

Amendment No. 5

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Workman offered the following:

Amendment (with title amendment)

5 Between lines 414 and 415, insert:

6 Section 4. Paragraph (c) of subsection (2) of section
 7 61.13, Florida Statutes, is amended to read:

8 61.13 Support of children; parenting and time-sharing;
 9 powers of court.—

10 (2)

11 (c) The court shall determine all matters relating to
 12 parenting and time-sharing of each minor child of the parties in
 13 accordance with the best interests of the child and in
 14 accordance with the Uniform Child Custody Jurisdiction and
 15 Enforcement Act, except that modification of a parenting plan
 16 and time-sharing schedule requires a showing of a substantial,
 17 material, and unanticipated change of circumstances.

18 1. It is the public policy of this state that each minor
 19 child has frequent and continuing contact with both parents
 20 after the parents separate or the marriage of the parties is

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21 dissolved and to encourage parents to share the rights and
22 responsibilities, and joys, of childrearing. There is no
23 presumption for or against the father or mother of the child or
24 for or against any specific time-sharing schedule when creating
25 or modifying the parenting plan of the child. Equal time-sharing
26 with a minor child by both parents is presumed to be in the best
27 interests of the child unless the court finds that:

28 a. The safety, well-being, and physical, mental, and
29 emotional health of the child would be endangered by equal time
30 sharing, that visitation would be presumed detrimental
31 consistent with s. 39.0139(3), or that supervised visitation is
32 appropriate, if any is appropriate;

33 b. Clear and convincing evidence of extenuating
34 circumstances justify a departure from equal time-sharing and
35 the court makes written findings justifying the departure from
36 equal time-sharing;

37 c. A parent is incarcerated;

38 d. The distance between parental residences makes equal
39 time-sharing impracticable;

40 e. A parent does not request at least 50 percent time
41 sharing; or

42 f. There is evidence of domestic violence.

43 2. The court shall order that the parental responsibility
44 for a minor child be shared by both parents unless the court
45 finds that shared parental responsibility would be detrimental
46 to the child. Evidence that a parent has been convicted of a
47 misdemeanor of the first degree or higher involving domestic
48 violence, as defined in s. 741.28 and chapter 775, or meets the

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49 criteria of s. 39.806(1)(d), creates a rebuttable presumption of
50 detriment to the child. If the presumption is not rebutted after
51 the convicted parent is advised by the court that the
52 presumption exists, shared parental responsibility, including
53 time-sharing with the child, and decisions made regarding the
54 child, may not be granted to the convicted parent. However, the
55 convicted parent is not relieved of any obligation to provide
56 financial support. If the court determines that shared parental
57 responsibility would be detrimental to the child, it may order
58 sole parental responsibility and make such arrangements for
59 time-sharing as specified in the parenting plan as will best
60 protect the child or abused spouse from further harm. Whether or
61 not there is a conviction of any offense of domestic violence or
62 child abuse or the existence of an injunction for protection
63 against domestic violence, the court shall consider evidence of
64 domestic violence or child abuse as evidence of detriment to the
65 child.

66 a. In ordering shared parental responsibility, the court
67 may consider the expressed desires of the parents and may grant
68 to one party the ultimate responsibility over specific aspects
69 of the child's welfare or may divide those responsibilities
70 between the parties based on the best interests of the child.
71 Areas of responsibility may include education, health care, and
72 any other responsibilities that the court finds unique to a
73 particular family.

74 b. The court shall order sole parental responsibility for
75 a minor child to one parent, with or without time-sharing with

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76 the other parent if it is in the best interests of the minor
77 child.

78 3. Access to records and information pertaining to a minor
79 child, including, but not limited to, medical, dental, and
80 school records, may not be denied to either parent. Full rights
81 under this subparagraph apply to either parent unless a court
82 order specifically revokes these rights, including any
83 restrictions on these rights as provided in a domestic violence
84 injunction. A parent having rights under this subparagraph has
85 the same rights upon request as to form, substance, and manner
86 of access as are available to the other parent of a child,
87 including, without limitation, the right to in-person
88 communication with medical, dental, and education providers.

89 Section 5. The amendment by this act to s. 61.13, Florida
90 Statutes, which creates a presumption in favor of equal time
91 sharing applies prospectively to initial final custody orders
92 made on or after July 1, 2013. The amendments do not constitute
93 a substantial change in circumstances which warrant the
94 modification of a final custody order entered before July 1,
95 2013.

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99 **T I T L E A M E N D M E N T**

100 Remove lines 2-27 and insert:

101 An act relating to family law; amending s. 61.071, F.S.;
102 requiring that alimony pendente lite be calculated in accordance
103 with s. 61.08, F.S.; amending s. 61.08, F.S.; defining terms;

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104 revising factors to be considered for alimony awards; requiring
105 a court to make written findings regarding the basis for
106 awarding a combination of forms of alimony, including the type
107 of alimony and length of time for which it is awarded; revising
108 factors to be considered when deciding whether to award alimony;
109 providing that an award of alimony automatically terminates
110 without further action under certain circumstances; providing
111 that the party seeking alimony has the burden of proof of
112 demonstrating a need for alimony and that the other party has
113 the ability to pay alimony; requiring the court to consider
114 specified relevant factors when determining the proper type and
115 amount of alimony; revising provisions relating to the
116 protection of awards of alimony; revising provisions for an
117 award of durational alimony; specifying criteria related to the
118 rebuttable presumption to award or not to award alimony;
119 deleting a provision authorizing permanent alimony; requiring
120 written findings regarding the incomes and standard of living of
121 the parties after dissolution of marriage; amending s. 61.09,
122 F.S.; providing for the calculation of alimony; amending s.
123 61.15, F.S.; establishing a presumption that it is in the best
124 interests of the child for the court to order equal time-sharing
125 for each minor child; providing exceptions; providing for
126 prospective application of the presumption in favor of equal
127 time-sharing; amending s.

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