

By the Committee on Children, Families, and Elder Affairs; and
Senator Wright

586-02349-21

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1 A bill to be entitled
2 An act relating to minor time-sharing for parent
3 convicted of or had adjudication withheld for a
4 specified offense; amending s. 61.13, F.S.;
5 prohibiting a court from granting time-sharing with a
6 minor child to a parent under certain circumstances;
7 providing an exception; providing an effective date.
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9 Be It Enacted by the Legislature of the State of Florida:
10

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

13 61.13 Support of children; parenting and time-sharing;
14 powers of court.—

15 (2)

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

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

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30 or modifying the parenting plan of the child.

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

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

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59 Areas of responsibility may include education, health care, and
60 any other responsibilities that the court finds unique to a
61 particular family.

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

65 3.a. The court may not grant a parent time-sharing with his
66 or her minor child if the parent has been convicted of or had
67 adjudication withheld for an offense enumerated in s.
68 943.0435(1)(h)1.a. and at the time of the offense:

69 (I) The parent was 18 years of age or older; and

70 (II) The victim was under 18 years of age or the parent
71 believed the victim to be under 18 years of age.

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

77 ~~4.3.~~ Access to records and information pertaining to a
78 minor child, including, but not limited to, medical, dental, and
79 school records, may not be denied to either parent. Full rights
80 under this subparagraph apply to either parent unless a court
81 order specifically revokes these rights, including any
82 restrictions on these rights as provided in a domestic violence
83 injunction. A parent having rights under this subparagraph has
84 the same rights upon request as to form, substance, and manner
85 of access as are available to the other parent of a child,
86 including, without limitation, the right to in-person
87 communication with medical, dental, and education providers.

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