



440158

LEGISLATIVE ACTION

Senate

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House

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