

Committee Substitute for  
Committee Substitute for Senate Bill No. 2532

An act relating to child custody and support; providing a directive to the Division of Statutory Revision to retitle ch. 61, F.S.; amending s. 61.046, F.S.; defining the terms “parenting plan,” “parenting plan recommendation,” and “time-sharing schedule”; deleting definitions of the terms “custodial parent” and “noncustodial parent”; amending ss. 61.052, 61.09, and 61.10, F.S.; conforming provisions to changes in terminology; repealing s. 61.121, F.S., relating to rotating custody; amending s. 61.122, F.S.; conforming provisions to changes in terminology; revising provisions relating to a presumption of good faith for psychologists making specified determinations; amending s. 61.13, F.S.; revising provisions relating to modification of support; conforming provisions to changes in terminology; revising provisions relating to development of a parenting plan; amending s. 61.13001, F.S.; conforming provisions to changes in terminology; deleting obsolete definitions; amending s. 61.13002, F.S.; providing for orders of temporary support for children whose time-sharing is temporarily modified due to a parent’s military service; conforming provisions to changes in terminology; amending ss. 61.14, 61.181, and 61.1827, F.S.; conforming provisions to changes in terminology; conforming a cross-reference; amending s. 61.20, F.S.; conforming provisions to changes in terminology; revising provisions relating to social investigation and recommendations regarding a parenting plan; amending s. 61.21, F.S.; conforming provisions to changes in terminology; amending s. 61.30, F.S.; conforming provisions to changes in terminology; amending ss. 61.401, 61.45, 409.2554, and 409.2558, F.S.; conforming provisions to changes in terminology; amending s. 409.2563, F.S.; conforming provisions to changes in terminology; revising provisions relating to presumption of a parent’s income for the purpose of establishing a support obligation; deleting an obsolete provision concerning a study by the Office of Program Policy Analysis and Government Accountability; amending ss. 409.2564, 409.25657, 409.25659, and 409.2577, F.S.; conforming provisions to changes in terminology; amending s. 409.2579, F.S.; conforming a cross-reference; amending ss. 409.811, 414.0252, 414.065, 414.085, 414.095, 414.295, and 445.024, F.S.; conforming provisions to changes in terminology; amending s. 741.0306, F.S.; revising requirements for a family law handbook; conforming provisions to changes in terminology; requiring a review of the handbook and report to the Legislature; amending s. 741.30, F.S.; conforming provisions to changes in terminology; amending s. 742.031, F.S.; conforming provisions to changes in terminology; providing for time-sharing and parental responsibility in paternity judgments; amending ss. 753.01 and 827.06, F.S.; conforming provisions to changes in terminology; reenacting s. 61.1825(3)(a), F.S., relating to the State Case Registry, to incorporate the amendments made to s. 741.30, F.S., in a reference thereto; providing an effective date.

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

Section 1. The Division of Statutory Revision is directed to redesignate chapter 61, Florida Statutes, as “Dissolution of Marriage; Support; Time-sharing.”

Section 2. Section 61.046, Florida Statutes, is amended to read:

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

(1) “Business day” means any day other than a Saturday, Sunday, or legal holiday.

(2) “Clerk of Court Child Support Collection System” or “CLERC System” means the automated system established pursuant to s. 61.181(2)(b)1., integrating all clerks of court and depositories and through which payment data and State Case Registry data is transmitted to the department’s automated child support enforcement system.

~~(3) “Custodial parent” or “primary residential parent” means the parent with whom the child maintains his or her primary residence.~~

~~(3)(4)~~ “Department” means the Department of Revenue.

~~(4)(5)~~ “Depository” means the central governmental depository established pursuant to s. 61.181, created by special act of the Legislature or other entity established before June 1, 1985, to perform depository functions and to receive, record, report, disburse, monitor, and otherwise handle alimony and child support payments not otherwise required to be processed by the State Disbursement Unit.

~~(5)(6)~~ “Electronic communication” means contact, other than face-to-face contact, facilitated by tools such as telephones, electronic mail or e-mail, webcams, video-conferencing equipment and software or other wired or wireless technologies, or other means of communication to supplement face-to-face contact between a parent and that parent’s minor child.

~~(6)(7)~~ “Federal Case Registry of Child Support Orders” means the automated registry of support order abstracts and other information established and maintained by the United States Department of Health and Human Services as provided by 42 U.S.C. s. 653(h).

~~(7)(8)~~ “Income” means any form of payment to an individual, regardless of source, including, but not limited to: wages, salary, commissions and bonuses, compensation as an independent contractor, worker’s compensation, disability benefits, annuity and retirement benefits, pensions, dividends, interest, royalties, trusts, and any other payments, made by any person, private entity, federal or state government, or any unit of local government. United States Department of Veterans Affairs disability benefits and unemployment compensation, as defined in chapter 443, are excluded from this definition of income except for purposes of establishing an amount of support.

~~(8)~~(9) “IV-D” means services provided pursuant to Title IV-D of the Social Security Act, 42 U.S.C. ss. 651 et seq.

~~(9)~~(10) “Local officer” means an elected or appointed constitutional or charter government official including, but not limited to, the state attorney and clerk of the circuit court.

~~(10)~~(11) “National medical support notice” means the notice required under 42 U.S.C. s. 666(a)(19).

~~(12)~~—“Noncustodial parent” means the parent with whom the child does not maintain his or her primary residence.

~~(11)~~(13) “Obligee” means the person to whom payments are made pursuant to an order establishing, enforcing, or modifying an obligation for alimony, for child support, or for alimony and child support.

~~(12)~~(14) “Obligor” means a person responsible for making payments pursuant to an order establishing, enforcing, or modifying an obligation for alimony, for child support, or for alimony and child support.

(13) “Parenting plan” means a document created to govern the relationship between the parties relating to the decisions that must be made regarding the minor child and shall contain a time-sharing schedule for the parents and child. The issues concerning the minor child may include, but are not limited to, the child’s education, health care, and physical, social, and emotional well-being. In creating the plan, all circumstances between the parties, including the parties’ historic relationship, domestic violence, and other factors must be taken into consideration. The parenting plan shall be developed and agreed to by the parents and approved by a court or, if the parents cannot agree, established by the court.

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

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

(c) For purposes of the International Child Abduction Remedies Act, 42 U.S.C. ss. 11601 et seq., and the Convention on the Civil Aspects of International Child Abduction, enacted at the Hague on October 25, 1980, rights of custody shall be determined under the parenting plan under this part.

(14) “Parenting plan recommendation” means a nonbinding recommendation made by a psychologist licensed under chapter 490.

(15) “Payor” means an employer or former employer or any other person or agency providing or administering income to the obligor.

(16) “Shared parental responsibility” means a court-ordered relationship in which both parents retain full parental rights and responsibilities with respect to their child and in which both parents confer with each other so that major decisions affecting the welfare of the child will be determined jointly.

(17) “Sole parental responsibility” means a court-ordered relationship in which one parent makes decisions regarding the minor child.

(18) “State Case Registry” means the automated registry maintained by the Title IV-D agency, containing records of each Title IV-D case and of each support order established or modified in the state on or after October 1, 1998. Such records shall consist of data elements as required by the United States Secretary of Health and Human Services.

(19) “State Disbursement Unit” means the unit established and operated by the Title IV-D agency to provide one central address for collection and disbursement of child support payments made in cases enforced by the department pursuant to Title IV-D of the Social Security Act and in cases not being enforced by the department in which the support order was initially issued in this state on or after January 1, 1994, and in which the obligor’s child support obligation is being paid through income deduction order.

(20) “Support order” means a judgment, decree, or order, whether temporary or final, issued by a court of competent jurisdiction or administrative agency for the support and maintenance of a child which provides for monetary support, health care, arrearages, or past support. When the child support obligation is being enforced by the Department of Revenue, the term “support order” also means a judgment, decree, or order, whether temporary or final, issued by a court of competent jurisdiction for the support and maintenance of a child and the spouse or former spouse of the obligor with whom the child is living which provides for monetary support, health care, arrearages, or past support.

(21) “Support,” unless otherwise specified, means:

(a) Child support and, when the child support obligation is being enforced by the Department of Revenue, spousal support or alimony for the spouse or former spouse of the obligor with whom the child is living.

(b) Child support only in cases not being enforced by the Department of Revenue.

(22) “Time-sharing schedule” means a timetable that must be included in the parenting plan that specifies the time, including overnights and holidays, that a minor child will spend with each parent. If developed and agreed to by the parents of a minor child, it must be approved by the court. If the parents cannot agree, the schedule shall be established by the court.

Section 3. Subsection (3) of section 61.052, Florida Statutes, 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 parenting plan 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. Section 61.09, Florida Statutes, is amended to read:

61.09 Alimony and child support unconnected with dissolution.—If a person having the ability to contribute to the maintenance of his or her spouse and support of his or her minor child fails to do so, the spouse who is not receiving support ~~or who has custody of the child or with whom the child has primary residence~~ may apply to the court for alimony and for support for the child without seeking dissolution of marriage, and the court shall enter an order as it deems just and proper.

Section 5. Section 61.10, Florida Statutes, is amended to read:

61.10 Adjudication of obligation to support spouse or minor child unconnected with dissolution; parenting plan child custody, child's primary residence, and visitation.—Except when relief is afforded by some other pending civil action or proceeding, a spouse residing in this state apart from his or her spouse and minor child, whether or not such separation is through his or her fault, may obtain an adjudication of obligation to maintain the spouse and minor child, if any. The court shall adjudicate his or her financial obligations to the spouse and child and, shall establish the parenting plan for child's primary residence, and shall determine the custody and visitation rights of the parties. Such an action does not preclude either party from maintaining any other proceeding under this chapter for other or additional relief at any time.

Section 6. Section 61.121, Florida Statutes, is repealed.

Section 7. Section 61.122, Florida Statutes, is amended to read:

61.122 Parenting plan recommendation Child custody evaluations; presumption of psychologist's good faith; prerequisite to parent's filing suit; award of fees, costs, reimbursement.—

(1) A psychologist who has been appointed by the court to develop a parenting plan recommendation ~~conduct a child custody evaluation in a dissolution of marriage, a case of domestic violence, or a paternity matter involving the relationship of a child and a parent, including time-sharing of children, judicial proceeding~~ is presumed to be acting in good faith if the psychologist's recommendation evaluation ~~has been reached under conducted pursuant to standards that a reasonable psychologist would use to develop a parenting plan recommendation have used as recommended by the American Psychological Association's guidelines for child custody evaluation in divorce proceedings.~~

(2) An administrative complaint against a court-appointed psychologist which relates to a parenting plan recommendation ~~child custody evaluation~~

conducted by the psychologist may not be filed anonymously. The individual who files ~~such~~ an administrative complaint must include in the complaint his or her name, address, and telephone number.

(3) A parent who ~~desires~~ wishes to file a legal action against a court-appointed psychologist who has acted in good faith in ~~developing~~ conducting a ~~parenting plan recommendation~~ child custody evaluation must petition the judge who presided over the ~~dissolution of marriage, case of domestic violence, or paternity matter involving the relationship of a child and a parent, including time-sharing of children,~~ child custody proceeding to appoint another psychologist. Upon the parent's showing of good cause, the court shall appoint another psychologist. The court shall ~~determine~~ make a determination as to who is responsible for all court costs and attorney's fees associated with making such an appointment.

(4) If a legal action, whether it be a civil action, a criminal action, or an administrative proceeding, is filed against a court-appointed psychologist in a ~~dissolution of marriage, case of domestic violence, or paternity matter involving the relationship of a child and a parent, including time-sharing of children~~ child custody proceeding, the claimant is responsible for all reasonable costs and reasonable attorney's fees associated with the action for both parties if the psychologist is held not liable. If the psychologist is held liable in civil court, the psychologist must pay all reasonable costs and reasonable attorney's fees for the claimant.

Section 8. Section 61.13, Florida Statutes, is amended to read:

61.13 ~~Custody and Support of children; parenting and time-sharing visitation rights; powers~~ power of court in making orders.—

(1)(a) In a proceeding under this chapter, the court may at any time order either or both parents who owe a duty of support to a child to pay support ~~to the other parent or, in the case of both parents, to the person with custody~~ in accordance with the child support guidelines schedule in s. 61.30. The court initially entering an order requiring one or both parents to make child support payments ~~has~~ shall have continuing jurisdiction after the entry of the initial order to modify the amount and terms and conditions of the child support payments when the modification is found necessary by the court in the best interests of the child, when the child reaches majority, ~~or~~ when there is a substantial change in the circumstances of the parties, ~~when s. 743.07(2) applies, or when a child is emancipated, marries, joins the armed services, or dies.~~ The court initially entering a child support order ~~has~~ shall also have continuing jurisdiction to require the obligee to report to the court on terms prescribed by the court regarding the disposition of the child support payments.

(b) Each order for support shall contain a provision for health care coverage for the minor child when the coverage is reasonably available. Coverage is reasonably available if either the obligor or obligee has access at a reasonable rate to a group health plan. The court may require the obligor either to provide health care coverage or to reimburse the obligee for the cost of health care coverage for the minor child when coverage is provided by the obligee. In either event, the court shall apportion the cost of coverage, and

any noncovered medical, dental, and prescription medication expenses of the child, to both parties by adding the cost to the basic obligation determined pursuant to s. 61.30(6). The court may order that payment of uncovered medical, dental, and prescription medication expenses of the minor child be made directly to the obligee on a percentage basis.

1. In a non-Title IV-D case, a copy of the court order for health care coverage shall be served on the obligor's union or employer by the obligee when the following conditions are met:

a. The obligor fails to provide written proof to the obligee within 30 days after receiving effective notice of the court order that the health care coverage has been obtained or that application for coverage has been made;

b. The obligee serves written notice of intent to enforce an order for health care coverage on the obligor by mail at the obligor's last known address; and

c. The obligor fails within 15 days after the mailing of the notice to provide written proof to the obligee that the health care coverage existed as of the date of mailing.

2.a. A support order enforced under Title IV-D of the Social Security Act which requires that the obligor provide health care coverage is enforceable by the department through the use of the national medical support notice, and an amendment to the support order is not required. The department shall transfer the national medical support notice to the obligor's union or employer. The department shall notify the obligor in writing that the notice has been sent to the obligor's union or employer, and the written notification must include the obligor's rights and duties under the national medical support notice. The obligor may contest the withholding required by the national medical support notice based on a mistake of fact. To contest the withholding, the obligor must file a written notice of contest with the department within 15 business days after the date the obligor receives written notification of the national medical support notice from the department. Filing with the department is complete when the notice is received by the person designated by the department in the written notification. The notice of contest must be in the form prescribed by the department. Upon the timely filing of a notice of contest, the department shall, within 5 business days, schedule an informal conference with the obligor to discuss the obligor's factual dispute. If the informal conference resolves the dispute to the obligor's satisfaction or if the obligor fails to attend the informal conference, the notice of contest is deemed withdrawn. If the informal conference does not resolve the dispute, the obligor may request an administrative hearing under chapter 120 within 5 business days after the termination of the informal conference, in a form and manner prescribed by the department. However, the filing of a notice of contest by the obligor does not delay the withholding of premium payments by the union, employer, or health plan administrator. The union, employer, or health plan administrator must implement the withholding as directed by the national medical support notice unless notified by the department that the national medical support notice is terminated.

b. In a Title IV-D case, the department shall notify an obligor's union or employer if the obligation to provide health care coverage through that union or employer is terminated.

3. In a non-Title IV-D case, upon receipt of the order pursuant to subparagraph 1., or upon application of the obligor pursuant to the order, the union or employer shall enroll the minor child as a beneficiary in the group health plan regardless of any restrictions on the enrollment period and withhold any required premium from the obligor's income. If more than one plan is offered by the union or employer, the child shall be enrolled in the group health plan in which the obligor is enrolled.

4.a. Upon receipt of the national medical support notice under subparagraph 2. in a Title IV-D case, the union or employer shall transfer the notice to the appropriate group health plan administrator within 20 business days after the date on the notice. The plan administrator must enroll the child as a beneficiary in the group health plan regardless of any restrictions on the enrollment period, and the union or employer must withhold any required premium from the obligor's income upon notification by the plan administrator that the child is enrolled. The child shall be enrolled in the group health plan in which the obligor is enrolled. If the group health plan in which the obligor is enrolled is not available where the child resides or if the obligor is not enrolled in group coverage, the child shall be enrolled in the lowest cost group health plan that is available where the child resides.

b. If health care coverage or the obligor's employment is terminated in a Title IV-D case, the union or employer that is withholding premiums for health care coverage under a national medical support notice must notify the department within 20 days after the termination and provide the obligor's last known address and the name and address of the obligor's new employer, if known.

5.a. The amount withheld by a union or employer in compliance with a support order may not exceed the amount allowed under s. 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s. 1673(b), as amended. The union or employer shall withhold the maximum allowed by the Consumer Credit Protection Act in the following order:

- (I) Current support, as ordered.
- (II) Premium payments for health care coverage, as ordered.
- (III) Past due support, as ordered.
- (IV) Other medical support or coverage, as ordered.

b. If the combined amount to be withheld for current support plus the premium payment for health care coverage exceed the amount allowed under the Consumer Credit Protection Act, and the health care coverage cannot be obtained unless the full amount of the premium is paid, the union or employer may not withhold the premium payment. However, the union or employer shall withhold the maximum allowed in the following order:



- (I) Current support, as ordered.
- (II) Past due support, as ordered.
- (III) Other medical support or coverage, as ordered.

6. An employer, union, or plan administrator who does not comply with the requirements in sub-subparagraph 4.a. is subject to a civil penalty not to exceed \$250 for the first violation and \$500 for subsequent violations, plus attorney's fees and costs. The department may file a petition in circuit court to enforce the requirements of this subparagraph subsection.

7. The department may adopt rules to administer the child support enforcement provisions of this section that affect Title IV-D cases.

(c) To the extent necessary to protect an award of child support, the court may order the obligor to purchase or maintain a life insurance policy or a bond, or to otherwise secure the child support award with any other assets which may be suitable for that purpose.

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

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

3. If both parties request and the court finds that it is in the best interest of the child, support payments need not be directed through the depository. The order of support shall provide, or shall be deemed to provide, that either party may subsequently apply to the depository to require direction of the payments through the depository. The court shall provide a copy of the order to the depository.

4. If the parties elect not to require that support payments be made through the depository, any party may subsequently file an affidavit with the depository alleging a default in payment of child support and stating that the party wishes to require that payments be made through the depository. The party shall provide copies of the affidavit to the court and to each other party. Fifteen days after receipt of the affidavit, the depository shall notify both parties that future payments shall be paid through the depository.

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

(2)(a) The court shall have jurisdiction to approve, grant, or modify a parenting plan ~~determine custody~~, notwithstanding that the child is not

physically present in this state at the time of filing any proceeding under this chapter, if it appears to the court that the child was removed from this state for the primary purpose of removing the child from the jurisdiction of the court in an attempt to avoid the court's approval, creation, or modification of a parenting plan ~~a determination or modification of custody.~~

(b) Any parenting plan approved by the court must, at minimum, describe in adequate detail how the parents will share and be responsible for the daily tasks associated with the upbringing of the child, the time-sharing schedule arrangements that specify the time that the minor child will spend with each parent, a designation of who will be responsible for any and all forms of health care, school-related matters, other activities, and the methods and technologies that the parents will use to communicate with the child.

~~(c)~~<sup>(b)</sup>1. The court shall determine all matters relating to parenting and time-sharing custody of each minor child of the parties in accordance with the best interests of the child and in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act. It is the public policy of this state to assure that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities, and joys, of childrearing. There is no presumption for or against ~~After considering all relevant facts, the father or mother of the child when creating or modifying the parenting plan shall be given the same consideration as the mother in determining the primary residence of a child irrespective of the age or sex of the child.~~

2. The court shall order that the parental responsibility for a minor child be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child. Evidence that a parent has been convicted of a felony of the third degree or higher involving domestic violence, as defined in s. 741.28 and chapter 775, or meets the criteria of s. 39.806(1)(d), creates a rebuttable presumption of detriment to the child. If the presumption is not rebutted, shared parental responsibility, including time-sharing with visitation, ~~residence~~ of the child, and decisions made regarding the child, may not be granted to the convicted parent. However, the convicted parent is not relieved of any obligation to provide financial support. If the court determines that shared parental responsibility would be detrimental to the child, it may order sole parental responsibility and make such arrangements for time-sharing as specified in the parenting plan visitation as will best protect the child or abused spouse from further harm. Whether or not there is a conviction of any offense of domestic violence or child abuse or the existence of an injunction for protection against domestic violence, the court shall consider evidence of domestic violence or child abuse as evidence of detriment to the child.

a. In ordering shared parental responsibility, the court may consider the expressed desires of the parents and may grant to one party the ultimate responsibility over specific aspects of the child's welfare or may divide those responsibilities between the parties based on the best interests of the child. Areas of responsibility may include ~~primary residence~~, education, health

~~care medical and dental care, and any other responsibilities that the court finds unique to a particular family.~~

b. The court shall order “sole parental responsibility for a minor child to one parent, with or without time-sharing with visitation rights, to the other parent” when it is in the best interests of<sup>2</sup> the minor child.

3. Access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records, may not be denied to either a parent ~~because the parent is not the child’s primary residential parent~~. Full rights under this subparagraph apply to either parent unless a court order specifically revokes these rights, including any restrictions on these rights as provided in a domestic violence injunction. A parent having rights under this subparagraph has the same rights upon request as to form, substance, and manner of access as are available to the other parent of a child, including, without limitation, the right to in-person communication with medical, dental, and education providers.

~~(d)~~(e) The circuit court in the county in which either parent and the child reside or the circuit court in which the original order approving or creating the parenting plan award of custody was entered has ~~have~~ jurisdiction to modify the parenting plan ~~an award of child custody~~. The court may change the venue in accordance with s. 47.122.

(3) For purposes of establishing or modifying parental responsibility and creating, developing, approving, or modifying a parenting plan, including a time-sharing schedule, which governs each parent’s relationship with his or her minor child and the relationship between each parent with regard to his or her minor child, the best interest of the child shall be the primary consideration. Determination of the best interests of the child shall be made by evaluating all of the factors affecting the welfare and interests of the minor child, including, but not limited to:

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

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

(c) The demonstrated capacity and disposition of each parent to determine, consider, and act upon the needs of the child as opposed to the needs or desires of the parent. ~~shared parental responsibility and primary residence, the best interests of the child shall include an evaluation of all factors affecting the welfare and interests of the child, including, but not limited to:~~

~~(a) The parent who is more likely to allow the child frequent and continuing contact with the nonresidential parent.~~

~~(b) The love, affection, and other emotional ties existing between the parents and the child.~~

~~(e) The capacity and disposition of the parents to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in lieu of medical care, and other material needs.~~

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

(e) The geographic viability of the parenting plan, with special attention paid to the needs of school-age children and the amount of time to be spent traveling to effectuate the parenting plan. This factor does not create a presumption for or against relocation of either parent with a child. The permanence, as a family unit, of the existing or proposed custodial home.

(f) The moral fitness of the parents.

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

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

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

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

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

(l)(j) The demonstrated capacity of each parent to communicate with and keep the other parent informed of issues and activities regarding the minor child, and the willingness of each parent to adopt a unified front on all major issues when dealing with the child. The willingness and ability of each parent to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent.

(m)(k) Evidence of domestic violence, sexual violence, child abuse, child abandonment, or child neglect, regardless of whether a prior or pending action relating to those issues has been brought that any party has knowingly provided false information to the court regarding a domestic violence proceeding pursuant to s. 741.30.

(n)(4) Evidence that either parent has knowingly provided false information to the court regarding any prior or pending action regarding domestic violence, sexual violence, child abuse, child abandonment, or child neglect of domestic violence or child abuse.

(o)(m) The particular parenting tasks customarily performed by each parent and the division of parental responsibilities before the institution of litigation and during the pending litigation, including the extent to which

parenting responsibilities were undertaken by third parties Any other fact considered by the court to be relevant.

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

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

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

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

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

(4)(a) When a noncustodial parent who is ordered to pay child support or alimony and who is awarded visitation rights fails to pay child support or alimony, the custodial parent who should have received the child support or alimony may shall not refuse to honor the time-sharing schedule presently in effect between the parents noncustodial parent's visitation rights.

(b) When a custodial parent refuses to honor the other a noncustodial parent's visitation rights under the time-sharing schedule, the noncustodial parent whose time-sharing rights were violated shall continue not fail to pay any ordered child support or alimony.

(c) When a custodial parent refuses to honor the time-sharing schedule in the parenting plan a noncustodial parent's or grandparent's visitation rights without proper cause, the court:

1. Shall, after calculating the amount of time-sharing visitation improperly denied, award the noncustodial parent denied time or grandparent a sufficient amount of extra time-sharing visitation to compensate for the time-sharing missed, and such time-sharing the noncustodial parent or grandparent, which visitation shall be ordered as expeditiously as possible in a manner consistent with the best interests of the child and scheduled in a manner that is convenient for the parent person deprived of time-sharing visitation. In ordering any makeup time-sharing visitation, the court shall schedule such time-sharing visitation in a manner that is consistent with the best interests of the child or children and that is convenient for the nonoffending noncustodial parent and at the expense of the noncompliant parent, or grandparent. In addition, the court:

2.1. May order the custodial parent who did not provide time-sharing or did not properly exercise time-sharing under the time-sharing schedule to pay reasonable court costs and attorney's fees incurred by the nonoffending

~~noncustodial parent or grandparent to enforce the time-sharing schedule, their visitation rights or make up improperly denied visitation;~~

3.2. May order the custodial parent who did not provide time-sharing or did not properly exercise time-sharing under the time-sharing schedule to attend a the parenting course approved by the judicial circuit.;

4.3. May order the custodial parent who did not provide time-sharing or did not properly exercise time-sharing under the time-sharing schedule to do community service if the order will not interfere with the welfare of the child.;

5.4. May order the custodial parent who did not provide time-sharing or did not properly exercise time-sharing under the time-sharing schedule to have the financial burden of promoting frequent and continuing contact when that the custodial parent and child reside further than 60 miles from the other noncustodial parent.;

6.5. May award custody, rotating custody, or primary residence to the noncustodial parent, upon the request of the noncustodial parent who did not violate the time-sharing schedule, modify the parenting plan if modification the award is in the best interests of the child.;

7.6. May impose any other reasonable sanction as a result of noncompliance.

(d) A person who violates this subsection may be punished by contempt of court or other remedies as the court deems appropriate.

(5) The court may make specific orders regarding the parenting plan and time-sharing schedule for the care and custody of the minor child as such orders relate to from the circumstances of the parties and the nature of the case and is equitable and provide for child support in accordance with the guidelines schedule in s. 61.30. An order for equal time-sharing for award of shared parental responsibility of a minor child does not preclude the court from entering an order for child support of the child.

(6) In any proceeding under this section, the court may not deny shared parental responsibility and time-sharing, custody, or visitation rights to a parent or grandparent solely because that parent or grandparent is or is believed to be infected with human immunodeficiency virus.;

but the court may condition such rights to require that parent in an order approving the parenting plan upon the parent's or grandparent's agreement to observe measures approved by the Centers for Disease Control and Prevention of the United States Public Health Service or by the Department of Health for preventing the spread of human immunodeficiency virus to the child.

(7) ~~If the court orders that parental responsibility, including visitation, be shared by both parents, the court may not deny the noncustodial parent overnight contact and access to or visitation with the child solely because of the age or sex of the child.~~

(7)(8)(a) Beginning July 1, 1997, Each party to any paternity or support proceeding is required to file with the tribunal as defined in s. 88.1011(22)

and State Case Registry upon entry of an order, and to update as appropriate, information on location and identity of the party, including social security number, residential and mailing addresses, telephone number, driver's license number, and name, address, and telephone number of employer. ~~Beginning October 1, 1998,~~ Each party to any paternity or child support proceeding in a non-Title IV-D case shall meet the above requirements for updating the tribunal and State Case Registry.

(b) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

(c) ~~Beginning July 1, 1997,~~ In any subsequent Title IV-D child support enforcement action between the parties, upon sufficient showing that diligent effort has been made to ascertain the location of such a party, the court of competent jurisdiction shall deem state due process requirements for notice and service of process to be met with respect to the party, upon delivery of written notice to the most recent residential or employer address filed with the tribunal and State Case Registry pursuant to paragraph (a). ~~Beginning October 1, 1998,~~ In any subsequent non-Title IV-D child support enforcement action between the parties, the same requirements for service shall apply.

(8)(9) At the time an order for child support is entered, each party is required to provide his or her social security number and date of birth to the court, as well as the name, date of birth, and social security number of each minor child that is the subject of such child support order. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. All social security numbers required by this section shall be provided by the parties and maintained by the depository as a separate attachment in the file. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

Section 9. Section 61.13001, Florida Statutes, is amended to read:

61.13001 Parental relocation with a child.—

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

(a) “Change of residence address” means the relocation of a child to a principal residence more than 50 miles away from his or her principal place of residence at the time of the entry of the last order establishing or modifying the parenting plan or the time-sharing schedule or both for designation of the primary residential parent or the custody of the minor child, unless the move places the principal residence of the minor child less than 50 miles from either ~~the nonresidential~~ parent.

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

(c) “Court” means the circuit court in an original proceeding which has proper venue and jurisdiction in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act, the circuit court in the county in which either parent and the child reside, or the circuit court in which the original action was adjudicated.

(d) “Other person” means an individual who is not the parent and who, by court order, maintains the primary residence of a child or has visitation rights with a child.

(e) “Parent” means any person so named by court order or express written agreement that is subject to court enforcement or a person reflected as a parent on a birth certificate and in whose home a child maintains a primary or secondary residence.

~~(f) “Person entitled to be the primary residential parent of a child” means a person so designated by court order or by an express written agreement that is subject to court enforcement or a person seeking such a designation, or, when neither parent has been designated as primary residential parent, the person seeking to relocate with a child.~~

~~(g) “Principal residence of a child” means the home of the designated primary residential parent. For purposes of this section only, when rotating custody is in effect, each parent shall be considered to be the primary residential parent.~~

~~(f)(h)~~ “Relocation” means a change in the principal residence of a child for a period of 60 consecutive days or more but does not include a temporary absence from the principal residence for purposes of vacation, education, or the provision of health care for the child.

## (2) RELOCATION BY AGREEMENT.—

(a) If the ~~parents primary residential parent and the other parent~~ and every other person entitled to time-sharing visitation with the child agree to the relocation of the child ~~child’s principal residence~~, they may satisfy the requirements of this section by signing a written agreement that:

1. Reflects the consent to the relocation;
2. Defines a time-sharing schedule ~~the visitation rights~~ for the nonrelocating parent and any other persons who are entitled to time-sharing visitation; and
3. Describes, if necessary, any transportation arrangements related to the visitation.



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

(3) NOTICE OF INTENT TO RELOCATE WITH A CHILD.—Unless an agreement has been entered as described in subsection (2), a parent who is entitled to time-sharing with primary residence of the child shall notify the other parent, and every other person entitled to time-sharing visitation with the child, of a proposed relocation of the child's ~~principal~~ residence. The form of notice shall be according to this section:

(a) The parent seeking to relocate shall prepare a Notice of Intent to Relocate. The following information must be included with the Notice of Intent to Relocate and signed under oath under penalty of perjury:

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

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

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

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

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

6. A proposal for the revised postrelocation schedule of time-sharing visitation together with a proposal for the postrelocation transportation arrangements necessary to effectuate time-sharing visitation with the child. Absent the existence of a current, valid order abating, terminating, or restricting visitation or other good cause predating the Notice of Intent to Relocate, failure to comply with this provision renders the Notice of Intent to Relocate legally insufficient.

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

AN OBJECTION TO THE PROPOSED RELOCATION MUST BE MADE IN WRITING, FILED WITH THE COURT, AND SERVED ON THE PARENT OR OTHER PERSON SEEKING TO RELOCATE WITHIN 30 DAYS AFTER SERVICE OF THIS NOTICE OF INTENT TO RELOCATE. IF YOU FAIL TO TIMELY OBJECT TO THE RELOCATION, THE RELOCATION WILL BE ALLOWED, UNLESS IT IS NOT IN THE BEST INTERESTS OF

THE CHILD, WITHOUT FURTHER NOTICE AND WITHOUT A HEARING.

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

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

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

(c) The Notice of Intent to Relocate, and the Certificate of Serving Filing Notice of Intent to Relocate, shall be served on the other parent and on every other person entitled to ~~time-sharing~~ visitation with the child. If there is a pending court action regarding the child, service of process may be according to court rule. Otherwise, service of process shall be according to chapters 48 and 49 or via certified mail, restricted delivery, return receipt requested.

(d) A person giving notice of a proposed relocation or change of residence address under this section has a continuing duty to provide current and updated information required by this section when that information becomes known.

(e) If the other parent and any other person entitled to ~~time-sharing~~ visitation with the child fails to timely file an objection, it shall be presumed that the relocation is in the best interest of the child, the relocation shall be allowed, and the court shall, absent good cause, enter an order, attaching a copy of the Notice of Intent to Relocate, reflecting that the order is entered as a result of the failure to object to the Notice of Intent to Relocate, and adopting the ~~time-sharing~~ visitation schedule and transportation arrangements contained in the Notice of Intent to Relocate. The order may issue in an expedited manner without the necessity of an evidentiary hearing. If an objection is timely filed, the burden returns to the parent or person seeking to relocate to initiate court proceedings to obtain court permission to relocate before ~~prior to~~ doing so.

(f) The act of relocating the child after failure to comply with the notice of intent to relocate procedure described in this subsection subjects the party in violation thereof to contempt and other proceedings to compel the return of the child and may be taken into account by the court in any initial or postjudgment action seeking a determination or modification of the parenting plan or the time-sharing schedule, or both, designation of the primary residential parent or of the residence, custody, or visitation with the child as:

1. A factor in making a determination regarding the relocation of a child.
2. A factor in determining whether the parenting plan or the designation of the primary residential parent or the residence, contact, access, visitation, or time-sharing schedule arrangements should be modified.
3. A basis for ordering the temporary or permanent return of the child.
4. Sufficient cause to order the parent or other person seeking to relocate the child to pay reasonable expenses and attorney's fees incurred by the party objecting to the relocation.
5. Sufficient cause for the award of reasonable attorney's fees and costs, including interim travel expenses incident to time-sharing visitation or securing the return of the child.

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

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

(6) **TEMPORARY ORDER.**—

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

1. The required notice of a proposed relocation of a child was not provided in a timely manner;
2. The child already has been relocated without notice or written agreement of the parties or without court approval; or
3. From an examination of the evidence presented at the preliminary hearing that there is a likelihood that upon final hearing the court will not approve the relocation of the primary residence ~~of the child~~.

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

1. Finds that the required Notice of Intent to Relocate was provided in a timely manner; and
2. Finds from an examination of the evidence presented at the preliminary hearing that there is a likelihood that on final hearing the court will

approve the relocation of the ~~primary residence of the child~~, which findings must be supported by the same factual basis as would be necessary to support the permitting of relocation in a final judgment.

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

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

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

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

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

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

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

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

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

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

improve the economic circumstances of the parent or other person seeking relocation of the child.

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

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

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

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

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

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

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

(10) PRIORITY FOR HEARING OR TRIAL.—An evidentiary hearing or nonjury trial on a pleading seeking temporary or permanent relief filed under ~~pursuant to~~ this section shall be accorded priority on the court's calendar.

(11) APPLICABILITY.—

(a) ~~The provisions of This section~~ applies apply:

1. To orders entered before October 1, 2006, if the existing order defining custody, primary residence, time-sharing, or visitation of or with the child does not expressly govern the relocation of the child.

2. To an order, whether temporary or permanent, regarding the parenting plan, custody, primary residence, time-sharing, or visitation of or with the child entered on or after October 1, 2006.

3. To any relocation or proposed relocation, whether permanent or temporary, of a child during any proceeding pending on October 1, 2006,

wherein the parenting plan, custody, primary residence, time-sharing, or visitation of or with the child is an issue.

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

Section 10. Section 61.13002, Florida Statutes, is amended to read:

61.13002 Temporary time-sharing modification child custody and child support modification due to military service.—

(1) ~~If a supplemental petition to modify or a motion for modification of time-sharing change of child custody and parental responsibility is filed because during the time a parent is activated, deployed, or temporarily assigned to military service and the parent's ability to comply with time-sharing continue as the primary caretaker of a minor child is materially affected as a result, the court may not issue an order or modify or amend a previous judgment or order that changes time-sharing custody as it existed on the date the parent was activated, deployed, or temporarily assigned to military service, except that a court may enter a temporary order to modify or amend time-sharing custody if there is clear and convincing evidence that the temporary modification or amendment is in the best interests of the child. When entering a temporary order under this section, the court shall consider and provide for, if feasible, contact between the military servicemember and his or her child, including, but not limited to, electronic communication by webcam, telephone, or other available means. The court shall also permit liberal time-sharing during periods of leave from military service, as it is in the child's best interests to maintain the parent-child bond during the parent's military service.~~

(2) If a temporary order is issued under this section, the court shall reinstate the time-sharing custody judgment or order previously in effect upon the servicemember parent's return from active military service, deployment, or temporary assignment.

(3) If a temporary order is entered under this section, the court may address the issue of support for the child by:

(a) Entering an order of temporary support from the servicemember to the other parent under s. 61.30;

(b) Requiring the servicemember to enroll the child as a military dependant with DEERs, TriCare, or other similar benefits available to military dependents as provided by the service member's branch of service and federal regulations; or

(c) Suspending, abating, or reducing the child support obligation of the nonservice member until the custody judgment or time-share order previously in effect is reinstated.

(4)(3) This section does not apply to permanent change of station moves by military personnel, which shall be governed by s. 61.13001.

Section 11. Paragraph (a) of subsection (1) of section 61.14, Florida Statutes, is amended to read:

61.14 Enforcement and modification of support, maintenance, or alimony agreements or orders.—

(1)(a) When the parties enter into an agreement for payments for, or instead of, support, maintenance, or alimony, whether in connection with a proceeding for dissolution or separate maintenance or with any voluntary property settlement, or when a party is required by court order to make any payments, and the circumstances or the financial ability of either party changes or the child who is a beneficiary of an agreement or court order as described herein reaches majority after the execution of the agreement or the rendition of the order, either party may apply to the circuit court of the circuit in which the parties, or either of them, resided at the date of the execution of the agreement or reside at the date of the application, or in which the agreement was executed or in which the order was rendered, for an order decreasing or increasing the amount of support, maintenance, or alimony, and the court has jurisdiction to make orders as equity requires, with due regard to the changed circumstances or the financial ability of the parties or the child, decreasing, increasing, or confirming the amount of separate support, maintenance, or alimony provided for in the agreement or order. A finding that medical insurance is reasonably available or the child support guidelines schedule in s. 61.30 may constitute changed circumstances. Except as otherwise provided in s. 61.30(11)(c), the court may modify an order of support, maintenance, or alimony by increasing or decreasing the support, maintenance, or alimony retroactively to the date of the filing of the action or supplemental action for modification as equity requires, giving due regard to the changed circumstances or the financial ability of the parties or the child.

Section 12. Paragraph (d) of subsection (3) of section 61.181, Florida Statutes, is amended to read:

61.181 Depository for alimony transactions, support, maintenance, and support payments; fees.—

(3)

(d) When time-sharing ~~custody~~ of a child is relinquished by a ~~custodial~~ parent who is entitled to receive child support moneys from the depository to ~~the custody of~~ a licensed or registered long-term care child agency, that agency may request from the court an order directing child support payments that which would otherwise be distributed to the ~~custodial~~ parent be distributed to the agency for the period of time that ~~custody of the child is with~~ by the agency. Thereafter, payments shall be distributed to the agency as if the agency were the ~~custodial~~ parent until further order of the court.

Section 13. Paragraphs (b) and (d) of subsection (1) of section 61.1827, Florida Statutes, are amended to read:

61.1827 Identifying information concerning applicants for and recipients of child support services.—

(1) Any information that reveals the identity of applicants for or recipients of child support services, including the name, address, and telephone number of such persons, held by a non-Title IV-D county child support enforcement agency is confidential and exempt from s. 119.07(1) and s. 24(a) of Art. I of the State Constitution. The use or disclosure of such information by the non-Title IV-D county child support enforcement agency is limited to the purposes directly connected with:

(b) Mandatory disclosure of identifying and location information as provided in s. 61.13(7)(8) by the non-Title IV-D county child support enforcement agency when providing non-Title IV-D services;

(d) Disclosure to an authorized person, as defined in 45 C.F.R. s. 303.15, for purposes of enforcing any state or federal law with respect to the unlawful taking or restraint of a child or making or enforcing a parenting plan child custody or visitation determination. As used in this paragraph, the term “authorized person” includes a ~~noncustodial parent with whom the child does not currently reside~~, unless a court has entered an order under s. 741.30, s. 741.31, or s. 784.046.

Section 14. Section 61.20, Florida Statutes, is amended to read:

61.20 Social investigation and recommendations regarding a parenting plan when child custody is in issue.—

(1) In any action where the parenting plan custody of a minor child is at issue because the parents are unable to agree, the court may order a social investigation and study concerning all pertinent details relating to the child and each parent when such an investigation has not been done and the study therefrom provided to the court by the parties or when the court determines that the investigation and study that have been done are insufficient. The agency, staff, or person conducting the investigation and study ordered by the court pursuant to this section shall furnish the court and all parties of record in the proceeding a written study containing recommendations, including a written statement of facts found in the social investigation on which the recommendations are based. The court may consider the information contained in the study in making a decision on the parenting plan child's custody and the technical rules of evidence do not exclude the study from consideration.

(2) A social investigation and study, when ordered by the court, shall be conducted by qualified staff of the court; a child-placing agency licensed pursuant to s. 409.175; a psychologist licensed pursuant to chapter 490; or a clinical social worker, marriage and family therapist, or mental health counselor licensed pursuant to chapter 491. If a certification of indigence based on an affidavit filed with the court pursuant to s. 57.081 is provided by an adult party to the proceeding and the court does not have qualified staff to perform the investigation and study, the court may request that the Department of Children and Family Services conduct the investigation and study.

(3) Except as to persons who obtain certification of indigence as specified in subsection (2), for whom no costs shall be incurred, the adult parties



involved in a ~~child-custody~~ proceeding to determine a parenting plan wherein the court has ordered ~~the performance of a social investigation and study performed~~ shall be responsible for the payment of the costs of such investigation and study. Upon submission of the study to the court, the agency, staff, or person performing the study shall include a bill for services, which shall be taxed and ordered paid as costs in the proceeding.

Section 15. Paragraph (c) of subsection (1) and subsection (6) of section 61.21, Florida Statutes, are amended to read:

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

(1) LEGISLATIVE FINDINGS; PURPOSE.—It is the finding of the Legislature that:

(c) It has been found to be beneficial to parents who are separating or divorcing to have available an educational program that will provide general information regarding:

1. The issues and legal procedures for resolving time-sharing ~~eustody~~ and child support disputes.
2. The emotional experiences and problems of divorcing adults.
3. The family problems and the emotional concerns and needs of the children.
4. The availability of community services and resources.

(6) All parties to a modification of a final judgment involving a parenting plan or a time-sharing schedule ~~shared parental responsibilities, custody, or visitation~~ may be required to complete a court-approved parenting course prior to the entry of an order modifying the final judgment.

Section 16. Section 61.30, Florida Statutes, is amended to read:

61.30 Child support guidelines; retroactive child support.—

(1)(a) The child support guideline amount as determined by this section presumptively establishes the amount the trier of fact shall order as child support in an initial proceeding for such support or in a proceeding for modification of an existing order for such support, whether the proceeding arises under this or another chapter. The trier of fact may order payment of child support which varies, plus or minus 5 percent, from the guideline amount, after considering all relevant factors, including the needs of the child or children, age, station in life, standard of living, and the financial status and ability of each parent. The trier of fact may order payment of child support in an amount which varies more than 5 percent from such guideline amount only upon a written finding explaining why ordering payment of such guideline amount would be unjust or inappropriate. Notwithstanding the variance limitations of this section, the trier of fact shall order payment of child support which varies from the guideline amount as provided in paragraph (11)(b) whenever any of the children are required by

court order or mediation agreement to spend a substantial amount of time with either parent ~~the primary and secondary residential parents~~. This requirement applies to any living arrangement, whether temporary or permanent.

(b) The guidelines may provide the basis for proving a substantial change in circumstances upon which a modification of an existing order may be granted. However, the difference between the existing monthly obligation and the amount provided for under the guidelines shall be at least 15 percent or \$50, whichever amount is greater, before the court may find that the guidelines provide a substantial change in circumstances.

(c) For each support order reviewed by the department as required by s. 409.2564(11), if the amount of the child support award under the order differs by at least 10 percent but not less than \$25 from the amount that would be awarded under s. 61.30, the department shall seek to have the order modified and any modification shall be made without a requirement for proof or showing of a change in circumstances.

(2) Income shall be determined on a monthly basis for each parent ~~the obligor and for the obligee~~ as follows:

(a) Gross income shall include, but is not limited to, the following ~~items~~:

1. Salary or wages.
2. Bonuses, commissions, allowances, overtime, tips, and other similar payments.
3. Business income from sources such as self-employment, partnership, close corporations, and independent contracts. "Business income" means gross receipts minus ordinary and necessary expenses required to produce income.
4. Disability benefits.
5. All workers' compensation benefits and settlements.
6. Unemployment compensation.
7. Pension, retirement, or annuity payments.
8. Social security benefits.
9. Spousal support received from a previous marriage or court ordered in the marriage before the court.
10. Interest and dividends.
11. Rental income, which is gross receipts minus ordinary and necessary expenses required to produce the income.
12. Income from royalties, trusts, or estates.

13. Reimbursed expenses or in kind payments to the extent that they reduce living expenses.

14. Gains derived from dealings in property, unless the gain is nonrecurring.

(b) Income on a monthly basis shall be imputed to an unemployed or underemployed parent when such employment or underemployment is found by the court to be voluntary on that parent's part, absent a finding of fact by the court of physical or mental incapacity or other circumstances over which the parent has no control. In the event of such voluntary unemployment or underemployment, the employment potential and probable earnings level of the parent shall be determined based upon his or her recent work history, occupational qualifications, and prevailing earnings level in the community as provided in this paragraph; however, the court may refuse to impute income to a ~~primary residential~~ parent if the court finds it necessary for the parent to stay home with the child who is the subject of a child support calculation.

(c) Public assistance as defined in s. 409.2554 shall be excluded from gross income.

(3) Net income is obtained by subtracting allowable deductions from gross income. Allowable deductions shall include:

(a) Federal, state, and local income tax deductions, adjusted for actual filing status and allowable dependents and income tax liabilities.

(b) Federal insurance contributions or self-employment tax.

(c) Mandatory union dues.

(d) Mandatory retirement payments.

(e) Health insurance payments, excluding payments for coverage of the minor child.

(f) Court-ordered support for other children which is actually paid.

(g) Spousal support paid pursuant to a court order from a previous marriage or the marriage before the court.

(4) Net income for ~~each parent the obligor and net income for the obligee~~ shall be computed by subtracting allowable deductions from gross income.

(5) Net income for ~~each parent the obligor and net income for the obligee~~ shall be added together for a combined net income.

(6) The following guidelines schedule ~~schedules~~ shall be applied to the combined net income to determine the minimum child support need:

Combined Monthly Net Available Income	Child or Children					
	One	Two	Three	Four	Five	Six
650.00	74	75	75	76	77	78
700.00	119	120	121	123	124	125
750.00	164	166	167	169	171	173
800.00	190	211	213	216	218	220
850.00	202	257	259	262	265	268
900.00	213	302	305	309	312	315
950.00	224	347	351	355	359	363
1000.00	235	365	397	402	406	410
1050.00	246	382	443	448	453	458
1100.00	258	400	489	495	500	505
1150.00	269	417	522	541	547	553
1200.00	280	435	544	588	594	600
1250.00	290	451	565	634	641	648
1300.00	300	467	584	659	688	695
1350.00	310	482	603	681	735	743
1400.00	320	498	623	702	765	790
1450.00	330	513	642	724	789	838
1500.00	340	529	662	746	813	869
1550.00	350	544	681	768	836	895
1600.00	360	560	701	790	860	920
1650.00	370	575	720	812	884	945
1700.00	380	591	740	833	907	971
1750.00	390	606	759	855	931	996
1800.00	400	622	779	877	955	1022
1850.00	410	638	798	900	979	1048
1900.00	421	654	818	923	1004	1074
1950.00	431	670	839	946	1029	1101
2000.00	442	686	859	968	1054	1128
2050.00	452	702	879	991	1079	1154
2100.00	463	718	899	1014	1104	1181
2150.00	473	734	919	1037	1129	1207
2200.00	484	751	940	1060	1154	1234
2250.00	494	767	960	1082	1179	1261
2300.00	505	783	980	1105	1204	1287
2350.00	515	799	1000	1128	1229	1314
2400.00	526	815	1020	1151	1254	1340
2450.00	536	831	1041	1174	1279	1367
2500.00	547	847	1061	1196	1304	1394
2550.00	557	864	1081	1219	1329	1420
2600.00	568	880	1101	1242	1354	1447
2650.00	578	896	1121	1265	1379	1473
2700.00	588	912	1141	1287	1403	1500
2750.00	597	927	1160	1308	1426	1524
2800.00	607	941	1178	1328	1448	1549
2850.00	616	956	1197	1349	1471	1573
2900.00	626	971	1215	1370	1494	1598
2950.00	635	986	1234	1391	1517	1622
3000.00	644	1001	1252	1412	1540	1647
3050.00	654	1016	1271	1433	1563	1671

Combined Monthly Net Available Income	Child or Children					
	One	Two	Three	Four	Five	Six
3100.00	663	1031	1289	1453	1586	1695
3150.00	673	1045	1308	1474	1608	1720
3200.00	682	1060	1327	1495	1631	1744
3250.00	691	1075	1345	1516	1654	1769
3300.00	701	1090	1364	1537	1677	1793
3350.00	710	1105	1382	1558	1700	1818
3400.00	720	1120	1401	1579	1723	1842
3450.00	729	1135	1419	1599	1745	1867
3500.00	738	1149	1438	1620	1768	1891
3550.00	748	1164	1456	1641	1791	1915
3600.00	757	1179	1475	1662	1814	1940
3650.00	767	1194	1493	1683	1837	1964
3700.00	776	1208	1503	1702	1857	1987
3750.00	784	1221	1520	1721	1878	2009
3800.00	793	1234	1536	1740	1899	2031
3850.00	802	1248	1553	1759	1920	2053
3900.00	811	1261	1570	1778	1940	2075
3950.00	819	1275	1587	1797	1961	2097
4000.00	828	1288	1603	1816	1982	2119
4050.00	837	1302	1620	1835	2002	2141
4100.00	846	1315	1637	1854	2023	2163
4150.00	854	1329	1654	1873	2044	2185
4200.00	863	1342	1670	1892	2064	2207
4250.00	872	1355	1687	1911	2085	2229
4300.00	881	1369	1704	1930	2106	2251
4350.00	889	1382	1721	1949	2127	2273
4400.00	898	1396	1737	1968	2147	2295
4450.00	907	1409	1754	1987	2168	2317
4500.00	916	1423	1771	2006	2189	2339
4550.00	924	1436	1788	2024	2209	2361
4600.00	933	1450	1804	2043	2230	2384
4650.00	942	1463	1821	2062	2251	2406
4700.00	951	1477	1838	2081	2271	2428
4750.00	959	1490	1855	2100	2292	2450
4800.00	968	1503	1871	2119	2313	2472
4850.00	977	1517	1888	2138	2334	2494
4900.00	986	1530	1905	2157	2354	2516
4950.00	993	1542	1927	2174	2372	2535
5000.00	1000	1551	1939	2188	2387	2551
5050.00	1006	1561	1952	2202	2402	2567
5100.00	1013	1571	1964	2215	2417	2583
5150.00	1019	1580	1976	2229	2432	2599
5200.00	1025	1590	1988	2243	2447	2615
5250.00	1032	1599	2000	2256	2462	2631
5300.00	1038	1609	2012	2270	2477	2647
5350.00	1045	1619	2024	2283	2492	2663
5400.00	1051	1628	2037	2297	2507	2679
5450.00	1057	1638	2049	2311	2522	2695
5500.00	1064	1647	2061	2324	2537	2711

Combined Monthly Net Available Income	Child or Children					
	One	Two	Three	Four	Five	Six
5550.00	1070	1657	2073	2338	2552	2727
5600.00	1077	1667	2085	2352	2567	2743
5650.00	1083	1676	2097	2365	2582	2759
5700.00	1089	1686	2109	2379	2597	2775
5750.00	1096	1695	2122	2393	2612	2791
5800.00	1102	1705	2134	2406	2627	2807
5850.00	1107	1713	2144	2418	2639	2820
5900.00	1111	1721	2155	2429	2651	2833
5950.00	1116	1729	2165	2440	2663	2847
6000.00	1121	1737	2175	2451	2676	2860
6050.00	1126	1746	2185	2462	2688	2874
6100.00	1131	1754	2196	2473	2700	2887
6150.00	1136	1762	2206	2484	2712	2900
6200.00	1141	1770	2216	2495	2724	2914
6250.00	1145	1778	2227	2506	2737	2927
6300.00	1150	1786	2237	2517	2749	2941
6350.00	1155	1795	2247	2529	2761	2954
6400.00	1160	1803	2258	2540	2773	2967
6450.00	1165	1811	2268	2551	2785	2981
6500.00	1170	1819	2278	2562	2798	2994
6550.00	1175	1827	2288	2573	2810	3008
6600.00	1179	1835	2299	2584	2822	3021
6650.00	1184	1843	2309	2595	2834	3034
6700.00	1189	1850	2317	2604	2845	3045
6750.00	1193	1856	2325	2613	2854	3055
6800.00	1196	1862	2332	2621	2863	3064
6850.00	1200	1868	2340	2630	2872	3074
6900.00	1204	1873	2347	2639	2882	3084
6950.00	1208	1879	2355	2647	2891	3094
7000.00	1212	1885	2362	2656	2900	3103
7050.00	1216	1891	2370	2664	2909	3113
7100.00	1220	1897	2378	2673	2919	3123
7150.00	1224	1903	2385	2681	2928	3133
7200.00	1228	1909	2393	2690	2937	3142
7250.00	1232	1915	2400	2698	2946	3152
7300.00	1235	1921	2408	2707	2956	3162
7350.00	1239	1927	2415	2716	2965	3172
7400.00	1243	1933	2423	2724	2974	3181
7450.00	1247	1939	2430	2733	2983	3191
7500.00	1251	1945	2438	2741	2993	3201
7550.00	1255	1951	2446	2750	3002	3211
7600.00	1259	1957	2453	2758	3011	3220
7650.00	1263	1963	2461	2767	3020	3230
7700.00	1267	1969	2468	2775	3030	3240
7750.00	1271	1975	2476	2784	3039	3250
7800.00	1274	1981	2483	2792	3048	3259
7850.00	1278	1987	2491	2801	3057	3269
7900.00	1282	1992	2498	2810	3067	3279
7950.00	1286	1998	2506	2818	3076	3289

Combined Monthly <u>Net Available</u> Income	Child or Children					
	One	Two	Three	Four	Five	Six
8000.00	1290	2004	2513	2827	3085	3298
8050.00	1294	2010	2521	2835	3094	3308
8100.00	1298	2016	2529	2844	3104	3318
8150.00	1302	2022	2536	2852	3113	3328
8200.00	1306	2028	2544	2861	3122	3337
8250.00	1310	2034	2551	2869	3131	3347
8300.00	1313	2040	2559	2878	3141	3357
8350.00	1317	2046	2566	2887	3150	3367
8400.00	1321	2052	2574	2895	3159	3376
8450.00	1325	2058	2581	2904	3168	3386
8500.00	1329	2064	2589	2912	3178	3396
8550.00	1333	2070	2597	2921	3187	3406
8600.00	1337	2076	2604	2929	3196	3415
8650.00	1341	2082	2612	2938	3205	3425
8700.00	1345	2088	2619	2946	3215	3435
8750.00	1349	2094	2627	2955	3224	3445
8800.00	1352	2100	2634	2963	3233	3454
8850.00	1356	2106	2642	2972	3242	3464
8900.00	1360	2111	2649	2981	3252	3474
8950.00	1364	2117	2657	2989	3261	3484
9000.00	1368	2123	2664	2998	3270	3493
9050.00	1372	2129	2672	3006	3279	3503
9100.00	1376	2135	2680	3015	3289	3513
9150.00	1380	2141	2687	3023	3298	3523
9200.00	1384	2147	2695	3032	3307	3532
9250.00	1388	2153	2702	3040	3316	3542
9300.00	1391	2159	2710	3049	3326	3552
9350.00	1395	2165	2717	3058	3335	3562
9400.00	1399	2171	2725	3066	3344	3571
9450.00	1403	2177	2732	3075	3353	3581
9500.00	1407	2183	2740	3083	3363	3591
9550.00	1411	2189	2748	3092	3372	3601
9600.00	1415	2195	2755	3100	3381	3610
9650.00	1419	2201	2763	3109	3390	3620
9700.00	1422	2206	2767	3115	3396	3628
9750.00	1425	2210	2772	3121	3402	3634
9800.00	1427	2213	2776	3126	3408	3641
9850.00	1430	2217	2781	3132	3414	3647
9900.00	1432	2221	2786	3137	3420	3653
9950.00	1435	2225	2791	3143	3426	3659
10000.00	1437	2228	2795	3148	3432	3666

For combined monthly net available income less than the amount set out on the above guidelines schedule ~~schedules~~, the parent should be ordered to pay a child support amount, determined on a case-by-case basis, to establish the principle of payment and lay the basis for increased orders should the parent's income increase in the future. For combined monthly net available income greater than the amount set out in the above guidelines schedule

~~schedules~~, the obligation shall be the minimum amount of support provided by the guidelines schedule plus the following percentages multiplied by the amount of income over \$10,000:

Child or Children					
One	Two	Three	Four	Five	Six
5.0%	7.5%	9.5%	11.0%	12.0%	12.5%

(7) Child care costs incurred on behalf of the children due to employment, job search, or education calculated to result in employment or to enhance income of current employment of either parent shall be reduced by 25 percent and then shall be added to the basic obligation. After the adjusted child care costs are added to the basic obligation, any moneys prepaid by ~~a the noncustodial~~ parent for child care costs for the child or children of this action shall be deducted from that ~~noncustodial~~ parent's child support obligation for that child or those children. Child care costs shall not exceed the level required to provide quality care from a licensed source for the children.

(8) Health insurance costs resulting from coverage ordered pursuant to s. 61.13(1)(b), and any noncovered medical, dental, and prescription medication expenses of the child, shall be added to the basic obligation unless these expenses have been ordered to be separately paid on a percentage basis. After the health insurance costs are added to the basic obligation, any moneys prepaid by ~~a the noncustodial~~ parent for health-related costs for the child or children of this action shall be deducted from that ~~noncustodial~~ parent's child support obligation for that child or those children.

(9) Each parent's percentage share of the child support need shall be determined by dividing each parent's net monthly income by the combined net monthly income.

(10) Each parent's actual dollar share of the total minimum child support need shall be determined by multiplying the minimum child support need by each parent's percentage share of the combined monthly net income.

(11)(a) The court may adjust the total minimum child support award, or either or both parents' share of the total minimum child support award, based upon the following deviation factors ~~considerations~~:

1. Extraordinary medical, psychological, educational, or dental expenses.
2. Independent income of the child, not to include moneys received by a child from supplemental security income.
3. The payment of support for a parent which regularly has been paid and for which there is a demonstrated need.
4. Seasonal variations in one or both parents' incomes or expenses.
5. The age of the child, taking into account the greater needs of older children.
6. Special needs, such as costs that may be associated with the disability of a child, that have traditionally been met within the family budget even



though the fulfilling of those needs will cause the support to exceed the presumptive amount established by the proposed guidelines.

7. Total available assets of the obligee, obligor, and the child.

8. The impact of the Internal Revenue Service dependency exemption and waiver of that exemption. The court may order a ~~the primary residential~~ parent to execute a waiver of the Internal Revenue Service dependency exemption if the paying noncustodial parent is current in support payments.

9. When application of the child support guidelines schedule requires a person to pay another person more than 55 percent of his or her gross income for a child support obligation for current support resulting from a single support order.

10. The particular parenting plan shared parental arrangement, such as where the child spends a significant amount of time, but less than 40 percent of the overnights, with one ~~the noncustodial~~ parent, thereby reducing the financial expenditures incurred by the ~~other primary residential~~ parent; or the refusal of a ~~the noncustodial~~ parent to become involved in the activities of the child.

11. Any other adjustment which is needed to achieve an equitable result which may include, but not be limited to, a reasonable and necessary existing expense or debt. Such expense or debt may include, but is not limited to, a reasonable and necessary expense or debt which the parties jointly incurred during the marriage.

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

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

~~2. In accordance with subsections (9) and (10), calculate the amount of support obligation apportioned to the custodial parent without including day care and health insurance costs in the calculation and multiply the amount by 1.5.~~

~~2.3.~~ Calculate the percentage of overnight stays the child spends with each parent.

~~3.4.~~ Multiply each ~~the noncustodial~~ parent's support obligation as calculated in subparagraph 1. by the percentage of the other ~~custodial~~ parent's overnight stays with the child as calculated in subparagraph 2. ~~3.~~

~~5. Multiply the custodial parent's support obligation as calculated in subparagraph 2. by the percentage of the noncustodial parent's overnight stays with the child as calculated in subparagraph 3.~~

~~4.6.~~ The difference between the amounts calculated in subparagraph 3. ~~subparagraphs 4. and 5.~~ shall be the monetary transfer necessary between the ~~custodial and noncustodial~~ parents for the care of the child, subject to an adjustment for day care and health insurance expenses.

~~5.7.~~ Pursuant to subsections (7) and (8), calculate the net amounts owed by each parent ~~the custodial and noncustodial parents~~ for the expenses incurred for day care and health insurance coverage for the child. Day care shall be calculated without regard to the 25-percent reduction applied by subsection (7).

~~6.8.~~ Adjust the support obligation owed by each ~~the custodial or noncustodial~~ parent pursuant to subparagraph ~~4. 6.~~ by crediting or debiting the amount calculated in subparagraph ~~5. 7.~~ This amount represents the child support which must be exchanged between the ~~custodial and noncustodial~~ parents.

~~7.9.~~ The court may deviate from the child support amount calculated pursuant to subparagraph ~~6. 8.~~ based upon the deviation factors ~~considerations set forth~~ in paragraph (a), as well as the obligee ~~custodial~~ parent's low income and ability to maintain the basic necessities of the home for the child, the likelihood that either ~~the noncustodial~~ parent will actually exercise the time-sharing schedule set forth in the parenting plan ~~visitation~~ granted by the court, and whether all of the children are exercising the same time-sharing schedule ~~shared parental arrangement~~.

~~8.10.~~ For purposes of adjusting any award of child support under this paragraph, "substantial amount of time" means that a ~~the noncustodial~~ parent exercises visitation at least 40 percent of the overnights of the year.

(c) A ~~noncustodial~~ parent's failure to regularly exercise court-ordered or agreed time-sharing schedule ~~visitation~~ not caused by the other ~~custodial~~ parent which resulted in the adjustment of the amount of child support pursuant to subparagraph (a)10. or paragraph (b) shall be deemed a substantial change of circumstances for purposes of modifying the child support award. A modification pursuant to this paragraph shall be retroactive to the date the noncustodial parent first failed to regularly exercise court-ordered or agreed time-sharing schedule ~~visitation~~.

(12)(a) A parent with a support obligation may have other children living with him or her who were born or adopted after the support obligation arose. If such subsequent children exist, the court, when considering an upward modification of an existing award, may disregard the income from secondary employment obtained in addition to the parent's primary employment if the court determines that the employment was obtained primarily to support the subsequent children.

(b) Except as provided in paragraph (a), the existence of such subsequent children should not as a general rule be considered by the court as a basis for disregarding the amount provided in the guidelines schedule. The parent with a support obligation for subsequent children may raise the existence of such subsequent children as a justification for deviation from the guidelines schedule. However, if the existence of such subsequent children is

raised, the income of the other parent of the subsequent children shall be considered by the court in determining whether or not there is a basis for deviation from the guideline amount.

(c) The issue of subsequent children under paragraph (a) or paragraph (b) may only be raised in a proceeding for an upward modification of an existing award and may not be applied to justify a decrease in an existing award.

(13) If the recurring income is not sufficient to meet the needs of the child, the court may order child support to be paid from nonrecurring income or assets.

(14) Every petition for child support or for modification of child support shall be accompanied by an affidavit which shows the party's income, allowable deductions, and net income computed in accordance with this section. The affidavit shall be served at the same time that the petition is served. The respondent, whether or not a stipulation is entered, shall make an affidavit which shows the party's income, allowable deductions, and net income computed in accordance with this section. The respondent shall include his or her affidavit with the answer to the petition or as soon thereafter as is practicable, but in any case at least 72 hours prior to any hearing on the finances of either party.

(15) For purposes of establishing an obligation for support in accordance with this section, if a person who is receiving public assistance is found to be noncooperative as defined in s. 409.2572, the IV-D agency is authorized to submit to the court an affidavit attesting to the income of that the custodial parent based upon information available to the IV-D agency.

(16) The Legislature shall review the guidelines schedule established in this section at least every 4 years beginning in 1997.

(17) In an initial determination of child support, whether in a paternity action, dissolution of marriage action, or petition for support during the marriage, the court has discretion to award child support retroactive to the date when the parents did not reside together in the same household with the child, not to exceed a period of 24 months preceding the filing of the petition, regardless of whether that date precedes the filing of the petition. In determining the retroactive award in such cases, the court shall consider the following:

(a) The court shall apply the guidelines schedule in effect at the time of the hearing subject to the obligor's demonstration of his or her actual income, as defined by subsection (2), during the retroactive period. Failure of the obligor to so demonstrate shall result in the court using the obligor's income at the time of the hearing in computing child support for the retroactive period.

(b) All actual payments made by ~~a the noncustodial~~ parent to the other custodial parent or the child or third parties for the benefit of the child throughout the proposed retroactive period.

(c) The court should consider an installment payment plan for the payment of retroactive child support.

Section 17. Section 61.401, Florida Statutes, is amended to read:

61.401 Appointment of guardian ad litem.—In an action for dissolution of marriage ~~or for the creation, approval, or, modification of a parenting plan, parental responsibility, custody, or visitation~~, if the court finds it is in the best interest of the child, the court may appoint a guardian ad litem to act as next friend of the child, investigator or evaluator, not as attorney or advocate. The court in its discretion may also appoint legal counsel for a child to act as attorney or advocate; however, the guardian and the legal counsel shall not be the same person. In such actions which involve an allegation of child abuse, abandonment, or neglect as defined in s. 39.01, which allegation is verified and determined by the court to be well-founded, the court shall appoint a guardian ad litem for the child. The guardian ad litem shall be a party to any judicial proceeding from the date of the appointment until the date of discharge.

Section 18. Section 61.45, Florida Statutes, is amended to read:

61.45 Court-ordered parenting plan ~~Court order of visitation or custody; risk of violation; bond.—~~

(1) In any a proceeding in which the court enters a parenting plan, including a time-sharing schedule ~~an order of child custody or visitation, including in a modification proceeding~~, upon the presentation of competent substantial evidence that there is a risk that one party may violate the court's parenting plan ~~order of visitation or custody~~ by removing a child from this state or country or by concealing the whereabouts of a child, or upon stipulation of the parties, the court may:

(a) Order that a parent may not remove the child from this state without the notarized written permission of both parents or further court order;

(b) Order that a parent may not remove the child from this country without the notarized written permission of both parents or further court order;

(c) Order that a parent may not take the child to a country that has not ratified or acceded to the Hague Convention on the Civil Aspects of International Child Abduction unless the other parent agrees in writing that the child may be taken to the country;

(d) Require a parent to surrender the passport of the child; or

(e) Require that party to post bond or other security.

(2) If the court enters a parenting plan, including a time-sharing schedule ~~an order of child custody or visitation~~, including in a modification proceeding, that includes a provision entered under paragraph (1)(b) or paragraph (1)(c), a certified copy of the order should be sent by the parent who requested the restriction to the Passport Services Office of the United States

Department of State requesting that they not issue a passport to the child without their signature or further court order.

(3) In assessing the need for a bond or other security, the court may consider any reasonable factor bearing upon the risk that a party may violate a parenting plan ~~visitation or custody order~~ by removing a child from this state or country or by concealing the whereabouts of a child, including but not limited to whether:

(a) A court has previously found that a party previously removed a child from Florida or another state in violation of a parenting plan ~~custody or visitation order~~, or whether a court had found that a party has threatened to take a child out of Florida or another state in violation of a parenting plan ~~custody or visitation order~~;

(b) The party has strong family and community ties to Florida or to other states or countries, including whether the party or child is a citizen of another country;

(c) The party has strong financial reasons to remain in Florida or to relocate to another state or country;

(d) The party has engaged in activities that suggest plans to leave Florida, such as quitting employment; sale of a residence or termination of a lease on a residence, without efforts to acquire an alternative residence in the state; closing bank accounts or otherwise liquidating assets; or applying for a passport;

(e) Either party has had a history of domestic violence as either a victim or perpetrator, child abuse or child neglect evidenced by criminal history, including but not limited to, arrest, an injunction for protection against domestic violence issued after notice and hearing under s. 741.30, medical records, affidavits, or any other relevant information; or

(f) The party has a criminal record.

(4) The court must consider the party's financial resources prior to setting the bond amount under this section. Under no circumstances may the court set a bond that is unreasonable.

(5) Any deficiency of bond or security shall not absolve the violating party of responsibility to pay the full amount of damages determined by the court.

(6)(a) Upon a material violation of any parenting plan ~~custody or visitation order~~ by removing a child from this state or this country or by concealing the whereabouts of a child, the court may order the bond or other security forfeited in whole or in part.

(b) This section, including the requirement to post a bond or other security, does not apply to a parent who, in a proceeding to order or modify a parenting plan or time-sharing schedule, ~~is determined by the court to be child custody or visitation, the court determines~~ is a victim of an act of domestic violence or provides the court with ~~has~~ reasonable cause to believe

that he or she is about to become the victim of an act of domestic violence, as defined in s. 741.28. An injunction for protection against domestic violence issued pursuant to s. 741.30 for a parent as the petitioner which is in effect at the time of the court proceeding shall be one means of demonstrating sufficient evidence that the parent is a victim of domestic violence or is about to become the victim of an act of domestic violence, as defined in s. 741.28, and shall exempt the parent from this section, including the requirement to post a bond or other security. A parent who is determined by the court to be exempt from the requirements of this section must meet the requirements of s. 787.03(6) if an offense of interference with the parenting plan or time-sharing schedule ~~custody~~ is committed.

(7)(a) Upon an order of forfeiture, the proceeds of any bond or other security posted pursuant to this subsection may only be used to:

1. Reimburse the nonviolating party for actual costs or damages incurred in upholding the court's parenting plan ~~order of custody or visitation~~.

2. Locate and return the child to the residence as set forth in the parenting plan ~~visitation or custody order~~.

3. Reimburse reasonable fees and costs as determined by the court.

(b) Any remaining proceeds shall be held as further security if deemed necessary by the court, and if further security is not found to be necessary; applied to any child support arrears owed by the parent against whom the bond was required, and if no arrears exists; all remaining proceeds will be allocated by the court in the best interest of the child.

(8) At any time after the forfeiture of the bond or other security, the party who posted the bond or other security, or the court on its own motion may request that the party provide documentation substantiating that the proceeds received as a result of the forfeiture have been used solely in accordance with this subsection. Any party using such proceeds for purposes not in accordance with this section may be found in contempt of court.

Section 19. Subsection (14) of section 409.2554, Florida Statutes, is amended to read:

409.2554 Definitions; ss. 409.2551-409.2598.—As used in ss. 409.2551-409.2598, the term:

(14) “Unidentifiable collection” means a payment received by the department for which ~~a the noncustodial parent, custodial parent,~~ depository or circuit civil numbers, or source of the payment cannot be identified.

Section 20. Paragraphs (b) and (c) of subsection (2) and subsection (4) of section 409.2558, Florida Statutes, are amended to read:

409.2558 Support distribution and disbursement.—

(2) UNDISTRIBUTABLE COLLECTIONS.—

(b) Collections that are determined to be undistributable shall be processed in the following order of priority:

1. Apply the payment to any assigned arrears on the obligee's custodial parent's case; then

2. Apply the payment to any administrative costs ordered by the court pursuant to s. 409.2567 associated with the obligee's custodial parent's case; then

3. When the ~~obligor nonecustodial parent~~ is subject to a valid order to support another child in a case with a different obligee custodial parent and the obligation is being enforced by the department, the department shall send by certified mail, restricted delivery, return receipt requested, to the ~~obligor nonecustodial parent~~ at the most recent address provided by the ~~obligor nonecustodial parent~~ to the tribunal that issued the order, a notice stating the department's intention to apply the payment pursuant to this subparagraph, and advising the ~~obligor nonecustodial parent~~ of the right to contest the department's proposed action in the circuit court by filing and serving a petition on the department within 30 days after the mailing of the notice. If the ~~obligor nonecustodial parent~~ does not file and serve a petition within the 30 days after mailing of the notice, or upon a disposition of the judicial action favorable to the department, the department shall apply the payment toward his or her other support obligation. If there is more than one such other case, the department shall allocate the remaining undistributable amount as specified by s. 61.1301(4)(c); then

4. Return the payment to the ~~obligor nonecustodial parent~~; then

5. If the ~~obligor nonecustodial parent~~ cannot be located after diligent efforts by the department, the federal share of the payment shall be credited to the Federal Government and the state share shall be transferred to the General Revenue Fund.

(c) Refunds to ~~obligors nonecustodial parents~~ that are determined to be undistributable shall be processed in the following manner:

1. The federal share of the refund shall be sent to the Federal Government.

2. The state share shall be credited to the General Revenue Fund.

(4) RECLAIMING COLLECTIONS DECLARED TO BE UNDISTRIBUTABLE OR UNIDENTIFIABLE.—At such time as an undistributable or unidentifiable collection that has been transferred to the Federal Government and to the General Revenue Fund in the relevant method above becomes distributable or identified, meaning either the ~~obligor nonecustodial parent~~ or the obligee custodial parent is identified or located, the department shall retrieve the transferred moneys in the following manner:

(a) Offset the next credit to the Federal Government in an amount equal to the share of the collection which had been transferred; and

(b) Offset the next transfer to the General Revenue Fund in an amount equal to the state share of the collection which had been transferred to the General Revenue Fund.

The collection shall then be processed, as appropriate.

Section 21. Paragraph (a) of subsection (1), paragraphs (b), (c), (d), and (f) of subsection (2), subsection (4), paragraphs (a) and (c) of subsection (5), subsection (6), paragraphs (b), (c), (d), and (e) of subsection (7), paragraphs (a) and (b) of subsection (10), and subsections (13) and (17) of section 409.2563, Florida Statutes, are amended to read:

409.2563 Administrative establishment of child support obligations.—

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

(a) “Administrative support order” means a final order rendered by or on behalf of the department pursuant to this section establishing or modifying the obligation of a ~~noncustodial~~ parent to contribute to the support and maintenance of his or her child or children, which may include provisions for monetary support, retroactive support, health care, and other elements of support pursuant to chapter 61.

(2) PURPOSE AND SCOPE.—

(b) The administrative procedure set forth in this section concerns only the establishment of child support obligations. This section does not grant jurisdiction to the department or the Division of Administrative Hearings to hear or determine issues of dissolution of marriage, separation, alimony or spousal support, termination of parental rights, dependency, disputed paternity, except for a determination of paternity as provided in s. 409.256, award of or change of time-sharing custody, or visitation. This paragraph notwithstanding, the department and the Division of Administrative Hearings may make findings of fact that are necessary for a proper determination of a ~~noncustodial~~ parent’s support obligation as authorized by this section.

(c) If there is no support order for a child in a Title IV-D case whose paternity has been established or is presumed by law, or whose paternity is the subject of a proceeding under s. 409.256, the department may establish a ~~the noncustodial~~ parent’s child support obligation pursuant to this section, s. 61.30, and other relevant provisions of state law. The ~~noncustodial~~ parent’s obligation determined by the department may include any obligation to pay retroactive support and any obligation to provide for health care for a child, whether through insurance coverage, reimbursement of expenses, or both. The department may proceed on behalf of:

1. An applicant or recipient of public assistance, as provided by ss. 409.2561 and 409.2567;
2. A former recipient of public assistance, as provided by s. 409.2569;
3. An individual who has applied for services as provided by s. 409.2567;



4. Itself or the child, as provided by s. 409.2561; or
5. A state or local government of another state, as provided by chapter 88.

(d) Either parent, or a caretaker relative if applicable, may at any time file a civil action in a circuit court having jurisdiction and proper venue to determine parental support obligations ~~the noncustodial parent's child support obligations~~, if any. A support order issued by a circuit court prospectively supersedes an administrative support order rendered by the department.

(f) The department shall terminate the administrative proceeding and file an action in circuit court to determine support if within 20 days after receipt of the initial notice ~~the noncustodial parent~~ from whom support is being sought requests in writing that the department proceed in circuit court or states in writing his or her ~~the noncustodial parent's~~ intention to address issues concerning time-sharing custody or rights to parental contact in court and if within 10 days after receipt of the department's petition and waiver of service ~~the noncustodial parent~~ from whom support is being sought signs and returns the waiver of service form to the department.

(4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE SUPPORT ORDER.—To commence a proceeding under this section, the department shall provide to the eustodial parent from whom support is not being sought and serve the ~~noncustodial parent~~ from whom support is being sought with a notice of proceeding to establish administrative support order and a blank financial affidavit form. The notice must state:

(a) The names of both parents, the name of the caretaker relative, if any, and the name and date of birth of the child or children;

(b) That the department intends to establish an administrative support order as defined in this section;

(c) That both parents must submit a completed financial affidavit to the department within 20 days after receiving the notice, as provided by paragraph (13)(a);

(d) That both parents, or parent and caretaker relative if applicable, are required to furnish to the department information regarding their identities and locations, as provided by paragraph (13)(b);

(e) That both parents, or parent and caretaker relative if applicable, are required to promptly notify the department of any change in their mailing addresses to ensure receipt of all subsequent pleadings, notices, and orders, as provided by paragraph (13)(c);

(f) That the department will calculate support obligations based on the child support guidelines schedule in s. 61.30 and using all available information, as provided by paragraph (5)(a), and will incorporate such obligations into a proposed administrative support order;

(g) That the department will send by regular mail to both parents, or parent and caretaker relative if applicable, a copy of the proposed administrative support order, the department's child support worksheet, and any financial affidavits submitted by a parent or prepared by the department;

(h) That the ~~noncustodial parent from whom support is being sought~~ may file a request for a hearing in writing within 20 days after the date of mailing or other service of the proposed administrative support order or will be deemed to have waived the right to request a hearing;

(i) That if the ~~noncustodial parent from whom support is being sought~~ does not file a timely request for hearing after service of the proposed administrative support order, the department will issue an administrative support order that incorporates the findings of the proposed administrative support order, and will send by regular mail a copy of the administrative support order to both parents, or parent and caretaker relative if applicable;

(j) That after an administrative support order is rendered, the department will file a copy of the order with the clerk of the circuit court;

(k) That after an administrative support order is rendered, the department may enforce the administrative support order by any lawful means;

(l) That either parent, or caretaker relative if applicable, may file at any time a civil action in a circuit court having jurisdiction and proper venue to determine parental support obligations ~~the noncustodial parent's child support obligations~~, if any, and that a support order issued by a circuit court supersedes an administrative support order rendered by the department;

(m) That, neither the department nor the Division of Administrative Hearings has jurisdiction to award or change child custody or rights of parental contact or time-sharing and these issues may only be addressed in circuit court.

1. The parent from whom support is being sought ~~noncustodial parent~~ may request in writing that the department proceed in circuit court to determine his or her support obligations.

2. The parent from whom support is being sought ~~noncustodial parent~~ may state in writing to the department his or her intention to address issues concerning custody or rights to parental contact in circuit court.

3. If the parent from whom support is being sought ~~noncustodial parent~~ submits the request authorized in subparagraph 1., or the statement authorized in subparagraph 2. to the department within 20 days after the receipt of the initial notice, the department shall file a petition in circuit court for the determination of the ~~noncustodial parent's child support obligations~~, and shall send to the parent from whom support is being sought ~~noncustodial parent~~ a copy of its petition, a notice of commencement of action, and a request for waiver of service of process as provided in the Florida Rules of Civil Procedure.

4. If, within 10 days after receipt of the department's petition and waiver of service, the parent from whom support is being sought ~~noncustodial par-~~

ent signs and returns the waiver of service form to the department, the department shall terminate the administrative proceeding without prejudice and proceed in circuit court.

5. In any circuit court action filed by the department pursuant to this paragraph or filed by a parent from whom support is being sought ~~noncustodial parent~~ or other person pursuant to paragraph (l) or paragraph (n), the department shall be a party only with respect to those issues of support allowed and reimbursable under Title IV-D of the Social Security Act. It is the responsibility of the parent from whom support is being sought ~~noncustodial parent~~ or other person to take the necessary steps to present other issues for the court to consider.

(n) That if the parent from whom support is being sought ~~noncustodial parent~~ files an action in circuit court and serves the department with a copy of the petition within 20 days after being served notice under this subsection, the administrative process ends without prejudice and the action must proceed in circuit court;

(o) Information provided by the Office of State Courts Administrator concerning the availability and location of self-help programs for those who wish to file an action in circuit court but who cannot afford an attorney.

The department may serve the notice of proceeding to establish administrative support order by certified mail, restricted delivery, return receipt requested. Alternatively, the department may serve the notice by any means permitted for service of process in a civil action. For purposes of this section, an authorized employee of the department may serve the notice and execute an affidavit of service. Service by certified mail is completed when the certified mail is received or refused by the addressee or by an authorized agent as designated by the addressee in writing. If a person other than the addressee signs the return receipt, the department shall attempt to reach the addressee by telephone to confirm whether the notice was received, and the department shall document any telephonic communications. If someone other than the addressee signs the return receipt, the addressee does not respond to the notice, and the department is unable to confirm that the addressee has received the notice, service is not completed and the department shall attempt to have the addressee served personally. The department shall provide the custodial parent from whom support is not being sought or caretaker relative with a copy of the notice by regular mail to the last known address of the custodial parent from whom support is not being sought or caretaker.

#### (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.—

(a) After serving notice upon a ~~the noncustodial~~ parent in accordance with subsection (4), the department shall calculate that the noncustodial parent's child support obligation under the child support guidelines schedule as provided by s. 61.30, based on any timely financial affidavits received and other information available to the department. If either parent fails to comply with the requirement to furnish a financial affidavit, the department may proceed on the basis of information available from any source, if such

information is sufficiently reliable and detailed to allow calculation of guideline schedule amounts under s. 61.30. If ~~a the custodial~~ parent receives public assistance and fails to submit a financial affidavit, the department may submit a financial affidavit for that the custodial parent pursuant to s. 61.30(15). If there is a lack of sufficient reliable information concerning a parent's actual earnings for a current or past period, it shall be presumed for the purpose of establishing a support obligation that the parent had an earning capacity equal to the federal minimum wage during the applicable period.

(c) The department shall provide a notice of rights with the proposed administrative support order, which notice must inform the ~~noncustodial~~ parent from whom support is being sought that:

1. The ~~noncustodial~~ parent from whom support is being sought may, within 20 days after the date of mailing or other service of the proposed administrative support order, request a hearing by filing a written request for hearing in a form and manner specified by the department;

2. If the ~~noncustodial~~ parent from whom support is being sought files a timely request for a hearing, the case shall be transferred to the Division of Administrative Hearings, which shall conduct further proceedings and may enter an administrative support order;

3. A ~~noncustodial~~ parent from whom support is being sought who fails to file a timely request for a hearing shall be deemed to have waived the right to a hearing, and the department may render an administrative support order pursuant to paragraph (7)(b);

4. The ~~noncustodial~~ parent from whom support is being sought may consent in writing to entry of an administrative support order without a hearing;

5. The ~~noncustodial~~ parent from whom support is being sought may, within 10 days after the date of mailing or other service of the proposed administrative support order, contact a department representative, at the address or telephone number specified in the notice, to informally discuss the proposed administrative support order and, if informal discussions are requested timely, the time for requesting a hearing will be extended until 10 days after the department notifies the ~~noncustodial~~ parent that the informal discussions have been concluded; and

6. If an administrative support order that establishes a ~~noncustodial~~ parent's support obligation is rendered, whether after a hearing or without a hearing, the department may enforce the administrative support order by any lawful means.

(6) HEARING.—If the ~~noncustodial~~ parent from whom support is being sought files a timely request for hearing, the department shall refer the hearing request to the Division of Administrative Hearings. Unless otherwise provided by this section, chapter 120 and the Uniform Rules of Procedure shall govern the conduct of the proceedings. The administrative law

judge shall consider all available and admissible information and any presumptions that apply as provided by paragraph (5)(a).

(7) ADMINISTRATIVE SUPPORT ORDER.—

(b) If the ~~noncustodial~~ parent from whom support is being sought does not file a timely request for a hearing, the ~~noncustodial~~ parent will be deemed to have waived the right to request a hearing.

(c) If the ~~noncustodial~~ parent from whom support is being sought waives the right to a hearing, or consents in writing to the entry of an order without a hearing, the department may render an administrative support order.

(d) The department shall send by regular mail a copy of the administrative support order, or the final order denying an administrative support order, to both parents, or a parent and caretaker relative if applicable. The ~~noncustodial~~ parent from whom support is being sought shall be notified of the right to seek judicial review of the administrative support order in accordance with s. 120.68.

(e) An administrative support order must comply with s. 61.30. The department shall develop a standard form or forms for administrative support orders. An administrative support order must provide and state findings, if applicable, concerning:

1. The full name and date of birth of the child or children;
2. The name of the ~~noncustodial~~ parent from whom support is being sought and the other ~~custodial~~ parent or caretaker relative;
3. The ~~noncustodial~~ parent's duty and ability to provide support;
4. The amount of the ~~noncustodial~~ parent's monthly support obligation;
5. Any obligation to pay retroactive support;
6. The ~~noncustodial~~ parent's obligation to provide for the health care needs of each child, whether through insurance coverage, contribution towards the cost of insurance coverage, payment or reimbursement of health care expenses for the child, or any combination thereof;
7. The beginning date of any required monthly payments and health care coverage;
8. That all support payments ordered must be paid to the Florida State Disbursement Unit as provided by s. 61.1824;
9. That the parents, or caretaker relative if applicable, must file with the department when the administrative support order is rendered, if they have not already done so, and update as appropriate the information required pursuant to paragraph (13)(b);
10. That both parents, or parent and caretaker relative if applicable, are required to promptly notify the department of any change in their mailing addresses pursuant to paragraph (13)(c); and

11. That if the ~~noncustodial~~ parent ordered to pay support receives unemployment compensation benefits, the payor shall withhold, and transmit to the department, 40 percent of the benefits for payment of support, not to exceed the amount owed.

An income deduction order as provided by s. 61.1301 must be incorporated into the administrative support order or, if not incorporated into the administrative support order, the department or the Division of Administrative Hearings shall render a separate income deduction order.

(10) JUDICIAL REVIEW, ENFORCEMENT, OR COURT ORDER SUPERSEDING ADMINISTRATIVE SUPPORT ORDER.—

(a) The obligor ~~A noncustodial parent~~ has the right to seek judicial review of an administrative support order or a final order denying an administrative support order in accordance with s. 120.68. The department has the right to seek judicial review, in accordance with s. 120.68, of an administrative support order or a final order denying an administrative support order entered by an administrative law judge of the Division of Administrative Hearings.

(b) An administrative support order rendered under this section has the same force and effect as a court order and may be enforced by any circuit court in the same manner as a support order issued by the court, except for contempt. If the circuit court issues its own order enforcing the administrative support order, the circuit court may enforce its own order by contempt. The presumption of ability to pay and purge contempt established in s. 61.14(5)(a) applies to an administrative support order that includes a finding of present ability to pay. Enforcement by the court, without any change by the court in the support obligations established in the administrative support order, does not supersede the administrative support order or affect the department's authority to modify the administrative support order as provided by subsection (12). An order by the court that requires a ~~the non-custodial~~ parent to make periodic payments on arrearages does not constitute a change in the support obligations established in the administrative support order and does not supersede the administrative order.

(13) REQUIRED DISCLOSURES; PRESUMPTIONS; NOTICE SENT TO ADDRESS OF RECORD.—In all proceedings pursuant to this section:

(a) Each ~~The noncustodial parent and custodial parent~~ must execute and furnish to the department, no later than 20 days after receipt of the notice of proceeding to establish administrative support order, a financial affidavit in the form prescribed by the department. An updated financial affidavit must be executed and furnished to the department at the inception of each proceeding to modify an administrative support order. Caretaker relatives are not required to furnish financial affidavits.

(b) Each ~~The noncustodial parent, custodial parent,~~ and caretaker relative if applicable, shall disclose to the department, no later than 20 days after receipt of the notice of proceeding to establish administrative support order, and update as appropriate, information regarding his or her ~~their~~

identity and location, including names ~~he or she is~~ they are known by; social security ~~number numbers~~; residential and mailing addresses; telephone numbers; driver's license numbers; and names, addresses, and telephone numbers of employers. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each person must provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

(c) ~~Each The noncustodial parent, custodial parent,~~ and caretaker relative, if applicable, have a continuing obligation to promptly inform the department in writing of any change in his or her ~~their~~ mailing address addresses to ensure receipt of all subsequent pleadings, notices, payments, statements, and orders, and receipt is presumed if sent by regular mail to the most recent address furnished by the person.

~~(17) EVALUATION.—The Office of Program Policy Analysis and Government Accountability shall conduct an evaluation of the statewide implementation of the administrative process for establishing child support provided for in this section. This evaluation shall examine whether these processes have been effectively implemented and administered statewide and are operating to the benefit of the children, including, but not limited to the ability of Title IV-D parents to easily access the court system for necessary court action. The Office of Program Policy Analysis and Government Accountability shall submit an evaluation report on the statewide implementation of the administrative processes for establishing child support by June 30, 2006.~~

Section 22. Subsections (1), (4), and (11) of section 409.2564, Florida Statutes, are amended to read:

409.2564 Actions for support.—

(1) In each case in which regular support payments are not being made as provided herein, the department shall institute, within 30 days after determination of the obligor's reasonable ability to pay, action as is necessary to secure the obligor's payment of current support and any arrearage which may have accrued under an existing order of support. The department shall notify the program attorney in the judicial circuit in which the recipient resides setting forth the facts in the case, including the obligor's address, if known, and the public assistance case number. Whenever applicable, the procedures established under the provisions of chapter 88, Uniform Interstate Family Support Act, chapter 61, Dissolution of Marriage; Support; Time-sharing Custody, chapter 39, Proceedings Relating to Children, chapter 984, Children and Families in Need of Services, and chapter 985, Delinquency; Interstate Compact on Juveniles, may govern actions instituted under the provisions of this act, except that actions for support under chapter 39, chapter 984, or chapter 985 brought pursuant to this act shall not require any additional investigation or supervision by the department.

(4) Whenever the Department of Revenue has undertaken an action for enforcement of support, the Department of Revenue may enter into an

agreement with the obligor for the entry of a judgment determining paternity, if applicable, and for periodic child support payments based on the child support guidelines schedule in s. 61.30. Prior to entering into this agreement, the obligor shall be informed that a judgment will be entered based on the agreement. The clerk of the court shall file the agreement without the payment of any fees or charges, and the court, upon entry of the judgment, shall forward a copy of the judgment to the parties to the action. To encourage out-of-court settlement and promote support order compliance, if the obligor and the Department of Revenue agree on entry of a support order and its terms, the guideline amount owed for retroactive support that is permanently assigned to the state shall be reduced by 25 percent.

(11) The Title IV-D agency shall review child support orders in IV-D cases at least every 3 years upon request by either party, or the agency in cases where there is an assignment of support to the state under s. 414.095(7), and may seek adjustment of the order if appropriate under the guidelines schedule established in s. 61.30. Not less than once every 3 years the IV-D agency shall provide notice to the parties subject to the order informing them of their right to request a review and, if appropriate, an adjustment of the child support order. Said notice requirement may be met by including appropriate language in the initial support order or any subsequent orders.

Section 23. Paragraph (a) of subsection (2) of section 409.25657, Florida Statutes, is amended to read:

409.25657 Requirements for financial institutions.—

(2) The department shall develop procedures to enter into agreements with financial institutions doing business in the state, in coordination with such financial institutions and with the Federal Parent Locator Service in the case of financial institutions doing business in two or more states, to develop and operate a data match system, using automated data exchanges to the maximum extent feasible, in which each financial institution is required to provide for each calendar quarter the name, record address, social security number or other taxpayer identification number, average daily account balance, and other identifying information for:

(a) Each ~~noncustodial~~ parent who maintains an account at such institution and who owes past due support, as identified by the department by name and social security number or other taxpayer identification number; or

Section 24. Subsections (2) and (5) of section 409.25659, Florida Statutes, are amended to read:

409.25659 Insurance claim data exchange.—

(2) The department shall develop and operate a data match system after consultation with one or more insurers, using automated data exchanges to the maximum extent feasible, in which an insurer may voluntarily provide the department monthly with the name, address, and, if known, date of birth and social security number or other taxpayer identification number for each



~~noncustodial~~ parent who has a claim with the insurer and who owes past due support, and the claim number maintained by the insurer for each claim. An insurer may provide such data by:

(a) Authorizing an insurance claim data collection organization, to which the insurer subscribes and to which the insurer submits the required claim data on at least a monthly basis, to:

1. Receive or access a data file from the department and conduct a data match of all ~~noncustodial~~ parents who have a claim with the insurer and who owe past due support and submit the required data for each such ~~noncustodial~~ parent to the department; or

2. Submit a data file to the department which contains the required data for each claim being maintained by the insurer for the department to conduct a data match;

(b) Providing the required data for each claim being maintained by the insurer directly to the department in an electronic medium; or

(c) Receiving or accessing a data file from the department and conducting a data match of all ~~noncustodial~~ parents who have a claim with the insurer and who owe past due support and submitting the required data for each such ~~noncustodial~~ parent to the department.

(5) The department and insurers may only use the data obtained pursuant to subsection (2) for the purpose of identifying ~~noncustodial~~ parents who owe past due support. If the department does not match such data with a ~~noncustodial~~ parent who owes past due support, such data shall be destroyed immediately and shall not be maintained by the department.

Section 25. Section 409.2577, Florida Statutes, is amended to read:

409.2577 Parent locator service.—The department shall establish a parent locator service to assist in locating parents who have deserted their children and other persons liable for support of dependent children. The department shall use all sources of information available, including the Federal Parent Locator Service, and may request and shall receive information from the records of any person or the state or any of its political subdivisions or any officer thereof. Any agency as defined in s. 120.52, any political subdivision, and any other person shall, upon request, provide the department any information relating to location, salary, insurance, social security, income tax, and employment history necessary to locate parents who owe or potentially owe a duty of support pursuant to Title IV-D of the Social Security Act. This provision shall expressly take precedence over any other statutory nondisclosure provision which limits the ability of an agency to disclose such information, except that law enforcement information as provided in s. 119.071(4)(d) is not required to be disclosed, and except that confidential taxpayer information possessed by the Department of Revenue shall be disclosed only to the extent authorized in s. 213.053(16). Nothing in this section requires the disclosure of information if such disclosure is prohibited by federal law. Information gathered or used by the parent locator service is confidential and exempt from the provisions of s. 119.07(1). Additionally,

the department is authorized to collect any additional information directly bearing on the identity and whereabouts of a person owing or asserted to be owing an obligation of support for a dependent child. The department shall, upon request, make information available only to public officials and agencies of this state; political subdivisions of this state, including any agency thereof providing child support enforcement services to non-Title IV-D clients; the custodial parent owed support, legal guardian, attorney, or agent of the child; and other states seeking to locate parents who have deserted their children and other persons liable for support of dependents, for the sole purpose of establishing, modifying, or enforcing their liability for support, and shall make such information available to the Department of Children and Family Services for the purpose of diligent search activities pursuant to chapter 39. If the department has reasonable evidence of domestic violence or child abuse and the disclosure of information could be harmful to the custodial parent owed support or the child of such parent, the child support program director or designee shall notify the Department of Children and Family Services and the Secretary of the United States Department of Health and Human Services of this evidence. Such evidence is sufficient grounds for the department to disapprove an application for location services.

Section 26. Paragraph (e) of subsection (1) of section 409.2579, Florida Statutes, is amended to read:

409.2579 Safeguarding Title IV-D case file information.—

(1) Information concerning applicants for or recipients of Title IV-D child support services is confidential and exempt from the provisions of s. 119.07(1). The use or disclosure of such information by the IV-D program is limited to purposes directly connected with:

(e) Mandatory disclosure of identifying and location information as provided in s. 61.13~~(7)(8)~~ by the IV-D program when providing Title IV-D services.

Section 27. Subsection (11) of section 409.811, Florida Statutes, is amended to read:

409.811 Definitions relating to Florida Kidcare Act.—As used in ss. 409.810-409.820, the term:

(11) “Family” means the group or the individuals whose income is considered in determining eligibility for the Florida Kidcare program. The family includes a child with a custodial parent or caretaker relative who resides in the same house or living unit or, in the case of a child whose disability of nonage has been removed under chapter 743, the child. The family may also include other individuals whose income and resources are considered in whole or in part in determining eligibility of the child.

Section 28. Subsection (5) of section 414.0252, Florida Statutes, is amended to read:

414.0252 Definitions.—As used in ss. 414.025-414.55, the term:

(5) “Family” means the assistance group or the individuals whose needs, resources, and income are considered when determining eligibility for temporary assistance. The family for purposes of temporary assistance includes the minor child, a custodial parent, or caretaker relative who resides in the same house or living unit. The family may also include individuals whose income and resources are considered in whole or in part in determining eligibility for temporary assistance but whose needs, due to federal or state restrictions, are not considered. These individuals include, but are not limited to, ineligible noncitizens or sanctioned individuals.

Section 29. Paragraph (a) of subsection (4) and subsection (5) of section 414.065, Florida Statutes, are amended to read:

414.065 Noncompliance with work requirements.—

(4) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.—Unless otherwise provided, the situations listed in this subsection shall constitute exceptions to the penalties for noncompliance with participation requirements, except that these situations do not constitute exceptions to the applicable time limit for receipt of temporary cash assistance:

(a) Noncompliance related to child care.—Temporary cash assistance may not be terminated for refusal to participate in work activities if the individual is a single custodial parent caring for a child who has not attained 6 years of age, and the adult proves to the regional workforce board an inability to obtain needed child care for one or more of the following reasons, as defined in the Child Care and Development Fund State Plan required by 45 C.F.R. part 98:

1. Unavailability of appropriate child care within a reasonable distance from the individual’s home or worksite.
2. Unavailability or unsuitability of informal child care by a relative or under other arrangements.
3. Unavailability of appropriate and affordable formal child care arrangements.

(5) WORK ACTIVITY REQUIREMENTS FOR ~~NONCUSTODIAL~~ PARENTS.—

(a) The court may order a ~~noncustodial~~ parent who is delinquent in support payments, pursuant to the terms of a support order, to participate in work activities under this chapter, or as provided in s. 61.14(5)(b), so that the parent may obtain employment and fulfill the obligation to provide support payments. A ~~noncustodial~~ parent who fails to satisfactorily engage in court-ordered work activities may be held in contempt.

(b) The court may order a ~~noncustodial~~ parent to participate in work activities under this chapter if the child of the ~~noncustodial~~ parent has been placed with a relative, in an emergency shelter, in foster care, or in other substitute care, and:

1. The case plan requires the ~~noncustodial~~ parent to participate in work activities; or
2. The ~~noncustodial~~ parent would be eligible to participate in work activities and subject to work activity requirements if the child were living with the parent.

If a ~~noncustodial~~ parent fails to comply with the case plan, the ~~noncustodial~~ parent may be removed from program participation.

Section 30. Paragraph (c) of subsection (1) of section 414.085, Florida Statutes, is amended to read:

414.085 Income eligibility standards.—

(1) For purposes of program simplification and effective program management, certain income definitions, as outlined in the food stamp regulations at 7 C.F.R. s. 273.9, shall be applied to the temporary cash assistance program as determined by the department to be consistent with federal law regarding temporary cash assistance and Medicaid for needy families, except as to the following:

(c) The first \$50 of child support paid to a ~~custodial~~ parent receiving temporary cash assistance may not be disregarded in calculating the amount of temporary cash assistance for the family, unless such exclusion is required by federal law.

Section 31. Subsection (2) and paragraph (a) of subsection (6) of section 414.095, Florida Statutes, are amended to read:

414.095 Determining eligibility for temporary cash assistance.—

(2) ADDITIONAL ELIGIBILITY REQUIREMENTS.—

(a) To be eligible for services or temporary cash assistance and Medicaid:

1. An applicant must be a United States citizen, or a qualified noncitizen, as defined in this section.
2. An applicant must be a legal resident of the state.
3. Each member of a family must provide to the department the member's social security number or shall provide proof of application for a social security number. An individual who fails to provide a social security number, or proof of application for a social security number, is not eligible to participate in the program.

4. A minor child must reside with a ~~custodial~~ parent or parents, with a relative caretaker who is within the specified degree of blood relationship as defined by 45 C.F.R. part 233, or, if the minor is a teen parent with a child, in a setting approved by the department as provided in subsection (14).

5. Each family must have a minor child and meet the income and resource requirements of the program. All minor children who live in the

family, as well as the parents of the minor children, shall be included in the eligibility determination unless specifically excluded.

(b) The following members of a family are eligible to participate in the program if all eligibility requirements are met:

1. A minor child who resides with a ~~custodial~~ parent or other adult caretaker relative.
2. The parent of a minor child with whom the child resides.
3. The caretaker relative with whom the minor child resides who chooses to have her or his needs and income included in the family.
4. Unwed minor children and their children if the unwed minor child lives at home or in an adult-supervised setting and if temporary cash assistance is paid to an alternative payee.
5. A pregnant woman.

(6) CHILD SUPPORT ENFORCEMENT.—As a condition of eligibility for public assistance, the family must cooperate with the state agency responsible for administering the child support enforcement program in establishing the paternity of the child, if the child is born out of wedlock, and in obtaining support for the child or for the parent or caretaker relative and the child. Cooperation is defined as:

(a) Assisting in identifying and locating a ~~noncustodial~~ parent who does not live in the same home as the child and providing complete and accurate information on that parent;

This subsection does not apply if the state agency that administers the child support enforcement program determines that the parent or caretaker relative has good cause for failing to cooperate.

Section 32. Subsection (1) of section 414.295, Florida Statutes, is amended to read:

414.295 Temporary cash assistance programs; public records exemption.—

(1) Personal identifying information of a temporary cash assistance program participant, a participant's family, or a participant's family or household member, except for information identifying a ~~noncustodial~~ parent who does not live in the same home as the child, held by the department, the Agency for Workforce Innovation, Workforce Florida, Inc., the Department of Health, the Department of Revenue, the Department of Education, or a regional workforce board or local committee created pursuant to s. 445.007 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such confidential and exempt information may be released for purposes directly connected with:

(a) The administration of the temporary assistance for needy families plan under Title IV-A of the Social Security Act, as amended, by the depart-

ment, the Agency for Workforce Innovation, Workforce Florida, Inc., the Department of Military Affairs, the Department of Health, the Department of Revenue, the Department of Education, a regional workforce board or local committee created pursuant to s. 445.007, or a school district.

(b) The administration of the state's plan or program approved under Title IV-B, Title IV-D, or Title IV-E of the Social Security Act, as amended, or under Title I, Title X, Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the Social Security Act, as amended.

(c) Any investigation, prosecution, or any criminal, civil, or administrative proceeding conducted in connection with the administration of any of the plans or programs specified in paragraph (a) or paragraph (b) by a federal, state, or local governmental entity, upon request by that entity, when such request is made pursuant to the proper exercise of that entity's duties and responsibilities.

(d) The administration of any other state, federal, or federally assisted program that provides assistance or services on the basis of need, in cash or in kind, directly to a participant.

(e) Any audit or similar activity, such as a review of expenditure reports or financial review, conducted in connection with the administration of any of the plans or programs specified in paragraph (a) or paragraph (b) by a governmental entity authorized by law to conduct such audit or activity.

(f) The administration of the unemployment compensation program.

(g) The reporting to the appropriate agency or official of information about known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child or elderly person receiving assistance, if circumstances indicate that the health or welfare of the child or elderly person is threatened.

(h) The administration of services to elderly persons under ss. 430.601-430.606.

Section 33. Paragraph (c) of subsection (3) of section 445.024, Florida Statutes, is amended to read:

445.024 Work requirements.—

(3) **EXEMPTION FROM WORK ACTIVITY REQUIREMENTS.**—The following individuals are exempt from work activity requirements:

(c) A single ~~custodial~~ parent of a child under 3 months of age, except that the parent may be required to attend parenting classes or other activities to better prepare for the responsibilities of raising a child.

Section 34. Paragraphs (b), (c), and (d) of subsection (3) of section 741.0306, Florida Statutes, are amended, and subsection (5) is added to that section, to read:

741.0306 Creation of a family law handbook.—

(3) The information contained in the handbook or other electronic media presentation may be reviewed and updated annually, and may include, but need not be limited to:

(b) ~~Shared parental responsibility for children and; the determination of a parenting plan, including a time-sharing schedule primary residence or custody and secondary residence or routine visitation, holiday, summer, and vacation visitation arrangements, telephone access, and the process for notice for changes.~~

(c) ~~Permanent relocation restrictions on parents with primary residential responsibility.~~

(d) Child support for minor children; both parents are obligated for support in accordance with applicable child support guidelines schedule.

(5) The existing family law handbook shall be reviewed and a report provided to the Legislature by October 1, 2008, or as soon thereafter as practicable, with recommendations for updating the handbook.

Section 35. Subsection (3), paragraph (a) of subsection (5), and paragraph (a) of subsection (6) of section 741.30, Florida Statutes, are amended to read:

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

(3)(a) The sworn petition shall allege the existence of such domestic violence and shall include the specific facts and circumstances upon the basis of which relief is sought.

(b) The sworn petition shall be in substantially the following form:

PETITION FOR  
INJUNCTION FOR PROTECTION  
AGAINST DOMESTIC VIOLENCE

Before me, the undersigned authority, personally appeared Petitioner ...(Name)..., who has been sworn and says that the following statements are true:

(a) Petitioner resides at: ...(address)...

(Petitioner may furnish address to the court in a separate confidential filing if, for safety reasons, the petitioner requires the location of the current residence to be confidential.)

(b) Respondent resides at: ...(last known address)...

(c) Respondent's last known place of employment: ...(name of business and address)...

(d) Physical description of respondent: ....

Race....

Sex....

Date of birth....

Height....

Weight....

Eye color....

Hair color....

Distinguishing marks or scars....

(e) Aliases of respondent: ....

(f) Respondent is the spouse or former spouse of the petitioner or is any other person related by blood or marriage to the petitioner or is any other person who is or was residing within a single dwelling unit with the petitioner, as if a family, or is a person with whom the petitioner has a child in common, regardless of whether the petitioner and respondent are or were married or residing together, as if a family.

(g) The following describes any other cause of action currently pending between the petitioner and respondent:

The petitioner should also describe any previous or pending attempts by the petitioner to obtain an injunction for protection against domestic violence in this or any other circuit, and the results of that attempt

Case numbers should be included if available.

(h) Petitioner is either a victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence because respondent has ....(mark all sections that apply and describe in the spaces below the incidents of violence or threats of violence, specifying when and where they occurred, including, but not limited to, locations such as a home, school, place of employment, or visitation exchange)....:

....committed or threatened to commit domestic violence defined in s. 741.28, Florida Statutes, as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another. With the exception of persons who are parents of a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

....previously threatened, harassed, stalked, or physically abused the petitioner.



...attempted to harm the petitioner or family members or individuals closely associated with the petitioner.

...threatened to conceal, kidnap, or harm the petitioner's child or children.

...intentionally injured or killed a family pet.

...used, or has threatened to use, against the petitioner any weapons such as guns or knives.

...physically restrained the petitioner from leaving the home or calling law enforcement.

...a criminal history involving violence or the threat of violence (if known).

...another order of protection issued against him or her previously or from another jurisdiction (if known).

...destroyed personal property, including, but not limited to, telephones or other communication equipment, clothing, or other items belonging to the petitioner.

...engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence.

(i) Petitioner alleges the following additional specific facts: (mark appropriate sections)

~~...A minor child or minor children reside with the petitioner is the custodian of a minor child or children~~ whose names and ages are as follows:

...Petitioner needs the exclusive use and possession of the dwelling that the parties share.

...Petitioner is unable to obtain safe alternative housing because:

...Petitioner genuinely fears that respondent imminently will abuse, remove, or hide the minor child or children from petitioner because:

(j) Petitioner genuinely fears imminent domestic violence by respondent.

(k) Petitioner seeks an injunction: (mark appropriate section or sections)

...Immediately restraining the respondent from committing any acts of domestic violence.

...Restraining the respondent from committing any acts of domestic violence.

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

...Providing a temporary parenting plan, including a temporary time-sharing schedule ~~Awarding temporary custody of, or temporary visitation~~

rights with regard to, the minor child or children of the parties which might involve, or prohibiting or limiting time-sharing or requiring that it be visitation to that which is supervised by a third party.

...Establishing temporary support for the minor child or children or the petitioner.

...Directing the respondent to participate in a batterers' intervention program or other treatment pursuant to s. 39.901, Florida Statutes.

...Providing any terms the court deems necessary for the protection of a victim of domestic violence, or any minor children of the victim, including any injunctions or directives to law enforcement agencies.

(c) Every petition for an injunction against domestic violence shall contain, directly above the signature line, a statement in all capital letters and bold type not smaller than the surrounding text, as follows:

I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES.

...(initials)...

(d) If the sworn petition seeks to determine a parenting plan and time-sharing schedule ~~issues of custody or visitation~~ with regard to the minor child or children of the parties, the sworn petition shall be accompanied by or shall incorporate the allegations required by s. 61.522 of the Uniform Child Custody Jurisdiction and Enforcement Act.

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

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

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

3. On the same basis as provided in s. 61.13, providing the petitioner with 100 percent of the time-sharing that shall remain granting to the petitioner temporary custody of a minor child. ~~An order of temporary custody remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting the placement of, access to, parental time with, adoption of, or parental rights and responsibilities for the minor child.~~

(6)(a) Upon notice and hearing, when it appears to the court that the petitioner is either the victim of domestic violence as defined by s. 741.28 or has reasonable cause to believe he or she is in imminent danger of becom-

ing a victim of domestic violence, the court may grant such relief as the court deems proper, including an injunction:

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

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

3. On the same basis as provided in chapter 61, providing the petitioner with 100 percent of the time-sharing in a temporary parenting plan that shall remain ~~awarding temporary custody of, or temporary visitation rights with regard to, a minor child or children of the parties. An order of temporary custody or visitation remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting the placement of, access to, parental time with, adoption of, or parental rights and responsibilities for the minor child.~~

4. On the same basis as provided in chapter 61, establishing temporary support for a minor child or children or the petitioner. An order of temporary support remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting child support.

5. Ordering the respondent to participate in treatment, intervention, or counseling services to be paid for by the respondent. When the court orders the respondent to participate in a batterers' intervention program, the court, or any entity designated by the court, must provide the respondent with a list of all certified batterers' intervention programs and all programs which have submitted an application to the Department of Children and Family Services to become certified under s. 741.32, from which the respondent must choose a program in which to participate. If there are no certified batterers' intervention programs in the circuit, the court shall provide a list of acceptable programs from which the respondent must choose a program in which to participate.

6. Referring a petitioner to a certified domestic violence center. The court must provide the petitioner with a list of certified domestic violence centers in the circuit which the petitioner may contact.

7. Ordering such other relief as the court deems necessary for the protection of a victim of domestic violence, including injunctions or directives to law enforcement agencies, as provided in this section.

Section 36. Subsections (1) and (2) of section 742.031, Florida Statutes, are amended to read:

742.031 Hearings; court orders for support, hospital expenses, and attorney's fee.—

(1) Hearings for the purpose of establishing or refuting the allegations of the complaint and answer shall be held in the chambers and may be

restricted to persons, in addition to the parties involved and their counsel, as the judge in his or her discretion may direct. The court shall determine the issues of paternity of the child and the ability of the parents to support the child. Each party's social security number shall be recorded in the file containing the adjudication of paternity. If the court finds that the alleged father is the father of the child, it shall so order. If appropriate, the court shall order the father to pay the complainant, her guardian, or any other person assuming responsibility for the child moneys sufficient to pay reasonable attorney's fees, hospital or medical expenses, cost of confinement, and any other expenses incident to the birth of the child and to pay all costs of the proceeding. Bills for pregnancy, childbirth, and scientific testing are admissible as evidence without requiring third-party foundation testimony, and shall constitute prima facie evidence of amounts incurred for such services or for testing on behalf of the child. The court shall order either or both parents owing a duty of support to the child to pay support pursuant to s. 61.30. The court shall issue, upon motion by a party, a temporary order requiring ~~the provision of child support pursuant to s. 61.30 pending an administrative or judicial determination of parentage, if there is clear and convincing evidence of paternity on the basis of genetic tests or other evidence. The court may also make a determination of an appropriate parenting plan, including a time-sharing schedule, as to the parental responsibility and residential care and custody of the minor children~~ in accordance with chapter 61.

(2) If a judgment of paternity contains only a child support award with no parenting plan or time-sharing schedule, the obligee parent shall receive all of the time-sharing and sole parental responsibility no explicit award of custody, the establishment of a support obligation or of visitation rights in one parent shall be considered a judgment granting primary residential care and custody to the other parent without prejudice to the obligor parent. If a paternity judgment contains no such provisions, ~~custody shall be presumed to be with the mother shall be presumed to have all of the time-sharing and sole parental responsibility.~~

Section 37. Subsection (3) of section 753.01, Florida Statutes, is amended to read:

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

(3) "Exchange monitoring" means supervision of movement of a child from one parent the custodial to the other noncustodial parent at the start of the visit and back to the first eustodial parent at the end of the visit.

Section 38. Subsection (1) of section 827.06, Florida Statutes, is amended to read:

827.06 Nonsupport of dependents.—

(1) The Legislature finds that most ~~noncustodial~~ parents want to support their children and remain connected to their families. The Legislature also finds that while many ~~noncustodial~~ parents lack the financial resources and other skills necessary to provide that support, some parents willfully fail to provide support to their children even when they are aware of the obligation

and have the ability to do so. The Legislature further finds that existing statutory provisions for civil enforcement of support have not proven sufficiently effective or efficient in gaining adequate support for all children. Recognizing that it is the public policy of this state that children shall be maintained primarily from the resources of their parents, thereby relieving, at least in part, the burden presently borne by the general citizenry through public assistance programs, it is the intent of the Legislature that the criminal penalties provided for in this section are to be pursued in all appropriate cases where civil enforcement has not resulted in payment.

Section 39. For the purpose of incorporating the amendment made by this act to section 741.30, Florida Statutes, in a reference thereto, paragraph (a) of subsection (3) of section 61.1825, Florida Statutes, is reenacted to read:

61.1825 State Case Registry.—

(3)(a) For the purpose of this section, a family violence indicator must be placed on a record when:

1. A party executes a sworn statement requesting that a family violence indicator be placed on that party's record which states that the party has reason to believe that release of information to the Federal Case Registry may result in physical or emotional harm to the party or the child; or

2. A temporary or final injunction for protection against domestic violence has been granted pursuant to s. 741.30(6), an injunction for protection against domestic violence has been issued by a court of a foreign state pursuant to s. 741.315, or a temporary or final injunction for protection against repeat violence has been granted pursuant to s. 784.046; or

3. The department has received information on a Title IV-D case from the Domestic Violence and Repeat Violence Injunction Statewide Verification System, established pursuant to s. 784.046(8)(b), that a court has granted a party a domestic violence or repeat violence injunction.

Section 40. This act shall take effect October 1, 2008.

Approved by the Governor May 28, 2008.

Filed in Office Secretary of State May 28, 2008.