

**By** the Committee on Children, Families, and Elder Affairs; and  
Senators Berman, Book, Torres, Harrell, and Taddeo

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1                                   A bill to be entitled  
2       An act relating to domestic violence and parental  
3       responsibility determinations; providing a short  
4       title; amending s. 61.046, F.S.; providing a  
5       definition; amending s. 61.13, F.S.; requiring a court  
6       to order shared parental responsibility if it is found  
7       to be in the best interests of the child based on  
8       certain factors; providing that clear and convincing  
9       evidence of certain conduct creates a rebuttable  
10      presumption that shared parental responsibility is not  
11      in the best interests of the child; providing  
12      additional conduct that may create a rebuttable  
13      presumption against shared parental responsibility;  
14      authorizing a parent to rebut such presumption if  
15      specified criteria are met; requiring the court to  
16      rely upon specific evidence to make required findings  
17      that a presumption has been rebutted; requiring the  
18      court to consider all time-sharing factors when  
19      developing the time-sharing schedule if such  
20      presumption is rebutted; providing for sole parental  
21      responsibility with specified time-sharing  
22      arrangements under certain circumstances; relocating a  
23      provision requiring the court to consider certain  
24      evidence regardless of whether there is a conviction;  
25      providing additional factors that the court must  
26      consider when determining the best interests of the  
27      child; making technical and conforming changes;  
28      amending s. 414.0252, F.S.; conforming provisions to  
29      changes made by the act; amending s. 741.28, F.S.;

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30 providing and revising definitions; amending s.  
31 741.30, F.S.; requiring the instructions for certain  
32 petition forms to contain specified information;  
33 revising the form for a Petition for Injunction for  
34 Protection Against Domestic Violence to require the  
35 inclusion of certain information; amending ss.  
36 921.0024, 943.0584, and 943.171, F.S.; conforming  
37 cross-references; providing an effective date.  
38

39 Be It Enacted by the Legislature of the State of Florida:

40  
41 Section 1. This act may be cited as "Greyson's Law."

42 Section 2. Present subsections (2) through (23) of section  
43 61.046, Florida Statutes, are redesignated as subsections (3)  
44 through (24), respectively, and a new subsection (2) is added to  
45 that section, to read:

46 61.046 Definitions.—As used in this chapter, the term:  
47 (2) "Child" has the same meaning as in s. 39.01(11).

48 Section 3. Present paragraph (t) of subsection (3) of  
49 section 61.13, Florida Statutes, is redesignated as paragraph  
50 (w), new paragraphs (t), (u), and (v) are added to that  
51 subsection, and paragraph (c) of subsection (2) of that section  
52 is amended, to read:

53 61.13 Support of children; parenting and time-sharing;  
54 powers of court.—

55 (2)

56 (c) The court shall determine all matters relating to  
57 parenting and time-sharing of each ~~minor~~ child of the parties in  
58 accordance with the best interests of the child and in

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59 accordance with the Uniform Child Custody Jurisdiction and  
60 Enforcement Act, except that modification of a parenting plan  
61 and time-sharing schedule requires a showing of a substantial,  
62 material, and unanticipated change of circumstances.

63 1. It is the public policy of this state that each ~~minor~~  
64 child has frequent and continuing contact with both parents  
65 after the parents separate or the marriage of the parties is  
66 dissolved and to encourage parents to share the rights and  
67 responsibilities, and joys, of childrearing. Except as otherwise  
68 provided in this paragraph, there is no presumption for or  
69 against the father or mother of the child or for or against any  
70 specific time-sharing schedule when creating or modifying the  
71 parenting plan of the child.

72 2. The court shall order that the parental responsibility  
73 for a ~~minor~~ child be shared by both parents if determined to be  
74 in the best interests of the child based on reasonable factors,  
75 including, but not limited to, the time-sharing factors in  
76 subsection (3), unless the court finds that shared parental  
77 responsibility would be detrimental to the child. There is ~~The~~  
78 ~~following evidence creates~~ a rebuttable presumption that shared  
79 parental responsibility is not in the best interests of the  
80 child and would be detrimental ~~of detriment~~ to the child if it  
81 is proven by clear and convincing evidence that:

82 a. A parent has been convicted of a misdemeanor of the  
83 first degree or higher involving domestic violence, as defined  
84 in s. 741.28 and chapter 775;

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

86 c. A parent has been convicted of or had adjudication  
87 withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and

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88 at the time of the offense:

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

90 (II) The victim was under 18 years of age or the parent  
91 believed the victim to be under 18 years of age;

92 d. A parent or child has reasonable cause to believe he or  
93 she is in imminent danger of becoming a victim of domestic  
94 violence, as defined in s. 741.28, caused by the other parent  
95 upon a review of all relevant factors, including, but not  
96 limited to, the factors in s. 741.30(6)(b); or

97 e. There is domestic violence, as defined in s. 741.28;  
98 sexual violence, as defined in s. 784.046(1)(c); child abuse, as  
99 defined in s. 39.01(2); child abandonment, as defined in s.  
100 39.01(1); or child neglect, as defined in s. 39.01(50), by a  
101 parent against the other parent, or against a child or children  
102 whom the parents share in common, regardless of whether a cause  
103 of action has been brought or is currently pending in the court.  
104 Whether or not there is a conviction of any offense of domestic  
105 violence or child abuse or the existence of an injunction for  
106 protection against domestic violence, the court shall consider  
107 evidence of domestic violence or child abuse as evidence of  
108 detriment to the child.

109  
110 A parent may rebut the presumption that shared parental  
111 responsibility is not in the best interests of the child upon a  
112 specific finding in writing by the court that the parent poses  
113 no significant risk of harm to the child and that time-sharing  
114 is in the best interests of the child. If the presumption is  
115 rebutted, the court shall consider all time-sharing factors in  
116 subsection (3) when developing the time-sharing schedule.

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117       3. If the presumption is not rebutted after the offending  
118 or convicted parent is advised by the court that the presumption  
119 exists, shared parental responsibility, including time-sharing  
120 with the child, and decisions made regarding the child, may not  
121 be granted to the offending or convicted parent. However, the  
122 offending or convicted parent is not relieved of any obligation  
123 to provide financial support.

124       4. If the court determines that shared parental  
125 responsibility would be detrimental to the child based on  
126 factors other than those in subparagraph 2., it may order sole  
127 parental responsibility for the child to one parent and make  
128 such arrangements for time-sharing as specified in the parenting  
129 plan that as will best protect the child or parent, including,  
130 but not limited to, supervised visitation by a third party at  
131 the expense of the parent without sole parental responsibility  
132 or a designated location in which to pick up and drop off the  
133 child ~~abused spouse from further harm. Whether or not there is a~~  
134 ~~conviction of any offense of domestic violence or child abuse or~~  
135 ~~the existence of an injunction for protection against domestic~~  
136 ~~violence, the court shall consider evidence of domestic violence~~  
137 ~~or child abuse as evidence of detriment to the child.~~

138       5.3. In ordering shared parental responsibility, the court  
139 may consider the expressed desires of the parents and may grant  
140 to one party the ultimate responsibility over specific aspects  
141 of the child's welfare or may divide those responsibilities  
142 between the parties based on the best interests of the child.  
143 Areas of responsibility may include education, health care, and  
144 any other responsibilities that the court finds unique to a  
145 particular family.

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146       ~~6.4.~~ The court shall order sole parental responsibility for  
147 a ~~minor~~ child to one parent, with or without time-sharing with  
148 the other parent if it is in the best interests of the ~~minor~~  
149 child.

150       ~~7.5.~~ There is a rebuttable presumption against granting  
151 time-sharing with a ~~minor~~ child if a parent has been convicted  
152 of or had adjudication withheld for an offense enumerated in s.  
153 943.0435(1)(h)1.a., and at the time of the offense:

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

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

157  
158 A parent may rebut the presumption upon a specific finding in  
159 writing by the court that the parent poses no significant risk  
160 of harm to the child and that time-sharing is in the best  
161 interests of the ~~minor~~ child. If the presumption is rebutted,  
162 the court shall consider all time-sharing factors in subsection  
163 (3) when developing a time-sharing schedule.

164       ~~8.6.~~ Access to records and information pertaining to a  
165 ~~minor~~ child, including, but not limited to, medical, dental, and  
166 school records, may not be denied to either parent. Full rights  
167 under this subparagraph apply to either parent unless a court  
168 order specifically revokes these rights, including any  
169 restrictions on these rights as provided in a domestic violence  
170 injunction. A parent having rights under this subparagraph has  
171 the same rights upon request as to form, substance, and manner  
172 of access as are available to the other parent of a child,  
173 including, without limitation, the right to in-person  
174 communication with medical, dental, and education providers.

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175 (3) For purposes of establishing or modifying parental  
176 responsibility and creating, developing, approving, or modifying  
177 a parenting plan, including a time-sharing schedule, which  
178 governs each parent's relationship with his or her ~~minor~~ child  
179 and the relationship between each parent with regard to his or  
180 her minor child, the best interest of the child shall be the  
181 primary consideration. A determination of parental  
182 responsibility, a parenting plan, or a time-sharing schedule may  
183 not be modified without a showing of a substantial, material,  
184 and unanticipated change in circumstances and a determination  
185 that the modification is in the best interests of the child.  
186 Determination of the best interests of the child shall be made  
187 by evaluating all of the factors affecting the welfare and  
188 interests of the particular ~~minor~~ child and the circumstances of  
189 that family, including, but not limited to:

190 (t) Whether and to what extent the child has developed a  
191 relationship with either parent and the nature of any bond that  
192 has been established between such parent and the child.

193 (u) Whether the child has expressed or exhibited behavior  
194 which suggests that the child has a well-founded fear of a  
195 parent.

196 (v) Clear and convincing evidence that a parent has an  
197 improper motive for seeking shared parental responsibility, and  
198 whether such motive will negatively interfere with that parent's  
199 ability to safely and effectively share parental  
200 responsibilities.

201 Section 4. Subsection (4) of section 414.0252, Florida  
202 Statutes, is amended to read:

203 414.0252 Definitions.—As used in ss. 414.025-414.55, the

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204 term:

205 (4) "Domestic violence" means coercive control or any  
206 assault, aggravated assault, battery, aggravated battery, sexual  
207 assault, sexual battery, stalking, aggravated stalking,  
208 kidnapping, false imprisonment, or other ~~any~~ criminal offense  
209 that results in the physical injury or death of one family or  
210 household member by another.

211 Section 5. Present subsections (1) through (4) of section  
212 741.28, Florida Statutes, are redesignated as subsections (2)  
213 through (5), respectively, a new subsection (1) is added to that  
214 section, and present subsection (2) of that section is amended,  
215 to read:

216 741.28 Domestic violence; definitions.—As used in ss.  
217 741.28-741.31:

218 (1) "Coercive control" means a pattern of threatening,  
219 humiliating, or intimidating actions by one family or household  
220 member against another family or household member, which actions  
221 are used to harm, punish, or frighten the family or household  
222 member and make him or her dependent on the other family or  
223 household member by isolating, exploiting, or regulating him or  
224 her. The term includes, but is not limited to:

225 (a) Isolating the family or household member from his or  
226 her friends or family.

227 (b) Controlling the amount of money accessible to the  
228 family or household member and how he or she spends such money.

229 (c) Monitoring the family or household member's activities,  
230 communications, or movements.

231 (d) Frequently engaging in conduct meant to demean,  
232 degrade, dehumanize, or embarrass the family or household



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233 member.

234 (e) Threatening to cause physical harm to or kill a child  
235 or relative of the family or household member.

236 (f) Threatening to publish false information or make false  
237 reports to a law enforcement officer or other law enforcement  
238 personnel about the family or household member.

239 (g) Damaging the family or household member's property,  
240 household goods, or personal effects.

241 (h) Forcing the family or household member to participate  
242 in criminal activity.

243 (3) ~~(2)~~ "Domestic violence" means coercive control or any  
244 assault, aggravated assault, battery, aggravated battery, sexual  
245 assault, sexual battery, stalking, aggravated stalking,  
246 kidnapping, false imprisonment, or other any criminal offense  
247 resulting in physical injury or death of one family or household  
248 member by another family or household member.

249 Section 6. Paragraph (c) of subsection (2) and paragraph  
250 (b) of subsection (3) of section 741.30, Florida Statutes, are  
251 amended to read:

252 741.30 Domestic violence; injunction; powers and duties of  
253 court and clerk; petition; notice and hearing; temporary  
254 injunction; issuance of injunction; statewide verification  
255 system; enforcement; public records exemption.-

256 (2)

257 (c)1. The clerk of the court shall assist petitioners in  
258 seeking both injunctions for protection against domestic  
259 violence and enforcement for a violation thereof as specified in  
260 this section.

261 2. All clerks' offices shall provide simplified petition

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262 forms for the injunction, any modifications, and the enforcement  
263 thereof, including instructions for completion. The instructions  
264 must inform the petitioner that if he or she intends to seek an  
265 injunction that prohibits or limits time-sharing between the  
266 respondent and the child of the parties, he or she must state  
267 with specificity details regarding the circumstances that give  
268 rise to the petitioner fearing that the respondent imminently  
269 will abuse, remove, or hide the child from the petitioner.

270 3. The clerk of the court shall advise petitioners of the  
271 opportunity to apply for a certificate of indigence in lieu of  
272 prepayment for the cost of the filing fee, as provided in  
273 paragraph (a).

274 4. The clerk of the court shall ensure the petitioner's  
275 privacy to the extent practical while completing the forms for  
276 injunctions for protection against domestic violence.

277 5. The clerk of the court shall provide petitioners with a  
278 minimum of two certified copies of the order of injunction, one  
279 of which is serviceable and will inform the petitioner of the  
280 process for service and enforcement.

281 6. Clerks of court and appropriate staff in each county  
282 shall receive training in the effective assistance of  
283 petitioners as provided or approved by the Florida Association  
284 of Court Clerks.

285 7. The clerk of the court in each county shall make  
286 available informational brochures on domestic violence when such  
287 brochures are provided by local certified domestic violence  
288 centers.

289 8. The clerk of the court in each county shall distribute a  
290 statewide uniform informational brochure to petitioners at the

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291 time of filing for an injunction for protection against domestic  
292 or repeat violence when such brochures become available. The  
293 brochure must include information about the effect of giving the  
294 court false information about domestic violence.

295 (3)

296 (b) The sworn petition shall be in substantially the  
297 following form:

298

299 PETITION FOR  
300 INJUNCTION FOR PROTECTION  
301 AGAINST DOMESTIC VIOLENCE  
302

303 Before me, the undersigned authority, personally appeared  
304 Petitioner ...(Name)..., who has been sworn and says that the  
305 following statements are true:

306 (a) Petitioner resides at: ...(address)...

307 (Petitioner may furnish address to the court in a separate  
308 confidential filing if, for safety reasons, the petitioner  
309 requires the location of the current residence to be  
310 confidential.)

311 (b) Respondent resides at: ...(last known address)...

312 (c) Respondent's last known place of employment: ...(name  
313 of business and address)...

314 (d) Physical description of respondent:.....

315 Race.....

316 Sex.....

317 Date of birth.....

318 Height.....

319 Weight.....

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320 Eye color.....

321 Hair color.....

322 Distinguishing marks or scars.....

323 (e) Aliases of respondent:.....

324 (f) Respondent is the spouse or former spouse of the  
325 petitioner or is any other person related by blood or marriage  
326 to the petitioner or is any other person who is or was residing  
327 within a single dwelling unit with the petitioner, as if a  
328 family, or is a person with whom the petitioner has a child in  
329 common, regardless of whether the petitioner and respondent are  
330 or were married or residing together, as if a family.

331 (g) The following describes any other cause of action  
332 currently pending between the petitioner and respondent:.....  
333 .....

334 The petitioner should also describe any previous or pending  
335 attempts by the petitioner to obtain an injunction for  
336 protection against domestic violence in this or any other  
337 circuit, and the results of that attempt:.....  
338 .....  
339 Case numbers should be included if available.

340 (h) Petitioner is either a victim of domestic violence or  
341 has reasonable cause to believe he or she is in imminent danger  
342 of becoming a victim of domestic violence because respondent  
343 has: ...(mark all sections that apply and describe in the spaces  
344 below the incidents of violence or threats of violence,  
345 specifying when and where they occurred, including, but not  
346 limited to, locations such as a home, school, place of  
347 employment, or visitation exchange)...  
348 .....

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349 .....  
 350 ...committed or threatened to commit domestic violence  
 351 defined in s. 741.28, Florida Statutes, as coercive control or  
 352 any assault, aggravated assault, battery, aggravated battery,  
 353 sexual assault, sexual battery, stalking, aggravated stalking,  
 354 kidnapping, false imprisonment, or other ~~any~~ criminal offense  
 355 resulting in physical injury or death of one family or household  
 356 member by another. With the exception of persons who are parents  
 357 of a child in common, the family or household members must be  
 358 currently residing or have in the past resided together in the  
 359 same single dwelling unit.  
 360 ...previously threatened, harassed, stalked, or physically  
 361 abused the petitioner.  
 362 ...attempted to harm the petitioner or family members or  
 363 individuals closely associated with the petitioner.  
 364 ...threatened to conceal, kidnap, or harm the petitioner's  
 365 child or children (provide details in paragraph (i) below).  
 366 ...intentionally injured or killed a family pet.  
 367 ...used, or has threatened to use, against the petitioner  
 368 any weapons such as guns or knives.  
 369 ...physically restrained the petitioner from leaving the  
 370 home or calling law enforcement.  
 371 ...a criminal history involving violence or the threat of  
 372 violence (if known).  
 373 ...another order of protection issued against him or her  
 374 previously or from another jurisdiction (if known).  
 375 ...destroyed personal property, including, but not limited  
 376 to, telephones or other communication equipment, clothing, or  
 377 other items belonging to the petitioner.

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378           ....engaged in any other behavior or conduct that leads the  
379 petitioner to have reasonable cause to believe he or she is in  
380 imminent danger of becoming a victim of domestic violence.

381           (i) Petitioner alleges the following additional specific  
382 facts: ...(mark appropriate sections)...

383           ....A ~~minor~~ child or ~~minor~~ children reside with the  
384 petitioner whose names and ages are as follows:

385

386           ....Petitioner needs the exclusive use and possession of  
387 the dwelling that the parties share.

388           ....Petitioner is unable to obtain safe alternative housing  
389 because:

390

391           ....Petitioner genuinely fears that respondent imminently  
392 will abuse, remove, or hide the ~~minor~~ child or children from  
393 petitioner because: ...(describe any actions taken or threats  
394 made by the respondent to cause such fear, including where and  
395 when the actions were taken or the threats were made, directly  
396 or indirectly; whether and how the respondent failed to comply  
397 with an existing parenting plan or time-sharing schedule; and  
398 any actions taken or comments made by the child or children that  
399 suggest the respondent has caused the child or children to fear  
400 for his or her or their safety)...

401

402           (j) Petitioner genuinely fears imminent domestic violence  
403 by respondent.

404           (k) Petitioner seeks an injunction: ...(mark appropriate  
405 section or sections)...

406           ....Immediately restraining the respondent from committing

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407 any acts of domestic violence.

408       ...Restraining the respondent from committing any acts of  
409 domestic violence.

410       ...Awarding to the petitioner the temporary exclusive use  
411 and possession of the dwelling that the parties share or  
412 excluding the respondent from the residence of the petitioner.

413       ...Providing a temporary parenting plan, including a  
414 temporary time-sharing schedule, with regard to the ~~minor~~ child  
415 or children of the parties which might involve ~~prohibiting or~~  
416 limiting time-sharing or requiring that it be supervised by a  
417 third party.

418       ...Providing a temporary time-sharing schedule that  
419 prohibits time-sharing between the respondent and the child or  
420 children of the parties.

421       ...Establishing temporary support for the ~~minor~~ child or  
422 children or the petitioner.

423       ...Directing the respondent to participate in a batterers'  
424 intervention program.

425       ...Providing any terms the court deems necessary for the  
426 protection of a victim of domestic violence, or any ~~minor~~  
427 children of the victim, including any injunctions or directives  
428 to law enforcement agencies.

429       Section 7. Paragraph (b) of subsection (1) of section  
430 921.0024, Florida Statutes, is amended to read:

431       921.0024 Criminal Punishment Code; worksheet computations;  
432 scoresheets.-

433       (1)

434       (b) WORKSHEET KEY:

435

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436 Legal status points are assessed when any form of legal status  
437 existed at the time the offender committed an offense before the  
438 court for sentencing. Four (4) sentence points are assessed for  
439 an offender's legal status.

440

441 Community sanction violation points are assessed when a  
442 community sanction violation is before the court for sentencing.  
443 Six (6) sentence points are assessed for each community sanction  
444 violation and each successive community sanction violation,  
445 unless any of the following apply:

446 1. If the community sanction violation includes a new  
447 felony conviction before the sentencing court, twelve (12)  
448 community sanction violation points are assessed for the  
449 violation, and for each successive community sanction violation  
450 involving a new felony conviction.

451 2. If the community sanction violation is committed by a  
452 violent felony offender of special concern as defined in s.  
453 948.06:

454 a. Twelve (12) community sanction violation points are  
455 assessed for the violation and for each successive violation of  
456 felony probation or community control where:

457 I. The violation does not include a new felony conviction;  
458 and

459 II. The community sanction violation is not based solely on  
460 the probationer or offender's failure to pay costs or fines or  
461 make restitution payments.

462 b. Twenty-four (24) community sanction violation points are  
463 assessed for the violation and for each successive violation of  
464 felony probation or community control where the violation



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465 includes a new felony conviction.

466

467 Multiple counts of community sanction violations before the  
468 sentencing court shall not be a basis for multiplying the  
469 assessment of community sanction violation points.

470

471 Prior serious felony points: If the offender has a primary  
472 offense or any additional offense ranked in level 8, level 9, or  
473 level 10, and one or more prior serious felonies, a single  
474 assessment of thirty (30) points shall be added. For purposes of  
475 this section, a prior serious felony is an offense in the  
476 offender's prior record that is ranked in level 8, level 9, or  
477 level 10 under s. 921.0022 or s. 921.0023 and for which the  
478 offender is serving a sentence of confinement, supervision, or  
479 other sanction or for which the offender's date of release from  
480 confinement, supervision, or other sanction, whichever is later,  
481 is within 3 years before the date the primary offense or any  
482 additional offense was committed.

483

484 Prior capital felony points: If the offender has one or more  
485 prior capital felonies in the offender's criminal record, points  
486 shall be added to the subtotal sentence points of the offender  
487 equal to twice the number of points the offender receives for  
488 the primary offense and any additional offense. A prior capital  
489 felony in the offender's criminal record is a previous capital  
490 felony offense for which the offender has entered a plea of nolo  
491 contendere or guilty or has been found guilty; or a felony in  
492 another jurisdiction which is a capital felony in that  
493 jurisdiction, or would be a capital felony if the offense were

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494 committed in this state.

495

496 Possession of a firearm, semiautomatic firearm, or machine gun:

497 If the offender is convicted of committing or attempting to

498 commit any felony other than those enumerated in s. 775.087(2)

499 while having in his or her possession: a firearm as defined in

500 s. 790.001(6), an additional eighteen (18) sentence points are

501 assessed; or if the offender is convicted of committing or

502 attempting to commit any felony other than those enumerated in

503 s. 775.087(3) while having in his or her possession a

504 semiautomatic firearm as defined in s. 775.087(3) or a machine

505 gun as defined in s. 790.001(9), an additional twenty-five (25)

506 sentence points are assessed.

507

508 Sentencing multipliers:

509

510 Drug trafficking: If the primary offense is drug trafficking

511 under s. 893.135, the subtotal sentence points are multiplied,

512 at the discretion of the court, for a level 7 or level 8

513 offense, by 1.5. The state attorney may move the sentencing

514 court to reduce or suspend the sentence of a person convicted of

515 a level 7 or level 8 offense, if the offender provides

516 substantial assistance as described in s. 893.135(4).

517

518 Law enforcement protection: If the primary offense is a

519 violation of the Law Enforcement Protection Act under s.

520 775.0823(2), (3), or (4), the subtotal sentence points are

521 multiplied by 2.5. If the primary offense is a violation of s.

522 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points

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523 are multiplied by 2.0. If the primary offense is a violation of  
524 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement  
525 Protection Act under s. 775.0823(10) or (11), the subtotal  
526 sentence points are multiplied by 1.5.

527  
528 Grand theft of a motor vehicle: If the primary offense is grand  
529 theft of the third degree involving a motor vehicle and in the  
530 offender's prior record, there are three or more grand thefts of  
531 the third degree involving a motor vehicle, the subtotal  
532 sentence points are multiplied by 1.5.

533  
534 Offense related to a criminal gang: If the offender is convicted  
535 of the primary offense and committed that offense for the  
536 purpose of benefiting, promoting, or furthering the interests of  
537 a criminal gang as defined in s. 874.03, the subtotal sentence  
538 points are multiplied by 1.5. If applying the multiplier results  
539 in the lowest permissible sentence exceeding the statutory  
540 maximum sentence for the primary offense under chapter 775, the  
541 court may not apply the multiplier and must sentence the  
542 defendant to the statutory maximum sentence.

543  
544 Domestic violence in the presence of a child: If the offender is  
545 convicted of the primary offense and the primary offense is a  
546 crime of domestic violence, as defined in s. 741.28, which was  
547 committed in the presence of a child under 16 years of age who  
548 is a family or household member as defined in s. 741.28 ~~s.~~  
549 ~~741.28(3)~~ with the victim or perpetrator, the subtotal sentence  
550 points are multiplied by 1.5.

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552 Adult-on-minor sex offense: If the offender was 18 years of age  
553 or older and the victim was younger than 18 years of age at the  
554 time the offender committed the primary offense, and if the  
555 primary offense was an offense committed on or after October 1,  
556 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the  
557 violation involved a victim who was a minor and, in the course  
558 of committing that violation, the defendant committed a sexual  
559 battery under chapter 794 or a lewd act under s. 800.04 or s.  
560 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.  
561 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.  
562 800.04; or s. 847.0135(5), the subtotal sentence points are  
563 multiplied by 2.0. If applying the multiplier results in the  
564 lowest permissible sentence exceeding the statutory maximum  
565 sentence for the primary offense under chapter 775, the court  
566 may not apply the multiplier and must sentence the defendant to  
567 the statutory maximum sentence.

568 Section 8. Paragraph (f) of subsection (2) of section  
569 943.0584, Florida Statutes, is amended to read:

570 943.0584 Criminal history records ineligible for court-  
571 ordered expunction or court-ordered sealing.—

572 (2) A criminal history record is ineligible for a  
573 certificate of eligibility for expunction or a court-ordered  
574 expunction pursuant to s. 943.0585 or a certificate of  
575 eligibility for sealing or a court-ordered sealing pursuant to  
576 s. 943.059 if the record is a conviction for any of the  
577 following offenses:

578 (f) Assault or battery, as defined in ss. 784.011 and  
579 784.03, respectively, of one family or household member by  
580 another family or household member, as defined in s. 741.28 ~~s.~~

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581 ~~741.28(3);~~

582 Section 9. Paragraph (b) of subsection (2) of section  
583 943.171, Florida Statutes, is amended to read:

584 943.171 Basic skills training in handling domestic violence  
585 cases.—

586 (2) As used in this section, the term:

587 (b) "Household member" has the meaning set forth in s.

588 741.28 ~~s. 741.28(3)~~.

589 Section 10. This act shall take effect July 1, 2022.