

CHAPTER 2017-80

Committee Substitute for House Bill No. 329

An act relating to child protection; amending s. 61.13, F.S.; prohibiting a time-sharing plan from requiring or being interpreted to require visitation at a recovery residence between specified hours; providing exceptions; requiring the court to consider certain factors to determine the best interest of the child; prohibiting the court from ordering visitation at a recovery residence under specified circumstances; amending s. 397.487, F.S.; authorizing a certified recovery residence to allow a minor child to visit a recovery residence, excluding visits during specified hours; providing exceptions; prohibiting a certified recovery residence from allowing visitation under specified circumstances; providing an effective date.

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

Section 1. Subsection (9) is added to section 61.13, Florida Statutes, to read:

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

(9)(a) A time-sharing plan may not require that a minor child visit a parent who is a resident of a recovery residence, as defined by s. 397.311, between the hours of 9 p.m. and 7 a.m., unless the court makes a specific finding that such visitation is in the best interest of the child. In determining the best interest of the minor child in such cases, the court shall take into account factors including, but not limited to, whether the parent resides in a specialized residence for pregnant women or parents whose children reside with them, the number of adults living in the recovery residence, and the parent's level of recovery.

(b) A time-sharing plan that does not mention a recovery residence may not be interpreted to require that a minor child visit a parent who is a resident of a recovery residence, as defined by s. 397.311, between the hours of 9 p.m. and 7 a.m.

(c) A court may not order visitation at a recovery residence if any resident of the recovery residence is currently required to register as a sexual predator under s. 775.21 or as a sexual offender under s. 943.0435.

Section 2. Subsection (10) is added to section 397.487, Florida Statutes, to read:

397.487 Voluntary certification of recovery residences.—

(10)(a) A certified recovery residence may allow a minor child to visit a parent who is a resident of the recovery residence, provided that a minor

child may not visit or remain in the recovery residence between the hours of 9 p.m. and 7 a.m. unless:

1. A court makes a specific finding that such visitation is in the best interest of the minor child; or

2. The recovery residence is a specialized residence for pregnant women or parents whose children reside with them. Such recovery residences may allow children to visit or reside in the residence if the parent does not yet have a time-sharing plan pursuant to s. 61.13, provided that the parent files with the court for establishment of a plan within 14 days of moving into the residence.

(b) A certified recovery residence may not allow a minor child to visit a parent who is a resident of the recovery residence at any time if any resident of the recovery residence is currently required to register as a sexual predator under s. 775.21 or as a sexual offender under s. 943.0435.

Section 3. This act shall take effect July 1, 2017.

Approved by the Governor June 9, 2017.

Filed in Office Secretary of State June 9, 2017.