



113284

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/26/2016	.	
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The Committee on Judiciary (Stargel) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (3) of section 61.13, Florida  
Statutes, is amended to read:

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

(3) For purposes of establishing or modifying parental  
responsibility and creating, developing, approving, or modifying  
a parenting plan, including a time-sharing schedule, which



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12 governs each parent's relationship with his or her minor child  
13 and the relationship between each parent with regard to his or  
14 her minor child, the best interest of the child shall be the  
15 primary consideration.

16 (a) Approximately equal time-sharing with a minor child by  
17 both parents is presumed to be in the best interest of the  
18 child. In determining whether the presumption is overcome, the  
19 court shall evaluate the evidence based on ~~A determination of~~  
20 ~~parental responsibility, a parenting plan, or a time-sharing~~  
21 ~~schedule may not be modified without a showing of a substantial,~~  
22 ~~material, and unanticipated change in circumstances and a~~  
23 ~~determination that the modification is in the best interests of~~  
24 ~~the child. Determination of the best interests of the child~~  
25 ~~shall be made by evaluating~~ all of the factors affecting the  
26 welfare and interests of the particular minor child and the  
27 circumstances of that family, including, ~~but not limited to:~~

28 1.(a) The demonstrated capacity or ~~and~~ disposition of each  
29 parent to facilitate and encourage a close and continuing  
30 parent-child relationship, to honor the time-sharing schedule,  
31 and to be reasonable when changes are required.

32 2.(b) The anticipated division of parental responsibilities  
33 after the litigation, including the extent to which parental  
34 responsibilities will be delegated to third parties.

35 3.(c) The demonstrated capacity and disposition of each  
36 parent to determine, consider, and act upon the needs of the  
37 child as opposed to the needs or desires of the parent.

38 4.(d) The length of time the child has lived in a stable,  
39 satisfactory environment and the desirability of maintaining  
40 continuity.



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41           ~~5.(e)~~ The geographic viability of the parenting plan, with  
42 special attention paid to the needs of school-age children and  
43 the amount of time to be spent traveling to carry out ~~effectuate~~  
44 the parenting plan. This factor does not create a presumption  
45 for or against relocation of either parent with a child.

46           ~~6.(f)~~ The moral fitness of the parents.

47           ~~7.(g)~~ The mental and physical health of the parents.

48           ~~8.(h)~~ The home, school, and community record of the child.

49           ~~9.(i)~~ The reasonable preference of the child, if the court  
50 deems the child to be of sufficient intelligence, understanding,  
51 and experience to express a preference.

52           ~~10.(j)~~ The demonstrated knowledge, capacity, or ~~and~~  
53 disposition of each parent to be informed of the circumstances  
54 of the minor child, including, but not limited to, the child's  
55 friends, teachers, medical care providers, daily activities, and  
56 favorite things.

57           ~~11.(k)~~ The demonstrated capacity or ~~and~~ disposition of each  
58 parent to provide a consistent routine for the child, such as  
59 discipline, and daily schedules for homework, meals, and  
60 bedtime.

61           ~~12.(l)~~ The demonstrated capacity of each parent to  
62 communicate with the other parent and keep the other parent  
63 informed of issues and activities regarding the minor child, and  
64 the willingness of each parent to adopt a unified front on all  
65 major issues when dealing with the child.

66           ~~13.(m)~~ Evidence of domestic violence, sexual violence,  
67 child abuse, child abandonment, or child neglect, regardless of  
68 whether a prior or pending action relating to those issues has  
69 been brought. If the court accepts evidence of prior or pending



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70 actions regarding domestic violence, sexual violence, child  
71 abuse, child abandonment, or child neglect, the court must  
72 specifically acknowledge in writing that such evidence was  
73 considered when evaluating the best interests of the child.

74 14.~~(n)~~ Evidence that either parent has knowingly provided  
75 false information to the court regarding any prior or pending  
76 action regarding domestic violence, sexual violence, child  
77 abuse, child abandonment, or child neglect.

78 15.~~(o)~~ The demonstrated capacity or disposition of each  
79 parent to perform or ensure the performance of particular  
80 parenting tasks customarily performed by the other ~~each~~ parent  
81 and the division of parental responsibilities before the  
82 institution of litigation and during the pending litigation,  
83 including the extent to which parenting responsibilities were  
84 undertaken by third parties.

85 16.~~(p)~~ The demonstrated capacity and disposition of each  
86 parent to participate and be involved in the child's school and  
87 extracurricular activities.

88 17.~~(q)~~ The demonstrated capacity and disposition of each  
89 parent to maintain an environment for the child which is free  
90 from substance abuse.

91 18.~~(r)~~ The capacity and disposition of each parent to  
92 protect the child from the ongoing litigation as demonstrated by  
93 not discussing the litigation with the child, not sharing  
94 documents or electronic media related to the litigation with the  
95 child, and refraining from disparaging comments about the other  
96 parent to the child.

97 19.~~(s)~~ The developmental stages and needs of the child and  
98 the demonstrated capacity and disposition of each parent to meet



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99 the child's developmental needs.

100 20. The amount of time-sharing requested by each parent.

101 21. The frequency that a parent would likely leave the  
102 child in the care of a nonrelative on evenings and weekends when  
103 the other parent would be available and willing to provide care.

104 22.~~(t)~~ Any other factor that is relevant to the  
105 determination of a specific parenting plan, including the time-  
106 sharing schedule.

107 (b) A court order must be supported by written findings of  
108 fact if the order establishes an initial permanent time-sharing  
109 schedule that does not provide for approximately equal time-  
110 sharing.

111 (c) A determination of parental responsibility, a parenting  
112 plan, or a time-sharing schedule may not be modified without a  
113 determination that such modification is in the best interest of  
114 the child and upon a showing of a substantial, material, and  
115 unanticipated change in circumstances.

116 Section 2. This act shall take effect October, 1, 2016.

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118 ===== T I T L E A M E N D M E N T =====

119 And the title is amended as follows:

120 Delete everything before the enacting clause  
121 and insert:

122 A bill to be entitled  
123 An act relating to parenting and time-sharing;  
124 amending s. 61.13, F.S.; creating a presumption that  
125 approximately equal time-sharing by both parents is in  
126 the best interest of the child; revising a finite list  
127 of factors that a court must evaluate when determining



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128           whether the presumption of approximately equal time-  
129           sharing is overcome; requiring a court order to be  
130           supported by written findings of fact under certain  
131           circumstances; prohibiting the modification of a  
132           determination of parental responsibility, a parenting  
133           plan, or a time-sharing schedule unless certain  
134           determinations are made; providing an effective date.