



209714

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/13/2013	.	
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The Committee on Judiciary (Lee) recommended the following:

Senate Amendment (with title amendment)

Between lines 410 and 411

insert:

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

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

(2)

(c) The court shall determine all matters relating to parenting and time-sharing 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



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14 Enforcement Act, except that modification of a parenting plan
15 and time-sharing schedule requires a showing of a substantial,
16 material, and unanticipated change of circumstances.

17 1. It is the public policy of this state that each minor
18 child has frequent and continuing contact with both parents
19 after the parents separate or the marriage of the parties is
20 dissolved and to encourage parents to share the rights and
21 responsibilities, and joys, of childrearing. There is no
22 presumption for or against the father or mother of the child or
23 for or against any specific time-sharing schedule when creating
24 or modifying the parenting plan of the child. Equal time-sharing
25 with a minor child by both parents is presumed to be in the best
26 interests of the child unless the court finds that a parent is
27 unfit, that the distance between parental residences makes equal
28 time-sharing impracticable, or that a parent does not request at
29 least 50 percent time-sharing.

30 2. The court shall order that the parental responsibility
31 for a minor child be shared by both parents unless the court
32 finds that shared parental responsibility would be detrimental
33 to the child. Evidence that a parent has been convicted of a
34 misdemeanor of the first degree or higher involving domestic
35 violence, as defined in s. 741.28 and chapter 775, or meets the
36 criteria of s. 39.806(1)(d), creates a rebuttable presumption of
37 detriment to the child. If the presumption is not rebutted after
38 the convicted parent is advised by the court that the
39 presumption exists, shared parental responsibility, including
40 time-sharing with the child, and decisions made regarding the
41 child, may not be granted to the convicted parent. However, the
42 convicted parent is not relieved of any obligation to provide



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43 financial support. If the court determines that shared parental
44 responsibility would be detrimental to the child, it may order
45 sole parental responsibility and make such arrangements for
46 time-sharing as specified in the parenting plan as will best
47 protect the child or abused spouse from further harm. Whether or
48 not there is a conviction of any offense of domestic violence or
49 child abuse or the existence of an injunction for protection
50 against domestic violence, the court shall consider evidence of
51 domestic violence or child abuse as evidence of detriment to the
52 child.

53 a. In ordering shared parental responsibility, the court
54 may consider the expressed desires of the parents and may grant
55 to one party the ultimate responsibility over specific aspects
56 of the child's welfare or may divide those responsibilities
57 between the parties based on the best interests of the child.
58 Areas of responsibility may include education, health care, and
59 any other responsibilities that the court finds unique to a
60 particular family.

61 b. The court shall order sole parental responsibility for a
62 minor child to one parent, with or without time-sharing with the
63 other parent if it is in the best interests of the minor child.

64 3. Access to records and information pertaining to a minor
65 child, including, but not limited to, medical, dental, and
66 school records, may not be denied to either parent. Full rights
67 under this subparagraph apply to either parent unless a court
68 order specifically revokes these rights, including any
69 restrictions on these rights as provided in a domestic violence
70 injunction. A parent having rights under this subparagraph has
71 the same rights upon request as to form, substance, and manner



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72 of access as are available to the other parent of a child,
73 including, without limitation, the right to in-person
74 communication with medical, dental, and education providers.

75 Section 4. The amendments by this act to s. 61.13, Florida
76 Statutes, which create a presumption in favor of equal time-
77 sharing apply prospectively to initial final custody orders made
78 on or after July 1, 2013. The amendments do not constitute a
79 substantial change in circumstances which warrant the
80 modification of a final custody order entered before July 1,
81 2013.

82
83 ===== T I T L E A M E N D M E N T =====

84 And the title is amended as follows:

85 Delete line 28

86 and insert:

87 alimony; amending 61.13, F.S.; establishing a
88 presumption that it is in the best interests of the
89 child for the court to order equal time-sharing for
90 each minor child; providing exceptions; amending s.
91 61.14, F.S.; providing for prospective application of
92 the presumption in favor of equal time-sharing;
93 authorizing a party