

**By** the Committees on Rules; and Children, Families, and Elder Affairs; and Senator Wright

595-03816-21

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1 A bill to be entitled

2 An act relating to parenting and time-sharing of a  
3 minor child for a convicted parent; amending s. 61.13,  
4 F.S.; creating a rebuttable presumption against shared  
5 parental responsibility and time-sharing with a minor  
6 child for certain parents who have been convicted of  
7 or had adjudication withheld for a specified offense;  
8 providing an 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. Except as otherwise  
29 provided in this paragraph, there is no presumption for or

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

33 2. The court shall order that the parental responsibility  
34 for a minor child be shared by both parents unless the court  
35 finds that shared parental responsibility would be detrimental  
36 to the child. The following evidence creates a rebuttable  
37 presumption of detriment to the child: that

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

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

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

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

46 (II) The victim was under 18 years of age or the parent  
47 believed the victim to be under 18 years of age ~~creates a~~  
48 ~~rebuttable presumption of detriment to the child.~~

49

50 If the presumption is not rebutted after the convicted parent is  
51 advised by the court that the presumption exists, shared  
52 parental responsibility, including time-sharing with the child,  
53 and decisions made regarding the child, may not be granted to  
54 the convicted parent. However, the convicted parent is not  
55 relieved of any obligation to provide financial support. If the  
56 court determines that shared parental responsibility would be  
57 detrimental to the child, it may order sole parental  
58 responsibility and make such arrangements for time-sharing as

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59 specified in the parenting plan as will best protect the child  
60 or abused spouse from further harm. Whether or not there is a  
61 conviction of any offense of domestic violence or child abuse or  
62 the existence of an injunction for protection against domestic  
63 violence, the court shall consider evidence of domestic violence  
64 or child abuse as evidence of detriment to the child.

65 ~~3.a.~~ In ordering shared parental responsibility, the court  
66 may consider the expressed desires of the parents and may grant  
67 to one party the ultimate responsibility over specific aspects  
68 of the child's welfare or may divide those responsibilities  
69 between the parties based on the best interests of the child.  
70 Areas of responsibility may include education, health care, and  
71 any other responsibilities that the court finds unique to a  
72 particular family.

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

77 5. There is a rebuttable presumption against granting time-  
78 sharing with a minor child if a parent has been convicted of or  
79 had adjudication withheld for an offense enumerated in s.  
80 943.0435(1)(h)1.a., and at the time of the offense:

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

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

84  
85 A parent may rebut the presumption upon a specific finding in  
86 writing by the court that the parent poses no significant risk  
87 of harm to the child and that time-sharing is in the best

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88 interests of the minor child. If the presumption is rebutted,  
89 the court shall consider all time-sharing factors in subsection  
90 (3) when developing a time-sharing schedule.

91 ~~6.3.~~ Access to records and information pertaining to a  
92 minor child, including, but not limited to, medical, dental, and  
93 school records, may not be denied to either parent. Full rights  
94 under this subparagraph apply to either parent unless a court  
95 order specifically revokes these rights, including any  
96 restrictions on these rights as provided in a domestic violence  
97 injunction. A parent having rights under this subparagraph has  
98 the same rights upon request as to form, substance, and manner  
99 of access as are available to the other parent of a child,  
100 including, without limitation, the right to in-person  
101 communication with medical, dental, and education providers.

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