

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 consider all time-sharing factors when developing the
17 time-sharing schedule if such presumption is rebutted;
18 providing for sole parental responsibility with
19 specified time-sharing arrangements under certain
20 circumstances; removing the requirement for the court
21 to consider certain evidence regardless of whether
22 there is a conviction; revising and providing factors
23 that the court must consider when determining the best
24 interests of the child; making technical and
25 conforming changes; amending s. 414.0252, F.S.;

26 conforming provisions to changes made by the act;
 27 amending s. 741.28, F.S.; providing and revising
 28 definitions; amending s. 741.30, F.S.; requiring the
 29 instructions for certain petition forms to contain
 30 specified information; revising the form for a
 31 Petition for Injunction for Protection Against
 32 Domestic Violence to require the inclusion of certain
 33 information; amending ss. 921.0024, 943.0584, and
 34 943.171, F.S.; conforming cross-references; providing
 35 an effective date.

36
 37 Be It Enacted by the Legislature of the State of Florida:

38
 39 Section 1. This act may be cited as "Greyson's Law."

40 Section 2. Subsections (2) through (23) of section 61.046,
 41 Florida Statutes, are renumbered as subsections (3) through
 42 (24), respectively, and a new subsection (2) is added to that
 43 section to read:

44 61.046 Definitions.—As used in this chapter, the term:

45 (2) "Child" has the same meaning as in s. 39.01(11).

46 Section 3. Paragraphs (n) through (s) and (t) of
 47 subsection (3) of section 61.13, Florida Statutes, are
 48 redesignated as paragraphs (m) through (r) and (u),
 49 respectively, paragraph (c) of subsection (2) and present
 50 paragraph (m) of subsection (3) are amended, and new paragraphs

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51 (s) and (t) are added to subsection (3) of that section, to
52 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
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
 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 alleged domestic violence, as defined in s.
 98 741.28; sexual violence, as defined in s. 784.046(1)(c); child
 99 abuse, as defined in s. 39.01(2); child abandonment, as defined
 100 in s. 39.01(1); or child neglect, as defined in s. 39.01(50), by

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101 a parent, regardless of whether a cause of action has been
102 brought or is currently pending in the court.

103
104 A parent may rebut the presumption that shared parental
105 responsibility is not in the best interests of the child upon a
106 specific finding in writing by the court that the parent poses
107 no significant risk of harm to the child and that time-sharing
108 is in the best interests of the child. If the presumption is
109 rebutted, the court shall consider all time-sharing factors in
110 subsection (3) when developing the time-sharing schedule.

111 3. If the presumption is not rebutted after the offending
112 ~~convicted~~ parent is advised by the court that the presumption
113 exists, shared parental responsibility, including time-sharing
114 with the child, and decisions made regarding the child, may not
115 be granted to the offending ~~convicted~~ parent. However, the
116 offending ~~convicted~~ parent is not relieved of any obligation to
117 provide financial support.

118 4. If the court determines that shared parental
119 responsibility would be detrimental to the child based on
120 factors other than those in subparagraph 2., it may order sole
121 parental responsibility for the child to one parent and make
122 such arrangements for time-sharing as specified in the parenting
123 plan that as will best protect the child or parent, including,
124 but not limited to, supervised visitation by a third party at
125 the expense of the parent without sole parental responsibility

126 or a designated location in which to pick up and drop off the
127 child ~~abused spouse from further harm. Whether or not there is a~~
128 ~~conviction of any offense of domestic violence or child abuse or~~
129 ~~the existence of an injunction for protection against domestic~~
130 ~~violence, the court shall consider evidence of domestic violence~~
131 ~~or child abuse as evidence of detriment to the child.~~

132 5.3. In ordering shared parental responsibility, the court
133 may consider the expressed desires of the parents and may grant
134 to one party the ultimate responsibility over specific aspects
135 of the child's welfare or may divide those responsibilities
136 between the parties based on the best interests of the child.
137 Areas of responsibility may include education, health care, and
138 any other responsibilities that the court finds unique to a
139 particular family.

140 6.4. The court shall order sole parental responsibility
141 for a ~~minor~~ child to one parent, with or without time-sharing
142 with the other parent if it is in the best interests of the
143 ~~minor~~ child.

144 7.5. There is a rebuttable presumption against granting
145 time-sharing with a ~~minor~~ child if a parent has been convicted
146 of or had adjudication withheld for an offense enumerated in s.
147 943.0435(1)(h)1.a., and at the time of the offense:

- 148 a. The parent was 18 years of age or older.
149 b. The victim was under 18 years of age or the parent
150 believed the victim to be under 18 years of age.

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151
152 A parent may rebut the presumption upon a specific finding in
153 writing by the court that the parent poses no significant risk
154 of harm to the child and that time-sharing is in the best
155 interests of the ~~minor~~ child. If the presumption is rebutted,
156 the court shall consider all time-sharing factors in subsection
157 (3) when developing a time-sharing schedule.

158 8.6. Access to records and information pertaining to a
159 ~~minor~~ child, including, but not limited to, medical, dental, and
160 school records, may not be denied to either parent. Full rights
161 under this subparagraph apply to either parent unless a court
162 order specifically revokes these rights, including any
163 restrictions on these rights as provided in a domestic violence
164 injunction. A parent having rights under this subparagraph has
165 the same rights upon request as to form, substance, and manner
166 of access as are available to the other parent of a child,
167 including, without limitation, the right to in-person
168 communication with medical, dental, and education providers.

169 (3) For purposes of establishing or modifying parental
170 responsibility and creating, developing, approving, or modifying
171 a parenting plan, including a time-sharing schedule, which
172 governs each parent's relationship with his or her ~~minor~~ child
173 and the relationship between each parent with regard to his or
174 her minor child, the best interest of the child shall be the
175 primary consideration. A determination of parental

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176 responsibility, a parenting plan, or a time-sharing schedule may
177 not be modified without a showing of a substantial, material,
178 and unanticipated change in circumstances and a determination
179 that the modification is in the best interests of the child.
180 Determination of the best interests of the child shall be made
181 by evaluating all of the factors affecting the welfare and
182 interests of the particular ~~minor~~ child and the circumstances of
183 that family, including, but not limited to:

184 (s) Whether and to what extent the child has developed a
185 relationship with either parent and the nature of any bond that
186 has been established between such parent and the child,
187 including, but not limited to, whether the child has expressed
188 or exhibited behavior which suggests that the child fears for
189 his or her safety or well-being while being in the care of the
190 other parent. Upon the request of one parent, and at that
191 parent's expense, the court may order an independent evaluation
192 by a psychiatrist licensed under chapter 458 or chapter 459 or a
193 psychologist licensed under chapter 490.

194 (t) Clear and convincing evidence that a parent has an
195 improper motive for seeking shared parental responsibility, and
196 whether such motive will negatively interfere with that parent's
197 ability to safely and effectively share parental
198 responsibilities.

199 ~~(m) Evidence of domestic violence, sexual violence, child~~
200 ~~abuse, child abandonment, or child neglect, regardless of~~

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201 ~~whether a prior or pending action relating to those issues has~~
 202 ~~been brought. If the court accepts evidence of prior or pending~~
 203 ~~actions regarding domestic violence, sexual violence, child~~
 204 ~~abuse, child abandonment, or child neglect, the court must~~
 205 ~~specifically acknowledge in writing that such evidence was~~
 206 ~~considered when evaluating the best interests of the child.~~

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

209 414.0252 Definitions.—As used in ss. 414.025-414.55, the
 210 term:

211 (4) "Domestic violence" means coercive control or any
 212 assault, aggravated assault, battery, aggravated battery, sexual
 213 assault, sexual battery, stalking, aggravated stalking,
 214 kidnapping, false imprisonment, or other ~~any~~ criminal offense
 215 that results in the physical injury or death of one family or
 216 household member by another.

217 Section 5. Subsections (1) through (4) of section 741.28,
 218 Florida Statutes, are renumbered as subsections (2) through (5),
 219 respectively, present subsection (2) is amended, and a new
 220 subsection (1) is added to that section, to read:

221 741.28 Domestic violence; definitions.—As used in ss.
 222 741.28-741.31:

223 (1) "Coercive control" means a pattern of threatening,
 224 humiliating, or intimidating actions by one family or household
 225 member against another family or household member, which actions

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226 are used to harm, punish, or frighten the family or household
227 member and make him or her dependent on the other family or
228 household member by isolating, exploiting, or regulating him or
229 her. The term includes, but is not limited to:

230 (a) Isolating the family or household member from his or
231 her friends or family.

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

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

236 (d) Frequently engaging in conduct meant to demean,
237 degrade, dehumanize, or embarrass the family or household
238 member.

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

241 (f) Threatening to publish false information or make false
242 reports to a law enforcement officer or other law enforcement
243 personnel about the family or household member.

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

246 (h) Forcing the family or household member to participate
247 in criminal activity.

248 (3)-(2) "Domestic violence" means coercive control or any
249 assault, aggravated assault, battery, aggravated battery, sexual
250 assault, sexual battery, stalking, aggravated stalking,

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251 kidnapping, false imprisonment, or other ~~any~~ criminal offense
 252 resulting in physical injury or death of one family or household
 253 member by another family or household member.

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

257 741.30 Domestic violence; injunction; powers and duties of
 258 court and clerk; petition; notice and hearing; temporary
 259 injunction; issuance of injunction; statewide verification
 260 system; enforcement; public records exemption.—

261 (2)

262 (c)1. The clerk of the court shall assist petitioners in
 263 seeking both injunctions for protection against domestic
 264 violence and enforcement for a violation thereof as specified in
 265 this section.

266 2. All clerks' offices shall provide simplified petition
 267 forms for the injunction, any modifications, and the enforcement
 268 thereof, including instructions for completion. The instructions
 269 must inform the petitioner that if he or she intends to seek an
 270 injunction that prohibits or limits time-sharing between the
 271 respondent and the child of the parties, he or she must state
 272 with specificity details regarding the circumstances that give
 273 rise to the petitioner fearing that the respondent imminently
 274 will abuse, remove, or hide the child from the petitioner.

275 3. The clerk of the court shall advise petitioners of the

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276 opportunity to apply for a certificate of indigence in lieu of
277 prepayment for the cost of the filing fee, as provided in
278 paragraph (a).

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

282 5. The clerk of the court shall provide petitioners with a
283 minimum of two certified copies of the order of injunction, one
284 of which is serviceable and will inform the petitioner of the
285 process for service and enforcement.

286 6. Clerks of court and appropriate staff in each county
287 shall receive training in the effective assistance of
288 petitioners as provided or approved by the Florida Association
289 of Court Clerks.

290 7. The clerk of the court in each county shall make
291 available informational brochures on domestic violence when such
292 brochures are provided by local certified domestic violence
293 centers.

294 8. The clerk of the court in each county shall distribute
295 a statewide uniform informational brochure to petitioners at the
296 time of filing for an injunction for protection against domestic
297 or repeat violence when such brochures become available. The
298 brochure must include information about the effect of giving the
299 court false information about domestic violence.

300 (3)

301 (b) The sworn petition shall be in substantially the
302 following form:

303 PETITION FOR
304 INJUNCTION FOR PROTECTION
305 AGAINST DOMESTIC VIOLENCE

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

309 (a) Petitioner resides at: ...(address)...
310 (Petitioner may furnish address to the court in a separate
311 confidential filing if, for safety reasons, the petitioner
312 requires the location of the current residence to be
313 confidential.)

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

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

317 (d) Physical description of respondent:.....
318 Race.....
319 Sex.....
320 Date of birth.....
321 Height.....
322 Weight.....
323 Eye color.....
324 Hair color.....
325 Distinguishing marks or scars.....

326 (e) Aliases of respondent:

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

334 (g) The following describes any other cause of action
335 currently pending between the petitioner and respondent:

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

341
342 Case numbers should be included if available.

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

351
352
353committed or threatened to commit domestic violence
354 defined in s. 741.28, Florida Statutes, as coercive control or
355 any assault, aggravated assault, battery, aggravated battery,
356 sexual assault, sexual battery, stalking, aggravated stalking,
357 kidnapping, false imprisonment, or other ~~any~~ criminal offense
358 resulting in physical injury or death of one family or household
359 member by another. With the exception of persons who are parents
360 of a child in common, the family or household members must be
361 currently residing or have in the past resided together in the
362 same single dwelling unit.
363previously threatened, harassed, stalked, or physically
364 abused the petitioner.
365attempted to harm the petitioner or family members or
366 individuals closely associated with the petitioner.
367threatened to conceal, kidnap, or harm the petitioner's
368 child or children (provide details in paragraph (i) below).
369intentionally injured or killed a family pet.
370used, or has threatened to use, against the petitioner
371 any weapons such as guns or knives.
372physically restrained the petitioner from leaving the
373 home or calling law enforcement.
374a criminal history involving violence or the threat of
375 violence (if known).

376 | another order of protection issued against him or her
377 | previously or from another jurisdiction (if known).

378 | destroyed personal property, including, but not limited
379 | to, telephones or other communication equipment, clothing, or
380 | other items belonging to the petitioner.

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

384 | (i) Petitioner alleges the following additional specific
385 | facts: ...(mark appropriate sections)...

386 | A ~~minor~~ child or ~~minor~~ children reside with the
387 | petitioner whose names and ages are as follows:.....

388 |
389 | Petitioner needs the exclusive use and possession of
390 | the dwelling that the parties share.

391 | Petitioner is unable to obtain safe alternative housing
392 | because:

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

401 any actions taken or comments made by the child or children that
 402 suggest the respondent has caused the child or children to fear
 403 for his or her or their safety)...

404 (j) Petitioner genuinely fears imminent domestic violence
 405 by respondent.

406 (k) Petitioner seeks an injunction: ... (mark appropriate
 407 section or sections)...

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

410Restraining the respondent from committing any acts of
 411 domestic violence.

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

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

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

423Establishing temporary support for the ~~minor~~ child or
 424 children or the petitioner.

425Directing the respondent to participate in a batterers'

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426 intervention program.

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

431 Section 7. Paragraph (b) of subsection (1) of section
432 921.0024, Florida Statutes, is amended to read:

433 921.0024 Criminal Punishment Code; worksheet computations;
434 scoresheets.—

435 (1)

436 (b) WORKSHEET KEY:

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

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.

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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
460 on the probationer or offender's failure to pay costs or fines
461 or make restitution payments.

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

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

469 Prior serious felony points: If the offender has a primary
470 offense or any additional offense ranked in level 8, level 9, or
471 level 10, and one or more prior serious felonies, a single
472 assessment of thirty (30) points shall be added. For purposes of
473 this section, a prior serious felony is an offense in the
474 offender's prior record that is ranked in level 8, level 9, or
475 level 10 under s. 921.0022 or s. 921.0023 and for which the

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476 offender is serving a sentence of confinement, supervision, or
477 other sanction or for which the offender's date of release from
478 confinement, supervision, or other sanction, whichever is later,
479 is within 3 years before the date the primary offense or any
480 additional offense was committed.

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

492 Possession of a firearm, semiautomatic firearm, or machine gun:
493 If the offender is convicted of committing or attempting to
494 commit any felony other than those enumerated in s. 775.087(2)
495 while having in his or her possession: a firearm as defined in
496 s. 790.001(6), an additional eighteen (18) sentence points are
497 assessed; or if the offender is convicted of committing or
498 attempting to commit any felony other than those enumerated in
499 s. 775.087(3) while having in his or her possession a
500 semiautomatic firearm as defined in s. 775.087(3) or a machine

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501 gun as defined in s. 790.001(9), an additional twenty-five (25)
502 sentence points are assessed.

503 Sentencing multipliers:

504 Drug trafficking: If the primary offense is drug trafficking
505 under s. 893.135, the subtotal sentence points are multiplied,
506 at the discretion of the court, for a level 7 or level 8
507 offense, by 1.5. The state attorney may move the sentencing
508 court to reduce or suspend the sentence of a person convicted of
509 a level 7 or level 8 offense, if the offender provides
510 substantial assistance as described in s. 893.135(4).

511 Law enforcement protection: If the primary offense is a
512 violation of the Law Enforcement Protection Act under s.
513 775.0823(2), (3), or (4), the subtotal sentence points are
514 multiplied by 2.5. If the primary offense is a violation of s.
515 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
516 are multiplied by 2.0. If the primary offense is a violation of
517 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
518 Protection Act under s. 775.0823(10) or (11), the subtotal
519 sentence points are multiplied by 1.5.

520 Grand theft of a motor vehicle: If the primary offense is grand
521 theft of the third degree involving a motor vehicle and in the
522 offender's prior record, there are three or more grand thefts of
523 the third degree involving a motor vehicle, the subtotal
524 sentence points are multiplied by 1.5.

525 Offense related to a criminal gang: If the offender is convicted

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526 of the primary offense and committed that offense for the
527 purpose of benefiting, promoting, or furthering the interests of
528 a criminal gang as defined in s. 874.03, the subtotal sentence
529 points are multiplied by 1.5. If applying the multiplier results
530 in the lowest permissible sentence exceeding the statutory
531 maximum sentence for the primary offense under chapter 775, the
532 court may not apply the multiplier and must sentence the
533 defendant to the statutory maximum sentence.

534 Domestic violence in the presence of a child: If the offender is
535 convicted of the primary offense and the primary offense is a
536 crime of domestic violence, as defined in s. 741.28, which was
537 committed in the presence of a child under 16 years of age who
538 is a family or household member as defined in s. 741.28 ~~s.~~
539 ~~741.28(3)~~ with the victim or perpetrator, the subtotal sentence
540 points are multiplied by 1.5.

541 Adult-on-minor sex offense: If the offender was 18 years of age
542 or older and the victim was younger than 18 years of age at the
543 time the offender committed the primary offense, and if the
544 primary offense was an offense committed on or after October 1,
545 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
546 violation involved a victim who was a minor and, in the course
547 of committing that violation, the defendant committed a sexual
548 battery under chapter 794 or a lewd act under s. 800.04 or s.
549 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
550 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.

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551 800.04; or s. 847.0135(5), the subtotal sentence points are
552 multiplied by 2.0. If applying the multiplier results in the
553 lowest permissible sentence exceeding the statutory maximum
554 sentence for the primary offense under chapter 775, the court
555 may not apply the multiplier and must sentence the defendant to
556 the statutory maximum sentence.

557 Section 8. Paragraph (f) of subsection (2) of section
558 943.0584, Florida Statutes, is amended to read:

559 943.0584 Criminal history records ineligible for court-
560 ordered expunction or court-ordered sealing.—

561 (2) A criminal history record is ineligible for a
562 certificate of eligibility for expunction or a court-ordered
563 expunction pursuant to s. 943.0585 or a certificate of
564 eligibility for sealing or a court-ordered sealing pursuant to
565 s. 943.059 if the record is a conviction for any of the
566 following offenses:

567 (f) Assault or battery, as defined in ss. 784.011 and
568 784.03, respectively, of one family or household member by
569 another family or household member, as defined in s. 741.28 ~~s.~~
570 ~~741.28(3)~~;

571 Section 9. Paragraph (b) of subsection (2) of section
572 943.171, Florida Statutes, is amended to read:

573 943.171 Basic skills training in handling domestic
574 violence cases.—

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

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576 (b) "Household member" has the meaning set forth in s.
577 741.28 ~~s. 741.28(3)~~.
578 Section 10. This act shall take effect July 1, 2022.