

1 A bill to be entitled

2 An act relating to family law proceedings; amending s.
3 61.052, F.S.; requiring a court reporter to transcribe
4 certain proceedings or requiring an audio recording to
5 be made; providing that either party in a dissolution
6 of marriage proceeding may request a jury trial;
7 amending s. 61.13, F.S.; requiring a judge to make
8 specific findings concerning certain allegations if
9 the party against whom allegations were made retains
10 parental responsibility; creating a pilot project in a
11 specified judicial circuit for specified purposes;
12 providing for duration of the program; requiring a
13 report and recommendations; providing an effective
14 date.

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

19 WHEREAS, requiring a specific finding by a judge concerning
20 allegations of abuse helps to assure litigants that their voices
21 were heard and the law as written was considered and applied,
22 and

23 WHEREAS, requiring specific written findings concerning
24 abuse allegations promotes speedy appellate review of such
25 rulings, NOW, THEREFORE,

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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 shall be admissible in evidence to facilitate appellate review.

(10) In an action for dissolution of a 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

51 and time-sharing schedule requires a showing of a substantial
52 and material change of circumstances.

53 1. It is the public policy of this state that each minor
54 child has frequent and continuing contact with both parents
55 after the parents separate or the marriage of the parties is
56 dissolved and to encourage parents to share the rights and
57 responsibilities, and joys, of childrearing. Unless otherwise
58 provided in this section or agreed to by the parties, there is a
59 rebuttable presumption that equal time-sharing of a minor child
60 is in the best interests of the minor child. To rebut this
61 presumption, a party must prove by a preponderance of the
62 evidence that equal time-sharing is not in the best interests of
63 the minor child. Except when a time-sharing schedule is agreed
64 to by the parties and approved by the court, the court must
65 evaluate all of the factors set forth in subsection (3) and make
66 specific written findings of fact when creating or modifying a
67 time-sharing schedule.

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

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

74 b. Whether either parent has or has had reasonable cause
75 to believe that he or she or his or her minor child or children

76 are or have been in imminent danger of becoming victims of an
77 act of domestic violence as defined in s. 741.28 or sexual
78 violence as defined in s. 784.046(1)(c) by the other parent
79 against the parent or against the child or children whom the
80 parents share in common regardless of whether a cause of action
81 has been brought or is currently pending in the court;

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

89 d. Any other relevant factors.

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

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

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

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

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

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

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

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

124 4. In ordering shared parental responsibility, the court
125 may consider the expressed desires of the parents and may grant

126 to one party the ultimate responsibility over specific aspects
127 of the child's welfare or may divide those responsibilities
128 between the parties based on the best interests of the child.
129 Areas of responsibility may include education, health care, and
130 any other responsibilities that the court finds unique to a
131 particular family.

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

136 6. There is a rebuttable presumption against granting
137 time-sharing with a minor child if a parent has been convicted
138 of or had adjudication withheld for an offense enumerated in s.
139 943.0435(1)(h)1.a., and at the time of the offense:

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

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

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

150 7. Access to records and information pertaining to a minor

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

161 **Section 3.** There is created a pilot project for forensic
162 social workers in the Thirteenth Judicial Circuit. The forensic
163 social workers shall be provided evidence-based resources as
164 directed by the chief judge of the circuit for an expanded
165 family law civil division to provide education to families in
166 domestic relations matters, connect litigants with resources to
167 promote the best interests of children in domestic relations
168 cases, and assist judges in facilitating the speedy resolution
169 of cases. The program shall run from July 1, 2025, through June
170 30, 2026. No later than December 31, 2026, the chief judge shall
171 submit to the Governor, the President of the Senate, and the
172 Speaker of the House of Representatives a report concerning the
173 results of the program and containing any recommendations for
174 expansion of such educational programs statewide.

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