

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

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BILL: SB 932

INTRODUCER: Senator Wright

SUBJECT: Minor Time-sharing for Registered Sexual Offenders and Sexual Predators

DATE: March 1, 2021

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Moody	Cox	CF	<b>Pre-meeting</b>
2.	_____	_____	CJ	_____
3.	_____	_____	RC	_____

**I. Summary:**

SB 932 amends s. 61.13, F.S., prohibiting courts from granting time-sharing with a minor child to a parent who is required to register as a sexual offender or sexual predator and at the time of the offense:

- The registrant was 18 years of age or older; and
- The victim was under 18 years of age or the registrant believed the victim was under 18 years of age.

The bill provides an exception allowing the court to grant time-sharing when it makes written findings that the registrant poses no significant risk of harm to the child and that time-sharing is in the child's best interest.

To the extent that this provision results in additional litigation related to the ability to have time-sharing rights, the bill may result in an increased workload on the state court system related to additional or more lengthy hearings and an indeterminate negative impact on parents who must pay additional legal fees related to such hearings. See Section V. Fiscal Impact Section.

The bill is effective July 1, 2021.

**II. Present Situation:**

**Florida's Sexual Predator and Sexual Offender Registration Laws**

Florida law requires registration of any person who has been convicted or adjudicated delinquent of a specified sex offense or offenses and who meets other statutory criteria that qualify the person for designation as a sexual predator or classification as a sexual offender.<sup>1</sup> The registration laws also require reregistration and provide for public and community notification of

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<sup>1</sup> Sections 775.21 and 943.0435, F.S.

certain information about sexual predators and sexual offenders. The laws span several different chapters and numerous statutes<sup>2</sup> and are implemented through the combined efforts of the Florida Department of Law Enforcement (FDLE), all Florida sheriffs, the Department of Corrections (DOC), the Department of Juvenile Justice (DJJ), the Department of Highway Safety & Motor Vehicles, and the Department of Children and Families (DCF).

A person is designated as a sexual predator by a court if the person:

- Has been convicted of a qualifying capital, life, or first degree felony sex offense committed on or after October 1, 1993;<sup>3</sup>
- Has been convicted of a qualifying sex offense committed on or after October 1, 1993, and has a prior conviction for a qualifying sex offense; or
- Was found to be a sexually violent predator in a civil commitment proceeding.<sup>4</sup>

A person is classified as a sexual offender if the person:

- Has been convicted of a qualifying sex offense and has been released on or after October 1, 1997, from the sanction imposed for that offense;
- Establishes or maintains a Florida residence and is subject to registration or community or public notification in another state or jurisdiction or is in the custody or control of, or under the supervision of, another state or jurisdiction as a result of a conviction for a qualifying sex offense; or
- On or after July 1, 2007, has been adjudicated delinquent of a qualifying sexual battery or lewd offense committed when the juvenile was 14 years of age or older.<sup>5</sup>

Qualifying offenses for registration as a sexual offender, which subsumes all offenses required for registration as a sexual predator, include:

- Sexual misconduct with a person having a developmental disability (s. 393.135(2), F.S.);
- Sexual misconduct with a mental health patient by an employee (s. 394.4593(2), F.S.);
- Specified violations of kidnapping or falsely imprisoning a minor (s. 787.01 or s. 787.02, F.S.);<sup>6</sup>
- Luring or enticing a child, by a person with a prior sexual conviction (s. 787.025(2), F.S.);
- Human trafficking for commercial sexual activity (s. 787.06(3)(b), (d), (f), or (g), F.S.);
- Sexual battery (s. 794.011, excluding s. 794.011(10), F.S.);
- Unlawful sexual activity with a minor (s. 794.05, F.S.);
- Lewd or lascivious battery, molestation, conduct, or exhibition (s. 800.04, F.S.);
- Video voyeurism, involving a minor victim (s. 810.145(8), F.S.);
- Lewd or lascivious offense on an elderly or disabled person (s. 825.1025, F.S.);

<sup>2</sup> Sections 775.21-775.25, 943.043-943.0437, 944.606, 944.607, and 985.481-985.4815, F.S.

<sup>3</sup> Examples of qualifying sex offenses are sexual battery by an adult on a child under 12 years of age (s. 794.011(2)(a), F.S.) and lewd battery by an adult on a child 12 years of age or older but under 16 years of age (s. 800.04(4)(a), F.S.).

<sup>4</sup> Section 775.21(4) and (5), F.S. The Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators' Treatment and Care Act, part V, ch. 394, F.S., provides for the civil confinement of a group of sexual offenders who, due to their criminal history and the presence of mental abnormality, are found likely to engage in future acts of sexual violence if they are not confined in a secure facility for long-term control, care, and treatment.

<sup>5</sup> Sections 943.0435(1)(h) and 985.4815(1)(h), F.S. Sections 944.606(1)(f) and 944.607(1)(f), F.S., which address sexual offenders in the custody of or under the DOC's supervision, also define the term "sexual offender."

<sup>6</sup> However, the Florida Supreme Court has held there must be a sexual element to the kidnapping or false imprisonment when the victim is a minor. *State v. Robinson*, 873 So. 2d 1205 (Fla. 2004).

- Sexual performance by a child (s. 827.071, F.S.);
- Providing obscene materials to a minor (s. 847.0133, F.S.);
- Computer pornography involving a minor (s. 847.0135(2), F.S.);
- Soliciting a minor over the Internet (s. 847.0135(3), F.S.);
- Traveling to meet a minor (s. 847.0135(4), F.S.);
- Lewd or lascivious exhibition over the Internet (s. 847.0135(5), F.S.);
- Transmitting child pornography by electronic device or equipment (s. 847.0137, F.S.);
- Transmitting material harmful to a minor by electronic device (s. 847.0138, F.S.);
- Selling or buying a minor to engage in sexually explicit conduct (s. 847.0145, F.S.);
- Racketeering involving a sexual offense (s. 895.03, F.S.);
- Sexual misconduct with a forensic client (s. 916.1075(2), F.S.); and
- Sexual misconduct by an employee with a juvenile offender (s. 985.701(1), F.S.).

Requirements for registration and reregistration are similar for sexual predators and sexual offenders, but the frequency of reregistration may differ.<sup>7</sup> Registration requirements may also differ based on a special status, e.g., the sexual predator or sexual offender is in the DOC's control or custody, under the DOC's or the DJJ's supervision, or in a residential commitment program under the DJJ.

Sexual predators and sexual offenders are required to report at registration and reregistration certain information, including but not limited to, physical characteristics, relevant sex offense history, and information on residence, vehicles/vessels owned, and travel. The FDLE, through its agency website, provides a searchable database that includes some of this information.<sup>8</sup> Further, local law enforcement agencies may also provide access to this information, such as providing a link to the state public registry webpage.

### ***“Romeo and Juliet” Law***

Section 943.04354, F.S., provides for removal of the requirement to register as a sexual offender or sexual predator when the offense occurs within a specified age group and range. This is commonly referred to as the "Romeo & Juliet" law. Florida law allows certain offenders who meet specified criteria to petition the court for relief from the requirement to register as a sexual offender/predator. Several criteria are specified including: the victim in the case was at least 13 and not more than 17 years of age, is no more than four years younger than the offender, and the

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<sup>7</sup> All sexual predators, sexual offenders convicted for offenses specified in s. 943.0435(14)(b), F.S., and juvenile sexual offenders required to register per s. 943.0435(1)(h)1.d., F.S., for certain offenses must reregister four times per year (on the birth month of the sexual predator or qualifying sexual offender and every third month thereafter). Sections 775.21(8)(a), 943.0435(14)(b), 944.607(13)(a), and 985.4815(13)(a), F.S. All other sexual offenders are required to reregister two times per year (on the birth month of the qualifying sexual offender and during the sixth month following the sexual offender's birth month). Section 943.0435(14)(a), F.S.

<sup>8</sup> The FDLE is the central repository for registration information. The department also maintains the state public registry and ensures Florida's compliance with federal laws. The Florida sheriffs handle in-person registration and reregistration. The FDLE maintains a database that allows members of the public to search for sexual offenders and sexual predators through a variety of search options, including name, neighborhood, and enrollment, employment, or volunteer status at an institute of higher education. See <http://offender.fdle.state.fl.us/offender/Search.jsp> (last visited on March 1, 2021).

sexual activity was consensual. The qualifying offense must be the only sex crime on the offender's record requiring registration.<sup>9</sup>

There are several other circumstances in which a person may be relieved from registering as a sexual offender or sexual predator.<sup>10</sup>

### **Forms of Supervision through the Department of Corrections**

At sentencing, a judge may place an offender on probation or community control in lieu of or in addition to incarceration.<sup>11</sup> The Department of Corrections (DOC) supervises more than 164,000 offenders on active community supervision. This includes offenders released from prison on parole, conditional release, or conditional medical release and offenders placed on court ordered supervision including probation, drug offender probation, sex offender probation, and community control.<sup>12</sup>

#### ***Probation***

Probation is a form of community supervision requiring specified contacts with probation officers and other conditions a court may impose.<sup>13</sup> There are also specialized forms of supervision such as drug offender probation<sup>14</sup> and mental health probation.<sup>15</sup> Section 948.03, F.S., provides that a court must determine the terms and conditions of probation. Standard conditions of probation that are enumerated in s. 948.03, F.S., are not required to be announced on the record, but the court must orally pronounce, as well as provide in writing, any special conditions of probation imposed.

#### ***Community Control***

Section 948.001(3), F.S., defines “community control” as a form of intensive, supervised custody in the community, including surveillance on weekends and holidays, administered by officers with restricted caseloads.<sup>16</sup> The community control program is rigidly structured and designed to accommodate offenders who, in the absence of such a program, will be committed to the custody of the DOC or a county jail.<sup>17</sup> A person on community control (controlee) has an individualized program and is restricted to his or her home or noninstitutional residential placement, unless working, attending school, performing public service hours, participating in treatment or another special activity that has been approved in advance by his or her parole and probation officer.<sup>18</sup>

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<sup>9</sup> The FDLE, *Sexual Offenders and Predators Search Frequently Asked Questions*, available at <https://offender.fdle.state.fl.us/offender/sops/faq.jsf> (last visited March 1, 2021).

<sup>10</sup> The FDLE, *The Agency Analysis for SB 932*, p. 4, February 8, 2021, (on file with the Senate Committee on Children, Families, and Elder Affairs).

<sup>11</sup> Section 948.01, F.S.

<sup>12</sup> The DOC, *Probation Services*, available at <http://www.dc.state.fl.us/cc/index.html> (last visited March 1, 2021).

<sup>13</sup> Section 948.001(8), F.S. Terms and conditions of probation are provided in s. 948.03, F.S.

<sup>14</sup> Section 948.001(4), F.S., defines “drug offender probation” as a form of intensive supervision that emphasizes treatment of drug offenders in accordance with individualized treatment plans administered by probation officers with reduced caseloads.

<sup>15</sup> Section 948.001(5), F.S., “mental health probation” means a form of specialized supervision that emphasizes mental health treatment and working with treatment providers to focus on underlying mental health disorders and compliance with a prescribed psychotropic medication regimen in accordance with individualized treatment plans.

<sup>16</sup> Section 948.10(2), F.S., provides that caseloads must be no more than 30 cases per officer.

<sup>17</sup> Section 948.10(1), F.S.

<sup>18</sup> *Id.*

Conditions of community control are determined by the court when the offender is placed on such supervision. There are standard conditions of community control with which all controlees must comply.<sup>19</sup> A person may be placed on additional terms of supervision as part of his or her community control sentence.<sup>20</sup>

### ***Special Conditions of Probation or Community Control for Sex Offenses***

In addition to standard conditions of probation or community control or A court must impose additional standard conditions of probation or community control when a person is placed under supervision for certain sex offenses violation of chapter 794, F.S.,<sup>21</sup> s. 800.04, F.S.,<sup>22</sup> s. 827.071, F.S.,<sup>23</sup> s. 847.0135(5), F.S.,<sup>24</sup> or s. 847.0145, F.S.,<sup>25</sup> including:

- A mandatory curfew.
- If the victim was under the age of 18, a prohibition of living within 1,000 feet of a school, child care facility, park, playground, or other place where children regularly congregate.
- Participation and successful completion of a sex offender treatment program.
- A prohibition on any contact with the victim, directly or indirectly, including through a third person, unless approved by the victim, a qualified practitioner in the sexual offender treatment program, and the sentencing court.
- If the victim was under the age of 18, a prohibition on working for pay or as a volunteer at any place where children regularly congregate, including, but not limited to, schools, child care facilities, parks, playgrounds, pet stores, libraries, zoos, theme parks, and malls.
- If the victim was under the age of 18, a prohibition on contact with a child under the age of 18. The court may approve supervised contact with a child if the approval is based on a recommendation by a qualified practitioner who is basing the recommendation on a risk assessment. Additionally, the sex offender must be currently enrolled in or have successfully completed a sex offender therapy program. The court may deny supervised contact with a child at any time. The court must consider certain factors when considering whether to approve supervised contact with a child.<sup>26</sup>

### **Parental Rights**

The interest of parents in the care, custody, and control of their children is a recognized fundamental liberty protected by the Due Process Clause of the Fourteenth Amendment to the United States Constitution. This fundamental liberty interest is rooted in the fundamental right of privacy from interference in making important decisions relating to marriage, family

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<sup>19</sup> See s. 948.101(1), F.S., for the standard conditions of community control.

<sup>20</sup> Section 948.101(2), F.S.

<sup>21</sup> Sexual battery.

<sup>22</sup> Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.

<sup>23</sup> Sexual performance by a child.

<sup>24</sup> Lewd or lascivious exhibition over the internet.

<sup>25</sup> Selling or buying minors to engage in sexually explicit conduct.

<sup>26</sup> Section 948.30, F.S.

relationships, child rearing, and education.<sup>27</sup> The United States Supreme Court has explained the fundamental nature of this right is rooted in history and tradition:<sup>28</sup>

The history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children. This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition.

The Florida Supreme Court has recognized that under Art. I., s. 23 of the Florida Constitution, parents have a fundamental liberty interest in determining the care and upbringing of their children.<sup>29</sup> These rights may not be intruded upon absent a compelling state interest.<sup>30</sup> According to the Florida Supreme Court, when analyzing a statute that infringes on the fundamental right of privacy, the applicable standard of review requires that the statute survive the highest level of scrutiny:<sup>31</sup>

The right of privacy is a fundamental right which we believe demands the compelling state interest standard. This test shifts the burden of proof to the state to justify an intrusion on privacy. The burden can be met by demonstrating that the challenged regulation serves a compelling state interest and accomplishes its goal through the use of the least intrusive means.

### ***Parental Time-Sharing***

Parental time-sharing is the time, including overnights and holidays, which a minor child spends with each parent.<sup>32</sup> The Florida Supreme Court has recognized that a parent's right to time-sharing is not absolute, and the Legislature may enact time-sharing policy when it affects the best interest of the child.<sup>33</sup> As a result of the constitutional right to a meaningful parent-child relationship, there must be competent, substantial evidence in the record that demonstrates that any restrictions or limitations on time-sharing are in the best interests of the child before those restrictions will be sustained.<sup>34</sup> Thus, where there is no evidence that the noncustodial parent is unfit, that extreme circumstances preclude visitation, or that visitation would adversely affect the

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<sup>27</sup> *Carey v. Population Svcs. Int'l*, 431 US 678, 684-685 (1977) (recognizing the right of privacy in personal decisions relating to marriage, family relationships, child rearing, and education); *See Wisconsin v. Yoder*, 406 U.S. 205, 232-33 (1972) (holding a state law requiring that children attend school past eighth grade violates the parents' constitutional right to direct the religious upbringing of their children); *See Parham v. J.R.*, 442 U.S. 584, 602 (1979) (recognizing the presumption that parents act in their children's best interest); *Meyer v. Nebraska*, 262 U.S. 390, 400-01 (1923) (affirming that the Constitution protects the preferences of the parent in education over those of the state); *Pierce v. Society of Sisters*, 268 U.S. 510, 534-35 (1925) (recognizing the right of parents to direct the upbringing of and education of their children).

<sup>28</sup> *Wisconsin v. Yoder*, 406 U.S. 205, 232 (1972).

<sup>29</sup> *Beagle v. Beagle*, 678 So. 2d 1271, 1272 (Fla. 1996) (holding a state law violated a parent's constitutional right to privacy by imposing grandparent visitation rights over objection of the parent without evidence of harm to the child or other compelling state interest).

<sup>30</sup> *Id. See, e.g., Shevin v. Byron, Harless, Schaffer, Reid & Assocs., Inc.*, 379 So. 2d 633, 637 (Fla. 1980) and *Belair v. Drew*, 776 So. 2d 1105, 1106 (Fla. 5th DCA 2001).

<sup>31</sup> *Winfield v. Division of Pari-Mutuel Wagering, Dept. of Bus. Regulation*, 477 So. 2d 544, 547 (Fla. 1985).

<sup>32</sup> *See s. 61.046(23)*, F.S. The schedule may be developed and agreed to by the parents of a minor child and approved by the court or established by the court if the parents cannot agree or if their agreed-upon schedule is not approved by the court.

<sup>33</sup> *C.E.S. v. State, Dept. of Health and Rehabilitative Services*, 462 So. 2d 1160 (Fla. 2d DCA 1984); *Von Eiff v. Azicri*, 720 So. 2d 510 (Fla. 1998).

<sup>34</sup> *Perez v. Fay*, 160 So. 3d 459 (Fla. DCA 2015)

welfare of the child, the trial court abuses its discretion in failing to provide visitation rights for that parent.<sup>35</sup> Moreover, restriction of visitation is generally disfavored, unless the restriction is necessary to protect the welfare of the child.<sup>36</sup>

Section 61.13(2), F.S., provides judges wide discretion in determining matters related to parenting and time-sharing of minor children in actions under ch. 61, F.S., in accordance with the best interests of the child, while balancing the rights of parents. The court is required to 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 Enforcement Act (UCCJEA).<sup>37</sup>

In establishing time-sharing, the court must make a determination of the best interests of the child by evaluating all of the factors affecting the welfare and interests of the particular minor child and the circumstances of that family, including, but not limited to the:

- Demonstrated capacity and disposition of each parent to facilitate and encourage a continuing parent-child relationship, honor the time-sharing schedule, and accommodate necessary changes.
- Anticipated division of parental responsibilities after the litigation, including the extent to which parental responsibilities will be delegated to third parties.
- Demonstrated capacity and disposition of each parent to determine, consider, and act upon the needs of the child.
- Length of time the child has lived in a stable environment and the desirability of maintaining continuity.
- Geographic viability of the parenting plan, with special attention paid to the needs of school-age children and the amount of time to be spent traveling to effectuate the parenting plan.
- Mental health, physical health, and moral fitness of the parents.
- Home, school, and community record of the child.
- Reasonable preference of the child.
- Demonstrated knowledge, capacity, and disposition of each parent to be informed of the circumstances of the minor child, including, the child's friends, teachers, and daily activities.
- Demonstrated capacity and disposition of each parent to:
  - Provide a consistent routine; and
  - Communicate with and keep the other parent informed of issues and activities regarding the minor child, and the willingness of each parent to adopt a unified front on all major issues when dealing with the child.
- Evidence of domestic violence, sexual violence, child abuse, child abandonment, or child neglect, or that either parent has ever knowingly provided false information about such matters.

<sup>35</sup> *McArdle v. McArdle*, 753 So. 2d 696 (Fla. 4th DCA 2000); *Johnston v. Boram*, 386 So. 2d 1230 (Fla. 5th DCA 1980).

<sup>36</sup> See *Munoz v. Munoz*, 210 So. 3d 227 (Fla. 2d DCA 2017); *Davis v. Lopez-Davis*, 162 So. 3d 19 (Fla. 4th DCA 2014); *Culbertson v. Culbertson*, 90 So. 3d 355 (Fla. 4th DCA 2012); *Grigsby v. Grigsby*, 39 So. 3d 453 (Fla. 2d DCA 2010).

<sup>37</sup> Section 61.13(2)(c), F.S. The UCCJEA was developed by the Legal Resource Center on Violence Against Women, the National Center on State Courts, and the National Council of Juvenile and Family Court Judges (NCJFCJ) to address jurisdictional and enforcement issues in child custody cases. The NCJFCJ, *Uniform Child Custody Jurisdiction and Enforcement Act: Guide for Court Personnel and Judges*, July 18, 2018, available at <https://www.ncjfcj.org/publications/uniform-child-custody-jurisdiction-and-enforcement-act-guide-for-court-personnel-and-judges/> (last visited March 1, 2021).

- Particular parenting tasks customarily performed by each parent, including the extent to which parenting responsibilities were undertaken by third parties.
- Demonstrated capacity and disposition of each parent to participate and be involved in the child's school and extracurricular activities.
- Demonstrated capacity and disposition of each parent to maintain an environment for the child which is free from substance abuse.
- Capacity and disposition of each parent to protect the child from the ongoing litigation regarding child custody.
- Developmental stages and needs of the child and the demonstrated capacity and disposition of each parent to meet the child's developmental needs.<sup>38</sup>

Currently, Florida law is silent regarding whether a sex offender or sexual predator may be prohibited from exercising time-sharing with his or her minor child.

Although current law requires the court to acknowledge in writing when it considers evidence of sexual violence in evaluating the best interests of the child, it is possible to be classified as a sexual offender without committing a violent sexual act. Therefore, under current law, a sexual offender who has not committed a violent sexual act may still be entitled to time-sharing with a minor child.

### ***Termination of Parental Rights***

Section 39.806, F.S., authorizes the DCF to file a petition for termination of parental rights (TPR) against both parents when they fail to remedy the family problems that brought a child into the dependency system.<sup>39</sup> Alternatively, the DCF may move to terminate only one of the parent's rights if it can prove certain grounds, such as incarceration, egregious conduct, chronic substance abuse, the conception of the child as a result of sexual battery, a conviction requiring the parent to register as a sexual predator, or an incarcerated parent who the court determined is a sexual predator in s. 775.084, F.S., or committed a sexual battery that constitutes a capital, life, or first degree felony in violation of s. 794.011, F.S.<sup>40</sup>

### **III. Effect of Proposed Changes:**

The bill amends s. 61.13, F.S., prohibiting a court from granting a parent time-sharing with his or her minor child if the parent is required to register as sexual offender or a sexual predator and at the time of the offense for which the parent had to register:

- The registrant was 18 years of age or older; and
- The victim was under 18 years of age or the registrant believed the victim to be under 18 years of age.

However, the court may grant time-sharing if it makes a specific finding in writing that the registrant poses no significant risk of harm to the child and that time-sharing is in the best interest of the child.

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<sup>38</sup> Section 61.13(3), F.S.

<sup>39</sup> Section 39.8055, F.S.

<sup>40</sup> Section 39.806, F.S.



The bill is effective July 1, 2021.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The Florida Supreme Court has recognized that under Art. I, s. 23 of the Florida Constitution, parents have a fundamental liberty interest in determining the care and upbringing of their children. However, the Court has also recognized that a parent's right to time-sharing is not absolute, and the Legislature may enact time-sharing policy when it affects the best interest of the child.<sup>41</sup>

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill provides that the prohibition on granting time-sharing in specified instances to a sexual offender or sexual predator does not apply if the court makes a specific finding in writing that the registrant poses no significant risk of harm to the child and that time-sharing is in the best interest of the child. To the extent that this provision results in additional litigation related to the ability to be granted time-sharing rights, the bill may result in both parents involved in parenting plans and time-sharing agreements paying additional legal fees to litigate related to the time-sharing rights of the minor child or children.

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<sup>41</sup> *C.E.S. v. State, Dept. of Health and Rehabilitative Services*, 462 So. 2d 1160 (Fla. 2d DCA 1984); *Von Eiff v. Azicri*, 720 So. 2d 510 (Fla. 1998).

**C. Government Sector Impact:**

The bill provides that the prohibition on grating time-sharing in specified instances to a sexual offender or sexual predator does not apply if the court makes a specific finding in writing that the registrant poses no significant risk of harm to the child and that time-sharing is in the best interest of the child. To the extent that this provision results in an increased workload to the courts from additional or more extensive hearings to make such determinations, the bill may result in an indeterminate negative fiscal impact on the state court system.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 61.13 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.