

Bill No. CS for SB 1312

Amendment No. 5 Barcode 513168

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Children and Families recommended the following amendment:

Senate Amendment (with title amendment)

On page 33, line 10, through page 41, line 16, delete those lines

and insert:

Section 3. 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 and Enforcement 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

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1 responsibilities, and joys, of childrearing. After considering
2 all relevant facts, the father of the child shall be given the
3 same consideration as the mother in determining the primary
4 residence of a child irrespective of the age or sex of the
5 child.

6 2. The court shall order that the parental
7 responsibility for a minor child be shared by both parents
8 unless the court finds that shared parental responsibility
9 would be detrimental to the child. Evidence that a parent has
10 been convicted of a felony of the third degree or higher
11 involving domestic violence, as defined in s. 741.28 and
12 chapter 775, or meets the criteria of s. 39.806(1)(d), creates
13 a rebuttable presumption of detriment to the child. If the
14 presumption is not rebutted, shared parental responsibility,
15 including visitation, residence of the child, and decisions
16 made regarding the child, may not be granted to the convicted
17 parent. However, the convicted parent is not relieved of any
18 obligation to provide financial support. If the court
19 determines that shared parental responsibility would be
20 detrimental to the child, it may order sole parental
21 responsibility and make such arrangements for visitation as
22 will best protect the child or abused spouse from further
23 harm. Whether or not there is a conviction of any offense of
24 domestic violence or child abuse or the existence of an
25 injunction for protection against domestic violence, the court
26 shall consider evidence of domestic violence or child abuse as
27 evidence of detriment to the child.

28 a. In ordering shared parental responsibility, the
29 court may consider the expressed desires of the parents and
30 may grant to one party the ultimate responsibility over
31 specific aspects of the child's welfare or may divide those

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1 responsibilities between the parties based on the best
2 interests of the child. Areas of responsibility may include
3 primary residence, education, medical and dental care, and any
4 other responsibilities that the court finds unique to a
5 particular family.

6 b. The court shall order "sole parental
7 responsibility, with or without visitation rights, to the
8 other parent when it is in the best interests of" the minor
9 child.

10 c. The court may award the grandparents visitation
11 rights with a minor child if it is in the child's best
12 interest. Grandparents have legal standing to seek judicial
13 enforcement of such an award. This section does not require
14 that grandparents be made parties or given notice of
15 dissolution pleadings or proceedings, nor do grandparents have
16 legal standing as "contestants" as defined in s. 61.1306. A
17 court may not order that a child be kept within the state or
18 jurisdiction of the court solely for the purpose of permitting
19 visitation by the grandparents.

20 3. Access to records and information pertaining to a
21 minor child, including, but not limited to, medical, dental,
22 and school records, may not be denied to a parent because the
23 parent is not the child's primary residential parent. Full
24 rights under this subparagraph apply to either parent unless a
25 court order specifically revokes these rights, including any
26 restrictions on these rights as provided in a domestic
27 violence injunction. A parent having rights under this
28 subparagraph has the same rights upon request as to form,
29 substance, and manner of access as are available to the other
30 parent of a child, including, without limitation, the right to
31 in-person communication with medical, dental, and education

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3 (Redesignate subsequent sections.)
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6 ===== T I T L E A M E N D M E N T =====
7 And the title is amended as follows:
8 On page 2, line 29, through page 3, line 9, delete
9 those lines
10
11 and insert:
12 a reference; amending ss. 39.502 and 741.30,
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