



580642

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/01/2016	.	
	.	
	.	
	.	

---

The Committee on Appropriations (Lee) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 469 - 637

and insert:

Section 3. Paragraph (c) of subsection (2) and subsection (3) 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



580642

12 accordance with the best interests of the child and in  
13 accordance with the Uniform Child Custody Jurisdiction and  
14 Enforcement Act, except that modification of a parenting plan  
15 and time-sharing schedule requires a showing of a substantial,  
16 material, and unanticipated change of circumstances.

17 1. In establishing a parenting plan and time-sharing  
18 schedule, the court shall begin with the premise that a minor  
19 child should spend approximately equal amounts of time with each  
20 parent. Using this premise as a starting point, the court shall  
21 formulate a parenting plan and time-sharing schedule taking into  
22 account the best interest of the child after considering all of  
23 the relevant factors in subsection (3). It is the public policy  
24 of this state ~~that each minor child has frequent and continuing~~  
25 ~~contact with both parents after the parents separate or the~~  
26 ~~marriage of the parties is dissolved and to encourage parents to~~  
27 share the rights and responsibilities, and joys, of  
28 childrearing. ~~There is no presumption for or against the father~~  
29 ~~or mother of the child or for or against any specific time-~~  
30 ~~sharing schedule when creating or modifying the parenting plan~~  
31 ~~of the child.~~

32 2. The court shall order that the parental responsibility  
33 for a minor child be shared by both parents unless the court  
34 finds that shared parental responsibility would be detrimental  
35 to the child. Evidence that a parent has been convicted of a  
36 misdemeanor of the first degree or higher involving domestic  
37 violence, as defined in s. 741.28 and chapter 775, or meets the  
38 criteria of s. 39.806(1)(d), creates a rebuttable presumption of  
39 detriment to the child. If the presumption is not rebutted after  
40 the convicted parent is advised by the court that the



580642

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

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

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

66       3. Access to records and information pertaining to a minor  
67 child, including, but not limited to, medical, dental, and  
68 school records, may not be denied to either parent. Full rights  
69 under this subparagraph apply to either parent unless a court



70 order specifically revokes these rights, including any  
71 restrictions on these rights as provided in a domestic violence  
72 injunction. A parent having rights under this subparagraph has  
73 the same rights upon request as to form, substance, and manner  
74 of access as are available to the other parent of a child,  
75 including, without limitation, the right to in-person  
76 communication with medical, dental, and education providers.

77 (3) For purposes of establishing or modifying parental  
78 responsibility and creating, developing, approving, or modifying  
79 a parenting plan, including a time-sharing schedule, which  
80 governs each parent's relationship with his or her minor child  
81 and the relationship between each parent with regard to his or  
82 her minor child, the best interest of the child shall be the  
83 primary consideration. A determination of parental  
84 responsibility, a parenting plan, or a time-sharing schedule may  
85 not be modified without a showing of a substantial, material,  
86 and unanticipated change in circumstances and a determination  
87 that the modification is in the best interests of the child.  
88 Determination of the best interests of the child shall be made  
89 by evaluating all of the factors affecting the welfare and  
90 interests of the particular minor child and the circumstances of  
91 that family, including, but not limited to:

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

96 (b) The anticipated division of parental responsibilities  
97 after the litigation, including the extent to which parental  
98 responsibilities will be delegated to third parties.



580642

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

102           (d) The length of time the child has lived in a stable,  
103 satisfactory environment and the desirability of maintaining  
104 continuity.

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

110           (f) The moral fitness of the parents.

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

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

113           (i) The reasonable preference of the child, if the court  
114 deems the child to be of sufficient intelligence, understanding,  
115 and experience to express a preference.

116           (j) The demonstrated knowledge, capacity, or ~~and~~  
117 disposition of each parent to be informed of the circumstances  
118 of the minor child, including, but not limited to, the child's  
119 friends, teachers, medical care providers, daily activities, and  
120 favorite things.

121           (k) The demonstrated capacity or ~~and~~ disposition of each  
122 parent to provide a consistent routine for the child, such as  
123 discipline, and daily schedules for homework, meals, and  
124 bedtime.

125           (l) The demonstrated capacity of each parent to communicate  
126 with and keep the other parent informed of issues and activities  
127 regarding the minor child, and the willingness of each parent to



580642

128 adopt a unified front on all major issues when dealing with the  
129 child.

130 (m) Evidence of domestic violence, sexual violence, child  
131 abuse, child abandonment, or child neglect, regardless of  
132 whether a prior or pending action relating to those issues has  
133 been brought. If the court accepts evidence of prior or pending  
134 actions regarding domestic violence, sexual violence, child  
135 abuse, child abandonment, or child neglect, the court must  
136 specifically acknowledge in writing that such evidence was  
137 considered when evaluating the best interests of the child.

138 (n) Evidence that either parent has knowingly provided  
139 false information to the court regarding any prior or pending  
140 action regarding domestic violence, sexual violence, child  
141 abuse, child abandonment, or child neglect.

142 (o) The demonstrated capacity or disposition of each parent  
143 to perform or ensure the performance of particular parenting  
144 tasks customarily performed by the other ~~each~~ parent and the  
145 division of parental responsibilities before the institution of  
146 litigation and during the pending litigation, including the  
147 extent to which parenting responsibilities were undertaken by  
148 third parties.

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

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

155 (r) The capacity and disposition of each parent to protect  
156 the child from the ongoing litigation as demonstrated by not



580642

157 discussing the litigation with the child, not sharing documents  
158 or electronic media related to the litigation with the child,  
159 and refraining from disparaging comments about the other parent  
160 to the child.

161 (s) The developmental stages and needs of the child and the  
162 demonstrated capacity and disposition of each parent to meet the  
163 child's developmental needs.

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

167  
168 The court shall make detailed written findings of fact which  
169 support and justify any parenting plan or time-sharing schedule  
170 that is not based on an agreement between the parents.

171  
172 ===== T I T L E A M E N D M E N T =====

173 And the title is amended as follows:

174 Delete lines 30 - 35

175 and insert:

176 awards; amending s. 61.13, F.S.; specifying a premise  
177 that a minor child should spend approximately equal  
178 amounts of time with each parent; revising a finite  
179 list of factors that a court must evaluate when  
180 establishing or modifying parental responsibility or a  
181 parenting plan; requiring a court order to be  
182 supported by written findings of fact under certain  
183 circumstances; amending s. 61.14, F.S.; prohibiting a  
184 court