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Session Law 97-242

Florida Senate & House of Representatives

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LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Sess. Law # <i>91-240</i>	Sec. #	LOF cite
Prime Bill # <i>SB 1092</i>	Comp./Sim. Bills <i>HB 1421</i>	
JLMC Hist. Cites	Senate <i>101</i> House <i>291</i>	Comms. of Ref. Senate <i>Judiciary</i> House <i>Temporary Child Care</i>

COMMITTEE RECORDS

H/S	Committee	Year	Record Series: Folder title, etc.	Loc. Cite	✓
S	Judic	1997	Bill files, SB 1092	18/2270	
"	"	"	Working file	18/2270	
H	FL+C	1997	Meeting file: 4-17-97	19/2861-3	φ
"	"	"	Roll file: HB 1421	19/2864	✓
<input type="checkbox"/> continued on reverse					

Senate/House Journals

Page #	?	Date	Page #	?	Date

Committee/Floor Tapes

H/S	c/f	Committee/subcommittee name	Date	#	Location Cite
S	c	Judiciary, SEH	4-15-97	2	625/846
H	c	FL+C	4-17-97	1	414/1155

Other Documentation

Record Series Title, folder title, etc.	Location Cite

Judiciary
 Tuesday, April 15, 1997
 2:00 P.M. - 5:00 P.M.
 Room 1 (309), Capitol

18 2273

ITEM	SPEAKER/COMMENTS	TAPE/CNTR#	ITEM	SPEAKER/COMMENTS	TAPE/CNTR#
			SB 790	Bob Jackson	2a
			"	William Marnen	2a
			"	Linda Thorn	2a
SB 1450	Sen. Silver	1a	"	Melinda Coulter	2a
SB 1006	Sen. Silver	1a	"	Reginald Castor	2a
SB 2296	Sen. Harris	1a	"	Sen. Forman	2a
"	Tim Taylor	1a	SB 172	Sen Brown-White	2a
"	Phillip Rose	1a	"	Beth Louingood	2a
"	Tony Kirk	1a	"	Brandon Peters	2a
"	Deborah Marks	1a	SB 2062	Sen. Brown-White	2a
SB 1092	Lisa Dunston	1a	"	Randy Miller	2a
"	Bob McKeely	1a	SB 1214	Sen. Forman	2a
"	Phillip Rose	1a	"	Jeffrey Jones	2a
"	Phillip Rose	2a	"	Sen. Forman	1b
SB 790	Sen. Forman	2a	"	Jeffrey Jones	1b

Judiciary
Tuesday, April 15, 1997
2:00 P.M. - 5:00 P.M.
Room 1 (309), Capitol

ITEM	SPEAKER/COMMENTS	TAPE/CNTR#

ITEM	SPEAKER/COMMENTS	TAPE/CNTR#
SB 1214	Emily Moore	1b
"	Scott Fisher	1b
SB 2058	Sen. Campbell	1b
SB 1926	Sen. Grant	1b
"	Jim Tullis	1b
"	Tom Carey	1b
"	Dale Eggers	1b
"	Warren Husband	2b



Amendment No. 1 (for drafter's use only)

Senate CHAMBER ACTION House

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ORIGINAL STAMP BELOW

14 2784

The Committee on Family Law & Children offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Paragraph (d) is added to subsection (2) of
section 61.13, Florida Statutes, 1996 Supplement, to read:
61.13 Custody and support of children; visitation
rights; power of court in making orders.--

(2)

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

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



Amendment No. 1 (for drafter's use only)

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

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

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

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

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

13 Section 2. Section 61.121, F.S., is created to read:
14 61.121 Rotating custody.--

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

18 Section 3. Subsection (3) of section 61.052, F.S.,
19 1996 Supplement, is amended to read:
20 61.052 Dissolution of marriage.--

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

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

28
29
30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:



Amendment No. 1 (for drafter's use only)

1 On page, line(s),
2 remove from the title of the bill: the entire title
3
4 and insert in lieu thereof:

5 A bill to be entitled

6 An act relating to child custody; amending s.
7 61.13, F.S.; providing that no presumption
8 shall arise in favor of or against a relocation
9 request when a primary residential parent seeks
10 to move the child; providing factors for the
11 court to consider; creating s. 61.121, F.S.;
12 providing for rotating custody of a child under
13 certain circumstances; amending s. 61.052,
14 F.S.; providing for rotating custody during a
15 period of continuance; providing an effective
16 date.

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SENATE VOTE RECORD ON BILL NO. SB 1092

COMMITTEE ON: Judiciary

ACTION: Not Considered

DATE: April 10, 1997

OTHER COMMITTEE REFERENCES:

TIME: 9:00 AM - 12:00 PM

PLACE: _____

FINAL BILL VOTE		SENATORS										
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
		Burt										
		Campbell										
		Crist										
		Grant										
		Horne										
		Ostalkiewicz										
		Rossin										
		Silver										
		Williams										
		VICE CHAIRMAN										
		Jones										
		CHAIRMAN										
		Dudley										
		TOTAL										
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay

APPEARANCE: Key Sponsor _____ Senator _____ Sponsor's Aide _____ Other _____
 (File with Secretary of the Senate) 04/11/97 10:39 AM

SENATE VOTE RECORD ON BILL NO. SB 1092

COMMITTEE ON: Judiciary

ACTION: Favorably with 1 amendment(s)

DATE: April 15, 1997

OTHER COMMITTEE REFERENCES:

TIME: 2:00 PM -- 5:00 PM

PLACE: _____

04/15/97

FINAL BILL VOTE		SENATORS	Jones amendment strike									
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
X		Burt										
X		Campbell										
X		Crist										
X		Grant										
X		Horne										
X		Ostalkiewicz										
X		Rossin										
X		Silver										
X		Williams										
X		VICE CHAIRMAN Jones										
X		CHAIRMAN Dudley										
11	0	TOTAL	FWO	-								
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay

APPEARANCE: Key Sponsor _____ Senator _____ Sponsor's Aide _____ Other _____
 (File with Secretary of the Senate) 04/16/97 8:24 AM

A G E N D A

COMMITTEE ON JUDICIARY

Fred Dudley, CHAIRMAN
Daryl Jones, VICE CHAIRMAN

DATE: Tuesday, April 15, 1997
TIME: 2:00 P.M. - 5:00 P.M.
PLACE: Room 1, Capitol

MEMBERS: Senator Locke Burt
Senator Skip Campbell
Senator Charlie Crist
Senator John Grant
Senator Jim Horne
Senator John Ostalkiewicz
Senator Tom Rossin
Senator Ron Silver
Senator Charles Williams

18 2000

TAB	BILL NO. AND INTRODUCER	BILL DESCRIPTION AND SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 1450 Silver (Similar H 1083)	Uniform Commercial Code/Investment JU 04/02/97 Not considered JU 04/10/97 Not considered 04/15/97 CM WM	Fav/1 Amendment
2	SB 1006 Silver (Similar CS/H 0055, Compare H 1687, CS/ S 0910, S 2300)	Child Custody/Abuse JU 04/10/97 Not considered 04/15/97	Fav/CS
3	SB 1092 Dantzler et al (Similar H 1421)	Residential Responsibility for Child JU 04/10/97 Not considered 04/15/97	Fav/1 Amendment

COMMITTEE ON JUDICIARY

DATE: Tuesday, April 15, 1997

TIME: 2:00 P.M. - 5:00 P.M.

TAB	BILL NO. AND INTRODUCER	BILL DESCRIPTION AND SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 2296 Harris et al	Child Custody/Rotating JU 04/10/97 Not considered 04/15/97	Fav/CS
5	SB 2058 Campbell (Identical H 1601)	Marital Assets & Liabilities JU 04/10/97 Not considered 04/15/97	Fav/1 Amendment
6	SB 1926 Grant (Identical H 1535, Compare H 0849, S 1582)	Negligence/Alcoholic Beverages JU 04/10/97 Not considered 04/15/97 RI	Unfavorable
7	CS/SB 1234 Dudley et al (Similar H 1981)	Condominiums & Cooperatives/Disputes RI 04/02/97 CS JU 04/15/97	Not Considered
8	CS/SB 1566 & 114 Burt et al (Similar CS/H 1091, Compare S 0114, S 1586)	Persons Sentenced to Death/Counsel CJ 04/01/97 CS JU 04/15/97 WM RC	Not Considered
9	SB 1906 Campbell (Similar H 1661)	Indigent Persons/Court Costs Waiver JU 04/15/97 CJ	Not Considered

COMMITTEE ON JUDICIARY

DATE: Tuesday, April 15, 1997

TIME: 2:00 P.M. - 5:00 P.M.

TAB	BILL NO. AND INTRODUCER	BILL DESCRIPTION AND SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	SB 0790 Forman et al (Similar H 1983)	Human Rights/Committees JU 04/15/97 GO	Fav/1 Amendment
11	SB 0172 Brown-Waite et al (Similar CS/H 0377)	Juror Comp./Donation to Programs JU 04/15/97	Fav/4 Amendments
12	SB 1892 Ostalkiewicz (Identical H 0899)	Vessels/Boats & Boating JU 04/15/97 TR WM	Not Considered
13	SB 0468 Silver (Identical H 0449)	Criminal Actions/Fraud CJ 03/17/97 FAVORABLE JU 04/15/97 WM	Not Considered
14	SB 2062 Brown-Waite (Similar H 1495)	Motor Vehicle Warranty Enforcement TR 03/25/97 FAVORABLE WITH AMEND 5 JU 04/15/97 WM	Fav/3 Amendments
15	CS/SB 0578 Clary et al (Compare H 0011)	Victim of Crime/Rights CJ 04/01/97 CS JU 04/15/97	Not Considered
16	SB 1526 Cowin (Identical H 1705)	Elders/Access to Courts JU 04/15/97 RC	Not Considered

COMMITTEE ON JUDICIARY

DATE: Tuesday, April 15, 1997

TIME: 2:00 P.M. - 5:00 P.M.

TAB	BILL NO. AND INTRODUCER	BILL DESCRIPTION AND SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
17	SB 1212 Rossin (Similar CS/H 0585)	Adoption of Foster Children JU 04/15/97 CF	Not Considered
18	SB 1550 Rossin (Similar H 1147)	Court Costs JU 04/15/97 WM	Not Considered
19	SB 1214 Forman (Identical H 1223, Similar CS/H 0719)	Professional Guardian JU 04/15/97	Fav/CS
20	SB 1472 Dyer (Similar CS/H 0415)	Funeral Processions TR 03/25/97 FAVORABLE WITH AMEND JU 04/15/97	Not Considered 1



Florida House of Representatives

Daniel Webster, Speaker

19

2362

Family Law & Children

Justice Council

Rep. Evelyn Lynn
Chair

Rep. Lois Frankel
Vice Chair

AGENDA

Morris Hall (21 HOB)

April 17, 1997

4:15 p.m. - 6:00 p.m.

Roll Call

Welcome and Opening Remarks by Rep. Evelyn Lynn, Chair

I. Consideration of the following bills:

- A. HB 1601 by Rep. Eggleton--Marital Assets & Liabilities**
- B. HB 1687 by Rep. Villalobos--Protection Against Domestic Violence**
- C. HB 1019 by Rep. Bloom & others--Marriage Preparation & Preservation**
- D. HB 1421 by Rep. Frankel & others--Child Custody/Shared Responsibility**

II. Workshop on the following bill:

- A. HB 1221 by Rep. Wise--Families & Children**

Member Comments

Closing Remarks by Rep. Evelyn Lynn, Chair

Adjourn

Family Law & Cr 1910 Comm Dec Meeting 19

2360

April 17, 1990 4:15 pm Morris Hall

Tape 1 Side A 4:27 pm

Roll Call

HB 1001 by Eggelation

4:32 pm Robert J. Jones - Family Law Sec's of the Fla Bar

HB 1001 passed unanimously with 1 Amendment

4:33 pm HB 1421 by Frances

4:45 pm R. TP'd

4:46 pm HB 1019 by Bloom

Judy Fitzgerald

Ricardo Alencar Florida Family Law

Member Comments

#1 - Failed, #2 - passed, #3 - failed, #4 - failed, #5 - failed

Tape 1 Side B 5:15 pm

HB 1019 by Bloom

#6 passed, #7 - ^{sub Amend} withdrawn, 8 - in Board

Member Comments

Rep Wise comments on 1019 subject

Rep Bloom comments on 1019 subject

5:35 pm R. TP'd

Member Comments

5:35pm HE 1421 Rep France

Sub. Committee Report

For Matter: War Progress for France & Co

James Linnell to answer questions

5:52pm HE 1421 voted unanimously Favorable w/ 2000 votes

HE 1627 - Rep Villabolos - Rep France

John Hooper - 1919 and 1920

Rep France

Voted Favorable w/ 1 amendment

Rep W. Se. comments to have a meeting

to be held

Rep Linnell reports

6:01 pm 1920 - 1921

STORAGE NAME: h1421s1z.flc
DATE: June 13, 1997

****AS PASSED BY THE LEGISLATURE****
CHAPTER # 97-242

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
FAMILY LAW & CHILDREN
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 1421
RELATING TO: Child custody
SPONSOR(S): Representative Frankel and Committee on Family Law and Children
STATUTE(S) AFFECTED: Section 61 13 F.S.; section 61 121 F.S. (created)
COMPANION BILL(S): S 1092 (similar); CS/S 2296 (compare)
ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE.

- (1) FAMILY LAW AND CHILDREN YEAS 8 NAYS 0
- (2)
- (3)
- (4)
- (5)

19 2864

I. SUMMARY:

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

- Whether the move would be likely to improve the general quality of life for both the residential parent and the child.
- The extent to which visitation rights have been allowed and exercised
- Whether the primary residential parent, once out of the jurisdiction will be likely to comply with any substitute visitation arrangements.
- Whether the substitute visitation will be adequate to foster a continuing meaningful relationship between the child and the secondary residential parent.
- Whether the cost of transportation is financially affordable by one or both parties
- Whether the move is in the best interests of the child.

The bill also creates s. 61.121, F.S. to provide that the court may order rotating custody if the court finds that rotating custody will be in the best interest of the child.

The fiscal impact of the bill is indeterminate. The effective date is July 1, 1997.

II. SUBSTANTIVE RESEARCH:

A PRESENT SITUATION:

The Florida statutes do not directly address the issue of when parents may relocate following divorce or separation. However, Florida does have a strong, stated policy of maintaining a close and continuing relationship between children and their parents. Section 61.13(2)(b) F.S. provides, "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."

Aside from this public policy, the law surrounding such relocations has been largely developed through the courts. The Florida Supreme Court has recognized different standards in addressing a parents' request to relocate depending on whether the parties have a restriction on relocation within their final judgment of dissolution of marriage.

1. Relocation: when parties do not have a prior relocation restriction

When the parties have not yet litigated the issue of relocation, if the relocating parent can show that the move is being made in good faith, there is a presumption in favor of allowing such relocation. Russenberger v. Russenberger, 669 So.2d 1044 (Fla. 1996). This good faith has been described as a "well-intentioned reason and founded belief that the relocation is best for that parent's - and, it follows, the child's - well being, rather than from a vindictive desire to interfere with the visitation rights of the other parent." See Hill v. Hill, 548 So.2d 705 (Fla.3d DCA 1989)(Schwartz, J., concurring),

Upon proof of good faith, the burden then shifts to the non-relocating parent to show, by a preponderance of the evidence, that relocation is not in the best interests of the child. As stated in Mize v. Mize, 651 So.2d 417, 420 (Fla. 1993), the factors to be considered in determining when relocation is in the best interests of the child are as follows:

1. Whether the move would be likely to improve the general quality of life for both the primary residential spouse and the children.
2. Whether the motive for seeking the move is for the express purpose of defeating visitation.
3. Whether the custodial parent, once out of the jurisdiction, will be likely to comply with any substitute visitation arrangements.
4. Whether the substitute visitation will be adequate to foster a continuing meaningful relationship between the child or children and the noncustodial parent.
5. Whether the cost of transportation is financially affordable by one or both of the parents.
6. Whether the move is in the best interests of the child. (The court stated that the sixth requirement is a generalized summary of the previous five.)

According to the Russenberger, in approving this burden shifting approach, the Supreme Court was attempting to balance the strong policy of maintaining closer relationships between parents and children with a policy that allows parents to make good faith relocations.

b. Relocation: when parties have an existing relocation restriction

If a prior restriction on relocation exists, a residential parent seeking to relocate must show that the move is in the best interests of the child and that a substantial change in circumstances exists that overrides the existence of the prior relocation restriction. See, e.g. Mize v. Mize, 621 So.2d 417 (Fla. 1993).

The Florida Supreme Court has not yet decided what constitutes a substantial change in circumstances regarding relocation restrictions. In cases involving modification of alimony or child support, the Florida Supreme Court has determined that the substantial change of circumstances must be significant, material, permanent and **involuntary**. Pimm v. Pimm, 601 So.2d 534 (Fla. 1992). In a modification of custody, the burden has been described as "extraordinary." Smoak v. Smoak, 658 So.2d 568 (Fla. 1st DCA 1995).

It is as yet undetermined whether modification of a relocation restriction should be subject to such a stringent test. Recent case law implies that courts will overrule such a prior restriction based on a less demanding test. In Macconnell v. Cascante, 668 So.2d 668 (Fla. 4th DCA 1996) the district court held that a custodial parent's remarriage and opportunity to relocate to Costa Rica so that the new spouse could manage a farm there "unquestionably warranted" a finding of changed circumstances. In Card v Card, 659 So.2d 1228 (Fla. 5th DCA 1995) the court found changed circumstances when the subsequent spouse needed to relocate in order to maintain his employment. In Landingham v. Landingham, 22 Fla. L. Weekly D38 (Fla. 1st DCA 1996), the court also found that a move based on improved job opportunities was enough to be termed a substantial change in circumstances. According to some commentators, such case law overrules the effectiveness of relocation restrictions so long as such a move is made in good faith. See Judge James S. Moody, Jr. and Phillip S. Wartenberg, *The Birth of a Legal Presumption*, 70 Fla. B.J. 68 (November 1996) (stating that when courts use the move itself as enough to show a substantial change in circumstances, a prior restriction is easily overcome).

c. Rotating custody

Although courts have allowed rotating custody in Florida, this practice is not presently statutorily recognized.

B. EFFECT OF PROPOSED CHANGES:

The bill provides that no presumption shall arise in favor of or against a request to relocate when a primary residential parent seeks to move and the move will materially affect the current schedule of contact and access with the secondary parent. The factors to be used by the court in determining whether a relocation of a child should be allowed are similar, but not identical, to those elucidated by the Mize court.

The bill also provides for the statutory recognition of rotating child custody when the court finds that rotating custody will be in the best interest of the child.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No

d. Does the bill reduce total fees, both rates and revenues?

No

e. Does the bill authorize any fee or tax increase by any local government?

No.

3 Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

The courts.

(2) Who makes the decisions?

The court may impose a relocation restriction when parties have shared parental responsibility. The court will determine whether to allow relocation of a child, based on guidelines stated in the bill.

(3) Are private alternatives permitted?

Parties will still be free to settle the issue of relocation out of court

(4) Are families required to participate in a program?

No.

(5) Are families penalized for not participating in a program?

No.

b Does the bill directly affect the legal rights and obligations between family members?

Yes.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. SECTION-BY-SECTION RESEARCH:

This section need be completed only in the discretion of the Committee.

III FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS

1. Non-recurring Effects:

None.

2. Recurring Effects:

See Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

See Fiscal Comments.

B FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

According to the Office of the State Courts Administrator, this bill will create a new court proceeding in relation to the relocation of children in shared parental responsibility situations. Such hearing will be not be needed if the non-custodial parent consents to the relocation. Since there are no statistics available on the number of such relocations,

and there is no way to gauge the effect of the bill in relation to the overall issue of relocation (one effect of the bill may be to discourage relocation), an accurate assessment of the amount of court time requires is difficult to assess at this time. It would, however, appear that there will be an increased need for such court time.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

CS/HB 1421 was passed by the House on April 25, 1997 (YEAS 110 NAYS 1) and by the Senate on May 2, 1997 (YEAS 39 NAYS 0). It became law without the Governor's signature on May 30, 1997 (Chapter 97-242, Laws of Florida).

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES.

VII. SIGNATURES:

COMMITTEE ON FAMILY LAW AND CHILDREN:

Prepared by:

Legislative Research Director:

JENNY CONNER

PEGGY SANFORD

STORAGE NAME: h1421s1z.flc

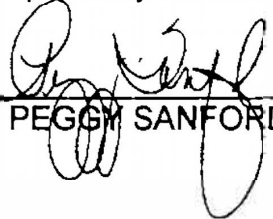
DATE: June 13, 1997

PAGE 9

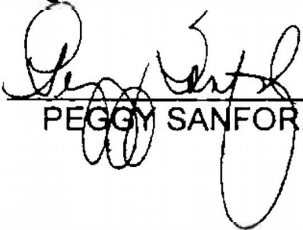
FINAL RESEARCH PREPARED BY COMMITTEE ON FAMILY LAW & CHILDREN:

Prepared by:-

Legislative Research Director:



PEGGY SANFORD



PEGGY SANFORD

STORAGE NAME: h1421s1z.flc
DATE: June 13, 1997

****AS PASSED BY THE LEGISLATURE****
CHAPTER #: 97-242

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
FAMILY LAW & CHILDREN
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 1421
RELATING TO: Child custody
SPONSOR(S): Representative Frankel and Committee on Family Law and Children
STATUTE(S) AFFECTED: Section 61.13 F.S.; section 61.121 F.S. (created)
COMPANION BILL(S): S 1092 (similar); CS/S 2296 (compare)
ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:
(1) FAMILY LAW AND CHILDREN YEAS 8 NAYS 0
(2)
(3)
(4)
(5)

I. SUMMARY:

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

- Whether the move would be likely to improve the general quality of life for both the residential parent and the child.
- The extent to which visitation rights have been allowed and exercised.
- Whether the primary residential parent, once out of the jurisdiction will be likely to comply with any substitute visitation arrangements.
- Whether the substitute visitation will be adequate to foster a continuing meaningful relationship between the child and the secondary residential parent.
- Whether the cost of transportation is financially affordable by one or both parties.
- Whether the move is in the best interests of the child.

The bill also creates s. 61.121, F.S. to provide that the court may order rotating custody if the court finds that rotating custody will be in the best interest of the child.

The fiscal impact of the bill is indeterminate. The effective date is July 1, 1997.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The Florida statutes do not directly address the issue of when parents may relocate following divorce or separation. However, Florida does have a strong, stated policy of maintaining a close and continuing relationship between children and their parents. Section 61.13(2)(b) F.S. provides, "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."

Aside from this public policy, the law surrounding such relocations has been largely developed through the courts. The Florida Supreme Court has recognized different standards in addressing a parents' request to relocate depending on whether the parties have a restriction on relocation within their final judgment of dissolution of marriage.

1. Relocation: when parties do not have a prior relocation restriction

When the parties have not yet litigated the issue of relocation, if the relocating parent can show that the move is being made in good faith, there is a presumption in favor of allowing such relocation. Russenberger v. Russenberger, 669 So.2d 1044 (Fla. 1996). This good faith has been described as a "well-intentioned reason and founded belief that the relocation is best for that parent's - and, it follows, the child's - well being, rather than from a vindictive desire to interfere with the visitation rights of the other parent." See Hill v. Hill, 548 So.2d 705 (Fla.3d DCA 1989)(Schwartz, J., concurring).

Upon proof of good faith, the burden then shifts to the non-relocating parent to show, by a preponderance of the evidence, that relocation is not in the best interests of the child. As stated in Mize v. Mize, 651 So.2d 417, 420 (Fla. 1993), the factors to be considered in determining when relocation is in the best interests of the child are as follows:

1. Whether the move would be likely to improve the general quality of life for both the primary residential spouse and the children.
2. Whether the motive for seeking the move is for the express purpose of defeating visitation.
3. Whether the custodial parent, once out of the jurisdiction, will be likely to comply with any substitute visitation arrangements.
4. Whether the substitute visitation will be adequate to foster a continuing meaningful relationship between the child or children and the noncustodial parent.
5. Whether the cost of transportation is financially affordable by one or both of the parents.
6. Whether the move is in the best interests of the child. (The court stated that the sixth requirement is a generalized summary of the previous five.)

According to the Russenberger, in approving this burden shifting approach, the Supreme Court was attempting to balance the strong policy of maintaining closer relationships between parents and children with a policy that allows parents to make good faith relocations.

b. Relocation: when parties have an existing relocation restriction

If a prior restriction on relocation exists, a residential parent seeking to relocate must show that the move is in the best interests of the child and that a substantial change in circumstances exists that overrides the existence of the prior relocation restriction. See, e.g. Mize v. Mize, 621 So.2d 417 (Fla. 1993).

The Florida Supreme Court has not yet decided what constitutes a substantial change in circumstances regarding relocation restrictions. In cases involving modification of alimony or child support, the Florida Supreme Court has determined that the substantial change of circumstances must be significant, material, permanent and involuntary. Pimm v. Pimm, 601 So.2d 534 (Fla. 1992). In a modification of custody, the burden has been described as "extraordinary." Smoak v. Smoak, 658 So.2d 588 (Fla. 1st DCA 1995).

It is as yet undetermined whether modification of a relocation restriction should be subject to such a stringent test. Recent case law implies that courts will overrule such a prior restriction based on a less demanding test. In Macconnell v. Cascante, 668 So.2d 688 (Fla. 4th DCA 1996) the district court held that a custodial parent's remarriage and opportunity to relocate to Costa Rica so that the new spouse could manage a farm there "unquestionably warranted" a finding of changed circumstances. In Card v. Card, 659 So.2d 1228 (Fla. 5th DCA 1995) the court found changed circumstances when the subsequent spouse needed to relocate in order to maintain his employment. In Landingham v. Landingham, 22 Fla. L. Weekly D38 (Fla. 1st DCA 1996), the court also found that a move based on improved job opportunities was enough to be termed a substantial change in circumstances. According to some commentators, such case law overrules the effectiveness of relocation restrictions so long as such a move is made in good faith. See Judge James S. Moody, Jr. and Phillip S. Wartenberg, *The Birth of a Legal Presumption*, 70 Fla. B.J. 68 (November 1996) (stating that when courts use the move itself as enough to show a substantial change in circumstances, a prior restriction is easily overcome).

c. Rotating custody

Although courts have allowed rotating custody in Florida, this practice is not presently statutorily recognized.

B. EFFECT OF PROPOSED CHANGES:

The bill provides that no presumption shall arise in favor of or against a request to relocate when a primary residential parent seeks to move and the move will materially affect the current schedule of contact and access with the secondary parent. The factors to be used by the court in determining whether a relocation of a child should be allowed are similar, but not identical, to those elucidated by the Mize court.

The bill also provides for the statutory recognition of rotating child custody when the court finds that rotating custody will be in the best interest of the child.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No:

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

The courts.

(2) Who makes the decisions?

The court may impose a relocation restriction when parties have shared parental responsibility. The court will determine whether to allow relocation of a child, based on guidelines stated in the bill.

(3) Are private alternatives permitted?

Parties will still be free to settle the issue of relocation out of court.

(4) Are families required to participate in a program?

No.

(5) Are families penalized for not participating in a program?

No.

b. Does the bill directly affect the legal rights and obligations between family members?

Yes.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. SECTION-BY-SECTION RESEARCH:

This section need be completed only in the discretion of the Committee.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

See Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

According to the Office of the State Courts Administrator, this bill will create a new court proceeding in relation to the relocation of children in shared parental responsibility situations. Such hearing will not be needed if the non-custodial parent consents to the relocation. Since there are no statistics available on the number of such relocations,

and there is no way to gauge the effect of the bill in relation to the overall issue of relocation (one effect of the bill may be to discourage relocation), an accurate assessment of the amount of court time requires is difficult to assess at this time. It would, however, appear that there will be an increased need for such court time.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

CS/HB 1421 was passed by the House on April 25, 1997 (YEAS 110 NAYS 1) and by the Senate on May 2, 1997 (YEAS 39 NAYS 0). It became law without the Governor's signature on May 30, 1997 (Chapter 97-242, Laws of Florida).

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII. SIGNATURES:

COMMITTEE ON FAMILY LAW AND CHILDREN:

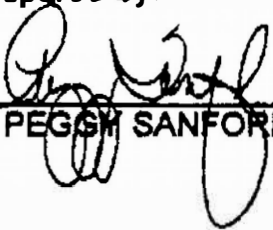
Prepared by:

Legislative Research Director:

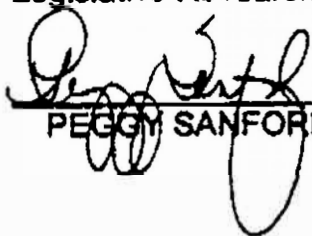
JENNY CONNER

PEGGY SANFORD

FINAL RESEARCH PREPARED BY COMMITTEE ON FAMILY LAW & CHILDREN:
Prepared by: Legislative Research Director.



PEGGY SANFORD



PEGGY SANFORD

**GENERAL ACTS
RESOLUTIONS AND MEMORIALS
ADOPTED BY THE
FIFTEENTH LEGISLATURE OF FLORIDA
UNDER THE CONSTITUTION
AS REVISED IN 1968**

During the Regular Session
March 4, 1997, through May 2, 1997



Volume I, Part Four

Published by Authority of Law

Under Direction of the

**JOINT LEGISLATIVE MANAGEMENT
COMMITTEE**

Tallahassee

1997

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

Filed in Office Secretary of State May 29, 1997

CHAPTER 97-242

House Bill No. 1421

An act relating to child custody, amending s 61 13, F S , providing that no presumption shall arise in favor of or against a relocation request when a primary residential parent seeks to move the child, providing factors for the court to consider, creating s 61 121, F S , providing for rotating custody of a child under certain circumstances, amending s 61 052, F S , providing for rotating custody during a period of continuance, providing an effective date

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

Section 1 Paragraph (d) is added to subsection (2) of section 61 13, Florida Statutes, 1996 Supplement, to read

61 13 Custody and support of children; visitation rights, power of court in making orders —

(2)

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

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

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

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

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

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

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

Section 2 Section 61 121, F S , is created to read

61 121 Rotating custody —

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

Section 3 Subsection (3) of section 61 052, F.S , 1996 Supplement, is amended to read:

61 052 Dissolution of marriage —

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

Section 4 This act shall take effect July 1, 1997

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

Filed in Office Secretary of State May 29, 1997

CHAPTER 97-243

House Bill No. 1465

An act relating to social and economic assistance, amending s 409 908, F S ; deleting a provision relating to the reimbursement for midwives who provide services to Medicaid recipients, directing the Agency for Health Care Administration to adopt certain rules, providing an effective date

Be It Enacted by the Legislature of the State of Florida

Section 1 Paragraph (d) of subsection (12) of section 409 908, Florida Statutes, 1996 Supplement, is amended to read

409 908 Reimbursement of Medicaid providers —Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s 287 057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216 Further, nothing in this section shall be construed to prevent or limit the agency

FLORIDA LEGISLATURE

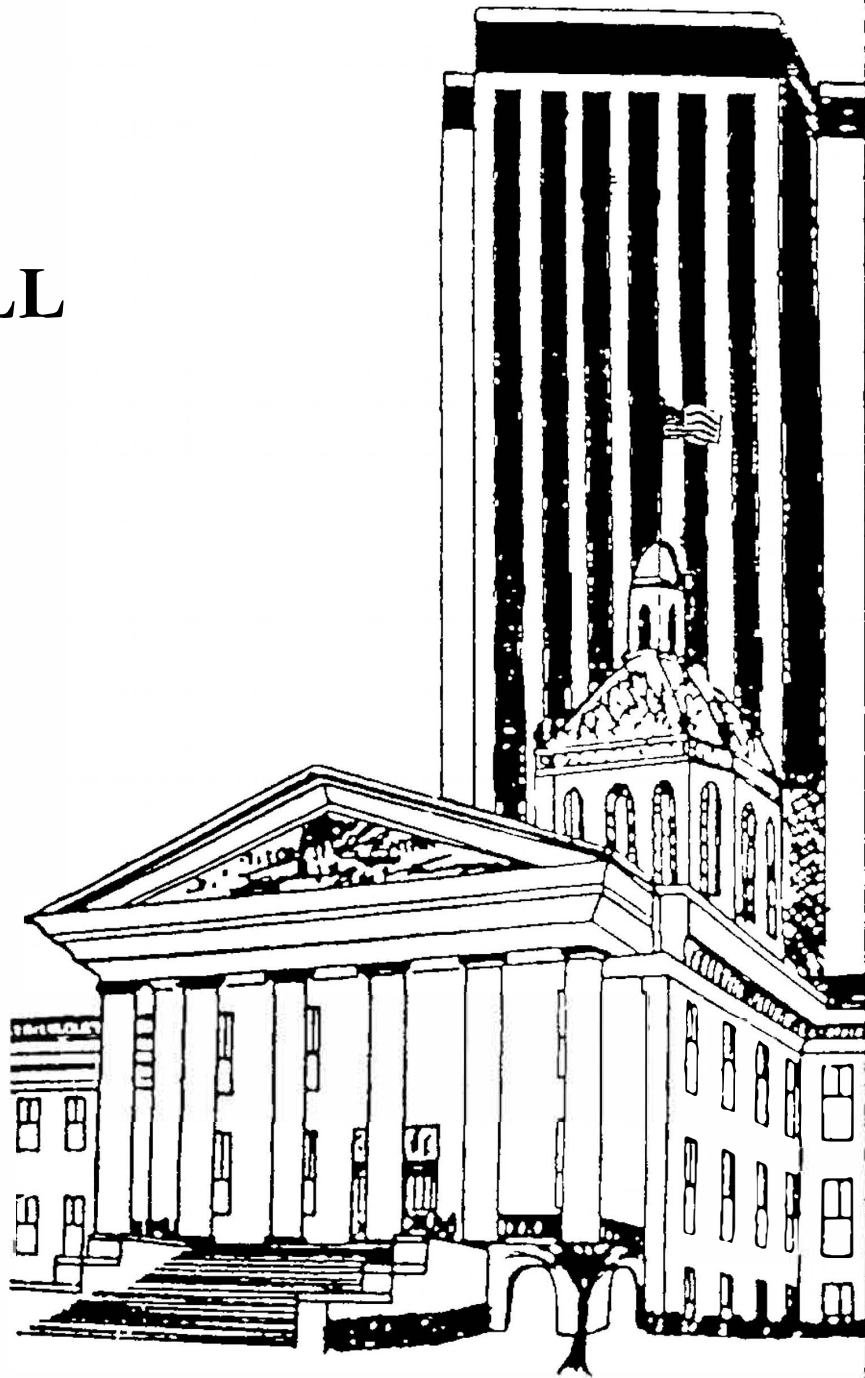
FINAL LEGISLATIVE BILL INFORMATION

1997 Regular Session

CS 97-242

HB 1421 Passed

SB 1092 Substituted



prepared by:

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HISTORY OF HOUSE BILLS

- H 1417 (CONTINUED)**
 03/24/97 HOUSE Referred to Water & Resource Management (GRC), Rules Resolutions, & Ethics (PC), Finance & Taxation (FRC), General Government Appropriations—HJ 00324
 04/03/97 HOUSE On Committee agenda—Water & Resource Management (GRC), 04/09/97, 1 00 pm, 102—HOB—Cancelled
 04/09/97 HOUSE On Committee agenda—Water & Resource Management (GRC), 04/15/97 9 00 am 102—HOB
 04/15/97 HOUSE Comm Action Favorable with 1 amendment(s) by Water & Resource Management (GRC)—HJ 00658
 04/17/97 HOUSE Now in Rules, Resolutions, & Ethics (PC)—HJ 00658
 05/02/97 HOUSE Carried over to 1998 Session pursuant to House Rule 96, In House Committee on Rules, Resolutions, & Ethics (PC)
- H 1419 GENERAL BILL by Bullard (Similar S 1672)**
Midwifery, updates definition of "department", expands definition of "preceptor", revises & provides education & training requirements for midwifery programs, including requirements for student midwives, revises requirements for licensure by endorsement, eliminates provision re temporary certification, provides requirements for temporary certification to practice midwifery, authorizes midwife to administer oxytocics, etc Amends Ch 467 Effective Date 10/01/1997
 03/13/97 HOUSE Filed
 03/19/97 HOUSE Introduced—HJ 00229
 05/01/97 HOUSE Withdrawn from further consideration—HJ 01725
- H 1421 GENERAL BILL/1ST ENG by Frankel, (CO-SPONSORS) Wise; Spratt (Similar S 1092, Compare CS/S 2296)**
Child Custody/Relocation, provides that no presumption shall arise in favor of or against relocation request when primary residential parent seeks to move child, provides factors for court to consider, provides for rotating custody of child under certain circumstances, provides for rotating custody during period of continuance Amends 61 13, 052, creates 61 121 Effective Date 07/01/1997
 03/13/97 HOUSE Filed
 03/19/97 HOUSE Introduced—HJ 00229
 03/24/97 HOUSE Referred to Family Law & Children (JC)—HJ 00324
 04/11/97 HOUSE On Committee agenda—Family Law & Children (JC), 04/17/97, 4 15 pm, Morris Hall
 04/18/97 HOUSE Comm Action—Unanimously Favorable with 1 amendment(s) by Family Law & Children (JC)—HJ 00666
 04/22/97 HOUSE Pending Consent Calendar—HJ 00666
 04/24/97 HOUSE Available for Consent Calendar
 04/25/97 HOUSE Placed on Consent Calendar, Read second time—HJ 00954, Amendment(s) adopted—HJ 00954, Read third time—HJ 00955, Passed as amended, YEAS 110 NAYS 1—HJ 00955
 04/28/97 SENATE In Messages
 05/01/97 SENATE Received, referred to Judiciary—SJ 01303
 05/02/97 SENATE Withdrawn from Judiciary—SJ 01326, Substituted for SB 1092—SJ 01326, Read second and third times—SJ 01326, Passed, YEAS 39 NAYS 0—SJ 01326
 05/02/97 HOUSE Ordered enrolled—HJ 02189
 05/14/97 Signed by Officers and presented to Governor
 05/30/97 Became Law without Governor's Signature, Chapter No 97—242
- H 1423 GENERAL BILL/CS by Children & Family Empowerment (GSC), Brennan, (CO SPONSORS) Wasserman Schultz (Similar CS/1ST ENG/S 0630, Compare H 0963, H 2113, CS/CS/2ND ENG/S 0566)**
Child Care Facilities, defines terms "evening child care" & "weekend child care", provides references to Children & Family Services Dept, provides minimum standards for staff-to-children ratio in licensed child care facility with children of mixed age ranges, provides for minimum standards for evening child care, provides for establishment of minimum standards for licensed family day care homes Amends 402 302, 305, 313 Effective Date 07/01/1997
 03/13/97 HOUSE Filed
 03/19/97 HOUSE Introduced—HJ 00229
 03/24/97 HOUSE Referred to Children & Family Empowerment (GSC), Education/K-12 (AEC), Health & Human Services Appropriations—HJ 00324
 04/01/97 HOUSE On Committee agenda—Children & Family Empowerment (GSC), 04/07/97, 1 00 pm, 317C
 04/07/97 HOUSE Comm Action Unanimously CS by Children & Family Empowerment (GSC)—HJ 00597
 04/09/97 HOUSE Withdrawn from—Education/K-12 (AEC)—HJ 00435
 04/16/97 HOUSE CS read first time on 04/16/97—HJ 00593, Now in Health & Human Services Appropriations—HJ 00597
 04/17/97 HOUSE Withdrawn from Health & Human Services Appropriations—HJ 00648
 04/18/97 HOUSE Pending Consent Calendar
 04/22/97 HOUSE Available for Consent Calendar
 04/24/97 HOUSE Placed on Consent Calendar
 04/25/97 HOUSE Senate Bill substituted Laid on Table, Iden /Sim /Compare Bill(s) passed refer to CS/SB 630 (Ch 97—63), See also (S/CS/SB 566 (Ch 97—173)—HJ 00932
- H 1425 GENERAL BILL by Mackey (Similar S 2146, Compare H 1879)**
Hospitals/Skilled Nursing Beds, provides exemption from certificate-of-need review for certain conversions of licensed acute care hospital beds to skilled nursing beds, provides for expiration of exemption, requires AHCA to adopt rule methodology for separate evaluation of applications for skilled nursing beds in certain facilities, limits certain challenges, provides for standards & criteria for evaluating need, etc Amends 408 036 Effective Date 07/01/1997
 03/13/97 HOUSE Filed
 03/19/97 HOUSE Introduced—HJ 00230
 05/02/97 HOUSE Withdrawn from further consideration—HJ 01979
- H 1427 GENERAL BILL by Arnall (Identical S 1544, Compare 1ST ENG/H 0063, 1ST ENG/H 0499, 1ST ENG/H 1337, 1ST ENG/H 2109, S 2208, S 0648, CS/CS/2ND ENG/S 1660, S 1868, S 2396)**
Taxation, eliminates tolling of statute of limitations for specified causes, prescribes circumstances for tolling of statute of limitations as result of administrative or judicial proceedings, limits period for which additional penalties & interest may be imposed, prescribes dates for filing returns for specified taxes, increases maximum length of time for which extension to file tangible-personal-property tax return may be granted, etc Amends FS Effective Date 07/01/1997
 03/13/97 HOUSE Filed
 03/19/97 HOUSE Introduced—HJ 00230
 05/02/97 HOUSE Carried over to 1998 Session pursuant to House Rule 96, Introduced, not referred, Iden /Sim /Compare Bill(s) passed refer to HB 499 (Ch 97—86), HB 1337 (Ch 97—123)
- H 1429 GENERAL BILL by Clemons; (CO-SPONSORS) Heyman**
Child Care Tuition Assistance, establishes child care tuition assistance program, provides for allocation of state & federal funds & distribution to families of eligible children, requires DOE & Children & Family Services Dept to establish eligibility requirements for children & quality standards for child care centers, requires simplified point of entry to child care services, provides for rules Effective Date 07/01/1997
 03/13/97 HOUSE Filed
 03/19/97 HOUSE Introduced—HJ 00230
 03/24/97 HOUSE Referred to Children & Family Empowerment (GSC), Education/K-12 (AEC), Education Appropriations—HJ 00324
 04/01/97 HOUSE On Committee agenda—Children & Family Empowerment (GSC), 04/07/97, 1 00 pm, 317C—Not considered
 04/02/97 HOUSE Withdrawn from Children & Family Empowerment (GSC), Education/K-12 (AEC), Education Appropriations—HJ 00378, Filed and not referred—HJ 00378
 05/02/97 HOUSE Carried over to 1998 Session pursuant to House Rule 96, Introduced, not referred
- H 1431 LOCAL BILL by Rayson (Identical S 2018)**
Deerfield Beach/Corporate Limits, (Broward Co) extends & enlarges corporate limits of City of Deerfield Beach to include specified unincorporated lands within said corporate limits Effective Date 05/30/1997
 03/13/97 HOUSE Filed
 03/19/97 HOUSE Introduced—HJ 00230
 03/24/97 HOUSE Referred to Community Affairs (GRC)—HJ 00324
 03/31/97 HOUSE On Committee agenda—Community Affairs (GRC), 04/04/97, 10 00 am, Morris Hall
 04/04/97 HOUSE Comm Action—Unanimously Favorable by Community Affairs (GRC)—HJ 00495
 04/08/97 HOUSE Placed on Calendar—HJ 00495
 04/24/97 HOUSE Placed on Local Calendar, Read second and third times—HJ 00816, Passed, YEAS 116 NAYS 0—HJ 00817
 04/24/97 SENATE In Messages
 04/29/97 SENATE Received, referred to Rules and Calendar—SJ 00941
 04/30/97 SENATE Considered by Rules and Calendar, placed on Local Calendar—SJ 01096
 05/01/97 SENATE Placed on Local Calendar—SJ 00957, Read second and third times—SJ 01142, Passed, YEAS 40 NAYS 0—SJ 01142
 05/01/97 HOUSE Ordered enrolled—HJ 01755
 05/14/97 Signed by Officers and presented to Governor
 05/30/97 Became Law without Governor's Signature, Chapter No 97—360
- H 1433 GENERAL BILL by Brennan (Similar CS/S 0888)**
Children & Family Services Records, provides for release of records of Children & Family Services Dept which pertain to investigation of death of disabled adult, elderly person, or child as result of abuse, neglect, exploitation, or abandonment, requires that department redact names & other identifying information in certain records, authorizes any person or organization, or said department, to petition court to prohibit public disclosure of such records, etc Amends 119 07 Effective Date 10/01/1997
 03/13/97 HOUSE Filed
 03/19/97 HOUSE Introduced—HJ 00230
 03/24/97 HOUSE Referred to Children & Family Empowerment (GSC), Governmental Operations (GRC) Health & Human Services Appropriations—HJ 00324

HISTORY OF SENATE BILLS

S 1088 CONTINUED

charge imposed by certain provision Amends 215 20, 22 Effective Date 07/01/1997
 03/03/97 SENATE Prefiled
 03/12/97 SENATE Introduced, referred to Agriculture Ways and Means—SJ 00141
 03/14/97 SENATE On Committee agenda—Agriculture, 03/18/97, 9 00 am, Room—2C(301)
 03/18/97 SENATE Comm Action Favorable by Agriculture—SJ 00253
 03/20/97 SENATE Now in Ways and Means—SJ 00253
 05/02/97 SENATE Died in Committee on Ways and Means

S 1090 GENERAL BILL by Dantzler (Similar H 1847)

Agricultural Emergency Trust Fund, creates said trust fund, prescribes its uses, defines what constitutes "agricultural emergency", provides service charge for deposit into said trust fund, provides cap on deposits into that fund Creates 570 191, amends 570 20 Effective Date 07/01/1997 if enacted by 3/5ths vote of membership of each house of Legislature
 03/03/97 SENATE Prefiled
 03/12/97 SENATE Introduced, referred to Agriculture Ways and Means—SJ 00141
 03/14/97 SENATE On Committee agenda—Agriculture, 03/18/97, 9 00 am, Room—2C(301)
 03/18/97 SENATE Comm Action Favorable by Agriculture—SJ 00253
 03/20/97 SENATE Now in Ways and Means—SJ 00253
 05/02/97 SENATE Died in Committee on Ways and Means

S 1092 GENERAL BILL by Dantzler; (CO-SPONSORS) Myers (Similar 1ST ENG/H 1421)

Residential Responsibility for Child, provides for territorial restrictions to be included in court order providing residential responsibility for children, authorizes relocation of residence under certain circumstances, provides guidelines Amends 61 13 Effective Date 07/01/1997
 03/03/97 SENATE Prefiled
 03/12/97 SENATE Introduced, referred to Judiciary—SJ 00141
 04/08/97 SENATE On Committee agenda—Judiciary, 04/10/97, 9 00 am, Room—1C(309)—Not considered
 04/11/97 SENATE On Committee agenda—Judiciary, 04/15/97, 2 00 pm, Room—1C(309)
 04/15/97 SENATE Comm Action—Favorable with 1 amendment(s) by Judiciary—SJ 00521
 04/16/97 SENATE Placed on Calendar—SJ 00521
 04/28/97 SENATE Placed on Special Order Calendar—SJ 00709
 04/29/97 SENATE Placed on Special Order Calendar—SJ 00709, —SJ 00938
 04/30/97 SENATE Placed on Special Order Calendar—SJ 00938, —SJ 01096
 05/01/97 SENATE Placed on Special Order Calendar—SJ 00957, —SJ 01096
 05/02/97 SENATE Placed on Consent Calendar—SJ 01843, Read second time—SJ 01326, Amendment(s) adopted—SJ 01326, House Bill substituted—SJ 01326, Laid on Table, Iden/Sim/Compare Bill(s) passed, refer to HB 1421 (Ch 97-242)

S 1094 GENERAL BILL/CS by Natural Resources; Dantzler (Similar CS/2ND ENG/H 0057, H 0785)

Environmental Protection/Permits, prohibits control, regulation, permitting, or imposition of charges on certain severed materials, authorizes certain riparian owners to remove certain types of aquatic plants under certain circumstances, exempts installation & repair of certain piers & docking facilities & associated structures & removal of aquatic plants, tussocks, & organic material from certain permitting requirements, etc Amends 253 03, 369 20, 403 813 Effective Date 10/01/1997
 03/03/97 SENATE Prefiled
 03/12/97 SENATE Introduced, referred to Natural Resources, Ways and Means—SJ 00141
 03/31/97 SENATE On Committee agenda—Natural Resources, 04/02/97, 2 30 pm, Room—A(LL-37)
 04/02/97 SENATE Comm Action CS by Natural Resources—SJ 00392, CS read first time on 04/07/97—SJ 00395
 04/04/97 SENATE Now in Ways and Means—SJ 00392
 04/09/97 SENATE Withdrawn from Ways and Means—SJ 00404, Placed on Calendar
 04/28/97 SENATE Placed on Special Order Calendar—SJ 00709
 04/29/97 SENATE Placed on Special Order Calendar—SJ 00709, —SJ 00938
 04/30/97 SENATE Placed on Special Order Calendar—SJ 00938, —SJ 01096
 05/01/97 SENATE Placed on Special Order Calendar—SJ 00957, —SJ 01096
 05/02/97 SENATE Placed on Special Order Calendar—SJ 01105, Died on Special Order Calendar, Iden/Sim/Compare Bill(s) passed, refer to CS/HB 57 (Ch 97-22)

S 1096 GENERAL BILL by Dantzler

Employer Disclosure Information, requires that employer disclose information about current or former employee to law enforcement agency that is conducting background investigation for purposes of employment Amends 768 095 Effective Date Upon becoming law
 03/03/97 SENATE Prefiled
 03/12/97 SENATE Introduced, referred to Criminal Justice—SJ 00141
 05/02/97 SENATE Died in Committee on Criminal Justice

S 1098 GENERAL BILL by Dantzler

Secondhand Dealers/Title Loans, prescribes fee to be charged in title loan transaction Amends 538 06 Effective Date Upon becoming law
 03/03/97 SENATE Prefiled
 03/12/97 SENATE Introduced, referred to Banking and Insurance—SJ 00141
 05/02/97 SENATE Died in Committee on Banking and Insurance

S 1100 GENERAL BILL by Dantzler

Driver's License/Learner's Night, extends nighttime hours during which licenseholders of specified age may drive Amends 322 1615 Effective Date 07/01/1997
 03/03/97 SENATE Prefiled
 03/12/97 SENATE Introduced, referred to Transportation—SJ 00141
 05/02/97 SENATE Died in Committee on Transportation

S 1102 GENERAL BILL by Scott; (CO-SPONSORS) Klein (Identical H 0201)

Education Finance Program Funds, requires advance distribution of Florida Education Finance Program funds under certain circumstances Creates 236 08105 Effective Date 07/01/1997
 03/03/97 SENATE Prefiled
 03/12/97 SENATE Introduced, referred to Education, Ways and Means—SJ 00141
 03/21/97 SENATE On Committee agenda—Education, 03/25/97, 12 30 pm, Room—A(LL-37)
 03/25/97 SENATE Comm Action Favorable by Education—SJ 00315
 03/26/97 SENATE Now in Ways and Means—SJ 00315
 04/29/97 SENATE Withdrawn from Ways and Means—SJ 00724, Placed on Calendar
 04/30/97 SENATE Placed on Special Order Calendar—SJ 01096
 05/01/97 SENATE Placed on Consent Calendar—SJ 01294, House Bill substituted—SJ 01124, Laid on Table, Iden/Sim/Compare Bill(s) passed, refer to HB 201 (Ch 97-193)

S 1104 GENERAL BILL by Dantzler (Similar H 1225, Compare CS/CS/1ST ENG/H 0907, CS/CS/1ST ENG/S 2044)

Citrus Canker/Eradication Funds revises disposition of funds received from Federal Government for eradication of citrus canker Amends 602 065 Effective Date 04/24/1997
 03/03/97 SENATE Prefiled
 03/12/97 SENATE Introduced, referred to Agriculture, Ways and Means—SJ 00141
 03/14/97 SENATE On Committee agenda—Agriculture, 03/18/97, 9 00 am, Room—2C(301)
 03/18/97 SENATE Comm Action Favorable by Agriculture—SJ 00253
 03/20/97 SENATE Now in Ways and Means—SJ 00253
 03/25/97 SENATE Withdrawn from Ways and Means—SJ 00269, Placed on Calendar
 04/09/97 SENATE Placed on Special Order Calendar—SJ 00448, Read second time—SJ 00442
 04/10/97 SENATE Read third time—SJ 00458, Passed, YEAS 36 NAYS 0—SJ 00458, Immediately certified—SJ 00458
 04/10/97 HOUSE In Messages
 04/11/97 HOUSE Received, placed on Calendar—HJ 00499, Substituted for HB 1225—HJ 00511, Read second time—HJ 00511
 04/14/97 HOUSE Read third time—HJ 00543, Passed, YEAS 115 NAYS 0—HJ 00543
 04/16/97 SENATE Ordered enrolled—SJ 00503
 04/21/97 SENATE Signed by Officers and presented to Governor—SJ 00603
 04/24/97 Approved by Governor, Chapter No 97-26, See also CS/CS/HB 907 (Ch 97-220)—SJ 00711

S 1106 GENERAL BILL/CS by Criminal Justice; Burt (Compare CS/H 0049, H 0187, CS/1ST ENG/H 1027, CS/S 0210, CS/2ND ENG/S 1930)

Sex Offender Punishment Act, creates "Sex Offender Punishment & Supervision Act", provides for separate proceeding for court determination of whether defendant is "repeat sex offender" or "habitual sex offender," as defined, provides penalties for such offenders, including mandatory minimum imprisonment, under specified circumstances, provides for appeal, requires sheriff to advertise certain information re release of sexual predators, etc Amends Chs 775, 921, 948 Effective Date 07/01/1997
 03/03/97 SENATE Prefiled
 03/12/97 SENATE Introduced, referred to Criminal Justice, Ways and Means—SJ 00142
 03/21/97 SENATE On Committee agenda—Criminal Justice, 03/25/97, 9 00 am, Room—1C(309)
 03/25/97 SENATE Comm Action CS by Criminal Justice—SJ 00315, CS read first time on 03/27/97—SJ 00319
 03/27/97 SENATE Now in Ways and Means—SJ 00316
 05/02/97 SENATE Died in Committee on Ways and Means, Iden/Sim/Compare Bill(s) passed, refer to CS/SB 1930 (Ch 97-308)

S 1108 GENERAL BILL/1ST ENG by Dudley (Similar H 1487)

Non-Ad Val Assessments/Collection, authorizes use of uniform method to collect non-ad valorem assessments regardless of specified circumstances, provides legislative intent ratifies certain ordinances Amends 197 3632 Effective Date 05/16/1997

CITATOR—BILLS INTRODUCED AND PASSED

(Citator reflects Florida Statute numbers listed in final passed bill—not necessarily final statutory placement. Verify with F.S. tracing tables.)

FLORIDA STATUTE CHAPTER 39 (CONT)			FLORIDA STATUTE CHAPTER 39 (CONT)			FLORIDA STATUTE CHAPTER 56		
39 04	S 516	H 1221	39 45	S 1954,	H 1513	56 27	S 914,	H 935
39 05	<u>S 1760(97-276),</u>	H 357,	39 451	S 1954,	H 1221,	56 28	S 914,	H 935
	H 1221			H 1513				
39 51	<u>S 1760(97-276),</u>	H 357	39 452	H 1221		FLORIDA STATUTE CHAPTER 57		
39 52	<u>S 1760(97-276),</u>	H 357	39 453	H 1221,	H 1513	57 081	<u>S 1906(97-107),</u>	H 1661
39 53	<u>S 1760(97-276),</u>	H 357	39 454	S 1954,	H 1221,	57 111	S 516	
39 54	S 1760,	H 357		H 1513		FLORIDA STATUTE CHAPTER 61		
39 55	H 1221		39 455	<u>S 420(97-95),</u>	H 1221	61 046	S 698,	S 2296,
39 56	H 1221		39 456	S 1954,	H 1513		<u>H 2031(97-170)</u>	
39 57	S 516,	S 552,	39 457	<u>S 436(97-101),</u>	H 1221	61 052	S 698,	S 2296,
	S 1006,	S 1960,	39 459	<u>S 436(97-101),</u>	H 1221		<u>H 1421(97-242),</u>	<u>H 2031(97-170)</u>
	S 2388,	H 55,	39 46	H 1221		61 075	S 2058,	H 1601
	H 1221,	H 1929	39 461	H 1221		61 077	H 173,	<u>H 1601(97-249)</u>
39 9	S 516,	H 1221	39 4611	<u>S 1760(97-276),</u>	H 357	61 121	S 2296,	<u>H 1421(97-242)</u>
39 11	<u>S 422(97-96),</u>	<u>S 436(97-101),</u>	39 4612	H 1221		61 13	S 248,	<u>S 420(97-95),</u>
	<u>S 1760(97-276),</u>	H 357,	39 462	<u>S 1760(97-276),</u>	H 357,		S 698,	S 910,
	H 1221			H 1221			S 1006,	S 1092,
39 105	S 420(97-95),	H 1221	39 4625	<u>S 1760(97-276),</u>	H 357		S 1952,	S 2300,
39 111	S 1020,	S 1232,	39 464	S 248,	<u>S 1760(97-276),</u>		<u>H 55(97-155),</u>	H 189,
	H 475			S 1954,	H 357,		H 479,	<u>H 1111(97-226),</u>
39 115	S 516,	H 1221		<u>H 1111(97-226),</u>	H 1513		<u>H 1421(97-242),</u>	H 1687,
39 118	<u>S 436(97-101)</u>		39 465	H 1221			<u>H 2031(97-170)</u>	
39 119	S 2086,	<u>H 1369(97-238),</u>	39 469	S 248,	S 1212,	61 1301	S 698,	<u>H 2031(97-170)</u>
	H 2107			S 1954,	H 585,	61 13016	S 106,	S 396,
39 12	S 2086,	<u>H 1369(97-238),</u>		<u>H 1111(97-226),</u>	H 1221,		<u>S 422(97-96),</u>	S 698,
	H 2107		39 47	S 1954,	H 1513		S 1952,	<u>H 507(97-206)</u>
39 121	S 2086,	<u>H 1369(97-238),</u>	39 471	S 248,	S 1954,		H 753,	<u>H 2031(97-170)</u>
	H 2107			<u>H 1111(97-226),</u>	H 1221,	61 1354	S 698,	S 1952,
39 122	<u>S 278(97-281),</u>	S 2086,		H 1513			<u>H 2031(97-170)</u>	
	H 1031,	<u>H 1369(97-238),</u>	39 473	S 1954,	H 1221,	61 14	S 698,	S 1952,
	H 2107			H 1513			<u>H 2031(97-170)</u>	
39 123	<u>S 278(97-281),</u>	<u>S 436(97-101),</u>	39 51	S 2086,	<u>H 1369(97-238),</u>	61 15	S 698,	S 1952
	S 2086,	H 1031,		H 2107		61 151	S 698,	S 1952
	H 1221,	<u>H 1369(97-238),</u>	39 511	S 2086,	<u>H 1369(97-238),</u>	61 16	S 516	
	H 2107			H 2107		61 181	<u>S 428(VETOED),</u>	S 698,
39 124	<u>S 278(97-281),</u>	S 1190,	39 512	S 2086,	<u>H 1369(97-238),</u>		<u>H 2031(97-170)</u>	
	S 2086,	H 565,		H 2107		61 1812	S 698,	<u>H 1835(97-259),</u>
	H 1031,	<u>H 1369(97-238),</u>	39 513	S 2086,	<u>H 1369(97-238),</u>		<u>H 2031(97-170)</u>	
	H 2107			H 2107		61 1814	S 698,	<u>H 2031(97-170)</u>
39 126	<u>S 278(97-281),</u>	S 2086,	39 514	S 2086,	<u>H 1369(97-238),</u>	61 22	H 1019	
	H 1031,	<u>H 1369(97-238),</u>		H 2107		61 30	S 698,	S 1952,
	H 2107		39 515	S 2086,	<u>H 1369(97-238),</u>		<u>H 2031(97-170)</u>	
39 126	<u>S 278(97-281),</u>	S 2086,		H 2107		FLORIDA STATUTE CHAPTER 63		
	H 1031,	<u>H 1369(97-238),</u>	39 516	S 2086,	<u>H 1369(97-238),</u>	63 022	<u>S 436(97-101),</u>	S 1212,
	H 2107			H 2107			S 1762,	H 585,
39 137	S 2086,	H 1221,	FLORIDA STATUTE CHAPTER 40			63 032	<u>S 436(97-101),</u>	S 1762,
	<u>H 1369(97-238),</u>	H 2107	40 013	<u>H 377(97-199)</u>			H 1257	
39 1375	S 2086,	<u>H 1369(97-238),</u>	40 24	S 172,	<u>H 377(97-199)</u>	63 0323	S 1762,	H 1257
	H 2107		40 29	S 1220,	H 1359	63 042	S 1762,	H 1257
39 138	<u>S 278(97-281),</u>	S 2086,	40 35	S 268		63 0426	S 1212,	H 585
	H 1031,	<u>H 1369(97-238),</u>	FLORIDA STATUTE CHAPTER 43			63 0427	S 1212,	H 585
	H 2107		43 16	S 114,	S 1586	63 052	S 1762,	H 1257
39 14	<u>S 278(97-281),</u>	S 2086,	FLORIDA STATUTE CHAPTER 44			63 062	S 552,	S 1762,
	H 1031,	H 1221,	44 102	S 426,	S 910,		H 1257,	<u>H 1357(97-237)</u>
	<u>H 1369(97-238),</u>	H 2107		S 1006,	S 2300,	63 063	S 1762,	H 1257
39 141	S 2086,	H 1221,	FLORIDA STATUTE CHAPTER 45			63 064	S 1762,	H 1257
	<u>H 1369(97-238),</u>	H 2107	44 1051	S 1202	H 1687	63 065	S 1762,	H 1257
39 142	S 202,	<u>S 278(97-281),</u>	FLORIDA STATUTE CHAPTER 46			63 066	S 1762,	H 1257
	<u>S 436(97-101),</u>	S 1190,	45 063	S 1774		63 072	S 248,	S 1762,
	S 2086,	H 565,					H 1111,	H 1257,
	H 1031,	<u>H 1369(97-238),</u>	FLORIDA STATUTE CHAPTER 48				H 1513	
	H 2107		48 021	S 268		63 0725	H 881	
39 1421	<u>S 278(97-281),</u>	H 1031	48 031	S 914,	H 935	63 085	S 1762,	H 1257
39 1422	<u>S 278(97-281),</u>	H 1031	48 101	S 682,	S 1920,	63 092	S 1762,	H 1257,
39 1431	S 2086,	<u>H 1369(97-238),</u>		S 2040,	<u>H 1245(97-230),</u>		H 1513	
	H 2107			H 1247,	H 1657	63 097	S 1762,	H 1257,
39 1441	S 2086,	<u>H 1369(97-238),</u>	48 151	S 816			H 1513	
	H 2107		48 183	S 914,	H 935	63 102	S 1762,	H 1257
39 1451	S 2086,	H 1221,	48 194	<u>S 1754(97-278),</u>	S 2048,	63 112	S 1762,	H 1257
	<u>H 1369(97-238),</u>	H 2107		H 1997		63 125	S 1762,	H 1257
39 146	S 202,	<u>S 436(97-101),</u>	48 27	<u>S 422(97-96),</u>	S 914,	63 132	S 1762,	H 1257
	S 1190,	S 2086,		H 935		63 162	S 1762,	H 1257
	H 137,	H 565,	FLORIDA STATUTE CHAPTER 55			63 165	S 552,	<u>H 1357(97-237)</u>
	H 1221,	<u>H 1369(97-238),</u>	55 03	S 856,	S 914,	63 182	S 1762,	H 1257
	H 2107			H 935		63 202	<u>S 436(97-101)</u>	
39 147	S 2086,	H 1221,	FLORIDA STATUTE CHAPTER 56			63 207	S 1762,	H 1257
	<u>H 1369(97-238),</u>	H 2107						
39 149	<u>S 436(97-101)</u>							

BILLS UNDERLINED HAVE PASSED BOTH CHAMBERS)
CITATOR INCLUDES COMMITTEE SUBS & AMENDED BILLS)

(CONTINUED ON NEXT PAGE)

1 A bill to be entitled

2 An act relating to child custody; providing
 3 legislative intent and public policy; amending
 4 s. 61.13, F.S.; providing requirements with
 5 respect to relocation where shared parental
 6 responsibility is being or has been ordered;
 7 providing an effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Legislative intent; public policy.--It is
 12 the intent of the Legislature, through the adoption of this
 13 act to:

14 (1) Promote the public policy of this state to ensure
 15 that parents have frequent and continuing contact with their
 16 children when the parents live separately or after parental
 17 separation or dissolution of marriage.

18 (2) Promote the best interest of children by ensuring
 19 that both parents are physically available to spend quality
 20 time with their children.

21 (3) Discourage noncustodial parents from being
 22 alienated or disenfranchised from their children's lives by
 23 the children's geographical relocation away from the
 24 noncustodial parent when such relocation is not in the best
 25 interests of the children.

26 (4) Establish clear legislative policy regarding
 27 relocation of children following separation or dissolution of
 28 marriage and establishing the proper analysis for courts and
 29 litigants to follow in determining whether relocation is in
 30 the best interests of the children.

115-162C-97

1 Section 2. Subsection (9) is added to section 61.13,
2 Florida Statutes, 1996 Supplement, to read:

3 61 13 Custody and support of children; visitation
4 rights; power of court in making orders.--

5 (9)(a) When shared parental responsibility is being or
6 has been ordered, the court may include a restriction
7 prohibiting either parent from relocating if that relocation
8 would unreasonably interfere with the other parent's access to
9 the child or if the relocation of the parent would not be in
10 the best interest of the child unless the relocating parent
11 first obtains written consent of the other parent or a court
12 order. No presumption shall arise in favor of or against the
13 relocation request.

14 (b) When shared parental responsibility has been
15 ordered, the relocating parent shall file and serve a notice
16 of intent to relocate. Said service shall be made pursuant to
17 chapters 48 and 49 or by certified mail. If the other parent
18 does not file and serve notice of an objection on the other
19 parent within 20 days of receipt of notice, such failure to
20 respond shall be prima facie evidence of consent and a court
21 may approve the relocation based solely on the pleadings.

22 (c) When contested, a court may approve a parent's
23 request to relocate with the child if the court determines by
24 written findings, after a properly noticed evidentiary
25 hearing, when the relocating parent has the burden of proof
26 that the relocation will promote the best interests of the
27 child. If uncontested, a court may approve such request upon
28 written stipulation of the parties, without the requirement of
29 a hearing.

30 (d) In determining whether a relocation will promote
31 the best interests of the child, the court shall consider, in

1 addition to the factors specified in subsection (3), the
2 following factors:

3 1. The history of each parent's involvement with the
4 children.

5 2. The history of each parent's financial
6 responsibility to the child.

7 3. Whether access time with the nonresidential parent
8 can be established to promote the public policy of this state
9 without adversely impacting the requirements of shared
10 parental responsibility.

11 4. Whether the nonresidential parent will lose
12 substantial rights, responsibilities, and the joys of child
13 rearing if the relocation is approved.

14 5. Whether the relocation would improve the general
15 quality of life for the child, giving due consideration to the
16 disruption, if any, caused by the day-to-day relationship
17 between the nonresidential parent and the child.

18 6. Each parent's motive in seeking or opposing the
19 relocation.

20 7. Whether the costs of transportation or revised
21 access time is financially affordable by the parents.

22 8. Whether the relocation of the nonresidential parent
23 will cause undue burden on the residential parent.

24 9. Access to extended family support.

25 10. Whether there has been any history of domestic
26 violence or child abuse.

27 11. The impact on the parent requesting the relocation
28 if the relocation is denied.

29 (e) Every court order approving a relocation request
30 shall include an access schedule consistent with the child's
31 best interests.

1 (f) If the relocation is of the nonresidential parent,
2 the order may include other provisions that would be in the
3 best interests of the child such as:

4 1. Increasing child support taking into account any
5 additional financial burden or responsibility placed upon the
6 residential parent as a result of the nonresidential parent
7 spending less time with the child.

8 2. Giving sole parental responsibility to the
9 nonlocating parent if relocation of the other parent would
10 create an undue hardship in making joint decisions about the
11 child.

12 3. Modifying the terms of the joint responsibility.

13 Section 3. This act shall take effect July 1, 1997.

14 *****

15 HOUSE SUMMARY

- 16 Provides for the intent of the Legislature to:
- 17 1. Promote the public policy of the state to ensure
 - 18 that parents have frequent and continuing contact with
 - 19 their children when the parents live separately or after
 - 20 parental separation or dissolution of marriage.
 - 21 2. Promote the best interests of children by
 - 22 ensuring that both parents are physically available to
 - 23 spend quality time with their children.
 - 24 3. Discourage noncustodial parents from being
 - 25 alienated or disenfranchised from their children's lives
 - 26 by the children's geographical relocation away from the
 - 27 noncustodial parent.
 - 28 4. Establish clear legislative policy regarding
 - 29 relocation of children following separation or
 - 30 dissolution of marriage and to establish the proper
 - 31 analysis for courts and litigants to follow in
 - determining whether relocation is in the best interests
 - of the child.

See bill for details.

STORAGE NAME: h1421 flc
DATE: April 10, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
FAMILY LAW AND CHILDREN
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 1421
RELATING TO: Child custody
SPONSOR(S): Representatives Frankel and Wise
STATUTE(S) AFFECTED: Section 61 13 F S
COMPANION BILL(S): S 1092 (similar)
ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE
(1) FAMILY LAW AND CHILDREN
(2)
(3)
(4)
(5)

I SUMMARY.

This bill will establish a legislative policy regarding relocation of children following separation or dissolution of marriage. It will establish standards for courts and litigants to follow to determine when a relocation is in the best interests of the children.

The bill is intended to promote the public policy stated in section 61.13(2)(b) F S that children should have "frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved." The bill is intended to promote the best interests of children by ensuring that both parents are physically available to spend quality time with their children. The bill is intended to discourage the alienation of noncustodial parents from their children's lives when the custodial parents' relocation is not in the best interests of the children.

The fiscal impact of the bill is indeterminate.

II SUBSTANTIVE RESEARCH.

A PRESENT SITUATION:

The Florida statutes do not directly address the issue of when parents may relocate following divorce or separation. However, Florida does have a strong, stated policy of maintaining a close and continuing relationship between children and their parents. Section 61.13(2)(b) F.S. provides, "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."

Aside from this public policy, the law surrounding such relocations has been largely developed through the courts. The Florida Supreme Court has recognized different standards in addressing a parents' request to relocate depending on whether the parties have a restriction on relocation within their final judgment of dissolution of marriage.

1. When parties do not have a prior relocation restriction

When the parties have not yet litigated the issue of relocation, if the relocating parent can show that the move is being made in good faith, there is a presumption in favor of allowing such relocation. Russenberger v Russenberger, 669 So 2d 1044 (Fla. 1996). This good faith has been described as a "well-intentioned reason and founded belief that the relocation is best for that parent's - and, it follows, the child's - well being, rather than from a vindictive desire to interfere with the visitation rights of the other parent." See Hill v. Hill, 548 So.2d 705 (Fla.3d DCA 1989)(Schwartz, J , concurring),

Upon proof of good faith, the burden then shifts to the non-relocating parent to show, by a preponderance of the evidence, that relocation is not in the best interests of the child. As stated in Mize v Mize, 651 So.2d 417, 420 (Fla 1993), the factors to be considered in determining when relocation is in the best interests of the child are as follows

1. Whether the move would be likely to improve the general quality of life for both the primary residential spouse and the children
2. Whether the motive for seeking the move is for the express purpose of defeating visitation
3. Whether the custodial parent, once out of the jurisdiction, will be likely to comply with any substitute visitation arrangements
4. Whether the substitute visitation will be adequate to foster a continuing meaningful relationship between the child or children and the noncustodial parent
5. Whether the cost of transportation is financially affordable by one or both of the parents
6. Whether the move is in the best interests of the child. (The court stated that the sixth requirement is a generalized summary of the previous five)

According to the Russenberger, in approving this burden shifting approach, the Supreme Court was attempting to balance the strong policy of maintaining closer relationships between parents and children with a policy that allows parents to make good faith relocations

b. Where parties have an existing relocation restriction

If a prior restriction on relocation exists, a residential parent seeking to relocate must show that the move is in the best interests of the child and that a substantial change in circumstances exists that overrides the existence of the prior relocation restriction. See, e.g. Mize v. Mize, 621 So 2d 417 (Fla. 1993).

The Florida Supreme Court has not yet decided what constitutes a substantial change in circumstances regarding relocation restrictions. In cases involving modification of alimony or child support, the Florida Supreme Court has determined that the substantial change of circumstances must be significant, material, permanent and **involuntary**. Pimm v Pimm, 601 So.2d 534 (Fla 1992). In a modification of custody, the burden has been described as "extraordinary" Smoak v Smoak, 658 So 2d 568 (Fla 1st DCA 1995).

It is as yet undetermined whether modification of a relocation restriction should be subject to such a stringent test. Recent case law implies that courts will overrule such a prior restriction based on a less demanding test. In Macconnell v. Cascante, 668 So.2d 668 (Fla. 4th DCA 1996) the district court held that a custodial parent's remarriage and opportunity to relocate to Costa Rica so that the new spouse could manage a farm there "unquestionably warranted" a finding of changed circumstances. In Card v Card, 659 So 2d 1228 (Fla. 5th DCA 1995) the court found changed circumstances when the subsequent spouse needed to relocate in order to maintain his employment. In Landingham v Landingham, 22 Fla L. Weekly D38 (Fla. 1st DCA 1996), the court also found that a move based on improved job opportunities was enough to be termed a substantial change in circumstances. According to some commentators, such case law overrules the effectiveness of relocation restrictions so long as such a move is made in good faith. See Judge James S. Moody, Jr and Phillip S. Wartenberg, *The Birth of a Legal Presumption*, 70 Fla B.J. 68 (November 1996) (stating that when courts use the move itself as enough to show a substantial change in circumstances, a prior restriction is easily overcome).

B EFFECT OF PROPOSED CHANGES:

The bill will modify the state of the law regarding relocation of parents. As the law does now, the bill will allow courts to include a restriction on relocation when shared parental responsibility is ordered between the parties, but the new restriction will prohibit a parent from relocating without first obtaining the consent of the other parent or a court order when such relocation would unreasonably interfere with the other parent's access to the child or if the relocation would not be in the child's best interest. The bill specifically states that no presumption shall arise in favor of or against the relocation request

When shared parental responsibility is ordered, the bill will require the relocating parent to file and serve notice of intent to relocate. The bill allows the non-relocating parent 20 days from receipt of the notice to file an objection. If the non-relocating fails to respond within 20 days, the non-relocating parent is deemed to have consented and the court

may approve the request based solely on the pleadings. If the non-relocating parent contests the request, the bill requires the court to hold an evidentiary hearing. At the hearing, the relocating parent will have the burden of proving that the relocation will promote the best interests of the child. If the court determines that the relocating parent has met this burden, the court must enter written findings in the order. Furthermore, on approving the request, the court must include with the order an access schedule that is consistent with the child's best interests.

The bill provides the following factors to be considered when determining when a relocation promotes the best interests of the child:

- The factors considered in section 61-13(3) for determining residential responsibility for the child;
- The history of each parent's involvement with the children;
- The history of each parent's financial responsibility to the child;
- The ability to establish access time with the nonresidential parent that promotes the public policy of this state without adversely impacting the requirements of shared parental responsibility;
- Whether the nonresidential parent will lose substantial rights, responsibilities and joys of child rearing if the child relocates;
- Whether the relocation would improve the child's general quality of life, giving due consideration to the disruption, if any, caused by the day-to-day relationship between the nonresidential parent and the child;
- Each parent's motive in seeking or opposing relocation;
- Whether the costs of transportation or revised access time is financially affordable by the parents;
- Whether relocation of nonresidential parent will cause undue burden on the residential parent;
- Access to extended family support;
- Whether there has been any history of domestic violence or child abuse, and
- The impact on the parent requesting relocation if the relocation is denied.

If the the parent requesting relocation is the nonresidential parent, the bill provides that the court order may include other provisions that would be in the best interests of the child, such as:

1. Increasing child support in consideration of the additional financial burden or responsibility placed on the residential parent as a result of the residential parent spending less time with the child.
2. Giving the residential parent sole parental responsibility if relocation of the other parent would create an undue hardship in making joint decisions about the child.
3. Modifying the terms of joint responsibility.

The stated intent of the bill is:

- To promote the existing public policy of that parents have frequent and continuing contact with their children after parental separation or dissolution of marriage.

- To promote the best interests of children by ensuring that both parents are physically available to spend quality time with their children
- To discourage alienating noncustodial parents from their children's lives by the children's geographical relocation when such relocating is not in the best interests of the children.
- To establish clear legislative policy regarding relocation of children following separation or dissolution, and to establish the proper analysis for courts and litigants to follow to determine whether a relocation is in the best interests of children

C APPLICATION OF PRINCIPLES

1 Less Government:

a Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

A parent seeking to relocate will be required to file and serve notice of such relocation.

(3) any entitlement to a government service or benefit?

No

b If an agency or program is eliminated or reduced

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes

a Does the bill increase anyone's taxes?

No

b Does the bill require or authorize an increase in any fees?

No

c Does the bill reduce total taxes, both rates and revenues?

No

d Does the bill reduce total fees, both rates and revenues?

No

e Does the bill authorize any fee or tax increase by any local government?

No.

3 Personal Responsibility.

a Does the bill reduce or eliminate an entitlement to government services or subsidy?

No

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom

a Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No

- b Does the bill prohibit, or create new government interference with, any presently lawful activity?

When parents have shared parental responsibility, the bill will restrict a parent's ability to relocate following separation or divorce

5. Family Empowerment

- a. If the bill purports to provide services to families or children.

- (1) Who evaluates the family's needs?

The courts.

- (2) Who makes the decisions?

The court may impose a relocation restriction when parties have shared parental responsibility. The court will determine when a relocation is in the best interests of the child, based on guidelines stated in the bill.

- (3) Are private alternatives permitted?

Parties will still be free to settle the issue of relocation out of court.

- (4) Are families required to participate in a program?

No

- (5) Are families penalized for not participating in a program?

No

- b Does the bill directly affect the legal rights and obligations between family members?

The bill obligates a parent who shares parental responsibility with another parent to obtain that parents consent, or a court order, before relocating.

- c If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority?

- (1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D SECTION-BY-SECTION RESEARCH.

This section need be completed only in the discretion of the Committee.

III FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS.

1. Non-recurring Effects.

None

2. Recurring Effects:

See Fiscal Comments

3. Long Run Effects Other Than Normal Growth

None.

4. Total Revenues and Expenditures

See Fiscal Comments

B FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth

None

C DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR.

1. Direct Private Sector Costs.

None.

2. Direct Private Sector Benefits

None.

3. Effects on Competition, Private Enterprise and Employment Markets.

None.

D FISCAL COMMENTS

According to the Office of the State Courts Administrator, this bill will create a new court proceeding in relation to the relocation of children in shared parental responsibility situations. Such hearing will be not be needed if the non-custodial parent consents to the relocation. Since there are no statistics available on the number of such relocations, and there is no way to gauge the effect of the bill in relation to the overall issue of relocation (one effect of the bill may be to discourage relocation), an accurate assessment of the amount of court time requires is difficult to assess at this time. It would, however, appear that there will be an increased need for such court time

IV CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A APPLICABILITY OF THE MANDATES PROVISION.

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds

B. REDUCTION OF REVENUE RAISING AUTHORITY.

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate

C REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES.

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS.

It is unclear whether the notice and hearing requirements in the bill would apply in all cases where the parents share parental responsibility, or only in cases where a prior relocation restriction exists

STORAGE NAME. h1421 flc
DATE April 10, 1997
PAGE 10

VI AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII SIGNATURES:

COMMITTEE ON FAMILY LAW AND CHILDREN.

Prepared by:

Legislative Research Director.

JENNY CONNER

PEGGY SANFORD



The Journal OF THE House of Representatives

Number 22

Friday, April 25, 1997

The House was called to order by the Speaker at 8 30 a.m

Prayer

The following prayer was offered by the Reverend Rick McCall of Hopeful Baptist Church of Lake City, upon invitation of Rep Mackey

Lord, we thank you that we have the freedom of prayer We come to you today to say thank you for your blessings And I thank you, Lord, for these Representatives and all the workers here, and I ask your blessings upon them. We look to you for wisdom and guidance We thank you, Lord, that you're a God of love and mercy and grace. And be with these men and women, Lord, as they need your help for the decisions they make We give you praise. We give you the glory We ask it in Jesus Christ's name Amen

The following Members were recorded present.

The Chair	Crow	Kosmas	Ritter
Albright	Culp	Lacasa	Roberts-Burke
Andrews	Dawson-White	Laurent	Rodriguez-Chomat
Argenziano	Dennis	Lawson	Rojas
Arnall	Diaz de la Portilla	Lippman	Safley
Arnold	Dockery	Littlefield	Sanderson
Baunter	Edwards	Logan	Saunders
Ball	Efman	Lynn	Sembler
Barreiro	Eggelletion	Mackenzie	Silver
Betancourt	Fasano	Mackey	Sindler
Bitner	Feeney	Martinez	Smith
Bloom	Fischer	Maygarden	Spratt
Boyd	Flanagan	Meek	Stabins
Bradley	Frankel	Meivn	Stafford
Brennan	Fuller	Merchant	Starks
Bronson	Futch	Miller	Sublette
Brooks	Gay	Minton	Thrasher
Brown	Geller	Morrone	Tobin
Bullard	Goode	Morse	Trovilbon
Burroughs	Hafner	Murman	Turnbull
Bush	Harrington	Ogles	Valdes
Byrd	Healey	Peaden	Villalobos
Carlton	Heyman	Posey	Wallace
Casey	Hill	Prewitt, D	Warner
Clemons	Horan	Pruitt, K	Wasserman Schultz
Constantine	Jacobs	Putnam	Westbrook
Cosgrove	Jones	Rayson	Wiles
Craday	Kelly	Reddick	Wise
Crust	King	Ritchie	Ziebarth

(A list of excused Members appears at the end of the Journal.)

A quorum was present.

Pledge

The Members, led by Wesley Scott Bullen, Christopher Himmel, Laurie McClellan, Matt Parrish, Jeremy Patrick, Steele T Simpson, Hannah N Sumner, and Avery Cahill Nesbitt, pledged allegiance to the Flag Wesley Scott Bullen of Kissimmee served at the invitation of Rep Bronson, Christopher Himmel served from Inverness Laurie McClellan served from Blountstown Matt Parrish of Tierra Verde served at the invitation of Rep Hafner Jeremy Patrick of Fort Walton Beach served at the invitation of Rep Melvin Steele T. Simpson of Hialeah served at the invitation of Rep Rojas Hannah N Sumner served from Hosford Avery Cahill Nesbitt of Fort Lauderdale served at the invitation of Rep Eggelletion

House Physician

The Speaker introduced Dr David Parrish of St Petersburg, who served in the Clinic today upon invitation of Rep Hafner

Correction of the Journal

The Journal of April 24 was corrected and approved as corrected

The Journal of March 5 was further corrected as follows On page 123, column 2, line 9 from the top, in the sponsors for HB 1115, delete "Livingston" and insert in lieu thereof Saunders

The Journal of March 25 was further corrected as follows On page 322, column 1, line 5 from the top, in the sponsors for HB 1711, delete "Logan" and insert Rojas

Messages from the Senate

On motion by Rep Crust, the rules were suspended and—

The Honorable Daniel Webster, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1862 and requests the concurrence of the House

Faye W Blanton, Secretary

By the Committee on Community Affairs and Senator Burt—

CS for SB 1862—A bill to be entitled An act relating to lost property, amending s. 705.103, F.S., providing procedure for notice of disposal by a law enforcement agency of certain lost property, providing an effective date

—was taken up instanter and read the first time by title On motion by Rep Kosmas, the rules were suspended and the bill was read the second time by title. On futher motion by Rep Kosmas, the rules were suspended and the bill was read the thurd time by title. On passage, the vote was:



services or reduce costs. It is further intended that state agencies cooperate with each other to take advantage of the existing investments in card-based technology systems

Section 6 Each state agency that uses a card that relies on the electronic reading and use of information encoded in the card must comply with the following standards unless an exception is granted by the Florida Fiscal Accounting Management Information System Coordinating Council. The council shall follow the notice, review, and exception procedures in s. 216.177, Florida Statutes, prior to granting an exception. These standards apply whether the card is used for electronic transfer of benefits, identification, or other purposes.

(1) Card-based technology must conform to standards of the American National Standards Institute

(2) Each card must contain the digital photographic image of the person to whom it is issued.

(3) If the card is issued for purposes of financial transactions, it must be readable and usable by a portion of point-of-sale devices that are sufficient to guarantee reasonable access to benefits and services for card users

(4) Cards must contain the words "State of Florida" to identify the card as being issued by the state

(5) A single-purpose card may not be procured or issued

(6) Provision must be made in all card-based technology, whether developed by the issuing agency or procured by contract, for migration to advanced systems, in order to keep pace with card-based technology

Section 7 (1) Whenever any state agency intends to issue a bid, request for proposals, or contract in any manner to acquire commodities or services that include the use of card-based technology and will require the agency to expend more than the threshold amount provided in s. 287.017, Florida Statutes, for CATEGORY FIVE, such acquisition documentation must be submitted to the Florida Fiscal Accounting Management Information System Coordinating Council for approval prior to issuance. The Florida Fiscal Accounting Management Information System Coordinating Council shall consider whether the proposed transaction is structured to encourage vendor competition, cooperation among agencies in the use of card-based technology, and other financial terms and conditions that are appropriate with regard to the nature of the card-based technology application being acquired.

(2) Nothing contained in this act shall be construed to prohibit an agency from continuing to use a card-based technology system that was lawfully acquired before the effective date of this act unless specifically directed otherwise in the General Appropriations Act

(3) An extension or renewal of an existing contract in any manner for commodities or services that include the use of card-based technology and will require the agency to expend more than the threshold amount provided in s. 287.017, Florida Statutes, for CATEGORY FIVE, is subject to the provisions of subsection (1) (renumber subsequent section(s))

And the title is amended as follows:

On page 1, line(s) 19,

after the semicolon insert. providing legislative intent with respect to the use of card-based technology; providing standards for state agencies; providing for the submission of certain acquisition documentation to the Florida Fiscal Accounting Management Information System Coordinating Council, providing applicability;

Rep. Reddick moved the adoption of the amendment, which was adopted

On motion by Rep. Reddick, the rules were suspended and CS/HB 1413, as amended, was read the third time by title. On passage, the vote was.

Yeas—115

The Chair	Crow	Kosmas	Rutter
Albright	Culp	Lucas	Roberts-Burke
Andrews	Dawson-White	Laurent	Rodriguez-Chomat
Argenziano	Dennis	Lawson	Rojas
Arnall	Diaz de la Portilla	Lippman	Safley
Arnold	Dockery	Littlefield	Sanderson
Baunter	Edwards	Logan	Saunders
Ball	Effman	Lynn	Sembler
Barreiro	Eggleston	Mackenzie	Silver
Betancourt	Fasano	Mackey	Sindler
Bitner	Feeney	Martinez	Smith
Bloom	Fischer	Maygarden	Spratt
Boyd	Flanagan	Meek	Stabins
Bradley	Frankel	Meivn	Stafford
Brennan	Fuller	Merchant	Starks
Bronson	Futch	Miller	Sublette
Brooks	Gay	Minton	Thrasher
Brown	Geller	Morrison	Tobin
Bullard	Goode	Morse	Trovillion
Burroughs	Hafner	Murman	Turnbull
Bush	Harrington	Ogles	Valdes
Byrd	Healey	Peaden	Wallace
Cariton	Heyman	Posey	Warner
Casey	Hill	Prewitt, D	Wasserman Schultz
Clemons	Horan	Pruitt, K.	Westbrook
Constantine	Jacobs	Putnam	Wiles
Cosgrove	Jones	Rayson	Wise
Crady	Kelly	Reddick	Ziebarth
Crist	King	Ritchie	

Nays—None

Excused from time to time for Conference Committee—Albright, Baunter, Bradley, Bronson, Chestnut, Constantine, Crady, Culp, Dennis, Edwards, Feeney, Flanagan, Garcia, Gay, Hafner, Horan, Jones, Lawson, Littlefield, Logan, Lynn, Mackenzie, Mackey, Meek, Merchant, Minton, Morse, Posey, K. Pruitt, Reddick, Sanderson, Sembler, Smith, Stabins, Starks, Sublette, Thrasher, Valdes, Villalobos, Wasserman Schultz, Wise

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 1421—A bill to be entitled An act relating to child custody, providing legislative intent and public policy; amending s. 61.13, F.S., providing requirements with respect to relocation where shared parental responsibility is being or has been ordered, providing an effective date

—was read the second time by title

The Committee on Family Law & Children offered the following

Amendment 1 (with title amendment)—

Remove from the bill. Everything after the enacting clause

and insert in lieu thereof

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

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

(2)

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

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

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

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

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

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

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

Section 2 Section 61 121, F S , is created to read

61 121 Rotating custody --

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

Section 3 Subsection (3) of section 61 052, F S , 1996 Supplement, is amended to read

61 052 Dissolution of marriage --

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

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

And the title is amended as follows:

On page , line(s) , remove from the title of the bill the entire title

and insert in lieu thereof A bill to be entitled An act relating to child custody; amending s 61.13, F.S., providing that no presumption shall arise in favor of or against a relocation request when a primary residential parent seeks to move the child, providing factors for the court to consider, creating s. 61.121, F.S., providing for rotating custody of a child under certain circumstances, amending s 61 052, F S , providing for rotating custody during a period of continuance, providing an effective date

Rep Frankel moved the adoption of the amendment, which was adopted

On motion by Rep Frankel, the rules were suspended and HB 1421, as amended, was read the third time by title On passage, the vote was

Yeas—110

Albright	Brown	Edwarda	Heyman
Andrews	Bullard	Effman	Hill
Argenziano	Burroughs	Eggelietion	Horan
Arnall	Bush	Fasano	Jacobs
Arnold	Carlton	Feeney	Jones
Baunter	Casey	Fischer	Kelly
Ball	Clemens	Flanagan	King
Barreiro	Constantine	Frankel	Koimas
Betancourt	Crady	Fuller	Lacasa
Bitner	Crost	Futch	Laurent
Bloom	Crow	Gay	Lawson
Boyd	Culp	Geller	Lippman
Bradley	Dawson-White	Goode	Littlefield
Brennan	Dennis	Hafner	Logan
Bronson	Diaz de la Portilla	Harrington	Lynn
Brooks	Dockery	Healey	Mackenzie

Mackey	Posey	Sanderson	Turnbull
Martinez	Prewitt, D	Saunders	Valdes
Maygarden	Pruitt, K.	Silver	Villalobos
Meek	Putnam	Sudler	Wallace
Melvin	Rayson	Smith	Warner
Merchant	Reddick	Spratt	Wasserman Schultz
Miller	Ritchie	Stabins	Westbrook
Minton	Ritter	Stafford	Wiles
Morrison	Roberts-Burke	Starks	Wise
Morse	Rodriguez-Chomat	Thrasher	Ziebarth
Murman	Rojas	Tobin	
Ogles	Safley	Trovillion	

Nays—1
Byrd

Excused from time to time for Conference Committee—Albright, Baunter, Bradley, Bronson, Chestnut, Constantine, Crady, Culp, Dennis, Edwards, Feeney, Flanagan, Garcia, Gay, Hafner, Horan, Jones, Lawson, Littlefield, Logan, Lynn, Mackenzie, Mackey, Meek, Merchant, Minton, Morse, Posey, K. Pruitt, Reddick, Sanderson, Sembler, Smith, Stabins, Starks, Sublette, Thrasher, Valdes, Villalobos, Wasserman Schultz, Wise

Votes after roll call
Nays to Yeas—Byrd

So the bill passed, as amended, and was immediately certified to the Senate after engrossment

On motion by Rep. Crow, HB 1551 was temporarily postponed

HB 1551—A bill to be entitled An act relating to chiropractic, amending s 460 403, F S., revising and providing definitions applicable to the regulation of chiropractic, eliminating the requirement of certification to practice phlebotomy or physiotherapy or to administer proprietary drugs, amending ss. 460 406 and 460 413, F S , relating to licensure by examination and grounds for disciplinary action, to conform, providing an effective date

—was read the second time by title

The Committee on Health Care Standards & Regulatory Reform offered the following

Amendment 1—On page 1, line(s) 1-11 of the bill remove all of said lines

and insert in lieu thereof

Section 3 Paragraphs (p), (bb), (cc) and (ff) of subsection (1) of section 460 413, Florida Statutes, 1996 Supplement, are amended to read

460 413 Grounds for disciplinary action, action by the board —

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(p) Prescribing, dispensing, or administering any medicinal drug except as authorized by s 460 403(3)(3)(c)2., performing any surgery, or practicing obstetrics

~~(bb) Reducing or offering to reduce, rebating or offering to rebate, or discounting or offering to discount to an insured any payment to the licensee by the third party payer of the insured for services or treatments rendered under the insured's policy.~~

~~(cc) Submitting to any third party payer a claim for a service or treatment at a greater or an inflated fee or charge than the usual fee for the licensee charge for that service or treatment when rendered without third party reimbursement.~~

The Committee on Health Care Standards & Regulatory Reform offered the following

Amendment 2—On page 2, line 27 of the bill

By Senator Dantzler

17-741-97

1 A bill to be entitled
 2 An act relating to child support; amending s.
 3 61.13, F.S.; providing for territorial
 4 restrictions to be included in a court order
 5 providing residential responsibility for
 6 children; authorizing relocation of residence
 7 under certain circumstances; providing
 8 guidelines; providing an effective date.

9
 10 WHEREAS, it is the intent of the Legislature, through
 11 the adoption of this act, to promote the public policy of this
 12 state to ensure that parents have frequent and continuing
 13 contact with their children when the parents live separately
 14 or after parental separation or dissolution of marriage, and

15 WHEREAS, the best interests of children are ensured
 16 when both parents are physically available to spend quality
 17 time with their children, and

18 WHEREAS, the Legislature intends to discourage
 19 noncustodial parents from being alienated or disenfranchised
 20 from their children's lives by the children's geographical
 21 relocation away from the noncustodial parent when such
 22 relocation is not in the best interests of the children, and

23 WHEREAS, the Legislature intends to establish a clear
 24 legislative policy regarding relocation of children following
 25 separation or dissolution of marriage and establish the proper
 26 analysis for courts and litigants to follow in determining
 27 whether relocation is in the best interests of the children,

28 NOW, THEREFORE,

29
 30 Be It Enacted by the Legislature of the State of Florida:
 31

1 Section 1. Paragraph (d) is added to subsection (2) of
2 section 61.13, Florida Statutes, 1996 Supplement, to read:
3 61.13 Custody and support of children; visitation
4 rights; power of court in making orders.--

5 (2)

6 (d) Each order establishing or modifying parental
7 responsibility, when both parents are allowed residential
8 responsibility for the child, must include a territorial
9 restriction that prohibits either parent from moving with the
10 child out of the county of the court issuing the order unless
11 that parent first obtains written consent of the other parent
12 or a court order.

13 1. If a parent who wants to relocate with the child
14 files and serves a notice of intent to move and the other
15 parent does not file an objection within 20 days after
16 service, the failure to respond is prima facie evidence of
17 consent and a court may approve the move based solely on the
18 pleadings.

19 2. A court may approve a parent's request to relocate
20 with the child outside the county of the court issuing the
21 order if the court determines by written findings after a
22 properly noticed evidentiary hearing and based on competent
23 substantial evidence in the record that the move promotes the
24 best interests of the child.

25 3. In determining whether a move promotes the best
26 interests of the child, the court shall consider, in addition
27 to the factors specified in subsection (3), the following
28 factors:

29 a. Whether substitute visitation or access time with
30 the noncustodial parent can be established to promote the
31

1 public policy of this state without adversely affecting shared
2 parental responsibility;

3 b. Whether the noncustodial parent will lose
4 substantial rights, responsibilities, and joys of childrearing
5 if the move is approved;

6 c. Whether the move would improve the general quality
7 of life for the child, giving due consideration to the
8 disruption, if any, caused in the day-to-day relationship
9 between the noncustodial parent and the child;

10 d. Each parent's motive in seeking or opposing the
11 move;

12 e. Whether the costs of transportation under the
13 revised visitation or access terms is financially affordable
14 by the parents.

15 4. Each court order approving a relocation request
16 must include a visitation schedule consistent with the child's
17 best interests and the public policy of this state.

18 Section 2. This act shall take effect July 1, 1997.

19
20 *****

21 SENATE SUMMARY

22 Provides for territorial restrictions to be included in a
23 court's order establishing residential responsibility for
24 children. Authorizes relocation of a child's residence
25 when the parents are divorced or separated under certain
26 circumstances. Provides guidelines.
27
28
29
30
31

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below)

Date April 4, 1997 Revised 4/16/97

Subject Residential Responsibility for Child

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1	Moody	Lang	JU	Fav/1 amendment
2				
3				
4				
5				

I. Summary:

The bill provides a preamble stating that ensuring that both parents can spend quality physical time with their children in is the best interest of children and that the legislature intends through the adoption of this bill to

- promote the public policy of this state to ensure the parents have frequent and continuing contact with their children when the parents live separately or after parental separation or dissolution of marriage,
- discourage noncustodial parents from being alienated or disenfranchised from their children's lives due to geographical relocation that is not in the children's best interest,
- establish a clear legislative policy regarding the relocation of children following parental separation or dissolution of marriage and establish the proper analysis for the courts in determining whether relocation is in the children's best interest

The bill requires that any court order establishing or modifying parental rights in which the parents have shared residential responsibility must prohibit either parent from relocating outside the county issuing the order without the written consent of the other.

A parent who wants to relocate with a child must file and serve a notice of intent to move to which the other parent must respond within 20 days. Failure to respond is prima facie evidence of consent and a court may approve relocation on the pleadings

The bill provides for an order of relocation if the court makes written findings after notice and a hearing based upon substantial evidence in the record that the move is in the best interest of the child The following factors must be considered

- whether substitute access time with the noncustodial parent is available without adversely affecting shared parental responsibility,

- whether the noncustodial parent will lose substantial rights, responsibilities, and joys of child rearing;
- each parent's motives in seeking or opposing the move, and
- whether the costs of access are affordable

The bill requires each order approving relocation to contain a visitation schedule consistent with the child's best interests and the public policy of this state

The bill has an effective date of July 1, 1997

This bill substantially amends the following sections of the Florida Statutes: 61 13.

II. Present Situation:

A. Florida Case Law

The supreme court has made a distinction between cases in which the final judgment determining custody includes a prohibition against moving and those which do not *Mize v Mize*, 621 So 2d 417, 420 (Fla 1993) If the judgment does contain a prohibition, the issue has been previously litigated between the parties and the person requesting relocation must prove a substantial change in circumstances *Id.* If there has been no previous prohibition, the court adopted the approach that so long as the relocation was for a well intentioned reason and a founded belief that it would be in the child's best interest and not from a vindictive desire to interfere with the other parent's visitation, the move should be approved *Id.* at 419, citing *Hill v. Hill*, 548 so 2d 233 (Fla. 3d DCA 1989) The 6 factors to be weighed under *Mize* are

- 1 Whether the move would be likely to improve the general quality of life for both the primary residential parent and the child
- 2 Whether the motive for seeking the move is for the express purpose of defeating visitation.
- 3 Whether the primary residential parent, once out of the jurisdiction, will be likely to comply with any substitute visitation arrangements
- 4 Whether the substitute visitation will be adequate to foster a continuing meaningful relationship between the child and the non-residential parent
- 5 Whether the cost of transportation is financially affordable by one or both parents
- 6 Whether the move is in the best interests of the child (this requirement is a general summary of the previous 5)

Id. at 420 (citations omitted)

In recognizing the presumption in favor of good faith relocation of the child with the custodial parent, the court explicitly recognized that circumstances may exist that would justify departure from this rule giving the example that, for older children, the trauma of leaving friends, other family members and school may outweigh the trauma in separating from the primary residential parent *Id*

The *Mize* decision was first interpreted as holding that when the relocating parent is acting in good faith, relocation should be the rule rather than the exception *Tremblay v. Tremblay*, 638 So 2d 1057 (Fla 4th DCA 1994). After *Tremblay*, the test was interpreted as a shifting burden requiring the relocating parent to show that the move was not for a vindictive reason and would provide the child with a quality of life at least equal to that currently enjoyed, then if so shown, requiring the opposing parent to establish by a preponderance of the evidence that the relocation is not in the child's best interest using the factors in *Hill. Russenberger v. Russenberger*, 654 So 2d 207, 214 (Fla. 1st DCA 1995)

In March of 1996, the supreme court took jurisdiction in *Russenberger* approving *Russenberger*, and *Tremblay*, in order to "clarify" its decision in *Mize*. The court held that upon a demonstration of good faith as described in *Mize*, a custodial parent is entitled to a rebuttable presumption in favor of relocating and that the courts must weigh the 6 factors on a case by case basis when considering the request and any opposition to it. *Russenberger v. Russenberger*, 669 So 2d 1044, 4, 1046 (Fla 1996)

B. Other States

In North Carolina, the parent contesting the relocation must first prove that the move will likely adversely affect the welfare of the child *Ramirez-Barker v. Barker*, 418 S E 2d 675, 679 (N.C. App 1992). In dicta, the court noted that it would be rare that the child would not be adversely affected when the relocation requires a substantial alteration of a successful parenting arrangement with both parents having substantial contact with the child. *Id.* at 680. Once the burden is met, then the court must determine if the move is in the best interest of the child taking into consideration the following factors: the advantages of the relocation in terms of its capacity to improve the life of the child, the motives of the custodial parent in seeking the move; the likelihood that the custodial parent will comply with visitation order when he or she is no longer subject to the issuing court, the integrity of the noncustodial parent in resisting the relocation, and the likelihood that a realistic visitation schedule can be arranged which will preserve and foster the parental relationship with the noncustodial parent *Id.*

California's relocation statute provides that a parent is entitled to the custody of a child has a right to change the residence of the child, subject to the power of the court to restrain a removal that would prejudice the rights or welfare of the child Ann Cal Fam Code s 7501. This has been recently interpreted by the California Supreme Court to require the trial court to consider the presumptive right of a custodial parent to change the residence of a minor, so long as removal would be in accordance with the child's best interest *Burgess v. Burgess*, 913 P 2d 473 (Ca 1996). The court concluded that the parent seeking to relocate does not bear the burden of

establishing that it is necessary to do so, but that the court must consider, among other factors, the effects of relocation on the child, including the health, safety, and welfare of the child and the nature and amount of contact with both parents *Id* at 479.

Similarly, in New York it has been determined that the court must determine, based on a preponderance of the evidence, that a proposed relocation is in the best interest of the child giving appropriate weight to the relevant factors, including but not limited to, each parent's reasons for seeking or opposing the move, the quality of the relationships between the child and the custodial and noncustodial parents; the impact of the move on the quality of the child's future contact with the noncustodial parent, the degree to which the custodial parent's and child's life may be enhanced economically, emotionally and educationally by the move, and the feasibility of preserving the relationship between the noncustodial parent and child through suitable visitation arrangements *Tropea v. Tropea*, 665 N.E 2d 145, 151-152 (N Y App 1996).

III. Effect of Proposed Changes:

The supreme court has made a distinction between cases in which the final judgment determining custody includes a prohibition against moving and those which do not. *Mize v. Mize*, 621 So 2d 417, 420 (Fla 1993). If the judgment does contain a prohibition, the issue has been previously litigated between the parties and the person requesting relocation must prove a substantial change in circumstances *Id*. If there has been no previous prohibition, the court adopted the approach that so long as the relocation was for a well intentioned reason and a founded belief that it would be in the child's best interest and not from a vindictive desire to interfere with the other parent's visitation, the move should be approved *Id*. at 419, citing *Hill v. Hill*, 548 so 2d 233 (Fla 3d DCA 1989) The bill would eliminate this distinction and cases in which the final judgment does contain a prohibition would no longer prove a substantial change in circumstances but instead all relocation cases litigated before the court would be subject to the same criteria as contained in the bill

The bill requires that any court order establishing or modifying parental rights in which the parents have shared residential responsibility must prohibit either parent from relocating outside the county issuing the order without the written consent of the other

The bill allows a parent who wants to relocate with a child to file and serve a notice of intent to move to which the other parent must respond within 20 days Failure to respond is prima facie evidence of consent and a court may approve relocation on the pleadings

The bill follows current case law by providing for an order of relocation if the court makes written findings after notice and a hearing based upon substantial evidence in the record that the move is in the best interest of the child The court must consider all of the statutory factors considered in determining primary residency under s. 61.13(3), F.S. and the following factors must be considered

- whether substitute access time with the noncustodial parent is available without adversely affecting shared parental responsibility,

- whether the noncustodial parent will lose substantial rights, responsibilities, and joys of child rearing,
- each parent's motives in seeking or opposing the move, and
- whether the costs of access are affordable

These factors appear to attempt to restate the *Mize* criteria

Thus, the bill provides three ways in which a parent wishes to relocate with a child when both parents are allowed residential responsibility, by obtaining the written consent of the other parent (although it appears from the language of the bill that this is applicable only if the final judgment contains specific language allowing it), by filing and serving a notice of intent to move to which the other parent does not respond within 20 days, and obtaining a court order based upon statutory criteria after a properly noticed evidentiary hearing

The bill requires each order approving relocation to contain a visitation schedule consistent with the child's best interests and the public policy of this state

The bill has an effective date of July 1, 1997

IV. Constitutional Issues:

A Municipality/County Mandates Restrictions:

None.

B Public Records/Open Meetings Issues:

None

C Trust Funds Restrictions

None

V. Economic Impact and Fiscal Note:

A Tax/Fee Issues

None

B Private Sector Impact.

Requiring the custodial parent to relitigate the factors establishing custody under s 61.13(3), F S. may lead to additional litigation expenses.

C Government Sector Impact

No additional court time should be needed as currently if a parent relocates with the child, if there is disagreement the court must hold a hearing making a *Mize* determination and even if the parties agree to the relocation, a motion should be filed and the court issue a modified final judgment reflecting the change in custody and visitation arrangements. However, requiring the custodial parent to relitigate the factors establishing custody under s 61 13(3), F S may lead to additional litigation expenses.

VI. Technical Deficiencies:

The procedure required of parents under the bill is unclear. The bill provides that any order establishing or modifying child custody must contain a restriction that the parent cannot relocate with the child “unless that parent first obtains written consent of the other parent”. Thus, the bill appears to permit relocation by written consent, but only in cases involving a final judgment issued after the effective date of the bill that would then contain this required language referring to relocation based upon written consent of the remaining parent. Assuming this limitation, it is unclear if these written consents are intended to be filed with mutual motions for modified final judgments.

The bill also provides for a court to grant relocation upon the filing and serving of a notice of intent to relocate if the other parent does not file a response. The bill states under this option that the court may approve the move based solely on the pleadings, but if this reference is merely to the notice as it seems to be, then the notice would need to be in the form of a motion to relocate with a minor child.

Finally, the third option involves a contested evidentiary hearing leading the court to a determination based on statutory criteria. It is unclear if it is a response to the “notice of intent” that evokes the “properly noticed evidentiary hearing” and if so, the notice serves as a motion and the response within 20 days puts the matter at issue, or does the response received serve as the pleading upon which the hearing is based requiring a responsive filing by the parent attempting to relocate?

VII. Related Issues:

The requirement in the bill that parties must include a territorial restriction prohibiting either parent from moving with the child out of *the county of the court issuing the order* would be inappropriate in cases where the child is not living in the county where the order was issued and may be inappropriate in circumstances when a move across the county line may not be sufficiently far to have any effect on the custody or visitation arrangement or otherwise to warrant court action.

VIII. Amendments:

#1 by Judiciary:

The amendment strikes everything after the enacting clause and provides that no presumption arises in favor of or against any request of a residential parent to relocate a child. The amendment provides factors that the court must consider in making a determination regarding relocation.

These factors are

- Whether the move would be likely to improve the general quality of life for both the residential parent and the child,
- The extent to which visitation rights have been allowed and exercised,
- Whether the residential parent, once out of the jurisdiction, will be likely to comply with any substitute visitation arrangements;
- Whether the substitute visitation will be adequate to foster a continuing meaningful relationship between the child and the nonresidential parent,
- whether the cost of transportation is financially affordable by one or both parents; and
- Whether the move is in the best interests of the child

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate



Journal of the Senate

Number 23—Regular Session

Friday, May 2, 1997

allegations of domestic violence or child abuse in custody proceedings, amending s 741 28, F.S., redefining "domestic violence" to include kidnapping and false imprisonment and other specified criminal offenses resulting in physical injury or death of one family or household member by another, amending s 741 30, F.S., providing for court orders to protect the children of the domestic violence victim's minor children, revising the period during which injunctive relief remains effective, providing for motion to modify or dissolve injunction by either party, providing for indication of specified information on the face of a temporary or final judgment for protection against domestic violence, prescribing conditions under which persons may present evidence or recommendations, providing for information through the clerk of the court, specifying information to be included in the petition for injunction for protection from domestic violence, providing certain procedures after granting an ex parte injunction, requiring the court to provide respondents with a list of batterers' intervention programs, requiring certification of batterers' intervention programs, providing for petitioners to be referred to a certified domestic violence center, providing for petitioners to be provided a list of domestic violence centers which may be contacted, limiting total charges for issuing or serving injunctions or restraining orders relating to domestic violence, amending s 741 31, F.S., defining the offense of willfully violating a foreign protection order accorded full faith and credit by specified acts, providing penalties, creating s 741 315, F.S., requiring that an injunction for protection against domestic violence issued by a "court of a foreign state," as defined, be accorded full faith and credit, providing exceptions, providing for availability of a registration procedure to protected persons, providing duties of the Florida Department of Law Enforcement and sheriffs and other local law enforcement officers with respect to registration and enforcement of foreign protection order, providing certain immunity from civil and criminal liability to law enforcement officer and officer's employing agency, defining the offense of intentionally providing a law enforcement officer with a copy of protection order known to be invalid or denying having been served with protection order when served, providing penalties, amending s 784 046, F.S., relating to action by victim of repeat violence for protective injunction, providing certain immunity from civil and criminal liability to law enforcement officer and officer's employing agency, revising period of duration of injunctive relief, amending s 784 047, F.S., relating to penalties for violating protective injunction against repeat violators, defining offenses of willfully violating a foreign protection order accorded full faith and credit by committing specified acts, providing penalties, amending s 901 15, F.S., relating to circumstances when arrest by officer without warrant is lawful, providing conforming terminology and cross-references, providing certain immunity from civil liability to law enforcement officer, providing effective dates

On motion by Senator Dudley, by two-thirds vote CS for HB 55 as amended was read the third time by title, passed and certified to the House. The vote on passage was

Yeas—38

Madam President	Crist	Horne	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	Lee	Williams
Clary	Harris	McKay	
Cowin	Holzendorf	Meadows	

Nays—None

On motion by Senator Silver—

CS for SB 1012—A bill to be entitled An act relating to chiropractic, amending s 460 403, F.S., revising and providing definitions applicable to the regulation of chiropractic, eliminating the requirement of certification to practice phlebotomy or physiotherapy or to administer proprietary drugs, amending ss 460 406 and 460 413, F.S., relating to licensure by examination and grounds for disciplinary action, to conform, providing an effective date

—was read the second time by title

Amendments were considered to conform CS for SB 1012 to HB 1561

Pending further consideration of CS for SB 1012 as amended, on motion by Senator Silver, by two-thirds vote HB 1561 was withdrawn from the Committee on Health Care

On motion by Senator Silver—

HB 1561—A bill to be entitled An act relating to chiropractic, amending s 460 403, F.S., revising and providing definitions applicable to the regulation of chiropractic, eliminating the requirement of certification to practice phlebotomy or physiotherapy or to administer proprietary drugs, amending ss 460 406 and 460 413, F.S., relating to licensure by examination and grounds for disciplinary action, to conform, providing an effective date

—a companion measure, was substituted for CS for SB 1012 as amended and read the second time by title. On motion by Senator Silver, by two-thirds vote HB 1561 was read the third time by title, passed and certified to the House. The vote on passage was

Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams

Nays—None

On motion by Senator Dantzler—

SB 1092—A bill to be entitled An act relating to child support, amending s 61 13, F.S., providing for territorial restrictions to be included in a court order providing residential responsibility for children, authorizing relocation of residence under certain circumstances, providing guidelines, providing an effective date

—was read the second time by title

An amendment was considered to conform SB 1092 to HB 1421

Pending further consideration of SB 1092 as amended, on motion by Senator Dantzler, by two-thirds vote HB 1421 was withdrawn from the Committee on Judiciary

On motion by Senator Dantzler—

HB 1421—A bill to be entitled An act relating to child custody, amending s 61 13, F.S., providing that no presumption shall arise in favor of or against a relocation request when a primary residential parent seeks to move the child, providing factors for the court to consider, creating s 61 121, F.S., providing for rotating custody of a child under certain circumstances, amending s 61 052, F.S., providing for rotating custody during a period of continuance providing an effective date

—a companion measure, was substituted for SB 1092 as amended and read the second time by title. On motion by Senator Dantzler, by two-thirds vote HB 1421 was read the third time by title, passed and certified to the House. The vote on passage was

Yeas—39

Madam President	Clary	Grant	Klein
Bankhead	Cowin	Gutman	Kurth
Bronson	Crist	Hargrett	Latvala
Brown-Waite	Dantzler	Harris	Lee
Burt	Diaz-Balart	Holzendorf	McKay
Campbell	Dudley	Horne	Meadows
Casas	Dyer	Jenne	Myers
Childers	Forman	Jones	Ostalkiewicz