

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Persons-Mulicka offered the following:

Amendment

Remove lines 31-124 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 ~~no~~ rebuttable 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
timesharing is not in the best interests of the minor child.
Except when a time-sharing schedule is agreed to by the parties
and approved by the court, the court must evaluate all of the
factors set forth in subsection (3) and make specific written

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17 findings of fact ~~schedule~~ when creating or modifying a
18 timesharing schedule ~~the parenting plan of the child.~~

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

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

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

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

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

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

34

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

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42 detrimental to the child, it may order sole parental
43 responsibility and make such arrangements for time-sharing as
44 specified in the parenting plan as will best protect the child
45 or abused spouse from further harm. Whether or not there is a
46 conviction of any offense of domestic violence or child abuse or
47 the existence of an injunction for protection against domestic
48 violence, the court shall consider evidence of domestic violence
49 or child abuse as evidence of detriment to the 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 shall order sole parental responsibility for
59 a minor child to one parent, with or without time-sharing with
60 the other parent if it is in the best interests of the minor
61 child.

62 5. There is a rebuttable presumption against granting
63 time-sharing with a minor child if a parent has been convicted
64 of or 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.

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

69
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 shall consider all time-sharing factors in subsection
75 (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

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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
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, then that move may be considered a substantial
102 and 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.