

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Burton offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 431 and 432, insert:

5 Section 3. Subsections (4) through (8) of section 61.13,
6 Florida Statutes, are renumbered as subsections (5) through (9),
7 respectively, present subsection (3) is amended, and a new
8 subsection (4) is added to that section, to read:

9 61.13 Support of children; parenting and time-sharing;
10 powers of court.—

11 (3) For purposes of establishing or modifying parental
12 responsibility and creating, developing, approving, or modifying
13 a parenting plan, including a time-sharing schedule, which
14 governs each parent's relationship with his or her minor child

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15 and the relationship between each parent with regard to his or
16 her minor child, the best interest of the child shall be the
17 primary consideration. A determination of parental
18 responsibility, a parenting plan, or a time-sharing schedule may
19 not be modified without a showing of a substantial, material,
20 and unanticipated change in circumstances and a determination
21 that the modification is in the best interests of the child. It
22 is further the public policy of this state that a child's
23 interests are ordinarily best served by the equal and active
24 involvement of both parents in the child's life. In determining
25 an appropriate time-sharing schedule, there shall be no
26 presumption in favor of either parent or particular time-sharing
27 schedule. Absent good cause, it is in the minor child's best
28 interests to have substantial time sharing with both parents.
29 The court, in determining an appropriate time-sharing schedule,
30 shall consider any division of time put forth by the parties
31 from sole exclusive time sharing with one parent to equal time
32 sharing with both parents ~~Determination of the best interests of~~
33 ~~the child shall be made~~ by evaluating all of the factors
34 affecting the welfare and interests of the particular minor
35 child and the circumstances of that family, including, but not
36 limited to:

37 (a) The demonstrated capacity and disposition of each
38 parent to facilitate and encourage a close and continuing
39 parent-child relationship, to honor the time-sharing schedule,
40 and to be reasonable when changes are required.

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41 (b) The anticipated division of parental responsibilities
42 after the litigation, including the extent to which parental
43 responsibilities will be delegated to third parties.

44 (c) The demonstrated capacity and disposition of each
45 parent to determine, consider, and act upon the needs of the
46 child as opposed to the needs or desires of the parent.

47 (d) The length of time the child has lived in a stable,
48 satisfactory environment and the desirability of maintaining
49 continuity.

50 (e) The geographic viability of the parenting plan, with
51 special attention paid to the needs of school-age children and
52 the amount of time to be spent traveling to effectuate the
53 parenting plan. This factor does not create a presumption for or
54 against relocation of either parent with a child.

55 (f) The moral fitness of the parents.

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

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

58 (i) The reasonable preference of the child, if the court
59 deems the child to be of sufficient intelligence, understanding,
60 and experience to express a preference.

61 (j) The demonstrated knowledge, capacity, and disposition
62 of each parent to be informed of the circumstances of the minor
63 child, including, but not limited to, the child's friends,
64 teachers, medical care providers, daily activities, and favorite
65 things.

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66 (k) The demonstrated capacity and disposition of each
67 parent to provide a consistent routine for the child, such as
68 discipline, and daily schedules for homework, meals, and
69 bedtime.

70 (l) The demonstrated capacity of each parent to
71 communicate with and keep the other parent informed of issues
72 and activities regarding the minor child, and the willingness of
73 each parent to adopt a unified front on all major issues when
74 dealing with the child.

75 (m) Evidence of domestic violence, sexual violence, child
76 abuse, child abandonment, or child neglect, regardless of
77 whether a prior or pending action relating to those issues has
78 been brought. If the court accepts evidence of prior or pending
79 actions regarding domestic violence, sexual violence, child
80 abuse, child abandonment, or child neglect, the court must
81 specifically acknowledge in writing that such evidence was
82 considered when evaluating the best interests of the child.

83 (n) Evidence that either parent has knowingly provided
84 false information to the court regarding any prior or pending
85 action regarding domestic violence, sexual violence, child
86 abuse, child abandonment, or child neglect.

87 (o) The particular parenting tasks customarily performed
88 by each parent and the division of parental responsibilities
89 before the institution of litigation and during the pending
90 litigation, including the extent to which parenting
91 responsibilities were undertaken by third parties.

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

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

98 (r) The capacity and disposition of each parent to protect
99 the child from the ongoing litigation as demonstrated by not
100 discussing the litigation with the child, not sharing documents
101 or electronic media related to the litigation with the child,
102 and refraining from disparaging comments about the other parent
103 to the child.

104 (s) The developmental stages and needs of the child and
105 the demonstrated capacity and disposition of each parent to meet
106 the child's developmental needs.

107 (t) Any other factor that is relevant to the determination
108 of a specific parenting plan, including the time-sharing
109 schedule.

110 (4) Unless the court determines it is detrimental to the
111 minor child to make findings, a court order must be supported by
112 written findings of fact reflecting consideration as to each
113 relevant factor provided in paragraphs (3) (a)-(t) and the public
114 policy of the state under subsection (3) and subparagraph
115 (2) (c) 1.

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T I T L E A M E N D M E N T

Remove line 23 and insert:
participation in alimony depository; amending s. 61.13,
F.S.; declaring public policy concerning a child's
interests regarding time sharing; requiring written finding
in certain circumstances; amending s.

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