

**IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT,  
IN AND FOR DUVAL, CLAY AND NASSAU COUNTIES, FLORIDA**

**THIRD AMENDED ADMINISTRATIVE ORDER NO. 95-16**



**IN RE: FAMILY LAW  
FOURTH JUDICIAL CIRCUIT TIMESHARING GUIDELINES  
(LOCAL AND LONG DISTANCE)**

**WHEREAS**, the judges of the Family Law Division of this Circuit, in consultation with members of the Family Law Bar, have deemed it advisable to create timesharing guidelines for use in cases where the parents of a child or children do not reside together; and

**WHEREAS**, the judges of the Family Law Division and members of the Family Law Bar of this Circuit, after substantial study and consultation, have recommended the adoption of the attached documents, but emphasize that these guidelines are not mandatory, nor binding on any party. The guidelines are adopted for the purpose of assisting the parties in their litigation; and

**WHEREAS**, the Chief Judge of the Fourth Judicial Circuit of the State of Florida has reviewed the attached timeshare guidelines, and determined that they should be implemented as to matters before the Family Law Division, and pursuant to Rule 2.215, Florida Rules Judicial Administration.

IT IS THEREUPON,

**ORDERED AND ADJUDGED:**

1. The contents of the attached documents entitled

**“FOURTH JUDICIAL CIRCUIT  
LOCAL TIMESHARING GUIDELINES”**

**and**

**“FOURTH JUDICIAL CIRCUIT COURT  
LONG DISTANCE TIMESHARING GUIDELINES”**

are hereby adopted as guidelines for litigation in the Family Law Division of the Fourth Judicial Circuit.

2. This Third Amended Administrative Order No. 95-16 shall take effect

10/5/16

, 2016, and remain in effect thereafter until further Order of the Court.

**DONE AND ORDERED** in Chambers at Jacksonville, Duval County, Florida, this

5 day of OCT., 2016.

  
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**MARK H. MAHON**  
Chief Judge

cc:

- All Judges in the Fourth Judicial Circuit
- Senior Judges in the Fourth Judicial Circuit
- The Honorable Robert M. Foster, Administrative Judge, Nassau County
- The Honorable John H. Skinner, Administrative Judge, Clay County
- All Magistrates in the Fourth Judicial Circuit
- The Honorable Matthew A. Shirk, Esq., Public Defender
- The Honorable Angela B. Corey, Esq., State Attorney
- The Honorable Ronnie Fussell, Clerk of the Circuit Court, Duval County
- The Honorable Tara S. Green, Clerk of the Circuit Court, Clay County
- The Honorable John A. Crawford, Clerk of the Circuit Court, Nassau County
- The Honorable Jason R. Gabriel, Esq., General Counsel
- The Honorable Mike Williams, Sheriff, Jacksonville Sheriff's Office
- The Honorable Rick Beseler, Sheriff, Clay County
- Lt. Mark Cowan, Clay County Sheriff's Office Courthouse Security
- Major Steve Weintraub, Duval County Courthouse Security
- Sgt. Kenneth Davis, Supervisor of Courthouse Security, Nassau County Sheriff's Office
- Margaret Jones, Office of the Clerk of Court, Clay County
- Carla Colson, Office of Clerk of Court, Nassau County
- Jim Kowalski, Esq., Executive Director JALA
- Stephen Mosca, Esq., President, Florida Ass'n of Crim. Defense Lawyers (Local Chapter)
- Charles Bishop, Family Court Manager, Fourth Circuit
- James Gardner, Director, Alternative Dispute Resolutions (ADR)
- Joseph G. Stelma, Jr., Fourth Judicial Circuit Administrator
- Eve Janocko, Chief Deputy Trial Court Administrator
- Caroline Emery, Esq., Court Counsel
- Jacksonville Bar Association
- Nassau County Bar Association
- Clay County Bar Association
- Fourth Circuit Court Law Library, Duval County
- Judicial Staff Attorneys, Fourth Judicial Circuit

**STATE OF FLORIDA  
DUVAL COUNTY**

I, UNDERSIGNED Clerk of the Circuit & County Courts, Duval County, Florida, DO HEREBY CERTIFY the within and foregoing, consisting of 10 pages, is a true and correct copy of the original as it appears on record and file in the office of the Clerk of Circuit & County Courts of Duval County, Florida.

WITNESS my hand and seal of Clerk of Circuit & County Courts at Jacksonville, Florida, this the 5 day of OCT A.D., 2016.

**RONNIE FUSSELL**  
Clerk, Circuit and County Courts  
Duval County, Florida

By   
Deputy Clerk

**FOURTH JUDICIAL CIRCUIT**  
**LOCAL TIMESHARING GUIDELINES**

NEITHER PARENT SHALL CONCEAL THE WHEREABOUTS OF ANY CHILD(REN) OF THE PARENTS, AND EACH PARENT SHALL KEEP THE OTHER ADVISED AT ALL TIMES OF THE RESIDENTIAL ADDRESS, EMAIL ADDRESS, AND PHONE NUMBERS WHERE THE CHILD(REN) WILL BE STAYING WHILE IN THE PHYSICAL CUSTODY OF EITHER PARENT. EACH PARENT SHALL NOTIFY THE OTHER IMMEDIATELY (NO LATER THAN 3 HOURS) OF ANY EMERGENCY PERTAINING TO ANY CHILD(REN) OF THE PARENTS.

REASONABLE TIMESHARING WITH ANY CHILD(REN) OF THE PARENTS SHALL TAKE PLACE AT SUCH TIME AND PLACE AS THE PARENTS MAY AGREE. IF THE PARENTS CANNOT REACH AN AGREEMENT AS TO DETAILS OF TIMESHARING, THE COURT MAY CONSIDER THESE GUIDELINES IN CRAFTING A TIMESHARING SCHEDULE AFTER TAKING INTO CONSIDERATION THE FACTORS ENUMERATED UNDER APPLICABLE FLORIDA LAW.

Promoting Mutual Respect: These guidelines are predicated upon the premise that the parents will each afford the other the utmost of mutual respect. Each parent shall seek to promote and encourage the love and esteem of the child for the other parent. Neither parent shall intentionally do anything to estrange or alienate the child from the other parent. Neither parent shall make any derogatory remarks about the other parent or the other parent's family in the presence of the child, nor shall either parent allow others to do so. Each parent shall be pleasant and polite in communicating with the other parent.

The child(ren) have a right to spend substantial, quality time with both parents and it is the intent of these Guidelines that the child(ren) spend substantial time with both parents. Each of the parents shall exercise the utmost good faith and shall consent to all reasonable timesharing requests by the other parent. The majority timeshare parent is expected to provide reasonable access to the child(ren) at unscheduled times, if requested, and if to do so does not unreasonably disrupt prior planned activities of the child(ren) or the parent. Therefore, the non-majority timeshare parent is entitled to and shall have the following timesharing with the child(ren):

1. **WEEKDAYS:** One overnight per week from immediately after school/work until the following morning, at which time the child(ren) shall be timely returned to school/daycare or to the other parent by 9:00 a.m., if school is not in session. If the parents cannot agree, the overnight shall be Thursday.
2. **WEEKENDS:**
  - A. Every other weekend from Friday after school/work until the following Monday morning at which time the child(ren) shall be timely returned to school/daycare.
  - B. Should the non-majority timeshare parent's regular weekend fall on a

three-day weekend which is observed by the child(ren)'s school, and the weekend is a holiday or special occasion not otherwise expressly provided for below, the non-majority timeshare parent shall be entitled to a three-day weekend. In such event, the weekend shall be defined as after school/work the day school recesses for the weekend (Thursday or Friday) through return to school/daycare at the end of the weekend (Monday or Tuesday).

C. As to paragraph 2(A), the majority timeshare parent shall have the alternate weekends.

3. **HOLIDAYS:**

A. **Spring Break:** School spring break in even-numbered years from immediately after school/work the day school recesses for the break until the day school resumes when the child(ren) shall be timely returned to school/daycare.

B. **Easter:** Easter weekend in even-numbered years, from after school/work the day school recesses for the weekend until the return to school the day it resumes.

C. **Mother's Day Weekend/Father's Day Weekend:** The child(ren) shall be with the mother on Mother's Day weekend and with the father on Father's Day weekend, and with the other parent the following weekend.

D. **Independence Day:** Independence Day in odd-numbered years from 9:00 a.m. July 4<sup>th</sup> through 9:00 a.m. July 5<sup>th</sup> (except it shall be a three-day weekend if July 4<sup>th</sup> falls on a Friday or Monday).

E. **Thanksgiving Weekend:** Thanksgiving weekend in even-numbered years from immediately after school/work the day school recesses for the holiday until the return to school the day it resumes.

F. **Christmas/Winter Break:**

1. **Christmas Holiday.** For a parent that celebrates the Christmas holiday, the intent is for the parents to equally divide the number of days the child(ren) have off from school for the holiday, including weather days. The non-majority timeshare parent shall be entitled to the first part of the break in odd-numbered years and the majority parent shall have the first part of the break in even-numbered years. The parent with the first half of the holiday shall have the child(ren) from after school/work the day school recesses for the break until Christmas Day at 2:00 p.m. The parent with the second half of the holiday shall have the child(ren) from 2:00 p.m. on Christmas Day, for a total number of days equal to one-half of the Winter Break, returning the child(ren) at 6:00 p.m. on the last day of his/her part of the break, to the other parent who shall have the remainder of the holiday period until school resumes. The non-majority

timeshare parent shall have the second half of the break in even-numbered years and the majority parent shall have the second half of the break in odd-numbered years.

2. **Winter Break.** For all other parents, the intent is for the parents to equally divide the number of days the child(ren) have off from school for the Winter Break holiday, including weather days. The non-majority timeshare parent shall be entitled to the first part of the break in odd-numbered years and the majority parent shall have the first part of the break in even-numbered years. The parent with the first half of the holiday shall have the child(ren) from after school/work for a total number of days equal to one-half of the Winter Break, returning the children at 6:00 p.m. on the last day of his/her part of the break, to the other parent who shall have the remainder of the holiday period until school resumes.

G. **Birthdays:** Birthdays of the child(ren) in even-numbered years, from after school/work or 9:00 a.m. (if school is not in session) on the birthday until return to school the following morning or 9:00 a.m. (if school is not in session).

H. As to paragraph 3(A) through (E) and (G), the majority timeshare parent shall be entitled to the same time with the child(ren), but in alternate years.

I. Even though several of the above timesharing provisions are related to "school," the non-majority parent shall have the same visitation with children who are not in school.

J. Holidays and special occasions, as provided in paragraphs 3(A) through 3(G), shall have priority over regular weekday and weekend timesharing. In the event the holiday timesharing schedule has the effect of creating three (3) consecutive entire weekends (or in a 50/50 timesharing scenario, three consecutive entire weeks) with one parent, then the third such weekend (or week in a 50/50 timesharing scenario), shall revert to the other parent, after which the regular schedule shall resume. The result will be that each parent will have two weekends in a row (or in a 50/50 timesharing scenario, two weeks in a row) and then return to their alternating schedule.

4. **SUMMER VACATION:**

A. The parents shall equally divide the summer break by alternating their timeshare with the child(ren) weekly. Exchanges shall take place on Friday after school/work beginning on the first Friday following the end of school (or if school recesses on a Friday, it shall begin that day) with the non-majority parent having the first full week and the majority timeshare parent having the second full week and alternating weekly thereafter until the Friday before the start of school. (Parents utilizing a 50/50 timesharing schedule during the school year should



maintain that same rotation during the summer.)

- B. Notwithstanding the foregoing, during the summer each parent shall be entitled to reasonable extended out-of-town vacation time of up to two consecutive weeks, uninterrupted by sharing the child with the other parent. The parents shall each notify the other in writing when they elect to take their vacation times with the child(ren) no later than April 1<sup>st</sup> each year. In the event of a conflict, the Father's vacation time shall have priority in even-numbered years and the Mother's vacation time shall have priority in odd-numbered years.
  - C. The parent who is not exercising timesharing during a given week shall be entitled to have the child(ren) for dinner from after camp/daycare/work until 8:00 p.m. If the parents cannot agree on a day, it shall be Thursday evening.
  - D. Each parent shall be responsible for enrolling the child(ren) in and paying for summer camps or daycare during his/her summer timesharing.
5. **CONFLICTS:** Both parents shall endeavor to be punctual in transferring the child(ren). If circumstances prevent either from being punctual, the parents shall communicate and cooperate appropriately.
6. **CANCELLATIONS:** Each parent shall give the other parent at least 24 hours advance notice (or if an emergency occurs, as quickly as possible), if he/she will be unable to exercise weeknight, weekend, Father's Day, Mother's Day, or birthday visitation. As to holidays, there shall be one-week advance notice; as to Christmas and summer, one month advance cancellation notice. Notice as to Christmas and summer vacation shall be in writing.
7. **PARENT CHILD(REN) CONTACT:** The parents shall permit the child to have telephone, email, and/or other electronic communication, including audio/visual contact through features such as Skype or Facetime with the other parent, at any reasonable time. If the parents cannot agree on the days and times for such communication, then the child shall be permitted at a minimum to speak with the other parent on Mondays, Wednesdays, and Fridays at 7:30 p.m. EST. Neither parent shall monitor, intercept, interrupt or listen to communications between the child and the other parent absent a Court order authorizing them to do so. If a parent takes away phone privileges from a child as a form of punishment, the child shall still be permitted to have telephone or other such contact with the other parent as set forth herein.

**FOURTH JUDICIAL CIRCUIT COURT**  
**LONG DISTANCE TIMESHARING GUIDELINES**

NEITHER PARENT SHALL CONCEAL THE WHEREABOUTS OF ANY CHILD(REN) OF THE PARENTS, AND EACH PARENT SHALL KEEP THE OTHER ADVISED AT ALL TIMES OF THE RESIDENTIAL ADDRESS, EMAIL ADDRESS, AND PHONE NUMBERS WHERE THE CHILD(REN) WILL BE STAYING WHILE IN THE CUSTODY OF EITHER PARENT. EACH PARENT SHALL NOTIFY THE OTHER IMMEDIATELY (NO LATER THAN 3 HOURS) OF ANY EMERGENCY PERTAINING TO ANY CHILDREN OF THE PARENTS.

"REASONABLE" TIME-SHARING WITH THE CHILD(REN) SHALL TAKE PLACE AT SUCH TIME AND PLACE AS THE PARENTS MAY AGREE. IF THE PARENTS CANNOT REACH AN AGREEMENT AS TO DETAILS OF TIMESHARING, THE COURT MAY CONSIDER THESE GUIDELINES IN CRAFTING A TIMESHARING SCHEDULE, AFTER TAKING INTO CONSIDERATION THE FACTORS ENUMERATED UNDER APPLICABLE FLORIDA LAW, AS APPROPRIATE. THIS TIMESHARING SCHEDULE IS SUGGESTED AS A GUIDELINE, AS CIRCUMSTANCES MAY VARY SIGNIFICANTLY DUE TO THE DISTANCE BETWEEN THE PARENTS AND THE SPECIFIC LOCATIONS OF THEIR RESPECTIVE RESIDENCES.

Promoting Mutual Respect: These guidelines are predicated upon the premise that the parents will each afford the other the utmost of mutual respect. Each parent shall seek to promote and encourage the love and esteem of the child for the other parent. Neither parent shall intentionally do anything to estrange or alienate the child from the other parent. Neither parent shall make any derogatory remarks about the other parent or the other parent's family in the presence of the child, nor shall either parent allow others to do so. Each parent shall be pleasant and polite in communicating with the other parent.

The child(ren) have a right to spend substantial quality time with both parents and it is the intent of these Guidelines that the child(ren) spend substantial time with both parents. Each of the parents shall exercise the utmost good faith and shall consent to all reasonable timeshare requests by the other parent. Both parents are expected to provide access to the child(ren) at unscheduled times, if requested, and if to do so does not unreasonably disrupt prior planned activities of the child(ren) or the other parent. The parent that lives in excess of 150 miles shall be entitled to and shall have the following timesharing with the child(ren).

1. **WEEKENDS:** The parent who lives in excess of 150 miles may exercise alternate weekend timesharing, as provided in the Fourth Judicial Circuit Local Timesharing Guidelines, in the vicinity of the residence where the child(ren) are the majority of the time. Alternately, the parent that lives in excess of 150 miles shall have weekend timesharing at a location designated by that parent one weekend per month, on any weekend during a month that would encompass a three-day weekend, as well as timesharing in the vicinity of the residence where the child(ren) are the majority of the time, on the alternate weekend. In the event there is no such three-day

weekend during a given month, the first full weekend of the month shall be the weekend designated for timesharing, unless otherwise agreed by the parents. Said timesharing shall commence as early as practicable on the day before the holiday or Friday, whichever comes first, and conclude at 5:00 p.m. on Sunday or the day before school resumes, whichever is later.

2. **HOLIDAYS:**

A. **Christmas/Winter Break Vacation:** The intent is for the parents to equally divide the number of days the child(ren) have off from school for the Winter Break holiday, including weather days. The parent that lives in excess of 150 miles shall be entitled to the first part of the break in odd-numbered years, from after school/work/daycare on the day school recesses for the holiday, for a total number of days equal to one-half of the Winter Break, returning the child(ren) to the majority timeshare parent at 6:00 p.m. on the last day of his/her part of the break. The parent that lives in excess of 150 miles shall be entitled to the second part of the break in even-numbered years, picking the child(ren) up at 9:00 a.m. on the day beginning the second half of the break, and returning the child(ren) to the majority parent at 6:00 p.m. on the night before school resumes. In even-numbered years, the majority timeshare parent shall be entitled to the first part of the break as described above and in odd-numbered years shall be entitled to the second part of the break, as described above.

B. **Spring Vacation:** The parent that lives in excess of 150 miles shall have timesharing during the entire spring break every year, commencing on the day school recesses for the break until 6:00 p.m. on the day before school resumes.

C. **Thanksgiving:** The parent that lives in excess of 150 miles shall have time sharing in even-numbered years, from the day school recesses for the holiday until 6:00 p.m. on Sunday immediately following the holiday. In odd-numbered years, the majority timeshare parent shall have the Thanksgiving holiday.

D. **Mother's Day/Father's Day:** Mother's Day and Father's Day shall be spent with the parent being honored by the holiday in question, from the Friday prior to the holiday until 6:00 p.m. on Sunday. The parent that lives in excess of 150 miles shall have timesharing for this holiday in the vicinity of the child(ren)'s residence, unless said timesharing coincides with that parent's summer vacation timesharing.

E. **Birthdays:** The child(ren) shall celebrate their birthday(s) in the home of the majority timeshare parent unless the birthday falls on a regularly scheduled timesharing date with the other parent.

F. **Non-Specified Holidays:** Should the parents recognize a religious holiday not specifically mentioned herein, then the parents shall alternate the holiday. Each parent shall cooperate with the other so that the parent who lives in excess of 150



miles will have the entire holiday in even-numbered years. The parents shall cooperate to work out beginning and ending times for such timesharing. Should only one parent recognize a religious holiday not specifically mentioned herein, then that parent shall be entitled to reasonable timesharing with the child(ren) during that holiday period in every year, with the parents cooperating to work out the beginning and ending times for such holiday timesharing.

3. **SUMMER VACATION** The parent that lives in excess of 150 miles shall have summer timesharing with the minor children, commencing 5 days following the end of the school term and ending two weeks prior to the start of the new school term. During said summer vacation timesharing, the parent that usually has the children for the majority of the time during the year shall have timesharing as set forth above. The majority parent's timesharing shall take place in the vicinity of that parent's home.

4. **SCHOOL CALENDARS**: School calendars and event calendars shall be provided to the parent who lives in excess of 150 miles by the parent living in the child's school district, immediately upon receipt. The parent living in the child's school district shall also advise the other parent of events not appearing on school calendars as soon as practical after becoming aware of the dates of such events. It is strongly recommended that the parents use OurFamilyWizard.com or TalkingParents.com in order to facilitate the child(ren)'s schedule(s).

5. **CONFLICTS**: Regular weekend and summer vacation timesharing shall be held in accordance with the schedule set out herein. Should there be any conflict between the regularly scheduled and the holiday timesharing, the holiday timesharing shall control, to-wit: the timesharing set out in paragraphs 2 and 3 takes precedence over the timesharing set out in paragraph 1.

6. **TRANSPORTATION COSTS**: Transportation costs shall be agreed upon by the parents or left to the discretion of the Court. The criteria the Court may consider in allocating transportation costs include, but are not limited to the following:

- a) Relative financial positions of the parents;
- b) Extent and regularity of timesharing by the parent that lives in excess of 150 miles;
- c) Distance;
- d) The parent responsible for and the circumstances of the relocation;
- e) Any other factor which the Court deems relevant to the particular circumstances of the parents.

7. **MODE OF TRANSPORTATION**: The mode or method of transportation shall be

agreed upon by the parents or left to the discretion of the Court. The distance between the parents and the inconvenience and burdens imposed upon the child(ren) shall be considered in determining the mode of transportation.

8. **WAITING PERIOD:** The child(ren) and the parents shall be required to wait a reasonable period of time for the visiting parent to pick up the child(ren) to begin any timesharing. Consideration shall be made for the distance between the various parents and the mode of transportation used to exercise the timesharing, as well as unforeseen delays and flight schedules.

9. **CANCELLATIONS:** Cancellation by the parent that lives in excess of 150 miles in any of the aforementioned timesharing shall be made in writing at least 14 days prior to the scheduled commencement of said timesharing.

10. **PARENT/CHILD(REN) CONTACT:** The parents shall permit the child to have telephone, email, and/or other electronic communication, including audio/visual contact through features such as Skype or Facetime with the other parent, at any reasonable time. If the parents cannot agree on the days and times for such communication, then the child shall be permitted at a minimum to speak with the other parent on Mondays, Wednesdays, and Fridays at 7:30 p.m. EST. Neither parent shall monitor, intercept, interrupt or listen to communications between the child and the other parent absent a Court order authorizing them to do so. If a parent takes away phone privileges from a child as a form of punishing, the child shall still be permitted to have telephone or other such contact with the other parent as set forth herein.