

ENROLLED

CS/HB 329

2017 Legislature

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 2 An act relating to child protection; amending s.  
 3 61.13, F.S.; prohibiting a time-sharing plan from  
 4 requiring or being interpreted to require visitation  
 5 at a recovery residence between specified hours;  
 6 providing exceptions; requiring the court to consider  
 7 certain factors to determine the best interest of the  
 8 child; prohibiting the court from ordering visitation  
 9 at a recovery residence under specified circumstances;  
 10 amending s. 397.487, F.S.; authorizing a certified  
 11 recovery residence to allow a minor child to visit a  
 12 recovery residence, excluding visits during specified  
 13 hours; providing exceptions; prohibiting a certified  
 14 recovery residence from allowing visitation under  
 15 specified circumstances; providing an effective date.

16  
 17 Be It Enacted by the Legislature of the State of Florida:

18  
 19 Section 1. Subsection (9) is added to section 61.13,  
 20 Florida Statutes, to read:

21 61.13 Support of children; parenting and time-sharing;  
 22 powers of court.—

23 (9) (a) A time-sharing plan may not require that a minor  
 24 child visit a parent who is a resident of a recovery residence,  
 25 as defined by s. 397.311, between the hours of 9 p.m. and 7

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26 | a.m., unless the court makes a specific finding that such  
 27 | visitation is in the best interest of the child. In determining  
 28 | the best interest of the minor child in such cases, the court  
 29 | shall take into account factors including, but not limited to,  
 30 | whether the parent resides in a specialized residence for  
 31 | pregnant women or parents whose children reside with them, the  
 32 | number of adults living in the recovery residence, and the  
 33 | parent's level of recovery.

34 | (b) A time-sharing plan that does not mention a recovery  
 35 | residence may not be interpreted to require that a minor child  
 36 | visit a parent who is a resident of a recovery residence, as  
 37 | defined by s. 397.311, between the hours of 9 p.m. and 7 a.m.

38 | (c) A court may not order visitation at a recovery  
 39 | residence if any resident of the recovery residence is currently  
 40 | required to register as a sexual predator under s. 775.21 or as  
 41 | a sexual offender under s. 943.0435.

42 | Section 2. Subsection (10) is added to section 397.487,  
 43 | Florida Statutes, to read:

44 | 397.487 Voluntary certification of recovery residences.—

45 | (10) (a) A certified recovery residence may allow a minor  
 46 | child to visit a parent who is a resident of the recovery  
 47 | residence, provided that a minor child may not visit or remain  
 48 | in the recovery residence between the hours of 9 p.m. and 7 a.m.  
 49 | unless:

50 | 1. A court makes a specific finding that such visitation

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51 is in the best interest of the minor child; or

52 2. The recovery residence is a specialized residence for  
53 pregnant women or parents whose children reside with them. Such  
54 recovery residences may allow children to visit or reside in the  
55 residence if the parent does not yet have a time-sharing plan  
56 pursuant to s. 61.13, provided that the parent files with the  
57 court for establishment of a plan within 14 days of moving into  
58 the residence.

59 (b) A certified recovery residence may not allow a minor  
60 child to visit a parent who is a resident of the recovery  
61 residence at any time if any resident of the recovery residence  
62 is currently required to register as a sexual predator under s.  
63 775.21 or as a sexual offender under s. 943.0435.

64 Section 3. This act shall take effect July 1, 2017.