

By the Committee on Judiciary; and Senators Berman, Book, Hutson, and Garcia

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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.-11.  
203 ~~1.-10.~~

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