

Amendment No.3S

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

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

3  
4 **Substitute Amendment for Amendment (073955) by**  
5 **Representative Andrade (with directory amendment)**

6 Between lines 569 and 570, insert:

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

084559 - h1395-line569sa1.docx

Published On: 2/8/2022 1:36:53 PM

Amendment No.3S

17 that the modification is in the best interests of the child. For  
18 purposes of the modification of a parenting plan and time-  
19 sharing schedule, a parent's permanent relocation to a residence  
20 within 50 miles of the primary residence of the child is  
21 presumed to be a substantial, material, and unanticipated change  
22 in circumstances. Determination of the best interests of the

23 child shall be made by evaluating all of the factors affecting  
24 the welfare and interests of the particular minor child and the  
25 circumstances of that family, including, but not limited to:

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

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

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

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

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

084559 - h1395-line569sa1.docx

Published On: 2/8/2022 1:36:53 PM

Amendment No.3S

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

44 (f) The moral fitness of the parents.

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

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

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

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

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

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

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

084559 - h1395-line569sa1.docx

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Amendment No.3S

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

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

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

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

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

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

Amendment No.3S

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

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

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

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

102 Remove lines 478-479 and insert:

103 Section 3. Paragraph (c) of subsection (2) and subsection  
104 (3) of section 61.13, Florida Statutes, are amended to read: