

26 (c) The court shall determine all matters relating to
27 parenting and time-sharing of each minor child of the parties in
28 accordance with the best interests of the child and in
29 accordance with the Uniform Child Custody Jurisdiction and
30 Enforcement Act, except that modification of a parenting plan
31 and time-sharing schedule requires a showing of a substantial,
32 material, and unanticipated change of circumstances.

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

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

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

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

51 violence as defined in s. 741.28 or sexual violence as defined
 52 in s. 784.046(1)(c) by the other parent against the parent or
 53 against the child or children whom the parents share in common
 54 regardless of whether a cause of action has been brought or is
 55 currently pending in the court.

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

63 d. Any other relevant factors.

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

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

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

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

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

75 (II) The victim was under 18 years of age or the parent

76 | believed the victim to be under 18 years of age.

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

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

101 ~~5.4.~~ The court shall order sole parental responsibility
102 for a minor child to one parent, with or without time-sharing
103 with the other parent if it is in the best interests of the
104 minor child.

105 ~~6.5.~~ There is a rebuttable presumption against granting
106 time-sharing with a minor child if a parent has been convicted
107 of or had adjudication withheld for an offense enumerated in s.
108 943.0435(1)(h)1.a., and at the time of the offense:

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

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

112

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

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

126 | the same rights upon request as to form, substance, and manner
127 | of access as are available to the other parent of a child,
128 | including, without limitation, the right to in-person
129 | communication with medical, dental, and education providers.

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

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

151 pending action relating to those issues has been brought. If the
 152 court accepts evidence of prior or pending actions regarding
 153 domestic violence, sexual violence, child abuse, child
 154 abandonment, or child neglect, the court must specifically
 155 acknowledge in writing that such evidence was considered when
 156 evaluating the best interests of the child.

157 Section 3. Paragraph (b) of subsection (3) and paragraph
 158 (b) of subsection (6) of section 741.30, Florida Statutes, are
 159 amended to read:

160 741.30 Domestic violence; injunction; powers and duties of
 161 court and clerk; petition; notice and hearing; temporary
 162 injunction; issuance of injunction; statewide verification
 163 system; enforcement; public records exemption.—

164 (3)

165 (b) The sworn petition shall be in substantially the
 166 following form:

167 PETITION FOR
 168 INJUNCTION FOR PROTECTION
 169 AGAINST DOMESTIC VIOLENCE

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

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

174 (Petitioner may furnish address to the court in a separate
 175 confidential filing if, for safety reasons, the petitioner

176 requires the location of the current residence to be
 177 confidential.)

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

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

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

182 Race.....

183 Sex.....

184 Date of birth.....

185 Height.....

186 Weight.....

187 Eye color.....

188 Hair color.....

189 Distinguishing marks or scars.....

190 (e) Aliases of respondent:

191 (f) Respondent is the spouse or former spouse of the
 192 petitioner or is any other person related by blood or marriage
 193 to the petitioner or is any other person who is or was residing
 194 within a single dwelling unit with the petitioner, as if a
 195 family, or is a person with whom the petitioner has a child in
 196 common, regardless of whether the petitioner and respondent are
 197 or were married or residing together, as if a family.

198 (g) The following describes any other cause of action
 199 currently pending between the petitioner and respondent:

200 The petitioner should also describe any previous or pending

201 attempts by the petitioner to obtain an injunction for
202 protection against domestic violence in this or any other
203 circuit, and the results of that attempt:.....

204 Case numbers should be included if available.

205 (h) Petitioner is either a victim of domestic violence or
206 has reasonable cause to believe he or she is in imminent danger
207 of becoming a victim of domestic violence because respondent
208 has: ...(mark all sections that apply and describe in the spaces
209 below the incidents of violence or threats of violence,
210 specifying when and where they occurred, including, but not
211 limited to, locations such as a home, school, place of
212 employment, or visitation exchange)...

213
214

215committed or threatened to commit domestic violence
216 defined in s. 741.28, Florida Statutes, as any assault,
217 aggravated assault, battery, aggravated battery, sexual assault,
218 sexual battery, stalking, aggravated stalking, kidnapping, false
219 imprisonment, or any criminal offense resulting in physical
220 injury or death of one family or household member by another.
221 With the exception of persons who are parents of a child in
222 common, the family or household members must be currently
223 residing or have in the past resided together in the same single
224 dwelling unit.

225previously threatened, harassed, stalked, or physically

226 | abused the petitioner.

227 | attempted to harm the petitioner or family members or
228 | individuals closely associated with the petitioner.

229 | threatened to conceal, kidnap, or harm the petitioner's
230 | child or children.

231 | intentionally injured or killed a family pet.

232 | used, or has threatened to use, against the petitioner
233 | any weapons such as guns or knives.

234 | physically restrained the petitioner from leaving the
235 | home or calling law enforcement.

236 | a criminal history involving violence or the threat of
237 | violence (if known).

238 | another order of protection issued against him or her
239 | previously or from another jurisdiction (if known).

240 | destroyed personal property, including, but not limited
241 | to, telephones or other communication equipment, clothing, or
242 | other items belonging to the petitioner.

243 | engaged in a pattern of abusive, threatening,
244 | intimidating, or controlling behavior composed of a series of
245 | acts over a period of time, however short.

246 | engaged in any other behavior or conduct that leads the
247 | petitioner to have reasonable cause to believe he or she is in
248 | imminent danger of becoming a victim of domestic violence.

249 | (i) Petitioner alleges the following additional specific
250 | facts: ... (mark appropriate sections)...

251 A minor child or minor children reside with the
252 petitioner whose names and ages are as follows:.....

253

254 Petitioner needs the exclusive use and possession of
255 the dwelling that the parties share.

256 Petitioner is unable to obtain safe alternative housing
257 because:.....

258

259 Petitioner genuinely fears that respondent imminently
260 will abuse, remove, or hide the minor child or children from
261 petitioner because:.....

262

263 (j) Petitioner genuinely fears imminent domestic violence
264 by respondent.

265 (k) Petitioner seeks an injunction: ...(mark appropriate
266 section or sections)...

267 Immediately restraining the respondent from committing
268 any acts of domestic violence.

269 Restraining the respondent from committing any acts of
270 domestic violence.

271 Awarding to the petitioner the temporary exclusive use
272 and possession of the dwelling that the parties share or
273 excluding the respondent from the residence of the petitioner.

274 Providing a temporary parenting plan, including a
275 temporary time-sharing schedule, with regard to the minor child

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

276 or children of the parties which might involve prohibiting or
277 limiting time-sharing or requiring that it be supervised by a
278 third party.

279Establishing temporary support for the minor child or
280 children or the petitioner.

281Directing the respondent to participate in a batterers'
282 intervention program.

283Providing any terms the court deems necessary for the
284 protection of a victim of domestic violence, or any minor
285 children of the victim, including any injunctions or directives
286 to law enforcement agencies.

287 (6)

288 (b) In determining whether a petitioner has reasonable
289 cause to believe he or she is in imminent danger of becoming a
290 victim of domestic violence, the court shall consider and
291 evaluate all relevant factors alleged in the petition,
292 including, but not limited to:

293 1. The history between the petitioner and the respondent,
294 including threats, harassment, stalking, and physical abuse.

295 2. Whether the respondent has attempted to harm the
296 petitioner or family members or individuals closely associated
297 with the petitioner.

298 3. Whether the respondent has threatened to conceal,
299 kidnap, or harm the petitioner's child or children.

300 4. Whether the respondent has intentionally injured or

301 killed a family pet.

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

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

306 7. Whether the respondent has a criminal history involving
307 violence or the threat of violence.

308 8. The existence of a verifiable order of protection
309 issued previously or from another jurisdiction.

310 9. Whether the respondent has destroyed personal property,
311 including, but not limited to, telephones or other
312 communications equipment, clothing, or other items belonging to
313 the petitioner.

314 10. Whether the respondent has or had engaged in a pattern
315 of abusive, threatening, intimidating, or controlling behavior
316 composed of a series of acts over a period of time, however
317 short, which evidences a continuity of purpose and which
318 reasonably causes the petitioner to believe that the petitioner
319 or his or her minor child are in imminent danger of becoming a
320 victim of domestic violence.

321 ~~11.10.~~ Whether the respondent engaged in any other
322 behavior or conduct that leads the petitioner to have reasonable
323 cause to believe that he or she is in imminent danger of
324 becoming a victim of domestic violence.

325

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326 | In making its determination under this paragraph, the court is
327 | not limited to those factors enumerated in subparagraphs 1.-11
328 | ~~1.-10~~.

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