described in subsection
584 (2), a parent or other person seeking relocation must file a
585 petition to relocate and serve it upon ~~who is entitled to time-~~
586 ~~sharing with the child shall notify~~ the other parent, and every
587 other person entitled to access to or time-sharing with the
588 child, ~~of a proposed relocation of the child's residence. The~~
589 pleadings must be in accordance with ~~form of notice shall be~~
590 ~~according to~~ this section:

591 (a) The petition to relocate must be signed under oath or
592 affirmation under penalty of perjury and include ~~parent seeking~~
593 ~~to relocate shall prepare a Notice of Intent to Relocate. The~~
594 ~~following information must be included with the Notice of Intent~~
595 ~~to Relocate and signed under oath under penalty of perjury:~~

596 1. A description of the location of the intended new
597 residence, including the state, city, and specific physical
598 address, if known.

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

601 3. The home telephone number of the intended new residence,
602 if known.

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

604 5. A detailed statement of the specific reasons for the
605 proposed relocation ~~of the child~~. If one of the reasons is based
606 upon a job offer that ~~which~~ has been reduced to writing, the
607 ~~that~~ written job offer must be attached to the petition ~~Notice~~
608 ~~of Intent to Relocate~~.

609 6. A proposal for the revised postrelocation schedule for

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610 access and ~~of~~ time-sharing together with a proposal for the
611 postrelocation transportation arrangements necessary to
612 effectuate time-sharing with the child. Absent the existence of
613 a current, valid order abating, terminating, or restricting
614 access or time-sharing ~~visitation~~ or other good cause predating
615 the petition ~~Notice of Intent to Relocate~~, failure to comply
616 with this provision renders the petition ~~Notice of Intent~~ to
617 relocate legally insufficient.

618 7. Substantially the following statement, in all capital
619 letters and in the same size type, or larger, as the type in the
620 remainder of the petition ~~notice~~:

621
622 A RESPONSE ~~AN OBJECTION~~ TO THE PETITION OBJECTING TO PROPOSED
623 RELOCATION MUST BE MADE IN WRITING, FILED WITH THE COURT, AND
624 SERVED ON THE PARENT OR OTHER PERSON SEEKING TO RELOCATE WITHIN
625 20 ~~30~~ DAYS AFTER SERVICE OF THIS PETITION ~~NOTICE OF INTENT~~ TO
626 RELOCATE. IF YOU FAIL TO TIMELY OBJECT TO THE RELOCATION, THE
627 RELOCATION WILL BE ALLOWED, UNLESS IT IS NOT IN THE BEST
628 INTERESTS OF THE CHILD, WITHOUT FURTHER NOTICE AND WITHOUT A
629 HEARING.

630 ~~8. The mailing address of the parent or other person~~
631 ~~seeking to relocate to which the objection filed under~~
632 ~~subsection (5) to the Notice of Intent to Relocate should be~~
633 ~~sent.~~

634
635 ~~The contents of the Notice of Intent to Relocate are not~~
636 ~~privileged. For purposes of encouraging amicable resolution of~~
637 ~~the relocation issue, a copy of the Notice of Intent to Relocate~~
638 ~~shall initially not be filed with the court but instead served~~

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639 upon the nonrelocating parent, other person, and every other
640 person entitled to time sharing with the child, and the original
641 thereof shall be maintained by the parent or other person
642 seeking to relocate.

643 ~~(b)~~ The parent seeking to relocate shall also prepare a
644 Certificate of Serving Notice of Intent to Relocate. The
645 certificate shall certify the date that the Notice of Intent to
646 Relocate was served on the other parent and on every other
647 person entitled to time sharing with the child.

648 ~~(b)-(c)~~ The petition Notice of Intent to relocate must, and
649 the Certificate of Serving Notice of Intent to Relocate, shall
650 be served on the other parent and on every other person entitled
651 to access to and time-sharing with the child. If there is a
652 pending court action regarding the child, service of process may
653 be according to court rule. Otherwise, service of process shall
654 be according to chapters 48 and 49 or via certified mail,
655 restricted delivery, return receipt requested.

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

661 ~~(d)-(e)~~ If the other parent and any other person entitled to
662 access to or time-sharing with the child fails to timely file a
663 response objecting to the petition to relocate ~~an objection~~, it
664 is ~~shall be~~ presumed that the relocation is in the best interest
665 of the child and that, the relocation should ~~shall~~ be allowed,
666 and the court shall, absent good cause, enter an order
667 specifying, ~~attaching a copy of the Notice of Intent to~~

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668 Relocate, ~~reflecting~~ that the order is entered as a result of
669 the failure to respond to the petition ~~object to the Notice of~~
670 ~~Intent to Relocate,~~ and adopting the access and time-sharing
671 schedule and transportation arrangements contained in the
672 petition Notice of Intent to Relocate. The order may be issued
673 ~~issue~~ in an expedited manner without the necessity of an
674 evidentiary hearing. If a response ~~an objection~~ is timely filed,
675 the parent or other person may not relocate, and must proceed to
676 a temporary hearing or trial and ~~burden returns to the parent or~~
677 ~~person seeking to relocate to initiate court proceedings to~~
678 obtain court permission to relocate ~~before doing so~~.

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

687 1. A factor in making a determination regarding the
688 relocation of a child.

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

691 3. A basis for ordering the temporary or permanent return
692 of the child.

693 4. Sufficient cause to order the parent or other person
694 seeking to relocate the child to pay reasonable expenses and
695 attorney's fees incurred by the party objecting to the
696 relocation.

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

700 (4) APPLICABILITY OF PUBLIC RECORDS LAW.—If the parent or
701 other person seeking to relocate a child, or the child, is
702 entitled to prevent disclosure of location information under a
703 ~~any public records exemption applicable to that person~~, the
704 court may enter any order necessary to modify the disclosure
705 requirements of this section in compliance with the public
706 records exemption.

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

716 (6) TEMPORARY ORDER.—

717 (a) The court may grant a temporary order restraining the
718 relocation of a child, order ~~or ordering~~ the return of the
719 child, if a relocation has previously taken place, or order
720 other appropriate remedial relief, if the court finds:

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

724 2. That the child ~~already~~ has been relocated without a
725 ~~notice or~~ written agreement of the parties or without court

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726 approval; or

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

730 (b) The court may grant a temporary order permitting the
731 relocation of the child pending final hearing, if the court
732 finds:

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

736 2. ~~Finds~~ From an examination of the evidence presented at
737 the preliminary hearing, that there is a likelihood that on
738 final hearing the court will approve the relocation of the
739 child, which findings must be supported by the same factual
740 basis as would be necessary to support approving the ~~permitting~~
741 ~~of~~ relocation in a final judgment.

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

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

751 (7) NO PRESUMPTION; FACTORS TO DETERMINE CONTESTED
752 RELOCATION.—A presumption ~~does not arise~~ in favor of or against
753 a request to relocate with the child does not arise if ~~when~~ a
754 parent or other person seeks to relocate ~~move the child~~ and the

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755 move will materially affect the current schedule of contact,
756 access, and time-sharing with the nonrelocating parent or other
757 person. In reaching its decision regarding a proposed temporary
758 or permanent relocation, the court shall evaluate all of the
759 following ~~factors~~:

760 (a) The nature, quality, extent of involvement, and
761 duration of the child's relationship with the parent or other
762 person proposing to relocate with the child and with the
763 nonrelocating parent, other persons, siblings, half-siblings,
764 and other significant persons in the child's life.

765 (b) The age and developmental stage of the child, the needs
766 of the child, and the likely impact the relocation will have on
767 the child's physical, educational, and emotional development,
768 taking into consideration any special needs of the child.

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

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

781 (e) Whether the relocation will enhance the general quality
782 of life for both the parent or other person seeking the
783 relocation and the child, including, but not limited to,

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784 financial or emotional benefits or educational opportunities.

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

787 (g) The current employment and economic circumstances of
788 each parent or other person and whether ~~or not~~ the proposed
789 relocation is necessary to improve the economic circumstances of
790 the parent or other person seeking relocation of the child.

791 (h) That the relocation is sought in good faith and the
792 extent to which the objecting parent has fulfilled his or her
793 financial obligations to the parent or other person seeking
794 relocation, including child support, spousal support, and
795 marital property and marital debt obligations.

796 (i) The career and other opportunities available to the
797 objecting parent or ~~objecting~~ other person if the relocation
798 occurs.

799 (j) A history of substance abuse or domestic violence as
800 defined in s. 741.28 or which meets the criteria of s.
801 39.806(1)(d) by either parent, including a consideration of the
802 severity of such conduct and the failure or success of any
803 attempts at rehabilitation.

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

806 (8) BURDEN OF PROOF.—The parent or other person wishing to
807 relocate has the burden of proving ~~proof if an objection is~~
808 ~~filed and must then initiate a proceeding seeking court~~
809 ~~permission for relocation. The initial burden is on the parent~~
810 ~~or person wishing to relocate to prove~~ by a preponderance of the
811 evidence that relocation is in the best interest of the child.
812 If that burden of proof is met, the burden shifts to the

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813 nonrelocating parent or other person to show by a preponderance
814 of the evidence that the proposed relocation is not in the best
815 interest of the child.

816 (9) ORDER REGARDING RELOCATION.—If relocation is approved
817 ~~permitted~~:

818 (a) The court may, in its discretion, order contact with
819 the nonrelocating parent or other person, including access,
820 time-sharing, telephone, Internet, webcam, and other
821 arrangements sufficient to ensure that the child has frequent,
822 continuing, and meaningful contact, ~~access, and time-sharing~~
823 with the nonrelocating parent or other person ~~persons~~, if
824 contact is financially affordable and in the best interest of
825 the child.

826 (b) If applicable, the court shall specify how the
827 transportation costs are to ~~will~~ be allocated between the
828 parents and other persons entitled to contact, access, and time-
829 sharing and may adjust the child support award, as appropriate,
830 considering the costs of transportation and the respective net
831 incomes of the parents in accordance with the state child
832 support guidelines schedule.

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

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842 (11) APPLICABILITY.—

843 (a) This section applies:

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

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

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

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

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

864 61.183 Mediation of certain contested issues.—

865 (1) In any proceeding in which the issues of parental
866 responsibility, primary residence, access to, visitation with,
867 or support of a child are contested, the court may refer the
868 parties to mediation in accordance with rules promulgated by the
869 Supreme Court. In Title IV-D cases, any costs, including filing
870 fees, recording fees, mediation costs, service of process fees,

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871 and other expenses incurred by the clerk of the circuit court,
872 shall be assessed only against the nonprevailing obligor after
873 the court makes a determination of the nonprevailing obligor's
874 ability to pay such costs and fees.

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

877 61.20 Social investigation and recommendations regarding a
878 parenting plan.—

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

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

892 61.21 Parenting course authorized; fees; required
893 attendance authorized; contempt.—

894 (2) The Department of Children and Family Services shall
895 approve a parenting course which shall be a course of a minimum
896 of 4 hours designed to educate, train, and assist divorcing
897 parents in regard to the consequences of divorce on parents and
898 children.

899 (a) The parenting course referred to in this section shall

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900 be named the Parent Education and Family Stabilization Course
901 and may include, but need not be limited to, the following
902 topics as they relate to court actions between parents involving
903 custody, care, time-sharing ~~visitation~~, and support of a child
904 or children:

- 905 1. Legal aspects of deciding child-related issues between
906 parents.
- 907 2. Emotional aspects of separation and divorce on adults.
- 908 3. Emotional aspects of separation and divorce on children.
- 909 4. Family relationships and family dynamics.
- 910 5. Financial responsibilities to a child or children.
- 911 6. Issues regarding spousal or child abuse and neglect.
- 912 7. Skill-based relationship education that may be
913 generalized to parenting, workplace, school, neighborhood, and
914 civic relationships.

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

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929 of compliance with this subsection with the court prior to the
930 entry of the final judgment.

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

935 Section 8. Paragraph (a) of subsection (5) of section
936 741.30, Florida Statutes, is amended to read:

937 741.30 Domestic violence; injunction; powers and duties of
938 court and clerk; petition; notice and hearing; temporary
939 injunction; issuance of injunction; statewide verification
940 system; enforcement.—

941 (5) (a) If ~~When~~ it appears to the court that an immediate
942 and present danger of domestic violence exists, the court may
943 grant a temporary injunction ex parte, pending a full hearing,
944 and may grant such relief as the court deems proper, including
945 an injunction:

946 1. Restraining the respondent from committing any acts of
947 domestic violence.

948 2. Awarding to the petitioner the temporary exclusive use
949 and possession of the dwelling that the parties share or
950 excluding the respondent from the residence of the petitioner.

951 3. On the same basis as provided in s. 61.13, providing the
952 petitioner a temporary parenting plan, including a time-sharing
953 schedule, which may award the petitioner up to ~~with~~ 100 percent
954 of the time-sharing. The temporary parenting plan remains ~~that~~
955 ~~shall remain~~ in effect until the order expires or an order is
956 entered by a court of competent jurisdiction in a pending or
957 subsequent civil action or proceeding affecting the placement

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958 of, access to, parental time with, adoption of, or parental
959 rights and responsibilities for the minor child.

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