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1  
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; conforming  
14 a provision to changes made by the act; providing an  
15 effective date.

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

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

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

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

25 (2)

26 (c) The court shall determine all matters relating to  
27 parenting and time-sharing of each minor child of the parties in  
28 accordance with the best interests of the child and in  
29 accordance with the Uniform Child Custody Jurisdiction and

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30 Enforcement Act, except that modification of a parenting plan  
31 and time-sharing schedule requires a showing of a substantial,  
32 material, and unanticipated change of circumstances.

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

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

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

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

56 c. Whether either parent has or has had reasonable cause to  
57 believe that his or her minor child or children are or have been  
58 in imminent danger of becoming victims of an act of abuse as

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59 defined in s. 39.01(2), abandonment as defined in s. 39.01(1),  
60 or neglect as defined in s. 39.01(50) by the other parent  
61 against the child or children whom the parents share in common  
62 regardless of whether a cause of action has been brought or is  
63 currently pending in the court; and

64 d. Any other relevant factors.

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

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

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

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

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

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

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

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

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

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

106 ~~6.5.~~ There is a rebuttable presumption against granting  
107 time-sharing with a minor child if a parent has been convicted  
108 of or had adjudication withheld for an offense enumerated in s.  
109 943.0435(1)(h)1.a., and at the time of the offense:

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

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

113

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

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117 interests of the minor child. If the presumption is rebutted,  
118 the court must ~~shall~~ consider all time-sharing factors in  
119 subsection (3) when developing a time-sharing schedule.

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

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

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

157 Section 3. Paragraph (b) of subsection (3) and paragraph  
158 (b) of subsection (6) of section 741.30, Florida Statutes, are  
159 amended to read:

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

164 (3)

165 (b) The sworn petition shall be in substantially the  
166 following form:

167  
168 PETITION FOR  
169 INJUNCTION FOR PROTECTION  
170 AGAINST DOMESTIC VIOLENCE  
171

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

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175 (a) Petitioner resides at: ...(address)...

176 (Petitioner may furnish address to the court in a separate

177 confidential filing if, for safety reasons, the petitioner

178 requires the location of the current residence to be

179 confidential.)

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

181 (c) Respondent's last known place of employment: ...(name

182 of business and address)...

183 (d) Physical description of respondent:.....

184 Race.....

185 Sex.....

186 Date of birth.....

187 Height.....

188 Weight.....

189 Eye color.....

190 Hair color.....

191 Distinguishing marks or scars.....

192 (e) Aliases of respondent:.....

193 (f) Respondent is the spouse or former spouse of the

194 petitioner or is any other person related by blood or marriage

195 to the petitioner or is any other person who is or was residing

196 within a single dwelling unit with the petitioner, as if a

197 family, or is a person with whom the petitioner has a child in

198 common, regardless of whether the petitioner and respondent are

199 or were married or residing together, as if a family.

200 (g) The following describes any other cause of action

201 currently pending between the petitioner and respondent:.....

202 .....

203 The petitioner should also describe any previous or pending

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204 attempts by the petitioner to obtain an injunction for  
205 protection against domestic violence in this or any other  
206 circuit, and the results of that attempt:.....

207 .....

208 Case numbers should be included if available.

209 (h) Petitioner is either a victim of domestic violence or  
210 has reasonable cause to believe he or she is in imminent danger  
211 of becoming a victim of domestic violence because respondent  
212 has: ...(mark all sections that apply and describe in the spaces  
213 below the incidents of violence or threats of violence,  
214 specifying when and where they occurred, including, but not  
215 limited to, locations such as a home, school, place of  
216 employment, or visitation exchange)...

217 .....

218 .....

219 ...committed or threatened to commit domestic violence  
220 defined in s. 741.28, Florida Statutes, as any assault,  
221 aggravated assault, battery, aggravated battery, sexual assault,  
222 sexual battery, stalking, aggravated stalking, kidnapping, false  
223 imprisonment, or any criminal offense resulting in physical  
224 injury or death of one family or household member by another.

225 With the exception of persons who are parents of a child in  
226 common, the family or household members must be currently  
227 residing or have in the past resided together in the same single  
228 dwelling unit.

229 ...previously threatened, harassed, stalked, or physically  
230 abused the petitioner.

231 ...attempted to harm the petitioner or family members or  
232 individuals closely associated with the petitioner.



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233       ....threatened to conceal, kidnap, or harm the petitioner's  
234 child or children.

235       ....intentionally injured or killed a family pet.

236       ....used, or has threatened to use, against the petitioner  
237 any weapons such as guns or knives.

238       ....physically restrained the petitioner from leaving the  
239 home or calling law enforcement.

240       ....a criminal history involving violence or the threat of  
241 violence (if known).

242       ....another order of protection issued against him or her  
243 previously or from another jurisdiction (if known).

244       ....destroyed personal property, including, but not limited  
245 to, telephones or other communication equipment, clothing, or  
246 other items belonging to the petitioner.

247       ....engaged in a pattern of abusive, threatening,  
248 intimidating, or controlling behavior composed of a series of  
249 acts over a period of time, however short.

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

253       (i) Petitioner alleges the following additional specific  
254 facts: ...(mark appropriate sections)...

255       ....A minor child or minor children reside with the  
256 petitioner whose names and ages are as follows:

257  
258       ....Petitioner needs the exclusive use and possession of  
259 the dwelling that the parties share.

260       ....Petitioner is unable to obtain safe alternative housing  
261 because:

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....Petitioner genuinely fears that respondent imminently will abuse, remove, or hide the minor child or children from petitioner because:

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

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

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

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

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

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

....Establishing temporary support for the minor child or children or the petitioner.

....Directing the respondent to participate in a batterers' intervention program.

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

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291 (6)

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

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

299 2. Whether the respondent has attempted to harm the  
300 petitioner or family members or individuals closely associated  
301 with the petitioner.

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

304 4. Whether the respondent has intentionally injured or  
305 killed a family pet.

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

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

310 7. Whether the respondent has a criminal history involving  
311 violence or the threat of violence.

312 8. The existence of a verifiable order of protection issued  
313 previously or from another jurisdiction.

314 9. Whether the respondent has destroyed personal property,  
315 including, but not limited to, telephones or other  
316 communications equipment, clothing, or other items belonging to  
317 the petitioner.

318 10. Whether the respondent has or had engaged in a pattern  
319 of abusive, threatening, intimidating, or controlling behavior

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320 composed of a series of acts over a period of time, however  
321 short, which evidences a continuity of purpose and which  
322 reasonably causes the petitioner to believe that the petitioner  
323 or his or her minor child or children are in imminent danger of  
324 becoming victims of any act of domestic violence.

325 11. Whether the respondent engaged in any other behavior or  
326 conduct that leads the petitioner to have reasonable cause to  
327 believe that he or she is in imminent danger of becoming a  
328 victim of domestic violence.

329  
330 In making its determination under this paragraph, the court is  
331 not limited to those factors enumerated in subparagraphs 1.-11.  
332 ~~1.-10.~~

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