

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Burton offered the following:

2
3 **Substitute Amendment for Amendment (854493) (with title**
4 **amendment)**

5 Between lines 431 and 432, insert:

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

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

12 (3) For purposes of establishing or modifying parental
13 responsibility and creating, developing, approving, or modifying
14 a parenting plan, including a time-sharing schedule, which

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

38 (a) The demonstrated capacity and disposition of each
39 parent to facilitate and encourage a close and continuing

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40 parent-child relationship, to honor the time-sharing schedule,
41 and to be reasonable when changes are required.

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

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

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

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

56 (f) The moral fitness of the parents.

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

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

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

62 (j) The demonstrated knowledge, capacity, and disposition
63 of each parent to be informed of the circumstances of the minor
64 child, including, but not limited to, the child's friends,

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65 teachers, medical care providers, daily activities, and favorite
66 things.

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

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

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

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

88 (o) The particular parenting tasks customarily performed
89 by each parent and the division of parental responsibilities
90 before the institution of litigation and during the pending

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91 litigation, including the extent to which parenting
92 responsibilities were undertaken by third parties.

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

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

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

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

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

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

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116 (2)(c)1. No findings shall be required when the parties have
117 entered into an agreement regarding timesharing.

118 Section 4. Paragraph (b) of subsection (1) of section
119 61.1827, Florida Statutes, is amended to read:

120 61.1827 Identifying information concerning applicants for
121 and recipients of child support services.-

122 (1) Any information that reveals the identity of
123 applicants for or recipients of child support services,
124 including the name, address, and telephone number of such
125 persons, held by a non-Title IV-D county child support
126 enforcement agency is confidential and exempt from s. 119.07(1)
127 and s. 24(a) of Art. I of the State Constitution. The use or
128 disclosure of such information by the non-Title IV-D county
129 child support enforcement agency is limited to the purposes
130 directly connected with:

131 (b) Mandatory disclosure of identifying and location
132 information as provided in s. 61.13(8) ~~61.13(7)~~ by the non-Title
133 IV-D county child support enforcement agency when providing non-
134 Title IV-D services;

135 Section 5. Paragraph (e) of subsection (1) of section
136 409.2579, Florida Statutes, is amended to read:

137 409.2579 Safeguarding Title IV-D case file information.-

138 (1) Information concerning applicants for or recipients of
139 Title IV-D child support services is confidential and exempt
140 from the provisions of s. 119.07(1). The use or disclosure of

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141 such information by the IV-D program is limited to purposes
142 directly connected with:

143 (e) Mandatory disclosure of identifying and location
144 information as provided in s. 61.13(8) ~~61.13(7)~~ by the IV-D
145 program when providing Title IV-D services.

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

149 Remove line 23 and insert:

150 participation in alimony depository; amending s. 61.13,
151 F.S.; declaring public policy concerning a child's
152 interests regarding time sharing in custody and support
153 proceedings; requiring a court to make written findings
154 when determining time sharing in certain circumstances;
155 amending ss. 61.1827 and 409.2579, F.S.; conforming cross-
156 references; amending s.

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