

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Leek offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 27-78 and insert:
6 responsibilities, and joys, of childrearing. Except as set forth
7 herein, there is no presumption for or against the father or
8 mother of the child or for or against any specific time-sharing
9 schedule when creating or modifying the parenting plan of the
10 child.

11 2. The court shall order that the parental responsibility
12 for a minor child be shared by both parents unless the court
13 finds that shared parental responsibility would be detrimental
14 to the child. The following evidence creates a rebuttable
15 presumption of detriment to the child: ~~that~~

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16 (a) A parent has been convicted of a misdemeanor of the
17 first degree or higher involving domestic violence, as defined
18 in s. 741.28 and chapter 775. ~~or~~

19 (b) A parent meets the criteria of s. 39.806(1) (d).~~r~~

20 (c) A parent has been convicted of or had adjudication
21 withheld for an offense enumerated in s. 943.0435(1) (h)1.a. and
22 at the time of the offense:

23 (I) The parent was 18 years of age or older, and

24 (II) The victim was under 18 years of age or the parent
25 believed the victim to under 18 years of age. ~~creates a~~
26 rebuttable presumption of detriment to the child.

27
28 If the presumption is not rebutted after the convicted parent is
29 advised by the court that the presumption exists, shared
30 parental responsibility, including time-sharing with the child,
31 and decisions made regarding the child, may not be granted to
32 the convicted parent. However, the convicted parent is not
33 relieved of any obligation to provide financial support. If the
34 court determines that shared parental responsibility would be
35 detrimental to the child, it may order sole parental
36 responsibility and make such arrangements for time-sharing as
37 specified in the parenting plan as will best protect the child
38 or abused spouse from further harm. Whether or not there is a
39 conviction of any offense of domestic violence or child abuse or
40 the existence of an injunction for protection against domestic

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41 violence, the court shall consider evidence of domestic violence
42 or child abuse as evidence of detriment to the child.

43 a. In ordering shared parental responsibility, the court
44 may consider the expressed desires of the parents and may grant
45 to one party the ultimate responsibility over specific aspects
46 of the child's welfare or may divide those responsibilities
47 between the parties based on the best interests of the child.
48 Areas of responsibility may include education, health care, and
49 any other responsibilities that the court finds unique to a
50 particular family.

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

55 3. A parent who has been convicted of or had adjudication
56 withheld for an offense enumerated in s. 943.0435(1)(h)1.a.
57 creates a presumption against time-sharing for the parent if at
58 the time of the offense:

59 a. The parent was 18 years of age or older, or

60 b. The victim was under 18 years of age or the parent
61 believed the victim to be under 18 years of age.

62
63 The parent may rebut the presumption upon a specific finding in
64 writing by the court that the parent poses no significant risk
65 of harm to the child and that time-sharing is in the best

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66 interest of the child. If the presumption is rebutted, the court
67 shall consider all time-sharing factors set forth in subsection
68 (3).

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71 **T I T L E A M E N D M E N T**

72 Remove everything before the enacting clause and insert:
73 An act relating to a parental responsibility and minor time-
74 sharing for a parent convicted of or had adjudication withheld
75 for a specified offense; amending s. 61.13, F.S.; creating a
76 rebuttable presumption against shared parental responsibility
77 for certain parents convicted of or had adjudication withheld
78 for a specified offense; creating a rebuttable presumption
79 against time-sharing for certain parents convicted of or had
80 adjudication withheld for a specified offense; providing an
81 effective date.