

HB97

2023

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 dissolution of a  
5 marriage proceeding to consider certain factors in  
6 deciding whether shared parental responsibility is  
7 detrimental to the child; making technical and  
8 conforming changes; providing additional conduct  
9 relating to domestic violence which the court must  
10 consider when ordering a parenting plan; amending s.  
11 741.30, F.S.; providing an additional factor that the  
12 court must consider in determining whether a  
13 petitioner of a domestic violence injunction is in  
14 imminent danger; removing a provision authorizing a  
15 court to review factors other than those specifically  
16 enumerated; providing an effective date.

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

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

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

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

26 (2)

27 (c) The court shall determine all matters relating to  
 28 parenting and time-sharing of each minor child of the parties in  
 29 accordance with the best interests of the child and in  
 30 accordance with the Uniform Child Custody Jurisdiction and  
 31 Enforcement Act, except that modification of a parenting plan  
 32 and time-sharing schedule requires a showing of a substantial,  
 33 material, and unanticipated change of circumstances.

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

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

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

49 b. Whether either parent has or has had reasonable cause  
 50 to believe that he or she or his or her minor child is or has

51 been in imminent danger of becoming a victim of domestic  
52 violence as defined in s. 741.28 or sexual violence as defined  
53 in s. 784.046(1)(c) by the other parent against the parent or  
54 against the child or children whom the parents share in common  
55 regardless of whether a cause of action has been brought or is  
56 currently pending in the court.

57 c. Whether either parent has or has had reasonable cause  
58 to believe that his or her minor child is or has been in  
59 imminent danger of becoming a victim of an act of abuse,  
60 abandonment, or neglect, as those terms are defined in s. 39.01,  
61 by the other parent against the child or children whom the  
62 parents share in common regardless of whether a cause of action  
63 has been brought or is currently pending in the court.

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  
 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  
 103 for a minor child to one parent, with or without time-sharing  
 104 with the other parent if it is in the best interests of the  
 105 minor 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  
 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:

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 is in imminent danger of becoming a  
150 victim of domestic violence, sexual violence, child abuse, child

151 abandonment, or child neglect, regardless of whether a prior or  
152 pending action relating to those issues has been brought. If the  
153 court accepts evidence of prior or pending actions regarding  
154 domestic violence, sexual violence, child abuse, child  
155 abandonment, or child neglect, the court must specifically  
156 acknowledge in writing that such evidence was considered when  
157 evaluating the best interests of the child.

158 Section 3. Paragraph (b) of subsection (6) of section  
159 741.30, Florida Statutes, is 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 (6)

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

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

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

175 3. Whether the respondent has threatened to conceal,

176 kidnap, or harm the petitioner's child or children.

177 4. Whether the respondent has intentionally injured or  
178 killed a family pet.

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

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

183 7. Whether the respondent has a criminal history involving  
184 violence or the threat of violence.

185 8. The existence of a verifiable order of protection  
186 issued previously or from another jurisdiction.

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

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

198 ~~11.10.~~ Whether the respondent engaged in any other  
199 behavior or conduct that leads the petitioner to have reasonable  
200 cause to believe that he or she is in imminent danger of



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201 | becoming a victim of domestic violence.

202

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

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