By Senator Berman

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A bill to be entitled

An act relating to family law proceedings; amending s. 61.052, F.S.; requiring that a court reporter transcribe or an audio recording be made of certain proceedings in certain disputes; providing that such transcription or recording is admissible as evidence for appellate review; authorizing either party in a dissolution of marriage proceeding to demand a jury trial; amending s. 61.13, F.S.; requiring the court to make certain written findings in proceedings in which certain allegations are made if the party against whom such allegations were made retains parental responsibility; creating a pilot project in a specified judicial circuit for specified purposes; providing the duration of the program; requiring the chief judge of the circuit to submit a report containing certain information and recommendations to the Governor and the Legislature by a specified date; providing an effective date.

WHEREAS, the Legislature finds that requiring the presence of a court reporter would stabilize the record in certain family law proceedings and facilitate appellate review, and

WHEREAS, the Legislature further finds that requiring a specific finding by a judge concerning allegations of abuse helps assure litigants that their voices are heard and the law as written has been considered and applied, and

WHEREAS, the Legislature further finds that requiring specific written findings concerning abuse allegations promotes

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speedy appellate review of such rulings, NOW, THEREFORE,

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

Section 1. Subsections (9) and (10) are added to section 61.052, Florida Statutes, to read:

61.052 Dissolution of marriage.—

(9) In all disputes involving allegations of abuse or neglect of children:

(a) A court reporter shall transcribe all hearings, testimony, trials, and rulings from the bench; or

(b) An audio recording shall be made of all such hearings, testimony, trials, and rulings from the bench,

which transcription or recording is admissible as evidence to facilitate appellate review.

(10) In an action for dissolution of marriage, either party may demand a jury trial.

Section 2. Paragraph (c) of subsection (2) of section 61.13, Florida Statutes, is amended to read:

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

(2)

(c) The court shall determine all matters relating to parenting and time-sharing of each minor child of the parties in accordance with the best interests of the child and in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act, except that modification of a parenting plan and time-sharing schedule requires a showing of a substantial

and material change of circumstances.

1. It is the public policy of this state that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities, and joys, of childrearing. Unless otherwise provided in this section or agreed to by the parties, there is a rebuttable presumption that equal 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 time-sharing 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 findings of fact when creating or modifying a time-sharing schedule.

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

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

b. Whether either parent has or has had reasonable cause to believe that he or she or his or her minor child or children are or have been in imminent danger of becoming victims of an act of domestic violence as defined in s. 741.28 or sexual violence as defined in s. 784.046(1)(c) by the other parent against the parent or against the child or children whom the parents share in common regardless of whether a cause of action has been

brought or is currently pending in the court;

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

d. Any other relevant factors.

In any proceeding in which allegations under this subparagraph are made, the court shall make specific written findings concerning the allegations if the judge finds that the parent against whom such allegations were made is to have any parental responsibility for the child.

3. The following evidence creates a rebuttable presumption that shared parental responsibility is detrimental to the child:

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

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

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

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

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

If the presumption is not rebutted after the convicted parent is

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

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

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

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

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

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

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

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

Section 3. <u>There is created a pilot project for forensic social workers in the Thirteenth Judicial Circuit. The forensic social workers shall be provided evidence-based resources as directed by the chief judge of the circuit for an expanded family law civil division to provide education to families in domestic relations matters, connect litigants with resources to promote the best interests of children in domestic relations cases, and assist judges in facilitating the speedy resolution</u>

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of cases. The program shall run from July 1, 2025, through June 30, 2026. No later than December 31, 2026, the chief judge of the circuit shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report concerning the results of the program and containing any recommendations for expansion of such educational programs statewide.

Section 4. This act shall take effect July 1, 2025.

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