

1                                   A bill to be entitled  
 2           An act relating to domestic violence; providing a  
 3           short title; amending s. 61.13, F.S.; requiring the  
 4           court with jurisdiction over the dissolution of a  
 5           marriage proceeding to consider certain factors in  
 6           deciding whether shared parental responsibility is  
 7           detrimental to the child; making technical and  
 8           conforming changes; providing additional conduct  
 9           relating to domestic violence which the court must  
 10          consider when ordering a parenting plan; amending s.  
 11          741.30, F.S.; providing an additional factor that the  
 12          court must consider in determining whether a  
 13          petitioner of a domestic violence injunction is in  
 14          imminent danger; providing an effective date.

15  
 16 Be It Enacted by the Legislature of the State of Florida:

17  
 18           Section 1. This act may be cited as "Greyson's Law."

19           Section 2. Paragraph (c) of subsection (2) and paragraph  
 20 (m) of subsection (3) of section 61.13, Florida Statutes, are  
 21 amended to read:

22           61.13 Support of children; parenting and time-sharing;  
 23 powers of court.—

24           (2)

25           (c) The court shall determine all matters relating to

26 | parenting and time-sharing of each minor child of the parties in  
 27 | accordance with the best interests of the child and in  
 28 | accordance with the Uniform Child Custody Jurisdiction and  
 29 | Enforcement Act, except that modification of a parenting plan  
 30 | and time-sharing schedule requires a showing of a substantial,  
 31 | material, and unanticipated change of circumstances.

32 |       1. It is the public policy of this state that each minor  
 33 | child has frequent and continuing contact with both parents  
 34 | after the parents separate or the marriage of the parties is  
 35 | dissolved and to encourage parents to share the rights and  
 36 | responsibilities, and joys, of childrearing. Except as otherwise  
 37 | provided in this paragraph, there is no presumption for or  
 38 | against the father or mother of the child or for or against any  
 39 | specific time-sharing schedule when creating or modifying the  
 40 | parenting plan of the child.

41 |       2. The court shall order that the parental responsibility  
 42 | for a minor child be shared by both parents unless the court  
 43 | finds that shared parental responsibility would be detrimental  
 44 | to the child. In determining detriment to the child, the court  
 45 | shall consider all of the following:

46 |       a. Evidence of domestic violence, as defined in s. 741.28.

47 |       b. Whether either parent has or has had reasonable cause  
 48 | to believe that he or she or his or her minor child is or has  
 49 | been in imminent danger of becoming a victim of domestic  
 50 | violence as defined in s. 741.28 or sexual violence as defined

51 in s. 784.046(1)(c) by the other parent against the parent or  
52 against the child or children whom the parents share in common  
53 regardless of whether a cause of action has been brought or is  
54 currently pending in the court.

55 c. Whether either parent has or has had reasonable cause  
56 to believe that his or her minor child is or has been in  
57 imminent danger of becoming a victim of an act of abuse,  
58 abandonment, or neglect, as those terms are defined in s. 39.01,  
59 by the other parent against the child or children whom the  
60 parents share in common regardless of whether a cause of action  
61 has been brought or is currently pending in the court.

62 d. Any other relevant factors.

63 3. The following evidence creates a rebuttable presumption  
64 that shared parental responsibility is detrimental ~~of detriment~~  
65 to the child:

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

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

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

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

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

76  
77 If the presumption is not rebutted after the convicted parent is  
78 advised by the court that the presumption exists, shared  
79 parental responsibility, including time-sharing with the child,  
80 and decisions made regarding the child, may not be granted to  
81 the convicted parent. However, the convicted parent is not  
82 relieved of any obligation to provide financial support. If the  
83 court determines that shared parental responsibility would be  
84 detrimental to the child, it may order sole parental  
85 responsibility and make such arrangements for time-sharing as  
86 specified in the parenting plan as will best protect the child  
87 or abused spouse from further harm. Whether or not there is a  
88 conviction of any offense of domestic violence or child abuse or  
89 the existence of an injunction for protection against domestic  
90 violence, the court shall consider evidence of domestic violence  
91 or child abuse as evidence of detriment to the child.

92 ~~4.3.~~ In ordering shared parental responsibility, the court  
93 may consider the expressed desires of the parents and may grant  
94 to one party the ultimate responsibility over specific aspects  
95 of the child's welfare or may divide those responsibilities  
96 between the parties based on the best interests of the child.  
97 Areas of responsibility may include education, health care, and  
98 any other responsibilities that the court finds unique to a  
99 particular family.

100 ~~5.4.~~ The court shall order sole parental responsibility

101 for a minor child to one parent, with or without time-sharing  
 102 with the other parent if it is in the best interests of the  
 103 minor child.

104 6.5. There is a rebuttable presumption against granting  
 105 time-sharing with a minor child if a parent has been convicted  
 106 of or had adjudication withheld for an offense enumerated in s.  
 107 943.0435(1)(h)1.a., and at the time of the offense:

- 108 a. The parent was 18 years of age or older.
- 109 b. The victim was under 18 years of age or the parent  
 110 believed the victim to be under 18 years of age.

111  
 112 A parent may rebut the presumption upon a specific finding in  
 113 writing by the court that the parent poses no significant risk  
 114 of harm to the child and that time-sharing is in the best  
 115 interests of the minor child. If the presumption is rebutted,  
 116 the court must ~~shall~~ consider all time-sharing factors in  
 117 subsection (3) when developing a time-sharing schedule.

118 7.6. Access to records and information pertaining to a  
 119 minor child, including, but not limited to, medical, dental, and  
 120 school records, may not be denied to either parent. Full rights  
 121 under this subparagraph apply to either parent unless a court  
 122 order specifically revokes these rights, including any  
 123 restrictions on these rights as provided in a domestic violence  
 124 injunction. A parent having rights under this subparagraph has  
 125 the same rights upon request as to form, substance, and manner

126 | of access as are available to the other parent of a child,  
 127 | including, without limitation, the right to in-person  
 128 | communication with medical, dental, and education providers.

129 |       (3) For purposes of establishing or modifying parental  
 130 | responsibility and creating, developing, approving, or modifying  
 131 | a parenting plan, including a time-sharing schedule, which  
 132 | governs each parent's relationship with his or her minor child  
 133 | and the relationship between each parent with regard to his or  
 134 | her minor child, the best interest of the child shall be the  
 135 | primary consideration. A determination of parental  
 136 | responsibility, a parenting plan, or a time-sharing schedule may  
 137 | not be modified without a showing of a substantial, material,  
 138 | and unanticipated change in circumstances and a determination  
 139 | that the modification is in the best interests of the child.  
 140 | Determination of the best interests of the child shall be made  
 141 | by evaluating all of the factors affecting the welfare and  
 142 | interests of the particular minor child and the circumstances of  
 143 | that family, including, but not limited to:

144 |       (m) Evidence of domestic violence, sexual violence, child  
 145 | abuse, child abandonment, or child neglect or evidence that a  
 146 | parent has or has had reasonable cause to believe that he or she  
 147 | or his or her minor child is in imminent danger of becoming a  
 148 | victim of domestic violence, sexual violence, child abuse, child  
 149 | abandonment, or child neglect, regardless of whether a prior or  
 150 | pending action relating to those issues has been brought. If the

151 | court accepts evidence of prior or pending actions regarding  
 152 | domestic violence, sexual violence, child abuse, child  
 153 | abandonment, or child neglect, the court must specifically  
 154 | acknowledge in writing that such evidence was considered when  
 155 | evaluating the best interests of the child.

156 | Section 3. Paragraph (b) of subsection (6) of section  
 157 | 741.30, Florida Statutes, is amended to read:

158 | 741.30 Domestic violence; injunction; powers and duties of  
 159 | court and clerk; petition; notice and hearing; temporary  
 160 | injunction; issuance of injunction; statewide verification  
 161 | system; enforcement; public records exemption.-

162 | (6)

163 | (b) In determining whether a petitioner has reasonable  
 164 | cause to believe he or she is in imminent danger of becoming a  
 165 | victim of domestic violence, the court shall consider and  
 166 | evaluate all relevant factors alleged in the petition,  
 167 | including, but not limited to:

168 | 1. The history between the petitioner and the respondent,  
 169 | including threats, harassment, stalking, and physical abuse.

170 | 2. Whether the respondent has attempted to harm the  
 171 | petitioner or family members or individuals closely associated  
 172 | with the petitioner.

173 | 3. Whether the respondent has threatened to conceal,  
 174 | kidnap, or harm the petitioner's child or children.

175 | 4. Whether the respondent has intentionally injured or

176 killed a family pet.

177 5. Whether the respondent has used, or has threatened to  
178 use, against the petitioner any weapons such as guns or knives.

179 6. Whether the respondent has physically restrained the  
180 petitioner from leaving the home or calling law enforcement.

181 7. Whether the respondent has a criminal history involving  
182 violence or the threat of violence.

183 8. The existence of a verifiable order of protection  
184 issued previously or from another jurisdiction.

185 9. Whether the respondent has destroyed personal property,  
186 including, but not limited to, telephones or other  
187 communications equipment, clothing, or other items belonging to  
188 the petitioner.

189 10. Whether the respondent has or had engaged in a pattern  
190 of abusive, threatening, intimidating, or controlling behavior  
191 composed of a series of acts over a period of time, however  
192 short, which evidences a continuity of purpose and which  
193 reasonably causes the petitioner to believe that the petitioner  
194 or his or her minor child are in imminent danger of becoming a  
195 victim of domestic violence.

196 ~~11.10.~~ Whether the respondent engaged in any other  
197 behavior or conduct that leads the petitioner to have reasonable  
198 cause to believe that he or she is in imminent danger of  
199 becoming a victim of domestic violence.

200



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201 In making its determination under this paragraph, the court is  
202 not limited to those factors enumerated in subparagraphs 1.-11  
203 ~~1.-10~~.

204 Section 4. This act shall take effect July 1, 2023.