



735846

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/07/2021	.	
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The Committee on Rules (Wright) recommended the following:

Senate Amendment (with title amendment)

Delete lines 27 - 77
and insert:
responsibilities, and joys, of childrearing. Except as otherwise
provided in this paragraph, there is no presumption for or
against the father or mother of the child or for or against any
specific time-sharing schedule when creating or modifying the
parenting plan of the child.

2. The court shall order that the parental responsibility
for a minor child be shared by both parents unless the court



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12 finds that shared parental responsibility would be detrimental
13 to the child. The following evidence creates a rebuttable
14 presumption of detriment to the child: ~~that~~

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

18 b. A parent meets the criteria of s. 39.806(1)(d); ~~or~~

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

22 (I) The parent was 18 years of age or older.

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

26
27 If the presumption is not rebutted after the convicted parent is
28 advised by the court that the presumption exists, shared
29 parental responsibility, including time-sharing with the child,
30 and decisions made regarding the child, may not be granted to
31 the convicted parent. However, the convicted parent is not
32 relieved of any obligation to provide financial support. If the
33 court determines that shared parental responsibility would be
34 detrimental to the child, it may order sole parental
35 responsibility and make such arrangements for time-sharing as
36 specified in the parenting plan as will best protect the child
37 or abused spouse from further harm. Whether or not there is a
38 conviction of any offense of domestic violence or child abuse or
39 the existence of an injunction for protection against domestic
40 violence, the court shall consider evidence of domestic violence



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41 or child abuse as evidence of detriment to the child.

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

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

54 5. There is a rebuttable presumption against granting time-
55 sharing with a minor child if a parent has been convicted of or
56 had adjudication withheld for an offense enumerated in s.
57 943.0435(1)(h)1.a., and at the time of the offense:

58 a. The parent was 18 years of age or older.

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

61
62 A parent may rebut the presumption upon a specific finding in
63 writing by the court that the parent poses no significant risk
64 of harm to the child and that time-sharing is in the best
65 interests of the minor child. If the presumption is rebutted,
66 the court shall consider all time-sharing factors in subsection
67 (3) when developing a time-sharing schedule.

68 ~~6.3.~~ Access to records and information pertaining to a
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70 ===== T I T L E A M E N D M E N T =====

71 And the title is amended as follows:

72 Delete lines 2 - 7

73 and insert:

74 An act relating to parenting and time-sharing of a
75 minor child for a convicted parent; amending s. 61.13,
76 F.S.; creating a rebuttable presumption against shared
77 parental responsibility and time-sharing with a minor
78 child for certain parents who have been convicted of
79 or had adjudication withheld for a specified offense;
80 providing an effective date.