



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

2

3 Section 1. Paragraph (d) of subsection (2) of section  
4 61.13, Florida Statutes, is amended to read:

5 61.13 Custody and support of children; visitation  
6 rights; power of court in making orders.--

7 (2)

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

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

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

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

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

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

28 6. ~~Whether the move is in the best interests of the~~  
29 ~~child.~~

30 Section 2. Section 61.13001, Florida Statutes, is  
31 created to read:

1           61.13001 Parental relocation with a child.--  
2           (1) DEFINITIONS.--As used in this section:  
3           (a) "Change of residence address" means the relocation  
4 of a child to a principal residence more than 50 miles away  
5 from his or her principal place of residence at the time of  
6 the entry of the last order establishing or modifying the  
7 designation of the primary residential parent or the custody  
8 of the minor child, unless the move places the principal  
9 residence of the minor child less than 50 miles from the  
10 nonresidential parent.  
11           (b) "Child" means any person who is under the  
12 jurisdiction of a state court pursuant to the Uniform Child  
13 Custody Jurisdiction and Enforcement Act or is the subject of  
14 any order granting to a parent or other person any right to  
15 residential care, custody, or visitation as provided under  
16 state law.  
17           (c) "Court" means the circuit court in an original  
18 proceeding which has proper venue and jurisdiction in  
19 accordance with the Uniform Child Custody Jurisdiction and  
20 Enforcement Act, the circuit court in the county in which  
21 either parent and the child reside, or the circuit court in  
22 which the original action was adjudicated.  
23           (d) "Other person" means an individual who is not the  
24 parent and who, by court order, maintains the primary  
25 residence of a child or has visitation rights with a child.  
26           (e) "Parent" means any person so named by court order  
27 or express written agreement that is subject to court  
28 enforcement or a person reflected as a parent on a birth  
29 certificate and in whose home a child maintains a primary or  
30 secondary residence.  
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1           (f) "Person entitled to be the primary residential  
2 parent of a child" means a person so designated by court order  
3 or by an express written agreement that is subject to court  
4 enforcement or a person seeking such a designation, or, when  
5 neither parent has been designated as primary residential  
6 parent, the person seeking to relocate with a child.

7           (g) "Principal residence of a child" means the home of  
8 the designated primary residential parent. For purposes of  
9 this section only, when rotating custody is in effect, each  
10 parent shall be considered to be the primary residential  
11 parent.

12           (h) "Relocation" means a change in the principal  
13 residence of a child for a period of 60 consecutive days or  
14 more but does not include a temporary absence from the  
15 principal residence for purposes of vacation, education, or  
16 the provision of health care for the child.

17           (2) RELOCATION BY AGREEMENT.--

18           (a) If the primary residential parent and the other  
19 parent and every other person entitled to visitation with the  
20 child agree to the relocation of the child's principal  
21 residence, they may satisfy the requirements of this section  
22 by signing a written agreement that:

23           1. Reflects the consent to the relocation;

24           2. Defines the visitation rights for the nonrelocating  
25 parent and any other persons who are entitled to visitation;  
26 and

27           3. Describes, if necessary, any transportation  
28 arrangements related to the visitation.

29           (b) If there is an existing cause of action, judgment,  
30 or decree of record pertaining to the child's primary  
31 residence or visitation, the parties shall seek ratification

1 of the agreement by court order without the necessity of an  
2 evidentiary hearing unless a hearing is requested, in writing,  
3 by one or more of the parties to the agreement within 10 days  
4 after the date the agreement is filed with the court. If a  
5 hearing is not requested, the court may ratify the agreement  
6 without an evidentiary hearing.

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

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

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

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

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

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

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

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

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

12  
13 AN OBJECTION TO THE PROPOSED RELOCATION MUST BE MADE IN  
14 WRITING, FILED WITH THE COURT, AND SERVED ON THE PARENT OR  
15 OTHER PERSON SEEKING TO RELOCATE WITHIN 30 DAYS AFTER SERVICE  
16 OF THIS NOTICE OF INTENT TO RELOCATE. IF YOU FAIL TO TIMELY  
17 OBJECT TO THE RELOCATION, THE RELOCATION WILL BE ALLOWED,  
18 UNLESS IT IS NOT IN THE BEST INTERESTS OF THE CHILD, WITHOUT  
19 FURTHER NOTICE AND WITHOUT A HEARING.

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

24  
25 The contents of the Notice of Intent to Relocate are not  
26 privileged. For purposes of encouraging amicable resolution of  
27 the relocation issue, a copy of the Notice of Intent to  
28 Relocate shall initially not be filed with the court but  
29 instead served upon the nonrelocating parent, other person,  
30 and every other person entitled to visitation with the child,  
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1 and the original thereof shall be maintained by the parent or  
2 other person seeking to relocate.

3 (b) The parent seeking to relocate shall also prepare  
4 a Certificate of Filing Notice of Intent to Relocate. The  
5 certificate shall certify the date that the Notice of Intent  
6 to Relocate was served on the other parent and on every other  
7 person entitled to visitation with the child.

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

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

20 (e) If the other parent and any other person entitled  
21 to visitation with the child fails to timely file an  
22 objection, the relocation shall be allowed and the court  
23 shall, absent good cause, enter an order, attaching a copy of  
24 the Notice of Intent to Relocate, reflecting that the order is  
25 entered as a result of the failure to object to the Notice of  
26 Intent to Relocate, and adopting the visitation schedule and  
27 transportation arrangements contained in the Notice of Intent  
28 to Relocate. The order may issue in an expedited manner  
29 without the necessity of an evidentiary hearing. If an  
30 objection is timely filed, the burden returns to the parent or  
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1 person seeking to relocate to initiate court proceedings to  
2 obtain court permission to relocate prior to doing so.

3 (f) The act of relocating the child after failure to  
4 comply with the notice of intent to relocate procedure  
5 described in this subsection subjects the party in violation  
6 thereof to contempt and other proceedings to compel the return  
7 of the child and may be taken into account by the court in any  
8 initial or postjudgment action seeking a determination or  
9 modification of the designation of the primary residential  
10 parent or of the residence, custody, or visitation with the  
11 child as:

12 1. A factor in making a determination regarding the  
13 relocation of a child.

14 2. A factor in determining whether the designation of  
15 the primary residential parent or the residence, contact,  
16 access, visitation, or time-sharing arrangements should be  
17 modified.

18 3. A basis for ordering the temporary or permanent  
19 return of the child.

20 4. Sufficient cause to order the parent or other  
21 person seeking to relocate the child to pay reasonable  
22 expenses and attorney's fees incurred by the party objecting  
23 to the relocation.

24 5. Sufficient cause for the award of reasonable  
25 attorney's fees and costs, including interim travel expenses  
26 incident to visitation or securing the return of the child.

27 (4) APPLICABILITY OF PUBLIC RECORDS LAW.--If the  
28 parent or other person seeking to relocate a child, or the  
29 child, is entitled to prevent disclosure of location  
30 information under any public records exemption applicable to  
31 that person, the court may enter any order necessary to modify

1 the disclosure requirements of this section in compliance with  
2 the public records exemption.

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

11 (6) TEMPORARY ORDER.--

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

16 1. The required notice of a proposed relocation of a  
17 child was not provided in a timely manner;

18 2. The child already has been relocated without notice  
19 or written agreement of the parties or without court approval;  
20 or

21 3. From an examination of the evidence presented at  
22 the preliminary hearing that there is a likelihood that upon  
23 final hearing the court will not approve the relocation of the  
24 primary residence of the child.

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

28 1. Finds that the required Notice of Intent to  
29 Relocate was provided in a timely manner; and

30 2. Finds from an examination of the evidence presented  
31 at the preliminary hearing that there is a likelihood that on

1 final hearing the court will approve the relocation of the  
2 primary residence of the child, which findings must be  
3 supported by the same factual basis as would be necessary to  
4 support the permitting of relocation in a final judgment.

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

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

15 (7) NO PRESUMPTION; FACTORS TO DETERMINE CONTESTED  
16 RELOCATION.--No presumption shall arise in favor of or against  
17 a request to relocate with the child when a primary  
18 residential parent seeks to move the child and the move will  
19 materially affect the current schedule of contact, access, and  
20 time-sharing with the nonrelocating parent or other person. In  
21 reaching its decision regarding a proposed temporary or  
22 permanent relocation, the court shall evaluate all of the  
23 following factors:

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

29 (b) The age and developmental stage of the child, the  
30 needs of the child, and the likely impact the relocation will  
31 have on the child's physical, educational, and emotional

1 development, taking into consideration any special needs of  
2 the child.

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

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

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

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

21 (g) The current employment and economic circumstances  
22 of each parent or other person and whether or not the proposed  
23 relocation is necessary to improve the economic circumstances  
24 of the parent or other person seeking relocation of the child.

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

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

4           (j) A history of substance abuse or domestic violence  
5 as defined in s. 741.28 or which meets the criteria of s.  
6 39.806(1)(d) by either parent, including a consideration of  
7 the severity of such conduct and the failure or success of any  
8 attempts at rehabilitation.

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

11           (8) BURDEN OF PROOF.--The parent or other person  
12 wishing to relocate has the burden of proof if an objection is  
13 filed and must then initiate a proceeding seeking court  
14 permission for relocation. The initial burden is on the parent  
15 or person wishing to relocate to prove by a preponderance of  
16 the evidence that relocation is in the best interest of the  
17 child. If that burden of proof is met, the burden shifts to  
18 the nonrelocating parent or other person to show by a  
19 preponderance of the evidence that the proposed relocation is  
20 not in the best interest of the child.

21           (9) ORDER REGARDING RELOCATION.--If relocation is  
22 permitted:

23           (a) The court may, in its discretion, order contact  
24 with the nonrelocating parent, including access, visitation,  
25 time sharing, telephone, Internet, web-cam, and other  
26 arrangements sufficient to ensure that the child has frequent,  
27 continuing, and meaningful contact, access, visitation, and  
28 time sharing with the nonrelocating parent or other persons,  
29 if contact is financially affordable and in the best interest  
30 of the child.

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

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

12           **(11) APPLICABILITY.--**

13           **(a) The provisions of this section apply:**

14           **1. To orders entered before July 1, 2006, if the**  
15 **existing order defining custody, primary residence, and**  
16 **visitation or a written agreement does not expressly govern**  
17 **the relocation of the child.**

18           **2. To an order, whether temporary or permanent,**  
19 **regarding primary residence of a child or visitation with a**  
20 **child issued after July 1, 2006.**

21           **3. To any relocation or proposed relocation, whether**  
22 **permanent or temporary, of a child during any pending**  
23 **proceeding wherein residence of or visitation with a child is**  
24 **an issue.**

25           **(b) To the extent that a provision of this section**  
26 **conflicts with an existing order or enforceable written**  
27 **agreement signed by both parents, this section does not apply**  
28 **to the terms of that order or agreement which govern**  
29 **relocation of the child or a change in the principal residence**  
30 **address of a parent.**

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1           Section 3. Paragraph (b) of subsection (1) of section  
2 28.241, Florida Statutes, is amended to read:

3           28.241 Filing fees for trial and appellate  
4 proceedings.--

5           (1)

6           (b) A party reopening any civil action, suit, or  
7 proceeding in the circuit court shall pay to the clerk of  
8 court a filing fee set by the clerk in an amount not to exceed  
9 \$50. For purposes of this section, a case is reopened when a  
10 case previously reported as disposed of is resubmitted to a  
11 court and includes petitions for modification of a final  
12 judgment of dissolution. A party is exempt from paying the fee  
13 for any of the following:

14           1. A writ of garnishment;

15           2. A writ of replevin;

16           3. A distress writ;

17           4. A writ of attachment;

18           5. A motion for rehearing filed within 10 days;

19           6. A motion for attorney's fees filed within 30 days  
20 after entry of a judgment or final order;

21           7. A motion for dismissal filed after a mediation  
22 agreement has been filed;

23           8. A disposition of personal property without  
24 administration;

25           9. Any probate case prior to the discharge of a  
26 personal representative;

27           10. Any guardianship pleading prior to discharge;

28           11. Any mental health pleading;

29           12. Motions to withdraw by attorneys;

30           13. Motions exclusively for the enforcement of child  
31 support orders;

