

By Senator Lee

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1 A bill to be entitled

2 An act relating to shared parenting; amending 61.13,
3 F.S.; establishing a presumption that it is in the
4 best interests of the child for the court to order
5 equal time-sharing for each minor child; providing
6 exceptions; providing an effective date.

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

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10 Section 1. Paragraph (c) of subsection (2) of section
11 61.13, Florida Statutes, is amended to read:

12 61.13 Support of children; parenting and time-sharing;
13 powers of court.—

14 (2)

15 (c) The court shall determine all matters relating to
16 parenting and time-sharing of each minor child of the parties in
17 accordance with the best interests of the child and in
18 accordance with the Uniform Child Custody Jurisdiction and
19 Enforcement Act, except that modification of a parenting plan
20 and time-sharing schedule requires a showing of a substantial,
21 material, and unanticipated change of circumstances.

22 1. It is the public policy of this state that each minor
23 child has frequent and continuing contact with both parents
24 after the parents separate or the marriage of the parties is
25 dissolved and to encourage parents to share the rights and
26 responsibilities, and joys, of childrearing. There is no
27 presumption for or against the father or mother of the child or
28 for or against any specific time-sharing schedule when creating
29 or modifying the parenting plan of the child. Equal time-sharing

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30 with a minor child by both parents is presumed to be in the best
31 interests of the child unless the court finds that a parent is
32 unfit, that the distance between parental residences is so great
33 as to make equal time-sharing impracticable, or that a parent
34 does not request at least 50 percent time-sharing.

35 2. The court shall order that the parental responsibility
36 for a minor child be shared by both parents unless the court
37 finds that shared parental responsibility would be detrimental
38 to the child. Evidence that a parent has been convicted of a
39 misdemeanor of the first degree or higher involving domestic
40 violence, as defined in s. 741.28 and chapter 775, or meets the
41 criteria of s. 39.806(1)(d), creates a rebuttable presumption of
42 detriment to the child. If the presumption is not rebutted after
43 the convicted parent is advised by the court that the
44 presumption exists, shared parental responsibility, including
45 time-sharing with the child, and decisions made regarding the
46 child, may not be granted to the convicted parent. However, the
47 convicted parent is not relieved of any obligation to provide
48 financial support. If the court determines that shared parental
49 responsibility would be detrimental to the child, it may order
50 sole parental responsibility and make such arrangements for
51 time-sharing as specified in the parenting plan as will best
52 protect the child or abused spouse from further harm. Whether or
53 not there is a conviction of any offense of domestic violence or
54 child abuse or the existence of an injunction for protection
55 against domestic violence, the court shall consider evidence of
56 domestic violence or child abuse as evidence of detriment to the
57 child.

58 a. In ordering shared parental responsibility, the court

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59 may consider the expressed desires of the parents and may grant
60 to one party the ultimate responsibility over specific aspects
61 of the child's welfare or may divide those responsibilities
62 between the parties based on the best interests of the child.
63 Areas of responsibility may include education, health care, and
64 any other responsibilities that the court finds unique to a
65 particular family.

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

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

80 Section 2. This act shall take effect July 1, 2013.