

Bill No. CS/HB 549, 2nd Eng.

Amendment No. Barcode 652054

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Campbell moved the following amendment:

Senate Amendment (with title amendment)
Delete everything after the enacting clause

and insert:

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

39.502 Notice, process, and service.--

(7) Service of the summons and service of pleadings, papers, and notices subsequent to the summons on persons outside this state must be made pursuant to s. 61.509 ~~s. 61.1312~~.

Section 2. For purposes of incorporating amendments to s. 61.13, F.S., subsection (2) of section 44.102, F.S., is re-enacted to read:

44.102 Court-ordered mediation.--

(2) A court, under rules adopted by the Supreme Court:
(a) Must, upon request of one party, refer to mediation any filed civil action for monetary damages, provided the requesting party is willing and able to pay the

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1 costs of the mediation or the costs can be equitably divided
2 between the parties, unless:
3 1. The action is a landlord and tenant dispute that
4 does not include a claim for personal injury.
5 2. The action is filed for the purpose of collecting a
6 debt.
7 3. The action is a claim of medical malpractice.
8 4. The action is governed by the Florida Small Claims
9 Rules.
10 5. The court determines that the action is proper for
11 referral to nonbinding arbitration under this chapter.
12 6. The parties have agreed to binding arbitration.
13 7. The parties have agreed to an expedited trial
14 pursuant to s. 45.075.
15 8. The parties have agreed to voluntary trial
16 resolution pursuant to s. 44.104.
17 (b) May refer to mediation all or any part of a filed
18 civil action for which mediation is not required under this
19 section.
20 (c) In circuits in which a family mediation program
21 has been established and upon a court finding of a dispute,
22 shall refer to mediation all or part of custody, visitation,
23 or other parental responsibility issues as defined in s.
24 61.13. Upon motion or request of a party, a court shall not
25 refer any case to mediation if it finds there has been a
26 history of domestic violence that would compromise the
27 mediation process.
28 (d) In circuits in which a dependency or in need of
29 services mediation program has been established, may refer to
30 mediation all or any portion of a matter relating to
31 dependency or to a child in need of services or a family in

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1 need of services.

2 Section 3. Paragraph (b) of subsection (2) of section
3 61.13, Florida Statutes, is amended to read:

4 61.13 Custody and support of children; visitation
5 rights; power of court in making orders.--

6 (2)

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

20 2. The court shall order that the parental
21 responsibility for a minor child be shared by both parents
22 unless the court finds that shared parental responsibility
23 would be detrimental to the child. Evidence that a parent has
24 been convicted of a felony of the third degree or higher
25 involving domestic violence, as defined in s. 741.28 and
26 chapter 775, or meets the criteria of s. 39.806(1)(d), creates
27 a rebuttable presumption of detriment to the child. If the
28 presumption is not rebutted, shared parental responsibility,
29 including visitation, residence of the child, and decisions
30 made regarding the child, may not be granted to the convicted
31 parent. However, the convicted parent is not relieved of any

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1 obligation to provide financial support. If the court
2 determines that shared parental responsibility would be
3 detrimental to the child, it may order sole parental
4 responsibility and make such arrangements for visitation as
5 will best protect the child or abused spouse from further
6 harm. Whether or not there is a conviction of any offense of
7 domestic violence or child abuse or the existence of an
8 injunction for protection against domestic violence, the court
9 shall consider evidence of domestic violence or child abuse as
10 evidence of detriment to the child.

11 a. In ordering shared parental responsibility, the
12 court may consider the expressed desires of the parents and
13 may grant to one party the ultimate responsibility over
14 specific aspects of the child's welfare or may divide those
15 responsibilities between the parties based on the best
16 interests of the child. Areas of responsibility may include
17 primary residence, education, medical and dental care, and any
18 other responsibilities that the court finds unique to a
19 particular family.

20 b. The court shall order "sole parental
21 responsibility, with or without visitation rights, to the
22 other parent when it is in the best interests of" the minor
23 child.

24 c. The court may award the grandparents visitation
25 rights with a minor child if it is in the child's best
26 interest. Grandparents have legal standing to seek judicial
27 enforcement of such an award. This section does not require
28 that grandparents be made parties or given notice of
29 dissolution pleadings or proceedings, nor do grandparents have
30 legal standing as "contestants" as defined in s. 61.1306. A
31 court may not order that a child be kept within the state or

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1 jurisdiction of the court solely for the purpose of permitting
2 visitation by the grandparents.

3 3. Access to records and information pertaining to a
4 minor child, including, but not limited to, medical, dental,
5 and school records, may not be denied to a parent because the
6 parent is not the child's primary residential parent. Full
7 rights under this subparagraph apply to either parent unless a
8 court order specifically revokes these rights, including any
9 restrictions on these rights as provided in a domestic
10 violence injunction. A parent having rights under this
11 subparagraph has the same rights upon request as to form,
12 substance, and manner of access as are available to the other
13 parent of a child, including, without limitation, the right to
14 in-person communication with medical, dental, and education
15 providers.

16 Section 4. (1) In a proceeding in which the court
17 enters an order of child custody or visitation, including in a
18 modification proceeding, upon the presentation of competent
19 substantial evidence that there is a risk that one party may
20 violate the court's order of visitation or custody by removing
21 a child from this state or country or by concealing the
22 whereabouts of a child, or upon stipulation of the parties,
23 the court may:

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

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

30 (c) Order that a parent may not take the child to a
31 country that has not ratified or acceded to the Hague

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1 Convention on the Civil Aspects of International Child
2 Abduction unless the other parent agrees in writing that the
3 child may be taken to the country;
4 (d) Require a parent to surrender the passport of the
5 child; or
6 (e) Require that party to post bond or other security.
7 (2) If the court enters an order of child custody or
8 visitation, including in a modification proceeding, that
9 includes a provision entered under paragraph (1)(b) or
10 paragraph (1)(c), a certified copy of the order should be sent
11 by the parent who requested the restriction to the Passport
12 Services Office of the U.S. Department of State requesting
13 that they not issue a passport to the child without their
14 signature or further court order.
15 (3) In assessing the need for a bond or other
16 security, the court may consider any reasonable factor bearing
17 upon the risk that a party may violate a visitation or custody
18 order by removing a child from this state or country or by
19 concealing the whereabouts of a child, including but not
20 limited to whether:
21 (a) A court has previously found that a party
22 previously removed a child from Florida or another state in
23 violation of a custody or visitation order, or whether a court
24 had found that a party has threatened to take a child out of
25 Florida or another state in violation of a custody or
26 visitation order;
27 (b) The party has strong family and community ties to
28 Florida or to other states or countries, including whether the
29 party or child is a citizen of another country;
30 (c) The party has strong financial reasons to remain
31 in Florida or to relocate to another state or country;

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

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

14 (f) The party has a criminal record.

15 (4) The court must consider the party's financial
16 resources prior to setting the bond amount under this section.
17 Under no circumstances may the court set a bond that is
18 unreasonable.

19 (5) Any deficiency of bond or security shall not
20 absolve the violating party of responsibility to pay the full
21 amount of damages determined by the court.

22 (6)(a) Upon a material violation of any custody or
23 visitation order by removing a child from this state or this
24 country or by concealing the whereabouts of a child, the court
25 may order the bond or other security forfeited in whole or in
26 part.

27 (b) This section, including the requirement to post a
28 bond or other security, does not apply to a parent who, in a
29 proceeding to order or modify child custody or visitation, the
30 court determines is a victim of an act of domestic violence or
31 has reasonable cause to believe he or she is about to become

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1 the victim of an act of domestic violence, as defined in
2 section 741.28, Florida Statutes. An injunction for protection
3 against domestic violence issued pursuant to section 741.30,
4 Florida Statutes, for a parent as the petitioner which is in
5 effect at the time of the court proceeding shall be one means
6 of demonstrating sufficient evidence that the parent is a
7 victim of domestic violence or is about to become the victim
8 of an act of domestic violence, as defined in section 741.28,
9 Florida Statutes, and shall exempt the parent from this
10 section, including the requirement to post a bond or other
11 security. A parent who is determined by the court to be exempt
12 from the requirements of this section must meet the
13 requirements of section 787.03(6), Florida Statutes, if an
14 offense of interference with custody is committed.

15 (7)(a) Upon an order of forfeiture, the proceeds of
16 any bond or other security posted pursuant to this subsection
17 may only be used to:

18 1. Reimburse the nonviolating party for actual costs
19 or damages incurred in upholding the court's order of custody
20 or visitation.

21 2. Locate and return the child to the residence as set
22 forth in the visitation or custody order.

23 3. Reimburse reasonable fees and costs as determined
24 by the court.

25 (b) Any remaining proceeds shall be held as further
26 security if deemed necessary by the court, and if further
27 security is not found to be necessary; applied to any child
28 support arrears owed by the parent against whom the bond was
29 required, and if no arrears exists; all remaining proceeds
30 will be allocated by the court in the best interest of the
31 child.

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1 (8) At any time after the forfeiture of the bond or
 2 other security, the party who posted the bond or other
 3 security, or the court on its own motion may request that the
 4 party provide documentation substantiating that the proceeds
 5 received as a result of the forfeiture have been used solely
 6 in accordance with this subsection. Any party using such
 7 proceeds for purposes not in accordance with this section may
 8 be found in contempt of court.

9 Section 5. Sections 61.501 through 61.542, Florida
 10 Statutes, are created to read:

11 61.501 Short title.--This part may be cited as the
 12 "Uniform Child Custody Jurisdiction and Enforcement Act."

13 61.502 Purposes of part; construction of
 14 provisions.--The general purposes of this part are to:

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

19 (2) Promote cooperation with the courts of other
 20 states to the end that a custody decree is rendered in the
 21 state that can best decide the case in the interest of the
 22 child.

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

25 (4) Deter abductions.

26 (5) Avoid relitigating the custody decisions of other
 27 states in this state.

28 (6) Facilitate the enforcement of custody decrees of
 29 other states.

30 (7) Promote and expand the exchange of information and
 31 other forms of mutual assistance between the courts of this

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1 state and those of other states concerned with the same child.

2 (8) Make uniform the law with respect to the subject
3 of this part among the states enacting it.

4 61.503 Definitions.--As used in this part, the term:

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

7 (2) "Child" means an individual who has not attained
8 18 years of age.

9 (3) "Child custody determination" means a judgment,
10 decree, or other order of a court providing for the legal
11 custody, physical custody, residential care, or visitation
12 with respect to a child. The term includes a permanent,
13 temporary, initial, and modification order. The term does not
14 include an order relating to child support or other monetary
15 obligation of an individual.

16 (4) "Child custody proceeding" means a proceeding in
17 which legal custody, physical custody, residential care or
18 visitation with respect to a child is an issue. The term
19 includes a proceeding for divorce, separation, neglect, abuse,
20 dependency, guardianship, paternity, termination of parental
21 rights, and protection from domestic violence, in which the
22 issue may appear. The term does not include a proceeding
23 involving juvenile delinquency, contractual emancipation, or
24 enforcement under ss. 61.524-61.540.

25 (5) "Commencement" means the filing of the first
26 pleading in a proceeding.

27 (6) "Court" means an entity authorized under the laws
28 of a state to establish, enforce, or modify a child custody
29 determination.

30 (7) "Home state" means the state in which a child
31 lived with a parent or a person acting as a parent for at

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1 least 6 consecutive months immediately before the commencement
2 of a child custody proceeding. In the case of a child younger
3 than 6 months of age, the term means the state in which the
4 child lived from birth with any of the persons mentioned. A
5 period of temporary absence of any of the mentioned persons is
6 part of the period.

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

9 (9) "Issuing court" means the court that makes a child
10 custody determination for which enforcement is sought under
11 this part.

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

14 (11) "Modification" means a child custody
15 determination that changes, replaces, supersedes, or is
16 otherwise made after a previous determination concerning the
17 same child, regardless of whether it is made by the court that
18 made the previous determination.

19 (12) "Person" means an individual, corporation,
20 business trust, estate, trust, partnership, limited liability
21 company, association, joint venture, or government;
22 governmental subdivision, agency, instrumentality, or public
23 corporation; or any other legal or commercial entity.

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

26 (a) Has physical custody of the child or has had
27 physical custody for a period of 6 consecutive months,
28 including any temporary absence, within 1 year immediately
29 before the commencement of a child custody proceeding; and

30 (b) Has been awarded a child-custody determination by
31 a court or claims a right to a child-custody determination

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1 under the laws of this state.

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

4 (15) "State" means a state of the United States, the
5 District of Columbia, Puerto Rico, the United States Virgin
6 Islands, or any territory or insular possession subject to the
7 jurisdiction of the United States.

8 (16) "Tribe" means an Indian tribe, or band, or
9 Alaskan Native village that is recognized by federal law or
10 formally acknowledged by a state.

11 (17) "Warrant" means an order issued by a court
12 authorizing law enforcement officers to take physical custody
13 of a child.

14 61.504 Proceedings governed by other law.--This part
15 does not govern a proceeding pertaining to the authorization
16 of emergency medical care for a child.

17 61.505 Application to Indian tribes.--

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

22 (2) A court of this state shall treat a tribe as if it
23 were a state of the United States for purposes of applying ss.
24 61.501-61.523.

25 (3) A child custody determination made by a tribe
26 under factual circumstances in substantial conformity with the
27 jurisdictional standards of this part must be recognized and
28 enforced under ss. 61.524-61.540.

29 61.506 International application of part.--

30 (1) A court of this state shall treat a foreign
31 country as if it were a state of the United States for

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1 purposes of applying ss. 61.501-61.523.

2 (2) Except as otherwise provided in subsection (3), a
3 child custody determination made in a foreign country under
4 factual circumstances in substantial conformity with the
5 jurisdictional standards of this part must be recognized and
6 enforced under ss. 61.524-61.540.

7 (3) A court of this state need not apply this part if
8 the child custody law of a foreign country violates
9 fundamental principles of human rights.

10 61.507 Effect of child custody determination.--A child
11 custody determination made by a court of this state which had
12 jurisdiction under this part binds all persons who have been
13 served in accordance with the laws of this state or notified
14 in accordance with s. 61.509 or who have submitted to the
15 jurisdiction of the court, and who have been given an
16 opportunity to be heard. As to those persons, the
17 determination is conclusive as to all decided issues of law
18 and fact except to the extent the determination is modified.

19 61.508 Priority.--If a question of existence or
20 exercise of jurisdiction under this part is raised in a child
21 custody proceeding, the question, upon request of a party,
22 must be given priority on the calendar and handled
23 expeditiously.

24 61.509 Notice to persons outside the state.--

25 (1) Notice required for the exercise of jurisdiction
26 when a person is outside this state may be given in a manner
27 prescribed by the laws of the state in which the service is
28 made. Notice must be given in a manner reasonably calculated
29 to give actual notice, but may be made by publication if other
30 means are not effective.

31 (2) Proof of service may be made in the manner

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1 prescribed by the laws of the state in which the service is
2 made.

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

6 61.510 Appearance and limited immunity.--

7 (1) A party to a child custody proceeding, including a
8 modification proceeding, or a petitioner or respondent in a
9 proceeding to enforce or register a child custody
10 determination, is not subject to personal jurisdiction in this
11 state for another proceeding or purpose solely by reason of
12 having participated, or of having been physically present for
13 the purpose of participating, in the proceeding.

14 (2) A person who is subject to personal jurisdiction
15 in this state on a basis other than physical presence is not
16 immune from service of process in this state. A party present
17 in this state who is subject to the jurisdiction of another
18 state is not immune from service of process allowable under
19 the laws of that state.

20 (3) The immunity granted by subsection (1) does not
21 extend to civil litigation based on an act unrelated to the
22 participation in a proceeding under this part which was
23 committed by an individual while present in this state.

24 61.511 Communication between courts.--

25 (1) A court of this state may communicate with a court
26 in another state concerning a proceeding arising under this
27 part.

28 (2) The court shall allow the parties to participate
29 in the communication. If the parties elect to participate in
30 the communication, they must be given the opportunity to
31 present facts and legal arguments before a decision on

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1 jurisdiction is made.

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

6 (4) Except as otherwise provided in subsection (3), a
7 record must be made of a communication under this section. The
8 parties must be informed promptly of the communication and
9 granted access to the record.

10 (5) For purposes of this section, the term "record"
11 means a form of information, including, but not limited to, an
12 electronic recording or transcription by a court reporter
13 which creates a verbatim memorialization of any communication
14 between two or more individuals or entities.

15 61.512 Taking testimony in another state.--

16 (1) In addition to other procedures available to a
17 party, a party to a child custody proceeding may offer
18 testimony of witnesses who are located in another state,
19 including testimony of the parties and the child, by
20 deposition or other means available in this state for
21 testimony taken in another state. The court on its own motion
22 may order that the testimony of a person be taken in another
23 state and may prescribe the manner in which and the terms upon
24 which the testimony is taken.

25 (2) Upon agreement of the parties, a court of this
26 state may permit an individual residing in another state to be
27 deposed or to testify by telephone, audiovisual means, or
28 other electronic means before a designated court or at another
29 location in that state. A court of this state shall cooperate
30 with courts of other states in designating an appropriate
31 location for the deposition or testimony.

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1 (3) Documentary evidence transmitted from another
2 state to a court of this state by technological means that
3 does not produce an original writing may not be excluded from
4 evidence on an objection based on the means of transmission.

5 61.513 Cooperation between courts; preservation of
6 records.--

7 (1) A court of this state may request the appropriate
8 court of another state to:

9 (a) Hold an evidentiary hearing;

10 (b) Order a person to produce or give evidence
11 pursuant to the laws of that state;

12 (c) Order that an evaluation be made with respect to
13 the custody of a child involved in a pending proceeding
14 pursuant to the laws of the state where the proceeding is
15 pending;

16 (d) Forward to the court of this state a certified
17 copy of the transcript of the record of the hearing, the
18 evidence otherwise presented, and any evaluation prepared in
19 compliance with the request; or

20 (e) Order a party to a child custody proceeding or any
21 person having physical custody of the child to appear in the
22 proceeding with or without the child.

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

26 (3) Travel and other necessary and reasonable expenses
27 incurred under subsections (1) and (2) may be assessed against
28 the parties according to the laws of this state if the court
29 has personal jurisdiction over the party against whom these
30 expenses are being assessed.

31 (4) A court of this state shall preserve the

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1 pleadings, orders, decrees, records of hearings, evaluations,
2 and other pertinent records with respect to a child custody
3 proceeding until the child attains 18 years of age. Upon
4 appropriate request by a court or law enforcement official of
5 another state, the court shall forward a certified copy of
6 these records.

7 61.514 Initial child custody jurisdiction.--

8 (1) Except as otherwise provided in s. 61.517, a court
9 of this state has jurisdiction to make an initial child
10 custody determination only if:

11 (a) This state is the home state of the child on the
12 date of the commencement of the proceeding, or was the home
13 state of the child within 6 months before the commencement of
14 the proceeding and the child is absent from this state but a
15 parent or person acting as a parent continues to live in this
16 state;

17 (b) A court of another state does not have
18 jurisdiction under paragraph (a), or a court of the home state
19 of the child has declined to exercise jurisdiction on the
20 grounds that this state is the more appropriate forum under s.
21 61.520 or s. 61.521, and:

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

26 2. Substantial evidence is available in this state
27 concerning the child's care, protection, training, and
28 personal relationships;

29 (c) All courts having jurisdiction under paragraph (a)
30 or paragraph (b) have declined to exercise jurisdiction on the
31 grounds that a court of this state is the more appropriate

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1 forum to determine the custody of the child under s. 61.520 or
2 s. 61.521; or

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

6 (2) Subsection (1) is the exclusive jurisdictional
7 basis for making a child custody determination by a court of
8 this state.

9 (3) Physical presence of, or personal jurisdiction
10 over, a party or a child is not necessary or sufficient to
11 make a child custody determination.

12 61.515 Exclusive, continuing jurisdiction.--

13 (1) Except as otherwise provided in s. 61.517, a court
14 of this state which has made a child custody determination
15 consistent with s. 61.514 or s. 61.516 has exclusive,
16 continuing jurisdiction over the determination until:

17 (a) A court of this state determines that the child,
18 the child's parents, and any person acting as a parent does
19 not have a significant connection with this state and that
20 substantial evidence is no longer available in this state
21 concerning the child's care, protection, training, and
22 personal relationships; or

23 (b) A court of this state or a court of another state
24 determines that the child, the child's parent, and any person
25 acting as a parent does not presently reside in this state.

26 (2) A court of this state which has made a child
27 custody determination and does not have exclusive, continuing
28 jurisdiction under this section may modify that determination
29 only if it has jurisdiction to make an initial determination
30 under s. 61.514.

31 61.516 Jurisdiction to modify a determination.--Except

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1 as otherwise provided in s. 61.517, a court of this state may
2 not modify a child custody determination made by a court of
3 another state unless a court of this state has jurisdiction to
4 make an initial determination under s. 61.514(1)(a) or s.
5 61.514(1)(b) and:

6 (1) The court of the other state determines it no
7 longer has exclusive, continuing jurisdiction under s. 61.515
8 or that a court of this state would be a more convenient forum
9 under s. 61.520; or

10 (2) A court of this state or a court of the other
11 state determines that the child, the child's parents, and any
12 person acting as a parent does not presently reside in the
13 other state.

14 61.517 Temporary emergency jurisdiction.--

15 (1) A court of this state has temporary emergency
16 jurisdiction if the child is present in this state and the
17 child has been abandoned or it is necessary in an emergency to
18 protect the child because the child, or a sibling or parent of
19 the child, is subjected to or threatened with mistreatment or
20 abuse.

21 (2) If there is no previous child custody
22 determination that is entitled to be enforced under this part,
23 and a child custody proceeding has not been commenced in a
24 court of a state having jurisdiction under ss. 61.514-61.616,
25 a child custody determination made under this section remains
26 in effect until an order is obtained from a court of a state
27 having jurisdiction under ss. 61.514-61.516. If a child
28 custody proceeding has not been or is not commenced in a court
29 of a state having jurisdiction under ss. 61.514-61.516, a
30 child custody determination made under this section becomes a
31 final determination if it so provides and this state becomes

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1 the home state of the child.

2 (3) If there is a previous child custody determination
3 that is entitled to be enforced under this part, or a child
4 custody proceeding has been commenced in a court of a state
5 having jurisdiction under ss. 61.514-61.516, any order issued
6 by a court of this state under this section must specify in
7 the order a period that the court considers adequate to allow
8 the person seeking an order to obtain an order from the state
9 having jurisdiction under ss. 61.514-61.516. The order issued
10 in this state remains in effect until an order is obtained
11 from the other state within the period specified or the period
12 expires.

13 (4) A court of this state which has been asked to make
14 a child custody determination under this section, upon being
15 informed that a child custody proceeding has been commenced
16 in, or a child custody determination has been made by, a court
17 of a state having jurisdiction under ss. 61.514-61.516, shall
18 immediately communicate with the other court. A court of this
19 state which is exercising jurisdiction under ss.
20 61.514-61.516, upon being informed that a child custody
21 proceeding has been commenced in, or a child custody
22 determination has been made by, a court of another state under
23 a statute similar to this section shall immediately
24 communicate with the court of that state to resolve the
25 emergency, protect the safety of the parties and the child,
26 and determine a period for the duration of the temporary
27 order.

28 61.518 Notice; opportunity to be heard; joinder.--

29 (1) Before a child custody determination is made under
30 this part, notice and an opportunity to be heard in accordance
31 with the standards of s. 61.509 must be given to all persons

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1 entitled to notice under the laws of this state as in child
2 custody proceedings between residents of this state, any
3 parent whose parental rights have not been previously
4 terminated, and any person acting as a parent.

5 (2) This part does not govern the enforceability of a
6 child custody determination made without notice or an
7 opportunity to be heard.

8 (3) The obligation to join a party and the right to
9 intervene as a party in a child custody proceeding under this
10 part are governed by the laws of this state as in child
11 custody proceedings between residents of this state.

12 61.519 Simultaneous proceedings.--

13 (1) Except as otherwise provided in s. 61.517, a court
14 of this state may not exercise its jurisdiction under ss.
15 61.514-61.524 if, at the time of the commencement of the
16 proceeding, a proceeding concerning the custody of the child
17 had been commenced in a court of another state having
18 jurisdiction substantially in conformity with this part,
19 unless the proceeding has been terminated or is stayed by the
20 court of the other state because a court of this state is a
21 more convenient forum under s. 61.520.

22 (2) Except as otherwise provided in s. 61.517, a court
23 of this state, before hearing a child custody proceeding,
24 shall examine the court documents and other information
25 supplied by the parties pursuant to s. 61.522. If the court
26 determines that a child custody proceeding was previously
27 commenced in a court in another state having jurisdiction
28 substantially in accordance with this part, the court of this
29 state shall stay its proceeding and communicate with the court
30 of the other state. If the court of the state having
31 jurisdiction substantially in accordance with this part does

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1 not determine that the court of this state is a more
2 appropriate forum, the court of this state shall dismiss the
3 proceeding.

4 (3) In a proceeding to modify a child custody
5 determination, a court of this state shall determine whether a
6 proceeding to enforce the determination has been commenced in
7 another state. If a proceeding to enforce a child custody
8 determination has been commenced in another state, the court
9 may:

10 (a) Stay the proceeding for modification pending the
11 entry of an order of a court of the other state enforcing,
12 staying, denying, or dismissing the proceeding for
13 enforcement;

14 (b) Enjoin the parties from continuing with the
15 proceeding for enforcement; or

16 (c) Proceed with the modification under conditions it
17 considers appropriate.

18 61.520 Inconvenient forum.--

19 (1) A court of this state which has jurisdiction under
20 this part to make a child custody determination may decline to
21 exercise its jurisdiction at any time if it determines that it
22 is an inconvenient forum under the circumstances and that a
23 court of another state is a more appropriate forum. The issue
24 of inconvenient forum may be raised upon motion of a party,
25 the court's own motion, or request of another court.

26 (2) Before determining whether it is an inconvenient
27 forum, a court of this state shall consider whether it is
28 appropriate for a court of another state to exercise
29 jurisdiction. For this purpose, the court shall allow the
30 parties to submit information and shall consider all relevant
31 factors, including:

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

4 (b) The length of time the child has resided outside
5 this state;

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

8 (d) The relative financial circumstances of the
9 parties;

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

12 (f) The nature and location of the evidence required
13 to resolve the pending litigation, including testimony of the
14 child;

15 (g) The ability of the court of each state to decide
16 the issue expeditiously and the procedures necessary to
17 present the evidence; and

18 (h) The familiarity of the court of each state with
19 the facts and issues in the pending litigation.

20 (3) If a court of this state determines that it is an
21 inconvenient forum and that a court of another state is a more
22 appropriate forum, it shall stay the proceedings upon
23 condition that a child custody proceeding be promptly
24 commenced in another designated state and may impose any other
25 condition the court considers just and proper.

26 (4) A court of this state may decline to exercise its
27 jurisdiction under this part if a child custody determination
28 is incidental to an action for divorce or another proceeding
29 while still retaining jurisdiction over the divorce or other
30 proceeding.

31 61.521 Jurisdiction declined by reason of conduct.--

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1 (1) Except as otherwise provided in s. 61.517 or by
2 other law of this state, if a court of this state has
3 jurisdiction under this part because a person seeking to
4 invoke its jurisdiction has engaged in unjustifiable conduct,
5 the court shall decline to exercise its jurisdiction unless:

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

8 (b) A court of the state otherwise having jurisdiction
9 under ss. 61.514-61.516 determines that this state is a more
10 appropriate forum under s. 61.520; or

11 (c) No court of any other state would have
12 jurisdiction under the criteria specified in ss.
13 61.514-61.516.

14 (2) If a court of this state declines to exercise its
15 jurisdiction under subsection (1), it may fashion an
16 appropriate remedy to ensure the safety of the child and
17 prevent a repetition of the unjustifiable conduct, including
18 staying the proceeding until a child custody proceeding is
19 commenced in a court having jurisdiction under ss.
20 61.514-61.516.

21 (3) If a court dismisses a petition or stays a
22 proceeding because it declines to exercise its jurisdiction
23 under subsection (1), it shall assess against the party
24 seeking to invoke its jurisdiction necessary and reasonable
25 expenses, including costs, communication expenses, attorney's
26 fees, investigative fees, expenses for witnesses, travel
27 expenses, and expenses for child care during the course of the
28 proceedings, unless the party from whom fees are sought
29 establishes that the assessment would be clearly
30 inappropriate. The court may not assess fees, costs, or
31 expenses against this state unless authorized by law other

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1 than this part.

2 61.522 Information to be submitted to the court.--

3 (1) Subject to Florida law providing for the
4 confidentiality of procedures, addresses, and other
5 identifying information in a child custody proceeding, each
6 party, in its first pleading or in an attached affidavit,
7 shall give information, if reasonably ascertainable, under
8 oath as to the child's present address or whereabouts, the
9 places where the child has lived during the last 5 years, and
10 the names and present addresses of the persons with whom the
11 child has lived during that period. The pleading or affidavit
12 must state whether the party:

13 (a) Has participated, as a party or witness or in any
14 other capacity, in any other proceeding concerning the custody
15 of or visitation with the child and, if so, identify the
16 court, the case number, and the date of the child custody
17 determination, if any;

18 (b) Knows of any proceeding that could affect the
19 current proceeding, including proceedings for enforcement and
20 proceedings relating to domestic violence, protective orders,
21 termination of parental rights, and adoptions and, if so,
22 identify the court, the case number, and the nature of the
23 proceeding; and

24 (c) Knows the names and addresses of any person not a
25 party to the proceeding who has physical custody of the child
26 or claims rights of legal custody or physical custody of, or
27 visitation with, the child and, if so, the names and addresses
28 of those persons.

29 (2) If the information required by subsection (1) is
30 not furnished, the court, upon motion of a party or its own
31 motion, may stay the proceeding until the information is

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1 furnished.

2 (3) If the declaration as to any of the items
3 described in paragraphs (1)(a)-(c) is in the affirmative, the
4 declarant shall give additional information under oath as
5 required by the court. The court may examine the parties under
6 oath as to details of the information furnished and other
7 matters pertinent to the court's jurisdiction and the
8 disposition of the case.

9 (4) Each party has a continuing duty to inform the
10 court of any proceeding in this or any other state which could
11 affect the current proceeding.

12 61.523 Appearance of parties and child.--

13 (1) In a child custody proceeding in this state, the
14 court may order a party to the proceeding who is in this state
15 to appear before the court in person with or without the
16 child. The court may order any person who is in this state and
17 who has physical custody or control of the child to appear in
18 person with the child.

19 (2) If a party to a child custody proceeding whose
20 presence is desired by the court is outside this state, the
21 court may order that a notice given pursuant to s. 61.509
22 include a statement directing the party to appear in person
23 with or without the child and informing the party that failure
24 to appear may result in a decision adverse to the party.

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

28 (4) If a party to a child custody proceeding who is
29 outside this state is directed to appear under subsection (2)
30 or desires to appear in person before the court with or
31 without the child, the court may require another party to pay

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1 reasonable and necessary travel and other expenses of the
2 party so appearing and of the child.

3 61.524 Definitions.--As used in ss. 61.524-61.540, the
4 term:

5 (1) "Petitioner" means a person who seeks enforcement
6 of an order for return of a child under the Hague Convention
7 on the Civil Aspects of International Child Abduction or
8 enforcement of a child custody determination.

9 (2) "Respondent" means a person against whom a
10 proceeding has been commenced for enforcement of an order for
11 return of a child under the Hague Convention on the Civil
12 Aspects of International Child Abduction or enforcement of a
13 child custody determination.

14 61.525 Enforcement under the Hague Convention.--Under
15 this part, a court of this state may enforce an order for the
16 return of a child made under the Hague Convention on the Civil
17 Aspects of International Child Abduction as if it were a child
18 custody determination.

19 61.526 Duty to enforce.--

20 (1) A court of this state shall recognize and enforce
21 a child custody determination of a court of another state if
22 the latter court exercised jurisdiction in substantial
23 conformity with this part or the determination was made under
24 factual circumstances meeting the jurisdictional standards of
25 this part and the determination has not been modified in
26 accordance with this part.

27 (2) A court of this state may use any remedy available
28 under other laws of this state to enforce a child custody
29 determination made by a court of another state. The remedies
30 provided by ss. 61.524-61.540 are cumulative and do not affect
31 the availability of other remedies to enforce a child custody

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1 determination.

2 61.527 Temporary visitation.--

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

6 (a) A visitation schedule made by a court of another
7 state; or

8 (b) The visitation provisions of a child custody
9 determination of another state which does not provide for a
10 specific visitation schedule.

11 (2) If a court of this state makes an order under
12 paragraph (1)(b), it shall specify in the order a period that
13 it considers adequate to allow the petitioner to obtain an
14 order from a court having jurisdiction under the criteria
15 specified in ss. 61.514-61.523. The order remains in effect
16 until an order is obtained from the other court or the period
17 expires.

18 61.528 Registration of child custody determination.--

19 (1) A child custody determination issued by a court of
20 another state may be registered in this state, with or without
21 a simultaneous request for enforcement, by sending to the
22 circuit court of the county where the petitioner or respondent
23 resides or where a simultaneous request for enforcement is
24 sought:

25 (a) A letter or other document requesting
26 registration;

27 (b) Two copies, including one certified copy, of the
28 determination sought to be registered and a statement under
29 penalty of perjury that, to the best of the knowledge and
30 belief of the person seeking registration, the order has not
31 been modified; and

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1 (c) Except as otherwise provided in s. 61.522, the
2 name and address of the person seeking registration and any
3 parent or person acting as a parent who has been awarded
4 custody or visitation in the child custody determination
5 sought to be registered.

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

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

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

14 (3) The notice required by paragraph (2)(b) must state
15 that:

16 (a) A registered determination is enforceable as of
17 the date of the registration in the same manner as a
18 determination issued by a court of this state;

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

22 (c) Failure to contest the registration will result in
23 confirmation of the child custody determination and preclude
24 further contest of that determination with respect to any
25 matter that could have been asserted.

26 (4) A person seeking to contest the validity of a
27 registered order must request a hearing within 20 days after
28 service of the notice. At that hearing, the court shall
29 confirm the registered order unless the person contesting
30 registration establishes that:

31 (a) The issuing court did not have jurisdiction under

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1 ss. 61.514-61.523;

2 (b) The child custody determination sought to be
3 registered has been vacated, stayed, or modified by a court
4 having jurisdiction to do so under ss. 61.514-61.523; or

5 (c) The person contesting registration was entitled to
6 notice, but notice was not given in accordance with the
7 standards of s. 61.509 in the proceedings before the court
8 that issued the order for which registration is sought.

9 (5) If a timely request for a hearing to contest the
10 validity of the registration is not made, the registration is
11 confirmed as a matter of law and the person requesting
12 registration and all persons served must be notified of the
13 confirmation.

14 (6) Confirmation of a registered order, whether by
15 operation of law or after notice and hearing, precludes
16 further contest of the order with respect to any matter that
17 could have been asserted at the time of registration.

18 61.529 Enforcement of registered determination.--

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

23 (2) A court of this state shall recognize and enforce
24 but may not modify, except in accordance with ss.
25 61.514-61.523, a registered child custody determination of
26 another state.

27 61.530 Simultaneous proceedings.--If a proceeding for
28 enforcement under ss. 61.524-61.540 is commenced in a court of
29 this state and the court determines that a proceeding to
30 modify the determination is pending in a court of another
31 state having jurisdiction to modify the determination under

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1 ss. 61.514-61.523, the enforcing court shall immediately
2 communicate with the modifying court. The proceeding for
3 enforcement continues unless the enforcing court, after
4 consultation with the modifying court, stays or dismisses the
5 proceeding.

6 61.531 Expedited enforcement of child custody
7 determination.--

8 (1) A petition under ss. 61.524-61.540 must be
9 verified. Certified copies of all orders sought to be enforced
10 and of any order confirming registration must be attached to
11 the petition. A copy of a certified copy of an order may be
12 attached instead of the original.

13 (2) A petition for enforcement of a child custody
14 determination must state:

15 (a) Whether the court that issued the determination
16 identified the jurisdictional basis it relied upon in
17 exercising jurisdiction and, if so, specify the basis;

18 (b) Whether the determination for which enforcement is
19 sought has been vacated, stayed, or modified by a court whose
20 decision must be enforced under this part and, if so, identify
21 the court, the case number, and the nature of the proceeding;

22 (c) Whether any proceeding has been commenced that
23 could affect the current proceeding, including proceedings
24 relating to domestic violence, protective orders, termination
25 of parental rights, and adoptions and, if so, identify the
26 court, the case number, and the nature of the proceeding;

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

29 (e) Whether relief in addition to the immediate
30 physical custody of the child and attorney's fees is sought,
31 including a request for assistance from law enforcement

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1 officers and, if so, the relief sought; and

2 (f) If the child custody determination has been
3 registered and confirmed under s. 61.528, the date and place
4 of registration.

5 (3) Upon the filing of a petition, the court shall
6 issue an order directing the respondent to appear in person
7 with or without the child at a hearing and may enter any order
8 necessary to ensure the safety of the parties and the child.
9 The hearing must be held on the next judicial day after
10 service of the order unless that date is impossible. In that
11 event, the court shall hold the hearing on the first judicial
12 day possible. The court may extend the date of the hearing at
13 the request of the petitioner.

14 (4) An order issued under subsection (3) must state
15 the time and place of the hearing and advise the respondent
16 that at the hearing the court will order that the petitioner
17 may take immediate physical custody of the child and the
18 payment of fees, costs, and expenses under s. 61.535 and may
19 schedule a hearing to determine whether further relief is
20 appropriate, unless the respondent appears and establishes
21 that:

22 (a) The child custody determination has not been
23 registered and confirmed under s. 61.528 and that:

24 1. The issuing court did not have jurisdiction under
25 ss. 61.514-61.523;

26 2. The child custody determination for which
27 enforcement is sought has been vacated, stayed, or modified by
28 a court of a state having jurisdiction to do so under ss.
29 61.514-61.523; or

30 3. The respondent was entitled to notice, but notice
31 was not given in accordance with the standards of s. 61.509 in

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1 the proceedings before the court that issued the order for
2 which enforcement is sought; or

3 (b) The child custody determination for which
4 enforcement is sought was registered and confirmed under s.
5 61.528, but has been vacated, stayed, or modified by a court
6 of a state having jurisdiction to do so under ss.
7 61.514-61.523.

8 61.532 Service of petition and order.--Except as
9 otherwise provided in s. 61.534, the petition and order must
10 be served by any method authorized by the laws of this state
11 upon the respondent and any person who has physical custody of
12 the child.

13 61.533 Hearing and order.--

14 (1) Unless the court enters a temporary emergency
15 order under s. 61.517, upon a finding that a petitioner is
16 entitled to immediate physical custody of the child, the court
17 shall order that the petitioner may take immediate physical
18 custody of the child unless the respondent establishes that:

19 (a) The child custody determination has not been
20 registered and confirmed under s. 61.528 and that:

21 1. The issuing court did not have jurisdiction under
22 ss. 61.514-61.523;

23 2. The child custody determination for which
24 enforcement is sought has been vacated, stayed, or modified by
25 a court of a state having jurisdiction to do so under ss.
26 61.514-61.523; or

27 3. The respondent was entitled to notice, but notice
28 was not given in accordance with the standards of s. 61.509 in
29 the proceedings before the court that issued the order for
30 which enforcement is sought; or

31 (b) The child custody determination for which

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1 enforcement is sought was registered and confirmed under s.
2 61.528, but has been vacated, stayed, or modified by a court
3 of a state having jurisdiction to do so under ss.
4 61.514-61.523.

5 (2) The court shall award the fees, costs, and
6 expenses authorized under s. 61.535 and may grant additional
7 relief, including a request for the assistance of law
8 enforcement officers, and set a further hearing to determine
9 whether additional relief is appropriate.

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

13 (4) A privilege against disclosure of communications
14 between spouses and a defense of immunity based on the
15 relationship of husband and wife or parent and child may not
16 be invoked in a proceeding under ss. 61.524-61.540.

17 61.534 Warrant to take physical custody of child.--

18 (1) Upon the filing of a petition seeking enforcement
19 of a child custody determination, the petitioner may file a
20 verified application for the issuance of a warrant to take
21 physical custody of the child if the child is likely to
22 imminently suffer serious physical harm or removal from this
23 state.

24 (2) If the court, upon the testimony of the petitioner
25 or other witness, finds that the child is likely to imminently
26 suffer serious physical harm or removal from this state, it
27 may issue a warrant to take physical custody of the child. The
28 petition must be heard on the next judicial day after the
29 warrant is executed unless that date is impossible. In that
30 event, the court shall hold the hearing on the first judicial
31 day possible. The application for the warrant must include the

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1 statements required by s. 61.531(2).

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

4 (a) Recite the facts upon which a conclusion of
5 imminent serious physical harm or removal from the
6 jurisdiction is based;

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

9 (c) Provide for the placement of the child pending
10 final relief.

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

14 (5) A warrant to take physical custody of a child is
15 enforceable throughout this state. If the court finds on the
16 basis of the testimony of the petitioner or other witness that
17 a less intrusive remedy is not effective, it may authorize law
18 enforcement officers to enter private property to take
19 physical custody of the child. If required by exigent
20 circumstances of the case, the court may authorize law
21 enforcement officers to make a forcible entry at any hour.

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

25 61.535 Costs, fees, and expenses.--

26 (1) So long as the court has personal jurisdiction
27 over the party against whom the expenses are being assessed,
28 the court shall award the prevailing party, including a state,
29 necessary and reasonable expenses incurred by or on behalf of
30 the party, including costs, communication expenses, attorney's
31 fees, investigative fees, expenses for witnesses, travel

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1 expenses, and expenses for child care during the course of the
2 proceedings, unless the party from whom fees or expenses are
3 sought establishes that the award would be clearly
4 inappropriate.

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

7 61.536 Recognition and enforcement.--A court of this
8 state shall accord full faith and credit to an order issued by
9 another state and consistent with this part which enforces a
10 child custody determination by a court of another state unless
11 the order has been vacated, stayed, or modified by a court
12 having jurisdiction to do so under ss. 61.514-61.523.

13 61.537 Appeals.--An appeal may be taken from a final
14 order in a proceeding under ss. 61.524-61.540 in accordance
15 with expedited appellate procedures in other civil cases.
16 Unless the court enters a temporary emergency order under s.
17 61.517, the enforcing court may not stay an order enforcing a
18 child custody determination pending appeal.

19 61.538 Role of state attorney.--

20 (1) In a case arising under this part or involving the
21 Hague Convention on the Civil Aspects of International Child
22 Abduction, the state attorney may take any lawful action,
23 including resort to a proceeding under ss. 61.524-61.540 or
24 any other available civil proceeding, to locate a child,
25 obtain the return of a child, or enforce a child custody
26 determination, if there is:

27 (a) An existing child custody determination;

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

30 (c) A reasonable belief that a criminal statute has
31 been violated; or

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1 (d) A reasonable belief that the child has been
2 wrongfully removed or retained in violation of the Hague
3 Convention on the Civil Aspects of International Child
4 Abduction.

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

7 61.539 Role of law enforcement officers.--At the
8 request of a state attorney acting under s. 61.538, a law
9 enforcement officer may take any lawful action reasonably
10 necessary to locate a child or a party and assist a state
11 attorney with responsibilities under s. 61.538.

12 61.540 Costs and expenses.--The court may assess
13 against the nonprevailing party all direct expenses and costs
14 incurred by the state attorney and law enforcement officers
15 under s. 61.538 or s. 61.539 so long as the court has personal
16 jurisdiction over the nonprevailing party.

17 61.541 Application and construction.--In applying and
18 construing this part, consideration must be given to the need
19 to promote uniformity of the law with respect to its subject
20 matter among states that enact it.

21 61.542 Transitional provision.--A motion or other
22 request for relief made in a child custody proceeding or to
23 enforce a child custody determination that was commenced
24 before the effective date of this part is governed by the law
25 in effect at the time the motion or other request was made.

26 Section 6. Paragraph (d) of subsection (3), subsection
27 (4), and paragraph (a) of subsection (7) of section 741.30,
28 Florida Statutes, are amended to read:

29 741.30 Domestic violence; injunction; powers and
30 duties of court and clerk; petition; notice and hearing;
31 temporary injunction; issuance of injunction; statewide

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1 verification system; enforcement.--

2 (3)

3 (d) If the sworn petition seeks to determine issues of
4 custody or visitation with regard to the minor child or
5 children of the parties, the sworn petition shall be
6 accompanied by or shall incorporate the allegations required
7 by s. 61.522 ~~s. 61.132~~ of the Uniform Child Custody
8 Jurisdiction and Enforcement Act.

9 (4) Upon the filing of the petition, the court shall
10 set a hearing to be held at the earliest possible time. The
11 respondent shall be personally served with a copy of the
12 petition, financial affidavit, uniform child custody
13 jurisdiction and enforcement act affidavit, if any, notice of
14 hearing, and temporary injunction, if any, prior to the
15 hearing.

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

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1 agency serving injunctions pursuant to this section shall use
2 service and verification procedures consistent with those of
3 the sheriff.

4 2. When an injunction is issued, if the petitioner
5 requests the assistance of a law enforcement agency, the court
6 may order that an officer from the appropriate law enforcement
7 agency accompany the petitioner and assist in placing the
8 petitioner in possession of the dwelling or residence, or
9 otherwise assist in the execution or service of the
10 injunction. A law enforcement officer shall accept a copy of
11 an injunction for protection against domestic violence,
12 certified by the clerk of the court, from the petitioner and
13 immediately serve it upon a respondent who has been located
14 but not yet served.

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

31

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1 If the respondent has been served previously with the
2 temporary injunction and has failed to appear at the initial
3 hearing on the temporary injunction, any subsequent petition
4 for injunction seeking an extension of time may be served on
5 the respondent by the clerk of the court by certified mail in
6 lieu of personal service by a law enforcement officer.

7 Section 7. Sections 61.1302, 61.1304, 61.1306,
8 61.1308, 61.131, 61.1312, 61.1314, 61.1316, 61.1318, 61.132,
9 61.1322, 61.1324, 61.1326, 61.1328, 61.133, 61.1332, 61.1334,
10 61.1336, 61.1338, 61.134, 61.1342, 61.1344, 61.1346, and
11 61.1348, Florida Statutes, are repealed.

12 Section 8. This act shall take effect October 1, 2002.

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14

15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 Delete everything before the enacting clause

18
19 and insert:

20 A bill to be entitled
21 An act relating to child custody jurisdiction
22 and enforcement; amending s. 39.502, F.S.;
23 conforming references and cross references;
24 re-enacting s. 44.102, F.S.; to incorporate an
25 amendment to s. 61.13, F.S.; amending s. 61.13,
26 F.S.; conforming a reference; providing for the
27 posting of a bond with respect to certain
28 orders of child custody or visitation;
29 providing criteria for the court to use in
30 assessing the need for a bond; providing for
31 forfeiture of the bond under certain

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1 circumstances; creating sections 61.501 through
2 61.542, F.S., cited as the "Uniform Child
3 Custody Jurisdiction and Enforcement Act";
4 providing purposes; providing definitions;
5 specifying proceedings not governed by the act;
6 providing application to Indian tribes;
7 providing international application of the act;
8 providing the effect of a child custody
9 determination; providing priority for questions
10 jurisdiction under the act; providing for
11 notice to persons outside the state; providing
12 for appearance at proceedings and limited
13 immunity; providing for communication between
14 courts of this state and courts of other
15 states; providing for taking testimony in
16 another state; providing for cooperation
17 between courts and the preservation of records;
18 providing for initial child custody
19 jurisdiction; providing for exclusive,
20 continuing jurisdiction; providing for
21 jurisdiction to modify a child custody
22 determination; providing for temporary
23 emergency jurisdiction; providing for notice,
24 opportunity to be heard, and joinder; providing
25 procedures with respect to simultaneous
26 proceedings; providing for determination of an
27 inconvenient forum; providing procedures for a
28 court to decline jurisdiction by reason of
29 conduct; specifying information to be submitted
30 to the court; providing for the appearance of
31 the parties and the child at proceedings;

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1 providing definitions relating to enforcement;
2 providing for enforcement under the Hague
3 Convention; providing duty of the court to
4 enforce child custody determinations of a court
5 of another state; providing for temporary
6 visitation; providing for registration of
7 out-of-state child custody determinations;
8 providing for enforcement of registered
9 determinations; providing procedures with
10 respect to simultaneous proceedings; providing
11 for expedited enforcement of a child custody
12 determination; providing for service of
13 petition and order; providing for hearing and
14 order; providing for issuance of a warrant to
15 take physical custody of a child under certain
16 circumstances; providing for award of costs,
17 fees, and expenses to the prevailing party;
18 providing for recognition of enforcement orders
19 of a court of another state; providing for
20 appeals; providing for actions by the state
21 attorney; providing for actions by law
22 enforcement officers; providing for assessment
23 of costs and expenses incurred by the state
24 attorney and law enforcement officers;
25 providing for application and construction of
26 the act; providing for transition; amending s.
27 741.30, F.S.; conforming references and cross
28 references; repealing ss. 61.1302, 61.1304,
29 61.1306, 61.1308, 61.131, 61.1312, 61.1314,
30 61.1316, 61.1318, 61.132, 61.1322, 61.1324,
31 61.1326, 61.1328, 61.133, 61.1332, 61.1334,

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61.1336, 61.1338, 61.134, 61.1342, 61.1344,
61.1346, and 61.1348, F.S., relating to the
"Uniform Child Custody Jurisdiction Act";
providing an effective date.