

By the Committee on Judiciary and Senator Campbell

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A bill to be entitled  
An act relating to parental rights; amending s.  
61.13, F.S.; providing that specified rights  
apply to both parents; providing an effective  
date.

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

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

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

(2)

(b)1. The court shall determine all matters relating  
to custody of each minor child of the parties in accordance  
with the best interests of the child and in accordance with  
the Uniform Child Custody Jurisdiction Act. It is the public  
policy of this state to assure that each minor child has  
frequent and continuing contact with both parents after the  
parents separate or the marriage of the parties is dissolved  
and to encourage parents to share the rights and  
responsibilities, and joys, of childrearing. After considering  
all relevant facts, the father of the child shall be given the  
same consideration as the mother in determining the primary  
residence of a child irrespective of the age or sex of the  
child.

2. The court shall order that the parental  
responsibility for a minor child be shared by both parents  
unless the court finds that shared parental responsibility  
would be detrimental to the child. Evidence that a parent has  
been convicted of a felony of the third degree or higher

1 involving domestic violence, as defined in s. 741.28 and  
2 chapter 775, or meets the criteria of s. 39.806(1)(d), creates  
3 a rebuttable presumption of detriment to the child. If the  
4 presumption is not rebutted, shared parental responsibility,  
5 including visitation, residence of the child, and decisions  
6 made regarding the child, may not be granted to the convicted  
7 parent. However, the convicted parent is not relieved of any  
8 obligation to provide financial support. If the court  
9 determines that shared parental responsibility would be  
10 detrimental to the child, it may order sole parental  
11 responsibility and make such arrangements for visitation as  
12 will best protect the child or abused spouse from further  
13 harm. Whether or not there is a conviction of any offense of  
14 domestic violence or child abuse or the existence of an  
15 injunction for protection against domestic violence, the court  
16 shall consider evidence of domestic violence or child abuse as  
17 evidence of detriment to the child.

18       a. In ordering shared parental responsibility, the  
19 court may consider the expressed desires of the parents and  
20 may grant to one party the ultimate responsibility over  
21 specific aspects of the child's welfare or may divide those  
22 responsibilities between the parties based on the best  
23 interests of the child. Areas of responsibility may include  
24 primary residence, education, medical and dental care, and any  
25 other responsibilities that the court finds unique to a  
26 particular family.

27       b. The court shall order "sole parental  
28 responsibility, with or without visitation rights, to the  
29 other parent when it is in the best interests of" the minor  
30 child.

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1           c. The court may award the grandparents visitation  
2 rights with a minor child if it is in the child's best  
3 interest. Grandparents have legal standing to seek judicial  
4 enforcement of such an award. This section does not require  
5 that grandparents be made parties or given notice of  
6 dissolution pleadings or proceedings, nor do grandparents have  
7 legal standing as "contestants" as defined in s. 61.1306. A  
8 court may not order that a child be kept within the state or  
9 jurisdiction of the court solely for the purpose of permitting  
10 visitation by the grandparents.

11           3. Access to records and information pertaining to a  
12 minor child, including, but not limited to, medical, dental,  
13 and school records, may not be denied to a parent because the  
14 parent is not the child's primary residential parent. Full  
15 rights under this subparagraph apply to either parent unless  
16 there is a court order that specifically revokes these rights.  
17 A parent with rights under this subparagraph has the same  
18 rights as to form, substance, and manner of access as are  
19 available to the other parent of a child, including, without  
20 limitation, the right to in-person communication with medical,  
21 dental, and education providers.

22           Section 2. This act shall take effect July 1, 2000.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
SB 744

Limits the bill to clarification of existing law that both parents, regardless of marital status and custodial designation, have equal access to a child's records and other information to direct communication with medical, dental and educational providers.

Deletes provision requiring charter schools to implement plans to promote parental and community involvement in schools.

Deletes provision requiring school boards to implement programs to promote parental and guardian involvement in schools.

Deletes provision requiring that minimum competencies for professional education certification include a test of an applicant's knowledge of the value and strategies for promoting parental and guardian involvement in education.