

# CHAPTER 97-242

## House Bill No. 1421

An act relating to child custody; amending s. 61.13, F.S.; providing that no presumption shall arise in favor of or against a relocation request when a primary residential parent seeks to move the child; providing factors for the court to consider; creating s. 61.121, F.S.; providing for rotating custody of a child under certain circumstances; amending s. 61.052, F.S.; providing for rotating custody during a period of continuance; providing an effective date.

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

Section 1. Paragraph (d) is added to subsection (2) of section 61.13, Florida Statutes, 1996 Supplement, to read:

61.13 Custody and support of children; visitation rights; power of court in making orders.—

(2)

(d) No presumption shall arise in favor of or against a request to relocate when a primary residential parent seeks to move the child and the move will materially affect the current schedule of contact and access with the secondary residential parent. In making a determination as to whether the primary residential parent may relocate with a child, the court must consider the following factors:

1. Whether the move would be likely to improve the general quality of life for both the residential parent and the child.

2. The extent to which visitation rights have been allowed and exercised.

3. Whether the primary residential parent, once out of the jurisdiction, will be likely to comply with any substitute visitation arrangements.

4. Whether the substitute visitation will be adequate to foster a continuing meaningful relationship between the child and the secondary residential parent.

5. Whether the cost of transportation is financially affordable by one or both parties.

6. Whether the move is in the best interests of the child.

Section 2. Section 61.121, F.S., is created to read:

61.121 Rotating custody.—

The court may order rotating custody if the court finds that rotating custody will be in the best interest of the child.

Section 3. Subsection (3) of section 61.052, F.S., 1996 Supplement, is amended to read:

61.052 Dissolution of marriage.—

(3) During any period of continuance, the court may make appropriate orders for the support and alimony of the parties; the primary residence, custody, rotating custody, visitation, support, maintenance, and education of the minor child of the marriage; attorney's fees; and the preservation of the property of the parties.

Section 4. This act shall take effect July 1, 1997.

Became a law without the Governor's approval May 30, 1997.

Filed in Office Secretary of State May 29, 1997.