

By Senator Wright

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1 A bill to be entitled

2 An act relating to minor time-sharing for registered  
3 sexual offenders and sexual predators; amending s.  
4 61.13, F.S.; prohibiting a court from granting time-  
5 sharing with a minor child to a parent registered as a  
6 sexual offender or sexual predator under certain  
7 circumstances; providing an exception; providing an  
8 effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Paragraph (c) of subsection (2) of section  
13 61.13, Florida Statutes, is amended to read:

14 61.13 Support of children; parenting and time-sharing;  
15 powers of court.—

16 (2)

17 (c) The court shall determine all matters relating to  
18 parenting and time-sharing of each minor child of the parties in  
19 accordance with the best interests of the child and in  
20 accordance with the Uniform Child Custody Jurisdiction and  
21 Enforcement Act, except that modification of a parenting plan  
22 and time-sharing schedule requires a showing of a substantial,  
23 material, and unanticipated change of circumstances.

24 1. It is the public policy of this state that each minor  
25 child has frequent and continuing contact with both parents  
26 after the parents separate or the marriage of the parties is  
27 dissolved and to encourage parents to share the rights and  
28 responsibilities, and joys, of childrearing. There is no  
29 presumption for or against the father or mother of the child or

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30 for or against any specific time-sharing schedule when creating  
31 or modifying the parenting plan of the child.

32 2. The court shall order that the parental responsibility  
33 for a minor child be shared by both parents unless the court  
34 finds that shared parental responsibility would be detrimental  
35 to the child. Evidence that a parent has been convicted of a  
36 misdemeanor of the first degree or higher involving domestic  
37 violence, as defined in s. 741.28 and chapter 775, or meets the  
38 criteria of s. 39.806(1)(d), creates a rebuttable presumption of  
39 detriment to the child. If the presumption is not rebutted after  
40 the convicted parent is advised by the court that the  
41 presumption exists, shared parental responsibility, including  
42 time-sharing with the child, and decisions made regarding the  
43 child, may not be granted to the convicted parent. However, the  
44 convicted parent is not relieved of any obligation to provide  
45 financial support. If the court determines that shared parental  
46 responsibility would be detrimental to the child, it may order  
47 sole parental responsibility and make such arrangements for  
48 time-sharing as specified in the parenting plan as will best  
49 protect the child or abused spouse from further harm. Whether or  
50 not there is a conviction of any offense of domestic violence or  
51 child abuse or the existence of an injunction for protection  
52 against domestic violence, the court shall consider evidence of  
53 domestic violence or child abuse as evidence of detriment to the  
54 child.

55 a. In ordering shared parental responsibility, the court  
56 may consider the expressed desires of the parents and may grant  
57 to one party the ultimate responsibility over specific aspects  
58 of the child's welfare or may divide those responsibilities

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59 between the parties based on the best interests of the child.  
60 Areas of responsibility may include education, health care, and  
61 any other responsibilities that the court finds unique to a  
62 particular family.

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

66 3.a. The court may not grant a parent time-sharing with a  
67 minor child if the parent is required to register as a sexual  
68 offender under s. 943.0435 or a sexual predator under s. 775.21  
69 and at the time of the offense for which the parent had to  
70 register:

71 (I) The registrant was 18 years of age or older; and

72 (II) The victim was under 18 years of age or the registrant  
73 believed the victim to be under 18 years of age.

74 b. Notwithstanding sub-subparagraph a., the court may grant  
75 time-sharing to the registrant if the court makes a specific  
76 finding in writing that the registrant poses no significant risk  
77 of harm to the child and that time-sharing is in the best  
78 interests of the child.

79 ~~4.3.~~ Access to records and information pertaining to a  
80 minor child, including, but not limited to, medical, dental, and  
81 school records, may not be denied to either parent. Full rights  
82 under this subparagraph apply to either parent unless a court  
83 order specifically revokes these rights, including any  
84 restrictions on these rights as provided in a domestic violence  
85 injunction. A parent having rights under this subparagraph has  
86 the same rights upon request as to form, substance, and manner  
87 of access as are available to the other parent of a child,

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88 including, without limitation, the right to in-person  
89 communication with medical, dental, and education providers.

90 Section 2. This act shall take effect July 1, 2021.