

Amendment No.3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>      </u>	

---

1 Committee/Subcommittee hearing bill: Judiciary Committee  
 2 Representative Andrade offered the following:

**Amendment (with directory amendment)**

Between lines 453 and 454, insert:

6 (3) For purposes of establishing or modifying parental  
 7 responsibility and creating, developing, approving, or modifying  
 8 a parenting plan, including a time-sharing schedule, which  
 9 governs each parent's relationship with his or her minor child  
 10 and the relationship between each parent with regard to his or  
 11 her minor child, the best interest of the child shall be the  
 12 primary consideration. A determination of parental  
 13 responsibility, a parenting plan, or a time-sharing schedule may  
 14 not be modified without a showing of a substantial, material,  
 15 and unanticipated change in circumstances and a determination  
 16 that the modification is in the best interests of the child. For

## Amendment No.3

17 purposes of the modification of a parenting plan and time-  
18 sharing schedule, a parent's permanent relocation from another  
19 state into Florida in order to be nearer to the child is  
20 presumed to be a substantial, material, and unanticipated change  
21 of circumstances. Determination of the best interests of the  
22 child shall be made by evaluating all of the factors affecting  
23 the welfare and interests of the particular minor child and the  
24 circumstances of that family, including, but not limited to:

25 (a) The demonstrated capacity and disposition of each  
26 parent to facilitate and encourage a close and continuing  
27 parent-child relationship, to honor the time-sharing schedule,  
28 and to be reasonable when changes are required.

29 (b) The anticipated division of parental responsibilities  
30 after the litigation, including the extent to which parental  
31 responsibilities will be delegated to third parties.

32 (c) The demonstrated capacity and disposition of each  
33 parent to determine, consider, and act upon the needs of the  
34 child as opposed to the needs or desires of the parent.

35 (d) The length of time the child has lived in a stable,  
36 satisfactory environment and the desirability of maintaining  
37 continuity.

38 (e) The geographic viability of the parenting plan, with  
39 special attention paid to the needs of school-age children and  
40 the amount of time to be spent traveling to effectuate the

Amendment No.3

41 parenting plan. This factor does not create a presumption for or  
42 against relocation of either parent with a child.

43 (f) The moral fitness of the parents.

44 (g) The mental and physical health of the parents.

45 (h) The home, school, and community record of the child.

46 (i) The reasonable preference of the child, if the court  
47 deems the child to be of sufficient intelligence, understanding,  
48 and experience to express a preference.

49 (j) The demonstrated knowledge, capacity, and disposition  
50 of each parent to be informed of the circumstances of the minor  
51 child, including, but not limited to, the child's friends,  
52 teachers, medical care providers, daily activities, and favorite  
53 things.

54 (k) The demonstrated capacity and disposition of each  
55 parent to provide a consistent routine for the child, such as  
56 discipline, and daily schedules for homework, meals, and  
57 bedtime.

58 (l) The demonstrated capacity of each parent to  
59 communicate with and keep the other parent informed of issues  
60 and activities regarding the minor child, and the willingness of  
61 each parent to adopt a unified front on all major issues when  
62 dealing with the child.

63 (m) Evidence of domestic violence, sexual violence, child  
64 abuse, child abandonment, or child neglect, regardless of  
65 whether a prior or pending action relating to those issues has

## Amendment No.3

66 | been brought. If the court accepts evidence of prior or pending  
67 | actions regarding domestic violence, sexual violence, child  
68 | abuse, child abandonment, or child neglect, the court must  
69 | specifically acknowledge in writing that such evidence was  
70 | considered when evaluating the best interests of the child.

71 |       (n) Evidence that either parent has knowingly provided  
72 | false information to the court regarding any prior or pending  
73 | action regarding domestic violence, sexual violence, child  
74 | abuse, child abandonment, or child neglect.

75 |       (o) The particular parenting tasks customarily performed  
76 | by each parent and the division of parental responsibilities  
77 | before the institution of litigation and during the pending  
78 | litigation, including the extent to which parenting  
79 | responsibilities were undertaken by third parties.

80 |       (p) The demonstrated capacity and disposition of each  
81 | parent to participate and be involved in the child's school and  
82 | extracurricular activities.

83 |       (q) The demonstrated capacity and disposition of each  
84 | parent to maintain an environment for the child which is free  
85 | from substance abuse.

86 |       (r) The capacity and disposition of each parent to protect  
87 | the child from the ongoing litigation as demonstrated by not  
88 | discussing the litigation with the child, not sharing documents  
89 | or electronic media related to the litigation with the child,

Amendment No.3

90 and refraining from disparaging comments about the other parent  
91 to the child.

92 (s) The developmental stages and needs of the child and  
93 the demonstrated capacity and disposition of each parent to meet  
94 the child's developmental needs.

95 (t) Any other factor that is relevant to the determination  
96 of a specific parenting plan, including the time-sharing  
97 schedule.

98

99

-----

**D I R E C T O R Y   A M E N D M E N T**

100

101

Remove lines 362-363 and insert:

102

Section 3. Paragraph (c) of subsection (2) and subsection

103

(3) of section 61.13, Florida Statutes, are amended to read: