

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 The Committee on Child & Family Security offered the  
12 following:

14 **Amendment to Amendment (862887) (with title amendment)**

15 On page 1, line 1

16 remove: everything after the enacting clause

18 and insert:

19 Section 1. Subsection (7) of section 39.502, Florida  
20 Statutes, is amended to read:

21 (7) Service of the summons and service of pleadings,  
22 papers, and notices subsequent to the summons on persons  
23 outside this state must be made pursuant to section 9 of the  
24 Uniform Child Custody Jurisdiction and Enforcement Act ~~s.~~  
25 ~~61.1312.~~

26 Section 2. Paragraph (b) of subsection (2) of section  
27 61.13, Florida Statutes, is amended to read and paragraph (e)  
28 is created to read:

29 61.13 Custody and support of children; visitation  
30 rights; power of court in making orders.--

31 (2)

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1           (b)1. The court shall determine all matters relating  
2 to custody of each minor child of the parties in accordance  
3 with the best interests of the child and in accordance with  
4 the Uniform Child Custody Jurisdiction and Enforcement Act. It  
5 is the public policy of this state to assure that each minor  
6 child has frequent and continuing contact with both parents  
7 after the parents separate or the marriage of the parties is  
8 dissolved and to encourage parents to share the rights and  
9 responsibilities, and joys, of childrearing. After considering  
10 all relevant facts, the father of the child shall be given the  
11 same consideration as the mother in determining the primary  
12 residence of a child irrespective of the age or sex of the  
13 child.

14           2(e) When either parent materially violates a  
15 visitation or custody order without proper cause or consent of  
16 the other parent, in addition to any other remedies and  
17 sanctions provided at law, the court may order the violating  
18 party to post a bond or other security sufficient to provide  
19 for damages to the other party for any future violation.  
20 Violation of a visitation order shall include failure of  
21 either parent to provide care for a child during a time  
22 designated in a court order for him or her to be responsible  
23 for the child. It shall not constitute a material violation of  
24 a visitation or custody order in cases where a parent who is  
25 the victim of any act of domestic violence or who has  
26 reasonable cause to believe he or she is about to become the  
27 victim of any act of domestic violence, as defined in s.  
28 741.28, or believes that his or her action was necessary to  
29 preserve the child from danger to his or her welfare seeks  
30 shelter from such acts or possible acts and takes with him or  
31 her, or conceals, any child 17 years of age or younger.

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1           1. Upon a future material violation, the proceeds of  
2 any bond or other security posted pursuant to this subsection  
3 may be used to reimburse the nonviolating party for actual  
4 costs or damages, including without limitation the costs to  
5 locate and return the child, reasonable attorney's fees and  
6 costs, and lost wages or child care expenses.

7           2. A party shall not be required to post a bond under  
8 this section in an amount which causes the cost of obtaining  
9 the bond to be greater than the party's ability to pay. Any  
10 deficiency of bond or security shall not absolve the violating  
11 party of responsibility to pay the full amount of damages  
12 determined by the court.

13           3. Any remaining proceeds shall be held as further  
14 security if deemed necessary by the court, and if further  
15 security is not found to be necessary; applied to any child  
16 support arrears owed by the parent against whom the bond was  
17 required, and if no arrears exists; all remaining proceeds  
18 will be allocated by the court in the best interest of the  
19 child.

20           Section 3. (1) In a proceeding in which the court  
21 enters an order of child custody or visitation, including in a  
22 modification proceeding, upon the presentation of competent  
23 substantial evidence that there is a risk that one party may  
24 violate the court's order of visitation or custody by removing  
25 a child from this state or country or by concealing the  
26 whereabouts of a child, or upon stipulation of the parties,  
27 the court may:

28           (a) Order that a parent may not remove the child from  
29 this state without the notarized written permission of both  
30 parents or further court order;

31           (b) Order that a parent may not remove the child from

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1 this country without the notarized written permission of both  
2 parents or further court order;

3 (c) Order that a parent may not take the child to a  
4 country that has not ratified or acceded to the Hague  
5 Convention on the Civil Aspects of International Child  
6 Abduction unless the other parent agrees in writing that the  
7 child may be taken to the country; or

8 (d) Require a parent to surrender the passport of the  
9 child;

10 (e) Require that party to post bond or other security.

11 (2) If the court enters an order of child custody or  
12 visitation, including in a modification proceeding, that  
13 includes a provision entered under (b) or (c) a certified copy  
14 of the order should be sent by the parent who requested the  
15 restriction to the Passport Services Office of the U.S.  
16 Department of State requesting that they not issue a passport  
17 to the child without their signature or further court order.

18 (3) In assessing the need for a bond or other  
19 security, the court may consider any reasonable factor bearing  
20 upon the risk that a party may violate a visitation or custody  
21 order by removing a child from this state or country or by  
22 concealing the whereabouts of a child, including but not  
23 limited to whether:

24 (a) A court has previously found that a party  
25 previously removed a child from Florida or another state in  
26 violation of a custody or visitation order, or whether a court  
27 had found that a party has threatened to take a child out of  
28 Florida or another state in violation of a custody or  
29 visitation order;

30 (b) Proceedings under s. 787.03;

31 (c) The party has strong family and community ties to

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1 Florida or to other states or countries, including whether the  
2 party or child is a citizen of another country;

3 (d) The party has strong financial reasons to remain  
4 in Florida or to relocate to another state or country;

5 (e) The party has engaged in activities that suggest  
6 plans to leave Florida, such as quitting employment; sale of a  
7 residence or termination of a lease on a residence, without  
8 efforts to acquire an alternative residence in the state;  
9 closing bank accounts or otherwise liquidating assets; or  
10 applying for a passport;

11 (f) Either party has had a history of domestic  
12 violence as either a victim or perpetrator, child abuse or  
13 child neglect evidenced by criminal history, including but not  
14 limited to, arrest, an injunction for protection against  
15 domestic violence issued after notice and hearing under s.  
16 741.30, medical records, affidavits, or any other relevant  
17 information; or

18 (g) The party has a criminal record.

19 (4) A party shall not be required to post a bond under  
20 this section in an amount which causes the cost of obtaining  
21 the bond to be greater than the party's ability to pay. Any  
22 deficiency of bond or security shall not absolve the violating  
23 party of responsibility to pay the full amount of damages  
24 determined by the court.

25 (5) Upon a material violation of any custody or  
26 visitation order entered under this section, the court may  
27 order the bond forfeited in whole or in part. It shall not  
28 constitute a material violation of a visitation or custody  
29 order in cases where a parent who is the victim of any act of  
30 domestic violence or who has reasonable cause to believe he or  
31 she is about to become the victim of any act of domestic

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1 violence, as defined in s. 741.28, or believes that his or her  
2 action was necessary to preserve the child from danger to his  
3 or her welfare seeks shelter from such acts or possible acts  
4 and takes with him or her, or conceals, any child 17 years of  
5 age or younger. Upon an order of forfeiture, the proceeds of  
6 any bond or other security posted pursuant to this subsection  
7 may only be used to:

8 (a) Reimburse the nonviolating party for actual costs  
9 or damages incurred in upholding the court's order of custody  
10 or visitation.

11 (b) Locate and return the child to the residence as  
12 set forth in the visitation or custody order.

13 (c) Reimburse reasonable fees and costs as determined  
14 by the court.

15 (d) Any remaining proceeds shall be:

16 1. held as further security if deemed necessary by the  
17 court, and if further security is not found to be necessary;

18 2. applied to any child support arrears owed by the  
19 parent against whom the bond was required, and if no arrears  
20 exists;

21 3. all remaining proceeds will be allocated by the  
22 court in the best interest of the child.

23 Section 4. Short title.--Sections 1 through 43 of this  
24 act may be cited as the "Uniform Child Custody Jurisdiction  
25 and Enforcement Act."

26 Section 5. Purposes of act; construction of  
27 provisions.--The general purposes of this act are to:

28 (1) Avoid jurisdictional competition and conflict with  
29 courts of other states in matters of child custody which have  
30 in the past resulted in the shifting of children from state to  
31 state with harmful effects on their well-being.

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1           (2) Promote cooperation with the courts of other  
2 states to the end that a custody decree is rendered in the  
3 state which can best decide the case in the interest of the  
4 child.

5           (3) Discourage the use of the interstate system for  
6 continuing controversies over child custody.

7           (4) Deter abductions.

8           (5) Avoid relitigation of custody decisions of other  
9 states in this state.

10           (6) Facilitate the enforcement of custody decrees of  
11 other states.

12           (7) Promote and expand the exchange of information and  
13 other forms of mutual assistance between the courts of this  
14 state and those of other states concerned with the same child.

15           (8) Make uniform the law with respect to the subject  
16 of this act among states enacting it.

17           Section 6. Definitions.--As used in sections 1 through  
18 43 of this act, the term:

19           (1) "Abandoned" means left without provision for  
20 reasonable and necessary care or supervision.

21           (2) "Child" means an individual who has not attained  
22 18 years of age.

23           (3) "Child custody determination" means a judgment,  
24 decree, or other order of a court providing for the legal  
25 custody, physical custody, or visitation with respect to a  
26 child. The term includes a permanent, temporary, initial, and  
27 modification order. The term does not include an order  
28 relating to child support or other monetary obligation of an  
29 individual.

30           (4) "Child custody proceeding" means a proceeding in  
31 which legal custody, physical custody, or visitation with

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1 respect to a child is an issue. The term includes a proceeding  
2 for divorce, separation, neglect, abuse, dependency,  
3 guardianship, paternity, termination of parental rights, and  
4 protection from domestic violence, in which the issue may  
5 appear. The term does not include a proceeding involving  
6 juvenile delinquency, contractual emancipation, or enforcement  
7 under sections 24 through 40.

8 (5) "Commencement" means the filing of the first  
9 pleading in a proceeding.

10 (6) "Court" means an entity authorized under the law  
11 of a state to establish, enforce, or modify a child custody  
12 determination.

13 (7) "Home state" means the state in which a child  
14 lived with a parent or a person acting as a parent for at  
15 least 6 consecutive months immediately before the commencement  
16 of a child custody proceeding. In the case of a child less  
17 than 6 months of age, the term means the state in which the  
18 child lived from birth with any of the persons mentioned. A  
19 period of temporary absence of any of the mentioned persons is  
20 part of the period.

21 (8) "Initial determination" means the first child  
22 custody determination concerning a particular child.

23 (9) "Issuing court" means the court that makes a child  
24 custody determination for which enforcement is sought under  
25 this act.

26 (10) "Issuing state" means the state in which a child  
27 custody determination is made.

28 (11) "Modification" means a child custody  
29 determination that changes, replaces, supersedes, or is  
30 otherwise made after a previous determination concerning the  
31 same child, whether or not it is made by the court that made



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1 the previous determination.

2 (12) "Person" means an individual, corporation,  
3 business trust, estate, trust, partnership, limited liability  
4 company, association, joint venture, or government;  
5 governmental subdivision, agency, instrumentality, or public  
6 corporation; or any other legal or commercial entity.

7 (13) "Person acting as a parent" means a person, other  
8 than a parent, who:

9 (a) Has physical custody of the child or has had  
10 physical custody for a period of 6 consecutive months,  
11 including any temporary absence, within 1 year immediately  
12 before the commencement of a child custody proceeding; and

13 (b) Has been awarded legal custody by a court or  
14 claims a right to legal custody under the law of this state.

15 (14) "Physical custody" means the physical care and  
16 supervision of a child.

17 (15) "State" means a state of the United States, the  
18 District of Columbia, Puerto Rico, the United States Virgin  
19 Islands, or any territory or insular possession subject to the  
20 jurisdiction of the United States.

21 (16) "Tribe" means an Indian tribe, or band, or  
22 Alaskan Native village which is recognized by federal law or  
23 formally acknowledged by a state.

24 (17) "Warrant" means an order issued by a court  
25 authorizing law enforcement officers to take physical custody  
26 of a child.

27 Section 7. Proceedings governed by other law.--This  
28 act does not govern an adoption proceeding or a proceeding  
29 pertaining to the authorization of emergency medical care for  
30 a child.

31 Section 8. Application to Indian tribes.--

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1           (1) A child custody proceeding that pertains to an  
2 Indian child as defined in the Indian Child Welfare Act, 25  
3 U.S.C.. s. 1901 et seq., is not subject to this act to the  
4 extent that it is governed by the Indian Child Welfare Act.

5           (2) A court of this state shall treat a tribe as if it  
6 were a state of the United States for purposes of applying  
7 sections 1 through 23.

8           (3) A child custody determination made by a tribe  
9 under factual circumstances in substantial conformity with the  
10 jurisdictional standards of this act must be recognized and  
11 enforced under sections 24 through 40.

12           Section 9. International application of act.--

13           (1) A court of this state shall treat a foreign  
14 country as if it were a state of the United States for  
15 purposes of applying sections 1 through 23.

16           (2) Except as otherwise provided in subsection (3), a  
17 child custody determination made in a foreign country under  
18 factual circumstances in substantial conformity with the  
19 jurisdictional standards of this act must be recognized and  
20 enforced under sections 24 through 40.

21           (3) A court of this state need not apply this act if  
22 the child custody law of a foreign country violates  
23 fundamental principles of human rights.

24           Section 10. Effect of child custody determination.--A  
25 child custody determination made by a court of this state that  
26 had jurisdiction under this act binds all persons who have  
27 been served in accordance with the laws of this state or  
28 notified in accordance with section 9 or who have submitted to  
29 the jurisdiction of the court, and who have been given an  
30 opportunity to be heard. As to those persons, the  
31 determination is conclusive as to all decided issues of law

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1 and fact except to the extent the determination is modified.

2       Section 11. Priority.--If a question of existence or  
3 exercise of jurisdiction under this act is raised in a child  
4 custody proceeding, the question, upon request of a party,  
5 must be given priority on the calendar and handled  
6 expeditiously.

7       Section 12. Notice to persons outside the state.--

8       (1) Notice required for the exercise of jurisdiction  
9 when a person is outside this state may be given in a manner  
10 prescribed by the laws of this state for the service of  
11 process or by the laws of the state in which the service is  
12 made. Notice must be given in a manner reasonably calculated  
13 to give actual notice, but may be by publication if other  
14 means are not effective.

15       (2) Proof of service may be made in the manner  
16 prescribed by the law of this state or by the law of the state  
17 in which the service is made.

18       (3) Notice is not required for the exercise of  
19 jurisdiction with respect to a person who submits to the  
20 jurisdiction of the court.

21       Section 13. Appearance and limited immunity.--

22       (1) A party to a child custody proceeding, including a  
23 modification proceeding, or a petitioner or respondent in a  
24 proceeding to enforce or register a child custody  
25 determination, is not subject to personal jurisdiction in this  
26 state for another proceeding or purpose solely by reason of  
27 having participated, or of having been physically present for  
28 the purpose of participating, in the proceeding.

29       (2) A person who is subject to personal jurisdiction  
30 in this state on a basis other than physical presence is not  
31 immune from service of process in this state. A party present

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1 in this state who is subject to the jurisdiction of another  
2 state is not immune from service of process allowable under  
3 the laws of that state.

4 (3) The immunity granted by subsection (1) does not  
5 extend to civil litigation based on acts unrelated to the  
6 participation in a proceeding under this act committed by an  
7 individual while present in this state.

8 Section 14. Communication between courts.--

9 (1) A court of this state may communicate with a court  
10 in another state concerning a proceeding arising under this  
11 act.

12 (2) The court may allow the parties to participate in  
13 the communication. If the parties are not able to participate  
14 in the communication, they must be given the opportunity to  
15 present facts and legal arguments before a decision on  
16 jurisdiction is made.

17 (3) Communication between courts on schedules,  
18 calendars, court records, and similar matters may occur  
19 without informing the parties. A record need not be made of  
20 the communication.

21 (4) Except as otherwise provided in subsection (3), a  
22 record must be made of a communication under this section. The  
23 parties must be informed promptly of the communication and  
24 granted access to the record.

25 (5) For the purposes of this section, "record" means  
26 information that is inscribed on a tangible medium or that is  
27 stored in an electronic or other medium and is retrievable in  
28 perceivable form.

29 Section 15. Taking testimony in another state.--

30 (1) In addition to other procedures available to a  
31 party, a party to a child custody proceeding may offer

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1 testimony of witnesses who are located in another state,  
2 including testimony of the parties and the child, by  
3 deposition or other means allowable in this state for  
4 testimony taken in another state. The court on its own motion  
5 may order that the testimony of a person be taken in another  
6 state and may prescribe the manner in which and the terms upon  
7 which the testimony is taken.

8 (2) A court of this state may permit an individual  
9 residing in another state to be deposed or to testify by  
10 telephone, audiovisual means, or other electronic means before  
11 a designated court or at another location in that state. A  
12 court of this state shall cooperate with courts of other  
13 states in designating an appropriate location for the  
14 deposition or testimony.

15 (3) Documentary evidence transmitted from another  
16 state to a court of this state by technological means that do  
17 not produce an original writing may not be excluded from  
18 evidence on an objection based on the means of transmission.

19 Section 16. Cooperation between courts; preservation  
20 of records.--

21 (1) A court of this state may request the appropriate  
22 court of another state to:

23 (a) Hold an evidentiary hearing;

24 (b) Order a person to produce or give evidence  
25 pursuant to procedures of that state;

26 (c) Order that an evaluation be made with respect to  
27 the custody of a child involved in a pending proceeding;

28 (d) Forward to the court of this state a certified  
29 copy of the transcript of the record of the hearing, the  
30 evidence otherwise presented, and any evaluation prepared in  
31 compliance with the request; and

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1       (e) Order a party to a child custody proceeding or any  
2 person having physical custody of the child to appear in the  
3 proceeding with or without the child.

4       (2) Upon request of a court of another state, a court  
5 of this state may hold a hearing or enter an order described  
6 in subsection (1).

7       (3) Travel and other necessary and reasonable expenses  
8 incurred under subsections (1) and (2) may be assessed against  
9 the parties according to the laws of this state.

10       (4) A court of this state shall preserve the  
11 pleadings, orders, decrees, records of hearings, evaluations,  
12 and other pertinent records with respect to a child custody  
13 proceeding until the child attains 18 years of age. Upon  
14 appropriate request by a court or law enforcement official of  
15 another state, the court shall forward a certified copy of  
16 these records.

17       Section 17. Initial child custody jurisdiction.--

18       (1) Except as otherwise provided in section 17, a  
19 court of this state has jurisdiction to make an initial child  
20 custody determination only if:

21       (a) This state is the home state of the child on the  
22 date of the commencement of the proceeding, or was the home  
23 state of the child within 6 months before the commencement of  
24 the proceeding and the child is absent from this state but a  
25 parent or person acting as a parent continues to live in this  
26 state;

27       (b) A court of another state does not have  
28 jurisdiction under paragraph (a), or a court of the home state  
29 of the child has declined to exercise jurisdiction on the  
30 ground that this state is the more appropriate forum under  
31 section 20 or section 21, and:

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1           1. The child and the child's parents, or the child and  
2 at least one parent or a person acting as a parent, have a  
3 significant connection with this state other than mere  
4 physical presence; and

5           2. Substantial evidence is available in this state  
6 concerning the child's care, protection, training, and  
7 personal relationships;

8           (c) All courts having jurisdiction under paragraph (a)  
9 or paragraph (b) have declined to exercise jurisdiction on the  
10 ground that a court of this state is the more appropriate  
11 forum to determine the custody of the child under section 20  
12 or section 21; or

13           (d) No court of any other state would have  
14 jurisdiction under the criteria specified in paragraph (a),  
15 paragraph (b), or paragraph (c).

16           (2) Subsection (1) is the exclusive jurisdictional  
17 basis for making a child custody determination by a court of  
18 this state.

19           (3) Physical presence of, or personal jurisdiction  
20 over, a party or a child is not necessary or sufficient to  
21 make a child custody determination.

22           Section 18. Exclusive, continuing jurisdiction.--

23           (1) Except as otherwise provided in section 17, a  
24 court of this state which has made a child custody  
25 determination consistent with section 14 or section 16 has  
26 exclusive, continuing jurisdiction over the determination  
27 until:

28           (a) A court of this state determines that the child,  
29 the child's parents, and any person acting as a parent do not  
30 have a significant connection with this state and that  
31 substantial evidence is no longer available in this state

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1 concerning the child's care, protection, training, and  
2 personal relationships; or

3 (b) A court of this state or a court of another state  
4 determines that the child, the child's parent, and any person  
5 acting as a parent do not presently reside in this state.

6 (2) A court of this state that has made a child  
7 custody determination and does not have exclusive, continuing  
8 jurisdiction under this section may modify that determination  
9 only if it has jurisdiction to make an initial determination  
10 under section 14.

11 Section 19. Jurisdiction to modify  
12 determination.--Except as otherwise provided in section 17, a  
13 court of this state may not modify a child custody  
14 determination made by a court of another state unless a court  
15 of this state has jurisdiction to make an initial  
16 determination under section 14(1)(a) or (b) and:

17 (1) The court of the other state determines it no  
18 longer has exclusive, continuing jurisdiction under section 15  
19 or that a court of this state would be a more convenient forum  
20 under section 20; or

21 (2) A court of this state or a court of the other  
22 state determines that the child, the child's parents, and any  
23 person acting as a parent do not presently reside in the other  
24 state.

25 Section 20. Temporary emergency jurisdiction.--

26 (1) A court of this state has temporary emergency  
27 jurisdiction if the child is present in this state and the  
28 child has been abandoned or it is necessary in an emergency to  
29 protect the child because the child, or a sibling or parent of  
30 the child, is subjected to or threatened with mistreatment or  
31 abuse.



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1           (2) If there is no previous child custody  
2 determination that is entitled to be enforced under this act,  
3 and a child custody proceeding has not been commenced in a  
4 court of a state having jurisdiction under sections 14 through  
5 16, a child custody determination made under this section  
6 remains in effect until an order is obtained from a court of a  
7 state having jurisdiction under sections 14 through 16. If a  
8 child custody proceeding has not been or is not commenced in a  
9 court of a state having jurisdiction under sections 14 through  
10 16, a child custody determination made under this section  
11 becomes a final determination, if it so provides and this  
12 state becomes the home state of the child.

13           (3) If there is a previous child custody determination  
14 that is entitled to be enforced under this act, or a child  
15 custody proceeding has been commenced in a court of a state  
16 having jurisdiction under sections 14 through 16, any order  
17 issued by a court of this state under this section must  
18 specify in the order a period which the court considers  
19 adequate to allow the person seeking an order to obtain an  
20 order from the state having jurisdiction under sections 14  
21 through 16. The order issued in this state remains in effect  
22 until an order is obtained from the other state within the  
23 period specified or the period expires.

24           (4) A court of this state which has been asked to make  
25 a child custody determination under this section, upon being  
26 informed that a child custody proceeding has been commenced  
27 in, or a child custody determination has been made by, a court  
28 of a state having jurisdiction under sections 14 through 16,  
29 shall immediately communicate with the other court. A court of  
30 this state which is exercising jurisdiction pursuant to  
31 sections 14 through 16, upon being informed that a child

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1 custody proceeding has been commenced in, or a child custody  
2 determination has been made by, a court of another state under  
3 a statute similar to this section shall immediately  
4 communicate with the court of that state to resolve the  
5 emergency, protect the safety of the parties and the child,  
6 and determine a period for the duration of the temporary  
7 order.

8           Section 21. Notice; opportunity to be heard;  
9 joinder.--

10           (1) Before a child custody determination is made under  
11 this act, notice and an opportunity to be heard in accordance  
12 with the standards of section 9 must be given to all persons  
13 entitled to notice under the laws of this state as in child  
14 custody proceedings between residents of this state, any  
15 parent whose parental rights have not been previously  
16 terminated, and any person having physical custody of the  
17 child.

18           (2) This act does not govern the enforceability of a  
19 child custody determination made without notice or an  
20 opportunity to be heard.

21           (3) The obligation to join a party and the right to  
22 intervene as a party in a child custody proceeding under this  
23 act are governed by the laws of this state as in child custody  
24 proceedings between residents of this state.

25           Section 22. Simultaneous proceedings.--

26           (1) Except as otherwise provided in section 17, a  
27 court of this state may not exercise its jurisdiction under  
28 sections 14 through 24 if, at the time of the commencement of  
29 the proceeding, a proceeding concerning the custody of the  
30 child had been commenced in a court of another state having  
31 jurisdiction substantially in conformity with this act, unless

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1 the proceeding has been terminated or is stayed by the court  
2 of the other state because a court of this state is a more  
3 convenient forum under section 20.

4 (2) Except as otherwise provided in section 17, a  
5 court of this state, before hearing a child custody  
6 proceeding, shall examine the court documents and other  
7 information supplied by the parties pursuant to section 22. If  
8 the court determines that a child custody proceeding was  
9 previously commenced in a court in another state having  
10 jurisdiction substantially in accordance with this act, the  
11 court of this state shall stay its proceeding and communicate  
12 with the court of the other state. If the court of the state  
13 having jurisdiction substantially in accordance with this act  
14 does not determine that the court of this state is a more  
15 appropriate forum, the court of this state shall dismiss the  
16 proceeding.

17 (3) In a proceeding to modify a child custody  
18 determination, a court of this state shall determine whether a  
19 proceeding to enforce the determination has been commenced in  
20 another state. If a proceeding to enforce a child custody  
21 determination has been commenced in another state, the court  
22 may:

23 (a) Stay the proceeding for modification pending the  
24 entry of an order of a court of the other state enforcing,  
25 staying, denying, or dismissing the proceeding for  
26 enforcement;

27 (b) Enjoin the parties from continuing with the  
28 proceeding for enforcement; or

29 (c) Proceed with the modification under conditions it  
30 considers appropriate.

31 Section 23. Inconvenient forum.--

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1           (1) A court of this state which has jurisdiction under  
2 this act to make a child custody determination may decline to  
3 exercise its jurisdiction at any time if it determines that it  
4 is an inconvenient forum under the circumstances and that a  
5 court of another state is a more appropriate forum. The issue  
6 of inconvenient forum may be raised upon motion of a party,  
7 the court's own motion, or request of another court.

8           (2) Before determining whether it is an inconvenient  
9 forum, a court of this state shall consider whether it is  
10 appropriate for a court of another state to exercise  
11 jurisdiction. For this purpose, the court shall allow the  
12 parties to submit information and shall consider all relevant  
13 factors, including:

14           (a) Whether domestic violence has occurred and is  
15 likely to continue in the future and which state could best  
16 protect the parties and the child;

17           (b) The length of time the child has resided outside  
18 this state;

19           (c) The distance between the court in this state and  
20 the court in the state that would assume jurisdiction;

21           (d) The relative financial circumstances of the  
22 parties;

23           (e) Any agreement of the parties as to which state  
24 should assume jurisdiction;

25           (f) The nature and location of the evidence required  
26 to resolve the pending litigation, including testimony of the  
27 child;

28           (g) The ability of the court of each state to decide  
29 the issue expeditiously and the procedures necessary to  
30 present the evidence; and

31           (h) The familiarity of the court of each state with

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1 the facts and issues in the pending litigation.

2 (3) If a court of this state determines that it is an  
3 inconvenient forum and that a court of another state is a more  
4 appropriate forum, it shall stay the proceedings upon  
5 condition that a child custody proceeding be promptly  
6 commenced in another designated state and may impose any other  
7 condition the court considers just and proper.

8 (4) A court of this state may decline to exercise its  
9 jurisdiction under this act if a child custody determination  
10 is incidental to an action for divorce or another proceeding  
11 while still retaining jurisdiction over the divorce or other  
12 proceeding.

13 Section 24. Jurisdiction declined by reason of  
14 conduct.--

15 (1) Except as otherwise provided in section 17 or by  
16 other law of this state, if a court of this state has  
17 jurisdiction under this act because a person seeking to invoke  
18 its jurisdiction has engaged in unjustifiable conduct, the  
19 court shall decline to exercise its jurisdiction unless:

20 (a) The parents and all persons acting as parents have  
21 acquiesced in the exercise of jurisdiction;

22 (b) A court of the state otherwise having jurisdiction  
23 under sections 14 through 16 determines that this state is a  
24 more appropriate forum under section 20; or

25 (c) No court of any other state would have  
26 jurisdiction under the criteria specified in sections 14  
27 through 16.

28 (2) If a court of this state declines to exercise its  
29 jurisdiction pursuant to subsection (1), it may fashion an  
30 appropriate remedy to ensure the safety of the child and  
31 prevent a repetition of the unjustifiable conduct, including

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1 staying the proceeding until a child custody proceeding is  
2 commenced in a court having jurisdiction under sections 14  
3 through 16.

4 (3) If a court dismisses a petition or stays a  
5 proceeding because it declines to exercise its jurisdiction  
6 pursuant to subsection (1), it shall assess against the party  
7 seeking to invoke its jurisdiction necessary and reasonable  
8 expenses, including costs, communication expenses, attorney's  
9 fees, investigative fees, expenses for witnesses, travel  
10 expenses, and child care during the course of the proceedings,  
11 unless the party from whom fees are sought establishes that  
12 the assessment would be clearly inappropriate. The court may  
13 not assess fees, costs, or expenses against this state unless  
14 authorized by law other than this act.

15 Section 25. Information to be submitted to the  
16 court.--

17 (1) Subject to state law providing for the  
18 confidentiality of procedures, addresses, and other  
19 identifying information in a child custody proceeding, each  
20 party, in its first pleading or in an attached affidavit,  
21 shall give information, if reasonably ascertainable, under  
22 oath as to the child's present address or whereabouts, the  
23 places where the child has lived during the last 5 years, and  
24 the names and present addresses of the persons with whom the  
25 child has lived during that period. The pleading or affidavit  
26 must state whether the party:

27 (a) Has participated, as a party or witness or in any  
28 other capacity, in any other proceeding concerning the custody  
29 of or visitation with the child and, if so, identify the  
30 court, the case number, and the date of the child custody  
31 determination, if any;

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1           (b) Knows of any proceeding that could affect the  
2 current proceeding, including proceedings for enforcement and  
3 proceedings relating to domestic violence, protective orders,  
4 termination of parental rights, and adoptions and, if so,  
5 identify the court, the case number, and the nature of the  
6 proceeding; and

7           (c) Knows the names and addresses of any person not a  
8 party to the proceeding who has physical custody of the child  
9 or claims rights of legal custody or physical custody of, or  
10 visitation with, the child and, if so, the names and addresses  
11 of those persons.

12           (2) If the information required by subsection (1) is  
13 not furnished, the court, upon motion of a party or its own  
14 motion, may stay the proceeding until the information is  
15 furnished.

16           (3) If the declaration as to any of the items  
17 described in paragraphs (1)(a)-(c) is in the affirmative, the  
18 declarant shall give additional information under oath as  
19 required by the court. The court may examine the parties under  
20 oath as to details of the information furnished and other  
21 matters pertinent to the court's jurisdiction and the  
22 disposition of the case.

23           (4) Each party has a continuing duty to inform the  
24 court of any proceeding in this or any other state that could  
25 affect the current proceeding.

26           Section 26. Appearance of parties and child.--

27           (1) In a child custody proceeding in this state, the  
28 court may order a party to the proceeding who is in this state  
29 to appear before the court in person with or without the  
30 child. The court may order any person who is in this state and  
31 who has physical custody or control of the child to appear in

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1 person with the child.

2 (2) If a party to a child custody proceeding whose  
3 presence is desired by the court is outside this state, the  
4 court may order that a notice given pursuant to section 9  
5 include a statement directing the party to appear in person  
6 with or without the child and informing the party that failure  
7 to appear may result in a decision adverse to the party.

8 (3) The court may enter any orders necessary to ensure  
9 the safety of the child and of any person ordered to appear  
10 under this section.

11 (4) If a party to a child custody proceeding who is  
12 outside this state is directed to appear under subsection (2)  
13 or desires to appear in person before the court with or  
14 without the child, the court may require another party to pay  
15 reasonable and necessary travel and other expenses of the  
16 party so appearing and of the child.

17 Section 27. Definitions.--As used in sections 24  
18 through 40, the term:

19 (1) "Petitioner" means a person who seeks enforcement  
20 of an order for return of a child under the Hague Convention  
21 on the Civil Aspects of International Child Abduction or  
22 enforcement of a child custody determination.

23 (2) "Respondent" means a person against whom a  
24 proceeding has been commenced for enforcement of an order for  
25 return of a child under the Hague Convention on the Civil  
26 Aspects of International Child Abduction or enforcement of a  
27 child custody determination.

28 Section 28. Enforcement under the Hague  
29 Convention.--Under this act, a court of this state may enforce  
30 an order for the return of a child made under the Hague  
31 Convention on the Civil Aspects of International Child



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1 Abduction as if it were a child custody determination.

2 Section 29. Duty to enforce.--

3 (1) A court of this state shall recognize and enforce  
4 a child custody determination of a court of another state if  
5 the latter court exercised jurisdiction in substantial  
6 conformity with this act or the determination was made under  
7 factual circumstances meeting the jurisdictional standards of  
8 this act and the determination has not been modified in  
9 accordance with this act.

10 (2) A court of this state may utilize any remedy  
11 available under other law of this state to enforce a child  
12 custody determination made by a court of another state. The  
13 remedies provided by sections 24 through 40 are cumulative and  
14 do not affect the availability of other remedies to enforce a  
15 child custody determination.

16 Section 30. Temporary visitation.--

17 (1) A court of this state which does not have  
18 jurisdiction to modify a child custody determination may issue  
19 a temporary order enforcing:

20 (a) A visitation schedule made by a court of another  
21 state; or

22 (b) The visitation provisions of a child custody  
23 determination of another state that does not provide for a  
24 specific visitation schedule.

25 (2) If a court of this state makes an order under  
26 paragraph (1)(b), it shall specify in the order a period that  
27 it considers adequate to allow the petitioner to obtain an  
28 order from a court having jurisdiction under the criteria  
29 specified in sections 14 through 23. The order remains in  
30 effect until an order is obtained from the other court or the  
31 period expires.

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1           Section 31. Registration of child custody  
2 determination.--

3           (1) A child custody determination issued by a court of  
4 another state may be registered in this state, with or without  
5 a simultaneous request for enforcement, by sending to the  
6 appropriate court in this state:

7           (a) A letter or other document requesting  
8 registration;

9           (b) Two copies, including one certified copy, of the  
10 determination sought to be registered, and a statement under  
11 penalty of perjury that to the best of the knowledge and  
12 belief of the person seeking registration the order has not  
13 been modified; and

14           (c) Except as otherwise provided in section 22, the  
15 name and address of the person seeking registration and any  
16 parent or person acting as a parent who has been awarded  
17 custody or visitation in the child custody determination  
18 sought to be registered.

19           (2) On receipt of the documents required by subsection  
20 (1), the registering court shall:

21           (a) Cause the determination to be filed as a foreign  
22 judgment, together with one copy of any accompanying documents  
23 and information, regardless of their form; and

24           (b) Serve notice upon the persons named pursuant to  
25 paragraph (1)(c) and provide them with an opportunity to  
26 contest the registration in accordance with this section.

27           (3) The notice required by paragraph (2)(b) must state  
28 that:

29           (a) A registered determination is enforceable as of  
30 the date of the registration in the same manner as a  
31 determination issued by a court of this state;

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1           (b) A hearing to contest the validity of the  
2 registered determination must be requested within 20 days  
3 after service of notice; and

4           (c) Failure to contest the registration will result in  
5 confirmation of the child custody determination and preclude  
6 further contest of that determination with respect to any  
7 matter that could have been asserted.

8           (4) A person seeking to contest the validity of a  
9 registered order must request a hearing within 20 days after  
10 service of the notice. At that hearing, the court shall  
11 confirm the registered order unless the person contesting  
12 registration establishes that:

13           (a) The issuing court did not have jurisdiction under  
14 sections 14 through 23;

15           (b) The child custody determination sought to be  
16 registered has been vacated, stayed, or modified by a court  
17 having jurisdiction to do so under sections 14 through 23; or

18           (c) The person contesting registration was entitled to  
19 notice, but notice was not given in accordance with the  
20 standards of section 9 in the proceedings before the court  
21 that issued the order for which registration is sought.

22           (5) If a timely request for a hearing to contest the  
23 validity of the registration is not made, the registration is  
24 confirmed as a matter of law and the person requesting  
25 registration and all persons served must be notified of the  
26 confirmation.

27           (6) Confirmation of a registered order, whether by  
28 operation of law or after notice and hearing, precludes  
29 further contest of the order with respect to any matter which  
30 could have been asserted at the time of registration.

31           Section 32. Enforcement of registered determination.--

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1           (1) A court of this state may grant any relief  
2 normally available under the laws of this state to enforce a  
3 registered child custody determination made by a court of  
4 another state.

5           (2) A court of this state shall recognize and enforce,  
6 but may not modify, except in accordance with sections 14  
7 through 23, a registered child custody determination of  
8 another state.

9           Section 33. Simultaneous proceedings.--If a proceeding  
10 for enforcement under sections 24 through 40 is commenced in a  
11 court of this state and the court determines that a proceeding  
12 to modify the determination is pending in a court of another  
13 state having jurisdiction to modify the determination under  
14 sections 14 through 23, the enforcing court shall immediately  
15 communicate with the modifying court. The proceeding for  
16 enforcement continues unless the enforcing court, after  
17 consultation with the modifying court, stays or dismisses the  
18 proceeding.

19           Section 34. Expedited enforcement of child custody  
20 determination.--

21           (1) A petition under sections 24 through 40 must be  
22 verified. Certified copies of all orders sought to be enforced  
23 and of any order confirming registration must be attached to  
24 the petition. A copy of a certified copy of an order may be  
25 attached instead of the original.

26           (2) A petition for enforcement of a child custody  
27 determination must state:

28           (a) Whether the court that issued the determination  
29 identified the jurisdictional basis it relied upon in  
30 exercising jurisdiction and, if so, what the basis was;

31           (b) Whether the determination for which enforcement is

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1 sought has been vacated, stayed, or modified by a court whose  
2 decision must be enforced under this act and, if so, identify  
3 the court, the case number, and the nature of the proceeding;

4 (c) Whether any proceeding has been commenced that  
5 could affect the current proceeding, including proceedings  
6 relating to domestic violence, protective orders, termination  
7 of parental rights, and adoptions and, if so, identify the  
8 court, the case number, and the nature of the proceeding;

9 (d) The present physical address of the child and the  
10 respondent, if known;

11 (e) Whether relief in addition to the immediate  
12 physical custody of the child and attorney's fees is sought,  
13 including a request for assistance from law enforcement  
14 officers and, if so, the relief sought; and

15 (f) If the child custody determination has been  
16 registered and confirmed under section 28, the date and place  
17 of registration.

18 (3) Upon the filing of a petition, the court shall  
19 issue an order directing the respondent to appear in person  
20 with or without the child at a hearing and may enter any order  
21 necessary to ensure the safety of the parties and the child.  
22 The hearing must be held on the next judicial day after  
23 service of the order unless that date is impossible. In that  
24 event, the court shall hold the hearing on the first judicial  
25 day possible. The court may extend the date of the hearing at  
26 the request of the petitioner.

27 (4) An order issued under subsection (3) must state  
28 the time and place of the hearing and advise the respondent  
29 that at the hearing the court will order that the petitioner  
30 may take immediate physical custody of the child and the  
31 payment of fees, costs, and expenses under section 35, and may

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1 schedule a hearing to determine whether further relief is  
2 appropriate, unless the respondent appears and establishes  
3 that:

4 (a) The child custody determination has not been  
5 registered and confirmed under section 28 and that:

6 1. The issuing court did not have jurisdiction under  
7 sections 14 through 23;

8 2. The child custody determination for which  
9 enforcement is sought has been vacated, stayed, or modified by  
10 a court of a state having jurisdiction to do so under sections  
11 14 through 23; or

12 3. The respondent was entitled to notice, but notice  
13 was not given in accordance with the standards of section 9 in  
14 the proceedings before the court that issued the order for  
15 which enforcement is sought; or

16 (b) The child custody determination for which  
17 enforcement is sought was registered and confirmed under  
18 section 28, but has been vacated, stayed, or modified by a  
19 court of a state having jurisdiction to do so under sections  
20 14 through 23.

21 Section 35. Service of petition and order.--Except as  
22 otherwise provided in section 34, the petition and order must  
23 be served by any method authorized by the laws of this state  
24 upon the respondent and any person who has physical custody of  
25 the child.

26 Section 36. Hearing and order.--

27 (1) Unless the court enters a temporary emergency  
28 order pursuant to section 17, upon a finding that a petitioner  
29 is entitled to immediate physical custody of the child, the  
30 court shall order that the petitioner may take immediate  
31 physical custody of the child unless the respondent

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1 establishes that:

2 (a) The child custody determination has not been  
3 registered and confirmed under section 28 and that:

4 1. The issuing court did not have jurisdiction under  
5 sections 14 through 23;

6 2. The child custody determination for which  
7 enforcement is sought has been vacated, stayed, or modified by  
8 a court of a state having jurisdiction to do so under sections  
9 14 through 23; or

10 3. The respondent was entitled to notice, but notice  
11 was not given in accordance with the standards of section 9 in  
12 the proceedings before the court that issued the order for  
13 which enforcement is sought; or

14 (b) The child custody determination for which  
15 enforcement is sought was registered and confirmed under  
16 section 28, but has been vacated, stayed, or modified by a  
17 court of a state having jurisdiction to do so under sections  
18 14 through 23.

19 (2) The court shall award the fees, costs, and  
20 expenses authorized under section 35 and may grant additional  
21 relief, including a request for the assistance of law  
22 enforcement officers, and set a further hearing to determine  
23 whether additional relief is appropriate.

24 (3) If a party called to testify refuses to answer on  
25 the ground that the testimony may be self-incriminating, the  
26 court may draw an adverse inference from the refusal.

27 (4) A privilege against disclosure of communications  
28 between spouses and a defense of immunity based on the  
29 relationship of husband and wife or parent and child may not  
30 be invoked in a proceeding under sections 24 through 40.

31 Section 37. Warrant to take physical custody of

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1 child.--

2 (1) Upon the filing of a petition seeking enforcement  
3 of a child custody determination, the petitioner may file a  
4 verified application for the issuance of a warrant to take  
5 physical custody of the child if the child is likely to  
6 imminently suffer serious physical harm or removal from this  
7 state.

8 (2) If the court, upon the testimony of the petitioner  
9 or other witness, finds that the child is likely to imminently  
10 suffer serious physical harm or removal from this state, it  
11 may issue a warrant to take physical custody of the child. The  
12 petition must be heard on the next judicial day after the  
13 warrant is executed unless that date is impossible. In that  
14 event, the court shall hold the hearing on the first judicial  
15 day possible. The application for the warrant must include the  
16 statements required by section 31(2).

17 (3) A warrant to take physical custody of a child  
18 must:

19 (a) Recite the facts upon which a conclusion of  
20 imminent serious physical harm or removal from the  
21 jurisdiction is based;

22 (b) Direct law enforcement officers to take physical  
23 custody of the child immediately; and

24 (c) Provide for the placement of the child pending  
25 final relief.

26 (4) The respondent must be served with the petition,  
27 warrant, and order immediately after the child is taken into  
28 physical custody.

29 (5) A warrant to take physical custody of a child is  
30 enforceable throughout this state. If the court finds on the  
31 basis of the testimony of the petitioner or other witness that



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1 a less intrusive remedy is not effective, it may authorize law  
2 enforcement officers to enter private property to take  
3 physical custody of the child. If required by exigent  
4 circumstances of the case, the court may authorize law  
5 enforcement officers to make a forcible entry at any hour.

6 (6) The court may impose conditions upon placement of  
7 a child to ensure the appearance of the child and the child's  
8 custodian.

9 Section 38. Costs, fees, and expenses.--

10 (1) The court shall award the prevailing party,  
11 including a state, necessary and reasonable expenses incurred  
12 by or on behalf of the party, including costs, communication  
13 expenses, attorney's fees, investigative fees, expenses for  
14 witnesses, travel expenses, and child care during the course  
15 of the proceedings, unless the party from whom fees or  
16 expenses are sought establishes that the award would be  
17 clearly inappropriate.

18 (2) The court may not assess fees, costs, or expenses  
19 against a state unless authorized by law other than this act.

20 Section 39. Recognition and enforcement.--A court of  
21 this state shall accord full faith and credit to an order  
22 issued by another state and consistent with this act which  
23 enforces a child custody determination by a court of another  
24 state unless the order has been vacated, stayed, or modified  
25 by a court having jurisdiction to do so under sections 14  
26 through 23.

27 Section 40. Appeals.--An appeal may be taken from a  
28 final order in a proceeding under sections 24 through 40 in  
29 accordance with expedited appellate procedures in other civil  
30 cases. Unless the court enters a temporary emergency order  
31 under section 17, the enforcing court may not stay an order

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1 enforcing a child custody determination pending appeal.

2 Section 41. Role of state attorney.--

3 (1) In a case arising under this act or involving the  
4 Hague Convention on the Civil Aspects of International Child  
5 Abduction, the state attorney may take any lawful action,  
6 including resort to a proceeding under sections 24 through 40  
7 or any other available civil proceeding, to locate a child,  
8 obtain the return of a child, or enforce a child custody  
9 determination, if there is:

10 (a) An existing child custody determination;

11 (b) A request to do so from a court in a pending child  
12 custody proceeding;

13 (c) A reasonable belief that a criminal statute has  
14 been violated; or

15 (d) A reasonable belief that the child has been  
16 wrongfully removed or retained in violation of the Hague  
17 Convention on the Civil Aspects of International Child  
18 Abduction.

19 (2) A state attorney acting under this section acts on  
20 behalf of the court and may not represent any party.

21 Section 42. Role of law enforcement officers.--At the  
22 request of a state attorney acting under section 38, a law  
23 enforcement officer may take any lawful action reasonably  
24 necessary to locate a child or a party and assist a state  
25 attorney with responsibilities under section 38.

26 Section 43. Costs and expenses.--If the respondent is  
27 not the prevailing party, the court may assess against the  
28 respondent all direct expenses and costs incurred by the state  
29 attorney and law enforcement officers under section 38 or  
30 section 39.

31 Section 44. Application and construction.--In applying

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1 and construing this act, consideration must be given to the  
2 need to promote uniformity of the law with respect to its  
3 subject matter among states that enact it.

4 Section 45. Severability clause.--If any provision of  
5 this act or its application to any person or circumstance is  
6 held invalid, the invalidity does not affect other provisions  
7 or applications of this act which can be given effect without  
8 the invalid provision or application, and to this end the  
9 provisions of this act are severable.

10 Section 46. Transitional provision.--A motion or other  
11 request for relief made in a child custody proceeding or to  
12 enforce a child custody determination which was commenced  
13 before the effective date of this act is governed by the law  
14 in effect at the time the motion or other request was made.

15 Section 47. Paragraph (d) of subsection (3),  
16 subsection (4), and paragraph (a) of subsection (7) of section  
17 741.30, Florida Statutes, are amended to read:

18 741.30 Domestic violence; injunction; powers and  
19 duties of court and clerk; petition; notice and hearing;  
20 temporary injunction; issuance of injunction; statewide  
21 verification system; enforcement.--

22 (3)

23 (d) If the sworn petition seeks to determine issues of  
24 custody or visitation with regard to the minor child or  
25 children of the parties, the sworn petition shall be  
26 accompanied by or shall incorporate the allegations required  
27 by section 22 s. 61.132 of the Uniform Child Custody  
28 Jurisdiction and Enforcement Act.

29 (4) Upon the filing of the petition, the court shall  
30 set a hearing to be held at the earliest possible time. The  
31 respondent shall be personally served with a copy of the

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1 petition, financial affidavit, uniform child custody  
2 jurisdiction and enforcement act affidavit, if any, notice of  
3 hearing, and temporary injunction, if any, prior to the  
4 hearing.

5 (7)(a)1. The clerk of the court shall furnish a copy  
6 of the petition, financial affidavit, uniform child custody  
7 jurisdiction and enforcement act affidavit, if any, notice of  
8 hearing, and temporary injunction, if any, to the sheriff or a  
9 law enforcement agency of the county where the respondent  
10 resides or can be found, who shall serve it upon the  
11 respondent as soon thereafter as possible on any day of the  
12 week and at any time of the day or night. The clerk of the  
13 court shall be responsible for furnishing to the sheriff such  
14 information on the respondent's physical description and  
15 location as is required by the department to comply with the  
16 verification procedures set forth in this section.  
17 Notwithstanding any other provision of law to the contrary,  
18 the chief judge of each circuit, in consultation with the  
19 appropriate sheriff, may authorize a law enforcement agency  
20 within the jurisdiction to effect service. A law enforcement  
21 agency serving injunctions pursuant to this section shall use  
22 service and verification procedures consistent with those of  
23 the sheriff.

24 2. When an injunction is issued, if the petitioner  
25 requests the assistance of a law enforcement agency, the court  
26 may order that an officer from the appropriate law enforcement  
27 agency accompany the petitioner and assist in placing the  
28 petitioner in possession of the dwelling or residence, or  
29 otherwise assist in the execution or service of the  
30 injunction. A law enforcement officer shall accept a copy of  
31 an injunction for protection against domestic violence,

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1 certified by the clerk of the court, from the petitioner and  
2 immediately serve it upon a respondent who has been located  
3 but not yet served.

4           3. All orders issued, changed, continued, extended, or  
5 vacated subsequent to the original service of documents  
6 enumerated under subparagraph 1., shall be certified by the  
7 clerk of the court and delivered to the parties at the time of  
8 the entry of the order. The parties may acknowledge receipt  
9 of such order in writing on the face of the original order.  
10 In the event a party fails or refuses to acknowledge the  
11 receipt of a certified copy of an order, the clerk shall note  
12 on the original order that service was effected. If delivery  
13 at the hearing is not possible, the clerk shall mail certified  
14 copies of the order to the parties at the last known address  
15 of each party. Service by mail is complete upon mailing.  
16 When an order is served pursuant to this subsection, the clerk  
17 shall prepare a written certification to be placed in the  
18 court file specifying the time, date, and method of service  
19 and shall notify the sheriff.

20  
21 If the respondent has been served previously with the  
22 temporary injunction and has failed to appear at the initial  
23 hearing on the temporary injunction, any subsequent petition  
24 for injunction seeking an extension of time may be served on  
25 the respondent by the clerk of the court by certified mail in  
26 lieu of personal service by a law enforcement officer.

27           Section 48. Sections 61.1302, 61.1304, 61.1306,  
28 61.1308, 61.131, 61.1312, 61.1314, 61.1316, 61.1318, 61.132,  
29 61.1322, 61.1324, 61.1326, 61.1328, 61.133, 61.1332, 61.1334,  
30 61.1336, 61.1338, 61.134, 61.1342, 61.1344, 61.1346, and  
31 61.1348, Florida Statutes, are repealed.

Amendment No. 01 (for drafter's use only)

1 Section 49. This act shall take effect October 1,  
2 2002.

3  
4  
5 ===== T I T L E A M E N D M E N T =====

6 And the title is amended as follows:

7 On page 36, line 30, through page 39, line 16 of the  
8 amendment

9 remove: entire title

10

11 and insert:

12 A bill to be entitled  
13 An act relating to child custody jurisdiction  
14 and enforcement; creating the "Uniform Child  
15 Custody Jurisdiction and Enforcement Act";  
16 providing purposes of act; providing  
17 definitions; specifying proceedings not  
18 governed by the act; providing application to  
19 Indian tribes; providing international  
20 application of the act; providing the effect of  
21 a child custody determination; providing  
22 priority for questions of jurisdiction under  
23 the act; providing for notice to persons  
24 outside the state; providing for appearance at  
25 proceedings and limited immunity; providing for  
26 communication between courts of this state and  
27 courts of other states; providing for taking  
28 testimony in another state; providing for  
29 cooperation between courts and the preservation  
30 of records; providing for initial child custody  
31 jurisdiction; providing for exclusive,

Amendment No. 01 (for drafter's use only)

1 continuing jurisdiction; providing for  
2 jurisdiction to modify a child custody  
3 determination; providing for temporary  
4 emergency jurisdiction; providing for notice,  
5 opportunity to be heard, and joinder; providing  
6 procedures with respect to simultaneous  
7 proceedings; providing for determination of an  
8 inconvenient forum; providing procedures for a  
9 decline of jurisdiction by reason of conduct;  
10 specifying information to be submitted to the  
11 court; providing for the appearance of the  
12 parties and the child at proceedings; providing  
13 definitions relating to enforcement; providing  
14 for enforcement under the Hague Convention;  
15 providing duty of the court to enforce child  
16 custody determinations of a court of another  
17 state; providing for temporary visitation;  
18 providing for registration of out-of-state  
19 child custody determinations; providing for  
20 enforcement of registered determinations;  
21 providing procedures with respect to  
22 simultaneous proceedings; providing for  
23 expedited enforcement of a child custody  
24 determination; providing for service of  
25 petition and order; providing for hearing and  
26 order; providing for issuance of a warrant to  
27 take physical custody of a child under certain  
28 circumstances; providing for award of costs,  
29 fees, and expenses to the prevailing party;  
30 providing for recognition of enforcement orders  
31 of a court of another state; providing for

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1       appeals; providing for actions by the state  
2       attorney; providing for actions by law  
3       enforcement officers; providing for assessment  
4       of costs and expenses incurred by the state  
5       attorney and law enforcement officers;  
6       providing for application and construction of  
7       the act; providing severability; providing for  
8       transition; amending s. 61.13, F.S.; providing  
9       for the posting of a bond with respect to  
10      certain orders of child custody or visitation;  
11      providing criteria for the court to use in  
12      assessing the need for a bond; providing for  
13      forfeiture of the bond under certain  
14      circumstances; creating a new section;  
15      providing for the posting of a bond with  
16      respect to certain orders of child custody or  
17      visitation; providing criteria for the court to  
18      use in assessing the need for a bond; providing  
19      for forfeiture of the bond under certain  
20      circumstances; amending ss. 39.502, 61.13, and  
21      741.30, F.S.; conforming references and  
22      cross-references; repealing ss. 61.1302,  
23      61.1304, 61.1306, 61.1308, 61.131, 61.1312,  
24      61.1314, 61.1316, 61.1318, 61.132, 61.1322,  
25      61.1324, 61.1326, 61.1328, 61.133, 61.1332,  
26      61.1334, 61.1336, 61.1338, 61.134, 61.1342,  
27      61.1344, 61.1346, and 61.1348, F.S., relating  
28      to the "Uniform Child Custody Jurisdiction  
29      Act"; providing an effective date.  
30  
31