



798132

LEGISLATIVE ACTION

Senate

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House

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The Committee on Children, Families, and Elder Affairs (Berman) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 39 - 403

and insert:

Section 1. This act may be cited as "Greyson's Law."

Section 2. Subsections (2) through (23) of section 61.046, Florida Statutes, are renumbered as subsections (3) through (24), respectively, and a new subsection (2) is added to that section to read:

61.046 Definitions.—As used in this chapter, the term:



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11           (2) "Child" has the same meaning as in s. 39.01(11).  
12           Section 3. Paragraph (t) of subsection (3) of section  
13 61.13, Florida Statutes, is redesignated as paragraph (w),  
14 paragraph (c) of subsection (2) is amended, and new paragraphs  
15 (t) and (v) are added to subsection (3) of that section, to  
16 read:  
17           61.13 Support of children; parenting and time-sharing;  
18 powers of court.—  
19           (2)  
20           (c) The court shall determine all matters relating to  
21 parenting and time-sharing of each ~~minor~~ child of the parties in  
22 accordance with the best interests of the child and in  
23 accordance with the Uniform Child Custody Jurisdiction and  
24 Enforcement Act, except that modification of a parenting plan  
25 and time-sharing schedule requires a showing of a substantial,  
26 material, and unanticipated change of circumstances.  
27           1. It is the public policy of this state that each ~~minor~~  
28 child has frequent and continuing contact with both parents  
29 after the parents separate or the marriage of the parties is  
30 dissolved and to encourage parents to share the rights and  
31 responsibilities, and joys, of childrearing. Except as otherwise  
32 provided in this paragraph, there is no presumption for or  
33 against the father or mother of the child or for or against any  
34 specific time-sharing schedule when creating or modifying the  
35 parenting plan of the child.  
36           2. The court shall order that the parental responsibility  
37 for a ~~minor~~ child be shared by both parents if determined to be  
38 in the best interests of the child based on reasonable factors,  
39 including, but not limited to, the time-sharing factors in



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40 subsection (3), unless the court finds that shared parental  
41 responsibility would be detrimental to the child. There is The  
42 following evidence creates a rebuttable presumption that shared  
43 parental responsibility is not in the best interests of the  
44 child and would be detrimental of detriment to the child if it  
45 is proven by clear and convincing evidence that:

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

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

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

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

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

56 d. A parent or child has reasonable cause to believe he or  
57 she is in imminent danger of becoming a victim of domestic  
58 violence, as defined in s. 741.28, caused by the other parent  
59 upon a review of all relevant factors, including, but not  
60 limited to, the factors in s. 741.30(6)(b); or

61 e. There is domestic violence, as defined in s. 741.28;  
62 sexual violence, as defined in s. 784.046(1)(c); child abuse, as  
63 defined in s. 39.01(2); child abandonment, as defined in s.  
64 39.01(1); or child neglect, as defined in s. 39.01(50), by a  
65 parent against the other parent, or against a child or children  
66 who the parents share in common, regardless of whether a cause  
67 of action has been brought or is currently pending in the court.  
68 Whether or not there is a conviction of any offense of domestic



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69 violence or child abuse or the existence of an injunction for  
70 protection against domestic violence, the court shall consider  
71 evidence of domestic violence or child abuse as evidence of  
72 detriment to the child.

73

74 A parent may rebut the presumption that shared parental  
75 responsibility is not in the best interests of the child upon a  
76 specific finding in writing by the court that the parent poses  
77 no significant risk of harm to the child and that time-sharing  
78 is in the best interests of the child. If the presumption is  
79 rebutted, the court shall consider all time-sharing factors in  
80 subsection (3) when developing the time-sharing schedule.

81 3. If the presumption is not rebutted after the offending  
82 or convicted parent is advised by the court that the presumption  
83 exists, shared parental responsibility, including time-sharing  
84 with the child, and decisions made regarding the child, may not  
85 be granted to the offending or convicted parent. However, the  
86 offending or convicted parent is not relieved of any obligation  
87 to provide financial support.

88 4. If the court determines that shared parental  
89 responsibility would be detrimental to the child based on  
90 factors other than those in subparagraph 2., it may order sole  
91 parental responsibility for the child to one parent and make  
92 such arrangements for time-sharing as specified in the parenting  
93 plan that as will best protect the child or parent, including,  
94 but not limited to, supervised visitation by a third party at  
95 the expense of the parent without sole parental responsibility  
96 or a designated location in which to pick up and drop off the  
97 child ~~abused spouse from further harm. Whether or not there is a~~



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98 ~~conviction of any offense of domestic violence or child abuse or~~  
99 ~~the existence of an injunction for protection against domestic~~  
100 ~~violence, the court shall consider evidence of domestic violence~~  
101 ~~or child abuse as evidence of detriment to the child.~~

102 ~~5.3.~~ In ordering shared parental responsibility, the court  
103 may consider the expressed desires of the parents and may grant  
104 to one party the ultimate responsibility over specific aspects  
105 of the child's welfare or may divide those responsibilities  
106 between the parties based on the best interests of the child.  
107 Areas of responsibility may include education, health care, and  
108 any other responsibilities that the court finds unique to a  
109 particular family.

110 ~~6.4.~~ The court shall order sole parental responsibility for  
111 a ~~minor~~ child to one parent, with or without time-sharing with  
112 the other parent if it is in the best interests of the ~~minor~~  
113 child.

114 ~~7.5.~~ There is a rebuttable presumption against granting  
115 time-sharing with a ~~minor~~ child if a parent has been convicted  
116 of or had adjudication withheld for an offense enumerated in s.  
117 943.0435(1)(h)1.a., and at the time of the offense:

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

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

121  
122 A parent may rebut the presumption upon a specific finding in  
123 writing by the court that the parent poses no significant risk  
124 of harm to the child and that time-sharing is in the best  
125 interests of the ~~minor~~ child. If the presumption is rebutted,  
126 the court shall consider all time-sharing factors in subsection



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127 (3) when developing a time-sharing schedule.

128 ~~8.6.~~ Access to records and information pertaining to a  
129 ~~minor~~ child, including, but not limited to, medical, dental, and  
130 school records, may not be denied to either parent. Full rights  
131 under this subparagraph apply to either parent unless a court  
132 order specifically revokes these rights, including any  
133 restrictions on these rights as provided in a domestic violence  
134 injunction. A parent having rights under this subparagraph has  
135 the same rights upon request as to form, substance, and manner  
136 of access as are available to the other parent of a child,  
137 including, without limitation, the right to in-person  
138 communication with medical, dental, and education providers.

139 (3) For purposes of establishing or modifying parental  
140 responsibility and creating, developing, approving, or modifying  
141 a parenting plan, including a time-sharing schedule, which  
142 governs each parent's relationship with his or her ~~minor~~ child  
143 and the relationship between each parent with regard to his or  
144 her minor child, the best interest of the child shall be the  
145 primary consideration. A determination of parental  
146 responsibility, a parenting plan, or a time-sharing schedule may  
147 not be modified without a showing of a substantial, material,  
148 and unanticipated change in circumstances and a determination  
149 that the modification is in the best interests of the child.  
150 Determination of the best interests of the child shall be made  
151 by evaluating all of the factors affecting the welfare and  
152 interests of the particular ~~minor~~ child and the circumstances of  
153 that family, including, but not limited to:

154 (t) Whether and to what extent the child has developed a  
155 relationship with either parent and the nature of any bond that



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156 has been established between such parent and the child.

157 (u) Whether the child has expressed or exhibited behavior  
158 which suggests that the child has a well-founded fear of a  
159 parent.

160 (v) Clear and convincing evidence that a parent has an  
161 improper motive for seeking shared parental responsibility, and  
162 whether such motive will negatively interfere with that parent's  
163 ability to safely and effectively share parental  
164 responsibilities.

165 Section 4. Subsection (4) of section 414.0252, Florida  
166 Statutes, is amended to read:

167 414.0252 Definitions.—As used in ss. 414.025-414.55, the  
168 term:

169 (4) "Domestic violence" means coercive control or any  
170 assault, aggravated assault, battery, aggravated battery, sexual  
171 assault, sexual battery, stalking, aggravated stalking,  
172 kidnapping, false imprisonment, or other ~~any~~ criminal offense  
173 that results in the physical injury or death of one family or  
174 household member by another.

175 Section 5. Subsections (1) through (4) of section 741.28,  
176 Florida Statutes, are renumbered as subsections (2) through (5),  
177 respectively, present subsection (2) is amended, and a new  
178 subsection (1) is added to that section, to read:

179 741.28 Domestic violence; definitions.—As used in ss.  
180 741.28-741.31:

181 (1) "Coercive control" means a pattern of threatening,  
182 humiliating, or intimidating actions by one family or household  
183 member against another family or household member, which actions  
184 are used to harm, punish, or frighten the family or household



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185 member and make him or her dependent on the other family or  
186 household member by isolating, exploiting, or regulating him or  
187 her. The term includes, but is not limited to:

188 (a) Isolating the family or household member from his or  
189 her friends or family.

190 (b) Controlling the amount of money accessible to the  
191 family or household member and how he or she spends such money.

192 (c) Monitoring the family or household member's activities,  
193 communications, or movements.

194 (d) Frequently engaging in conduct meant to demean,  
195 degrade, dehumanize, or embarrass the family or household  
196 member.

197 (e) Threatening to cause physical harm to or kill a child  
198 or relative of the family or household member.

199 (f) Threatening to publish false information or make false  
200 reports to a law enforcement officer or other law enforcement  
201 personnel about the family or household member.

202 (g) Damaging the family or household member's property,  
203 household goods, or personal effects.

204 (h) Forcing the family or household member to participate  
205 in criminal activity.

206 (3)(2) "Domestic violence" means coercive control or any  
207 assault, aggravated assault, battery, aggravated battery, sexual  
208 assault, sexual battery, stalking, aggravated stalking,  
209 kidnapping, false imprisonment, or other ~~any~~ criminal offense  
210 resulting in physical injury or death of one family or household  
211 member by another family or household member.

212 Section 6. Paragraph (c) of subsection (2) and paragraph  
213 (b) of subsection (3) of section 741.30, Florida Statutes, are





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214 amended to read:

215       741.30 Domestic violence; injunction; powers and duties of  
216 court and clerk; petition; notice and hearing; temporary  
217 injunction; issuance of injunction; statewide verification  
218 system; enforcement; public records exemption.-

219       (2)

220       (c)1. The clerk of the court shall assist petitioners in  
221 seeking both injunctions for protection against domestic  
222 violence and enforcement for a violation thereof as specified in  
223 this section.

224       2. All clerks' offices shall provide simplified petition  
225 forms for the injunction, any modifications, and the enforcement  
226 thereof, including instructions for completion. The instructions  
227 must inform the petitioner that if he or she intends to seek an  
228 injunction that prohibits or limits time-sharing between the  
229 respondent and the child of the parties, he or she must state  
230 with specificity details regarding the circumstances that give  
231 rise to the petitioner fearing that the respondent imminently  
232 will abuse, remove, or hide the child from the petitioner.

233       3. The clerk of the court shall advise petitioners of the  
234 opportunity to apply for a certificate of indigence in lieu of  
235 prepayment for the cost of the filing fee, as provided in  
236 paragraph (a).

237       4. The clerk of the court shall ensure the petitioner's  
238 privacy to the extent practical while completing the forms for  
239 injunctions for protection against domestic violence.

240       5. The clerk of the court shall provide petitioners with a  
241 minimum of two certified copies of the order of injunction, one  
242 of which is serviceable and will inform the petitioner of the



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243 process for service and enforcement.

244         6. Clerks of court and appropriate staff in each county  
245 shall receive training in the effective assistance of  
246 petitioners as provided or approved by the Florida Association  
247 of Court Clerks.

248         7. The clerk of the court in each county shall make  
249 available informational brochures on domestic violence when such  
250 brochures are provided by local certified domestic violence  
251 centers.

252         8. The clerk of the court in each county shall distribute a  
253 statewide uniform informational brochure to petitioners at the  
254 time of filing for an injunction for protection against domestic  
255 or repeat violence when such brochures become available. The  
256 brochure must include information about the effect of giving the  
257 court false information about domestic violence.

258         (3) (a) The sworn petition must allege the existence of such  
259 domestic violence and must include the specific facts and  
260 circumstances upon the basis of which relief is sought.

261         (b) The sworn petition shall be in substantially the  
262 following form:

263                                   PETITION FOR  
264                                   INJUNCTION FOR PROTECTION  
265                                   AGAINST DOMESTIC VIOLENCE  
266

267 Before me, the undersigned authority, personally appeared  
268 Petitioner ...(Name)..., who has been sworn and says that the  
269 following statements are true:

270         (a) Petitioner resides at: ...(address)...

271         (Petitioner may furnish address to the court in a separate



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272 confidential filing if, for safety reasons, the petitioner  
273 requires the location of the current residence to be  
274 confidential.)

275 (b) Respondent resides at: ...(last known address)...

276 (c) Respondent's last known place of employment: ...(name  
277 of business and address)...

278 (d) Physical description of respondent:.....

279 Race.....

280 Sex.....

281 Date of birth.....

282 Height.....

283 Weight.....

284 Eye color.....

285 Hair color.....

286 Distinguishing marks or scars.....

287 (e) Aliases of respondent:.....

288 (f) Respondent is the spouse or former spouse of the  
289 petitioner or is any other person related by blood or marriage  
290 to the petitioner or is any other person who is or was residing  
291 within a single dwelling unit with the petitioner, as if a  
292 family, or is a person with whom the petitioner has a child in  
293 common, regardless of whether the petitioner and respondent are  
294 or were married or residing together, as if a family.

295 (g) The following describes any other cause of action  
296 currently pending between the petitioner and respondent:.....  
297 .....

298 The petitioner should also describe any previous or pending  
299 attempts by the petitioner to obtain an injunction for  
300 protection against domestic violence in this or any other



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301 circuit, and the results of that attempt:.....  
302 .....

303 Case numbers should be included if available.

304 (h) Petitioner is either a victim of domestic violence or  
305 has reasonable cause to believe he or she is in imminent danger  
306 of becoming a victim of domestic violence because respondent  
307 has: ...(mark all sections that apply and describe in the spaces  
308 below the incidents of violence or threats of violence,  
309 specifying when and where they occurred, including, but not  
310 limited to, locations such as a home, school, place of  
311 employment, or visitation exchange)...

312 .....  
313 .....

314 ....committed or threatened to commit domestic violence  
315 defined in s. 741.28, Florida Statutes, as coercive control or  
316 any assault, aggravated assault, battery, aggravated battery,  
317 sexual assault, sexual battery, stalking, aggravated stalking,  
318 kidnapping, false imprisonment, or other ~~any~~ criminal offense  
319 resulting in physical injury or death of one family or household  
320 member by another. With the exception of persons who are parents  
321 of a child in common, the family or household members must be  
322 currently residing or have in the past resided together in the  
323 same single dwelling unit.

324 ...previously threatened, harassed, stalked, or physically  
325 abused the petitioner.

326 ....attempted to harm the petitioner or family members or  
327 individuals closely associated with the petitioner.

328 ...threatened to conceal, kidnap, or harm the petitioner's  
329 child or children (provide details in paragraph (i) below).



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330           ....intentionally injured or killed a family pet.  
331           ....used, or has threatened to use, against the petitioner  
332 any weapons such as guns or knives.  
333           ....physically restrained the petitioner from leaving the  
334 home or calling law enforcement.  
335           ....a criminal history involving violence or the threat of  
336 violence (if known).  
337           ....another order of protection issued against him or her  
338 previously or from another jurisdiction (if known).  
339           ....destroyed personal property, including, but not limited  
340 to, telephones or other communication equipment, clothing, or  
341 other items belonging to the petitioner.  
342           ....engaged in any other behavior or conduct that leads the  
343 petitioner to have reasonable cause to believe he or she is in  
344 imminent danger of becoming a victim of domestic violence.  
345           (i) Petitioner alleges the following additional specific  
346 facts: ...(mark appropriate sections)...  
347           ....A ~~minor~~ child or ~~minor~~ children reside with the  
348 petitioner whose names and ages are as follows:  
349  
350           ....Petitioner needs the exclusive use and possession of  
351 the dwelling that the parties share.  
352           ....Petitioner is unable to obtain safe alternative housing  
353 because:  
354  
355           ....Petitioner genuinely fears that respondent imminently  
356 will abuse, remove, or hide the ~~minor~~ child or children from  
357 petitioner because: ...(describe any actions taken or threats  
358 made by the respondent to cause such fear, including where and



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359 when the actions were taken or the threats were made, directly  
360 or indirectly; whether and how the respondent failed to comply  
361 with an existing parenting plan or time-sharing schedule; and  
362 any actions taken or comments made by the child or children that  
363 suggest the respondent has caused the child or children to

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

365 And the title is amended as follows:

366       Delete lines 3 - 33

367 and insert:

368       responsibility determinations; providing a short  
369       title; amending s. 61.046, F.S.; providing a  
370       definition; amending s. 61.13, F.S.; requiring a court  
371       to order shared parental responsibility if it is found  
372       to be in the best interests of the child based on  
373       certain factors; providing that clear and convincing  
374       evidence of certain conduct creates a rebuttable  
375       presumption that shared parental responsibility is not  
376       in the best interests of the child; providing  
377       additional conduct that may create a rebuttable  
378       presumption against shared parental responsibility;  
379       authorizing a parent to rebut such presumption if  
380       specified criteria are met; requiring the court to  
381       rely upon specific evidence to make required findings  
382       that the presumption has been rebutted; requiring the  
383       court to consider all time-sharing factors when  
384       developing the time-sharing schedule if such  
385       presumption is rebutted; providing for sole parental  
386       responsibility with specified time-sharing  
387       arrangements under certain circumstances; relocating



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388 the requirement for the court to consider certain  
389 evidence regardless of whether there is a conviction;  
390 providing additional factors that the court must  
391 consider when determining the best interests of the  
392 child; making technical and conforming changes;  
393 amending s. 414.0252, F.S.; conforming provisions to  
394 changes made by the act; amending s. 741.28, F.S.;  
395 providing and revising definitions; amending s.  
396 741.30, F.S.; requiring the instructions for certain  
397 petition forms to contain specified information;  
398 revising the form for a Petition for Injunction for  
399 Protection Against Domestic Violence to require the  
400 inclusion of certain information; amending ss.  
401 921.0024,