

By Senator Berman

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1 A bill to be entitled
2 An act relating to domestic violence; providing a
3 short title; amending s. 61.13, F.S.; requiring the
4 court with jurisdiction over the proceeding to
5 consider certain factors in deciding whether shared
6 parental responsibility is detrimental to the child;
7 making technical and conforming changes; providing
8 additional conduct regarding domestic violence which
9 the court must consider when ordering a parenting
10 plan; amending s. 741.30, F.S.; providing an
11 additional factor that the court must consider in
12 determining whether a petitioner of a domestic
13 violence injunction is in imminent danger; providing
14 an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. This act may be cited as "Greyson's Law."

19 Section 2. Paragraph (c) of subsection (2) and paragraph
20 (m) of subsection (3) of section 61.13, Florida Statutes, are
21 amended to read:

22 61.13 Support of children; parenting and time-sharing;
23 powers of court.—

24 (2)

25 (c) The court shall determine all matters relating to
26 parenting and time-sharing of each minor child of the parties in
27 accordance with the best interests of the child and in
28 accordance with the Uniform Child Custody Jurisdiction and
29 Enforcement Act, except that modification of a parenting plan

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30 and time-sharing schedule requires a showing of a substantial,
31 material, and unanticipated change of circumstances.

32 1. It is the public policy of this state that each minor
33 child has frequent and continuing contact with both parents
34 after the parents separate or the marriage of the parties is
35 dissolved and to encourage parents to share the rights and
36 responsibilities, and joys, of childrearing. Except as otherwise
37 provided in this paragraph, there is no presumption for or
38 against the father or mother of the child or for or against any
39 specific time-sharing schedule when creating or modifying the
40 parenting plan of the child.

41 2. The court shall order that the parental responsibility
42 for a minor child be shared by both parents unless the court
43 finds that shared parental responsibility would be detrimental
44 to the child. In determining detriment to the child, the court
45 shall consider:

46 a. Evidence of domestic violence, as defined in s. 741.28;

47 b. Whether either parent has or has had reasonable cause to
48 believe that he or she or his or her minor child or children are
49 or have been in imminent danger of becoming victims of an act of
50 domestic violence as defined in s. 741.28 or sexual violence as
51 defined in s. 784.046(1)(c) by the other parent against the
52 parent or against the child or children whom the parents share
53 in common regardless of whether a cause of action has been
54 brought or is currently pending in the court;

55 c. Whether either parent has or has had reasonable cause to
56 believe that his or her minor child or children are or have been
57 in imminent danger of becoming victims of an act of abuse as
58 defined in s. 39.01(2), abandonment as defined in s. 39.01(1),

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59 or neglect as defined in s. 39.01(50) by the other parent
60 against the child or children whom the parents share in common
61 regardless of whether a cause of action has been brought or is
62 currently pending in the court; and

63 d. Any other relevant factors.

64 3. The following evidence creates a rebuttable presumption
65 that shared parental responsibility is detrimental ~~of detriment~~
66 to the child:

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

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

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

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

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

77
78 If the presumption is not rebutted after the convicted parent is
79 advised by the court that the presumption exists, shared
80 parental responsibility, including time-sharing with the child,
81 and decisions made regarding the child, may not be granted to
82 the convicted parent. However, the convicted parent is not
83 relieved of any obligation to provide financial support. If the
84 court determines that shared parental responsibility would be
85 detrimental to the child, it may order sole parental
86 responsibility and make such arrangements for time-sharing as
87 specified in the parenting plan as will best protect the child

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88 or abused spouse from further harm. Whether or not there is a
89 conviction of any offense of domestic violence or child abuse or
90 the existence of an injunction for protection against domestic
91 violence, the court shall consider evidence of domestic violence
92 or child abuse as evidence of detriment to the child.

93 ~~4.3.~~ In ordering shared parental responsibility, the court
94 may consider the expressed desires of the parents and may grant
95 to one party the ultimate responsibility over specific aspects
96 of the child's welfare or may divide those responsibilities
97 between the parties based on the best interests of the child.
98 Areas of responsibility may include education, health care, and
99 any other responsibilities that the court finds unique to a
100 particular family.

101 ~~5.4.~~ The court shall order sole parental responsibility for
102 a minor child to one parent, with or without time-sharing with
103 the other parent if it is in the best interests of the minor
104 child.

105 ~~6.5.~~ There is a rebuttable presumption against granting
106 time-sharing with a minor child if a parent has been convicted
107 of or had adjudication withheld for an offense enumerated in s.
108 943.0435(1)(h)1.a., and at the time of the offense:

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

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

112

113 A parent may rebut the presumption upon a specific finding in
114 writing by the court that the parent poses no significant risk
115 of harm to the child and that time-sharing is in the best
116 interests of the minor child. If the presumption is rebutted,

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117 the court must ~~shall~~ consider all time-sharing factors in
118 subsection (3) when developing a time-sharing schedule.

119 7.6. Access to records and information pertaining to a
120 minor child, including, but not limited to, medical, dental, and
121 school records, may not be denied to either parent. Full rights
122 under this subparagraph apply to either parent unless a court
123 order specifically revokes these rights, including any
124 restrictions on these rights as provided in a domestic violence
125 injunction. A parent having rights under this subparagraph has
126 the same rights upon request as to form, substance, and manner
127 of access as are available to the other parent of a child,
128 including, without limitation, the right to in-person
129 communication with medical, dental, and education providers.

130 (3) For purposes of establishing or modifying parental
131 responsibility and creating, developing, approving, or modifying
132 a parenting plan, including a time-sharing schedule, which
133 governs each parent's relationship with his or her minor child
134 and the relationship between each parent with regard to his or
135 her minor child, the best interest of the child shall be the
136 primary consideration. A determination of parental
137 responsibility, a parenting plan, or a time-sharing schedule may
138 not be modified without a showing of a substantial, material,
139 and unanticipated change in circumstances and a determination
140 that the modification is in the best interests of the child.
141 Determination of the best interests of the child shall be made
142 by evaluating all of the factors affecting the welfare and
143 interests of the particular minor child and the circumstances of
144 that family, including, but not limited to:

145 (m) Evidence of domestic violence, sexual violence, child

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146 abuse, child abandonment, or child neglect or evidence that a
147 parent has or has had reasonable cause to believe that he or she
148 or his or her minor child or children are in imminent danger of
149 becoming victims of an act of domestic violence, regardless of
150 whether a prior or pending action relating to those issues has
151 been brought. If the court accepts evidence of prior or pending
152 actions regarding domestic violence, sexual violence, child
153 abuse, child abandonment, or child neglect, the court must
154 specifically acknowledge in writing that such evidence was
155 considered when evaluating the best interests of the child.

156 Section 3. Paragraph (b) of subsection (6) of section
157 741.30, Florida Statutes, is amended to read:

158 741.30 Domestic violence; injunction; powers and duties of
159 court and clerk; petition; notice and hearing; temporary
160 injunction; issuance of injunction; statewide verification
161 system; enforcement; public records exemption.—

162 (6)

163 (b) In determining whether a petitioner has reasonable
164 cause to believe he or she is in imminent danger of becoming a
165 victim of domestic violence, the court shall consider and
166 evaluate all relevant factors alleged in the petition,
167 including, but not limited to:

168 1. The history between the petitioner and the respondent,
169 including threats, harassment, stalking, and physical abuse.

170 2. Whether the respondent has attempted to harm the
171 petitioner or family members or individuals closely associated
172 with the petitioner.

173 3. Whether the respondent has threatened to conceal,
174 kidnap, or harm the petitioner's child or children.

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175 4. Whether the respondent has intentionally injured or
176 killed a family pet.

177 5. Whether the respondent has used, or has threatened to
178 use, against the petitioner any weapons such as guns or knives.

179 6. Whether the respondent has physically restrained the
180 petitioner from leaving the home or calling law enforcement.

181 7. Whether the respondent has a criminal history involving
182 violence or the threat of violence.

183 8. The existence of a verifiable order of protection issued
184 previously or from another jurisdiction.

185 9. Whether the respondent has destroyed personal property,
186 including, but not limited to, telephones or other
187 communications equipment, clothing, or other items belonging to
188 the petitioner.

189 10. Whether the respondent has or had engaged in a pattern
190 of abusive, threatening, intimidating, or controlling behavior
191 composed of a series of acts over a period of time, however
192 short, which evidences a continuity of purpose and which
193 reasonably causes the petitioner to believe that the petitioner
194 or his or her minor child or children are in imminent danger of
195 becoming victims of any act of domestic violence.

196 11. Whether the respondent engaged in any other behavior or
197 conduct that leads the petitioner to have reasonable cause to
198 believe that he or she is in imminent danger of becoming a
199 victim of domestic violence.

200
201 ~~In making its determination under this paragraph, the court is~~
202 ~~not limited to those factors enumerated in subparagraphs 1.-10.~~

203 Section 4. This act shall take effect July 1, 2023.