

26 ~~and, material, and unanticipated~~ change of circumstances.

27 1. It is the public policy of this state that each minor
 28 child has frequent and continuing contact with both parents
 29 after the parents separate or the marriage of the parties is
 30 dissolved and to encourage parents to share the rights and
 31 responsibilities, and joys, of childrearing. Unless ~~Except as~~
 32 otherwise provided in this section or agreed to by the parties
 33 ~~paragraph,~~ there is a ~~no~~ presumption that equal ~~for or against~~
 34 ~~the father or mother of the child or for or against any specific~~
 35 time-sharing of a minor child is in the best interests of the
 36 minor child who is common to the parties ~~schedule~~ when creating
 37 or modifying the parenting plan of the child.

38 2. The court shall order that the parental responsibility
 39 for a minor child be shared by both parents unless the court
 40 finds that shared parental responsibility would be detrimental
 41 to the child. The following evidence creates a rebuttable
 42 presumption of detriment to the child:

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

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

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

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

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

53
54 If the presumption is not rebutted after the convicted parent is
55 advised by the court that the presumption exists, shared
56 parental responsibility, including time-sharing with the child,
57 and decisions made regarding the child, may not be granted to
58 the convicted parent. However, the convicted parent is not
59 relieved of any obligation to provide financial support. If the
60 court determines that shared parental responsibility would be
61 detrimental to the child, it may order sole parental
62 responsibility and make such arrangements for time-sharing as
63 specified in the parenting plan as will best protect the child
64 or abused spouse from further harm. Whether or not there is a
65 conviction of any offense of domestic violence or child abuse or
66 the existence of an injunction for protection against domestic
67 violence, the court shall consider evidence of domestic violence
68 or child abuse as evidence of detriment to the child.

69 3. In ordering shared parental responsibility, the court
70 may consider the expressed desires of the parents and may grant
71 to one party the ultimate responsibility over specific aspects
72 of the child's welfare or may divide those responsibilities
73 between the parties based on the best interests of the child.
74 Areas of responsibility may include education, health care, and
75 any other responsibilities that the court finds unique to a

76 particular family.

77 4. The court shall order sole parental responsibility for
 78 a minor child to one parent, with or without time-sharing with
 79 the other parent if it is in the best interests of the minor
 80 child.

81 5. There is a rebuttable presumption against granting
 82 time-sharing with a minor child if a parent has been convicted
 83 of or had adjudication withheld for an offense enumerated in s.
 84 943.0435(1)(h)1.a., and at the time of the offense:

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

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

88
 89 A parent may rebut the presumption upon a specific finding in
 90 writing by the court that the parent poses no significant risk
 91 of harm to the child and that time-sharing is in the best
 92 interests of the minor child. If the presumption is rebutted,
 93 the court shall consider all time-sharing factors in subsection
 94 (3) when developing a time-sharing schedule.

95 6. Access to records and information pertaining to a minor
 96 child, including, but not limited to, medical, dental, and
 97 school records, may not be denied to either parent. Full rights
 98 under this subparagraph apply to either parent unless a court
 99 order specifically revokes these rights, including any
 100 restrictions on these rights as provided in a domestic violence

101 injunction. A parent having rights under this subparagraph has
 102 the same rights upon request as to form, substance, and manner
 103 of access as are available to the other parent of a child,
 104 including, without limitation, the right to in-person
 105 communication with medical, dental, and education providers.

106 (3) For purposes of establishing or modifying parental
 107 responsibility and creating, developing, approving, or modifying
 108 a parenting plan, including a time-sharing schedule, which
 109 governs each parent's relationship with his or her minor child
 110 and the relationship between each parent with regard to his or
 111 her minor child, the best interest of the child shall be the
 112 primary consideration. A determination of parental
 113 responsibility, a parenting plan, or a time-sharing schedule may
 114 not be modified without a showing of a substantial and~~,~~
 115 ~~material, and unanticipated~~ change in circumstances and a
 116 determination that the modification is in the best interests of
 117 the child. For purposes of the modification of a parenting plan
 118 and time-sharing schedule, a parent's permanent relocation from
 119 a residence that is more than 50 miles away from the primary
 120 residence of the child to a residence within 50 miles of the
 121 primary residence of the child is presumed to be a substantial
 122 and material change in circumstances for which modification is
 123 allowed as long as there is a determination by the court that
 124 modification is in the best interests of the child.
 125 Determination of the best interests of the child shall be made

126 | by evaluating all of the factors affecting the welfare and
127 | interests of the particular minor child and the circumstances of
128 | that family, including, but not limited to:

129 | (a) The demonstrated capacity and disposition of each
130 | parent to facilitate and encourage a close and continuing
131 | parent-child relationship, to honor the time-sharing schedule,
132 | and to be reasonable when changes are required.

133 | (b) The anticipated division of parental responsibilities
134 | after the litigation, including the extent to which parental
135 | responsibilities will be delegated to third parties.

136 | (c) The demonstrated capacity and disposition of each
137 | parent to determine, consider, and act upon the needs of the
138 | child as opposed to the needs or desires of the parent.

139 | (d) The length of time the child has lived in a stable,
140 | satisfactory environment and the desirability of maintaining
141 | continuity.

142 | (e) The geographic viability of the parenting plan, with
143 | special attention paid to the needs of school-age children and
144 | the amount of time to be spent traveling to effectuate the
145 | parenting plan. This factor does not create a presumption for or
146 | against relocation of either parent with a child.

147 | (f) The moral fitness of the parents.

148 | (g) The mental and physical health of the parents.

149 | (h) The home, school, and community record of the child.

150 | (i) The reasonable preference of the child, if the court

151 | deems the child to be of sufficient intelligence, understanding,
 152 | and experience to express a preference.

153 | (j) The demonstrated knowledge, capacity, and disposition
 154 | of each parent to be informed of the circumstances of the minor
 155 | child, including, but not limited to, the child's friends,
 156 | teachers, medical care providers, daily activities, and favorite
 157 | things.

158 | (k) The demonstrated capacity and disposition of each
 159 | parent to provide a consistent routine for the child, such as
 160 | discipline, and daily schedules for homework, meals, and
 161 | bedtime.

162 | (l) The demonstrated capacity of each parent to
 163 | communicate with and keep the other parent informed of issues
 164 | and activities regarding the minor child, and the willingness of
 165 | each parent to adopt a unified front on all major issues when
 166 | dealing with the child.

167 | (m) Evidence of domestic violence, sexual violence, child
 168 | abuse, child abandonment, or child neglect, regardless of
 169 | whether a prior or pending action relating to those issues has
 170 | been brought. If the court accepts evidence of prior or pending
 171 | actions regarding domestic violence, sexual violence, child
 172 | abuse, child abandonment, or child neglect, the court must
 173 | specifically acknowledge in writing that such evidence was
 174 | considered when evaluating the best interests of the child.

175 | (n) Evidence that either parent has knowingly provided

176 false information to the court regarding any prior or pending
177 action regarding domestic violence, sexual violence, child
178 abuse, child abandonment, or child neglect.

179 (o) The particular parenting tasks customarily performed
180 by each parent and the division of parental responsibilities
181 before the institution of litigation and during the pending
182 litigation, including the extent to which parenting
183 responsibilities were undertaken by third parties.

184 (p) The demonstrated capacity and disposition of each
185 parent to participate and be involved in the child's school and
186 extracurricular activities.

187 (q) The demonstrated capacity and disposition of each
188 parent to maintain an environment for the child which is free
189 from substance abuse.

190 (r) The capacity and disposition of each parent to protect
191 the child from the ongoing litigation as demonstrated by not
192 discussing the litigation with the child, not sharing documents
193 or electronic media related to the litigation with the child,
194 and refraining from disparaging comments about the other parent
195 to the child.

196 (s) The developmental stages and needs of the child and
197 the demonstrated capacity and disposition of each parent to meet
198 the child's developmental needs.

199 (t) Any other factor that is relevant to the determination
200 of a specific parenting plan, including the time-sharing

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201 | schedule.

202 | Section 2. This act shall take effect July 1, 2023.