



440158

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2023	.	
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The Committee on Rules (Jones) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 29 - 124  
and insert:  
responsibilities, and joys, of childrearing. Unless ~~Except as~~  
otherwise provided in this section or agreed to by the parties  
~~paragraph,~~ there is a rebuttable ~~no~~ presumption that equal ~~for~~  
~~or against the father or mother of the child or for or against~~  
any specific time-sharing of a minor child is in the best  
interests of the minor child. To rebut this presumption, a party  
must prove by a preponderance of the evidence that equal time-



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12 sharing is not in the best interests of the minor child. Except  
13 when a time-sharing schedule is agreed to by the parties and  
14 approved by the court, the court shall evaluate all of the  
15 factors set forth in subsection (3) and make specific written  
16 findings of fact ~~schedule~~ when creating or modifying a time-  
17 sharing schedule ~~the parenting plan of the child.~~

18         2. The court shall order that the parental responsibility  
19 for a minor child be shared by both parents unless the court  
20 finds that shared parental responsibility would be detrimental  
21 to the child. The following evidence creates a rebuttable  
22 presumption of detriment to the child:

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

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

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

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

31             (II) The victim was under 18 years of age or the parent  
32 believed the victim to be under 18 years of age.

33  
34 If the presumption is not rebutted after the convicted parent is  
35 advised by the court that the presumption exists, shared  
36 parental responsibility, including time-sharing with the child,  
37 and decisions made regarding the child, may not be granted to  
38 the convicted parent. However, the convicted parent is not  
39 relieved of any obligation to provide financial support. If the  
40 court determines that shared parental responsibility would be



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41 detrimental to the child, it may order sole parental  
42 responsibility and make such arrangements for time-sharing as  
43 specified in the parenting plan as will best protect the child  
44 or abused spouse from further harm. Regardless of whether ~~or not~~  
45 there is a conviction of any offense of domestic violence or  
46 child abuse or the existence of an injunction for protection  
47 against domestic violence, the court shall consider evidence of  
48 domestic violence or child abuse as evidence of detriment to the  
49 child.

50 3. In ordering shared parental responsibility, the court  
51 may consider the expressed desires of the parents and may grant  
52 to one party the ultimate responsibility over specific aspects  
53 of the child's welfare or may divide those responsibilities  
54 between the parties based on the best interests of the child.  
55 Areas of responsibility may include education, health care, and  
56 any other responsibilities that the court finds unique to a  
57 particular family.

58 4. The court must ~~shall~~ order sole parental responsibility  
59 for a minor child to one parent, with or without time-sharing  
60 with the other parent if it is in the best interests of the  
61 minor child.

62 5. There is a rebuttable presumption against granting time-  
63 sharing with a minor child if a parent has been convicted of or  
64 had adjudication withheld for an offense enumerated in s.  
65 943.0435(1)(h)1.a., and at the time of the offense:

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

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

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70 A parent may rebut the presumption upon a specific finding in  
71 writing by the court that the parent poses no significant risk  
72 of harm to the child and that time-sharing is in the best  
73 interests of the minor child. If the presumption is rebutted,  
74 the court must ~~shall~~ consider all time-sharing factors in  
75 subsection (3) when developing a time-sharing schedule.

76 6. Access to records and information pertaining to a minor  
77 child, including, but not limited to, medical, dental, and  
78 school records, may not be denied to either parent. Full rights  
79 under this subparagraph apply to either parent unless a court  
80 order specifically revokes these rights, including any  
81 restrictions on these rights as provided in a domestic violence  
82 injunction. A parent having rights under this subparagraph has  
83 the same rights upon request as to form, substance, and manner  
84 of access as are available to the other parent of a child,  
85 including, without limitation, the right to in-person  
86 communication with medical, dental, and education providers.

87 (3) For purposes of establishing or modifying parental  
88 responsibility and creating, developing, approving, or modifying  
89 a parenting plan, including a time-sharing schedule, which  
90 governs each parent's relationship with his or her minor child  
91 and the relationship between each parent with regard to his or  
92 her minor child, the best interests ~~interest~~ of the child must  
93 ~~shall~~ be the primary consideration. A determination of parental  
94 responsibility, a parenting plan, or a time-sharing schedule may  
95 not be modified without a showing of a substantial and  
96 ~~material, and unanticipated~~ change in circumstances and a  
97 determination that the modification is in the best interests of  
98 the child. If the parents of a child are residing greater than



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99 50 miles apart at the time of the entry of the last order  
100 establishing time-sharing and a parent moves within 50 miles of  
101 the other parent, that move may be considered a substantial and  
102 material change in circumstances for the purpose of a  
103 modification to the time-sharing schedule, so long as there is a  
104 determination that the modification is in the best interests of  
105 the child. Determination of the best interests of  
106

107 ===== T I T L E A M E N D M E N T =====

108 And the title is amended as follows:

109 Delete lines 5 - 8

110 and insert:

111 exceptions; establishing the manner by which such  
112 presumption may be rebutted; requiring the court to  
113 evaluate certain factors and make specific written  
114 findings of fact under certain circumstances; revising  
115 requirements regarding modifying parental  
116 responsibility, a parenting plan, or a time-sharing  
117 schedule; authorizing the court to consider, under  
118 certain circumstances, a specified move of a parent to  
119 be a substantial and material change in circumstances  
120 for certain purposes; providing