

1 A bill to be entitled
2 An act relating to child custody jurisdiction
3 and enforcement; amending s. 39.502, F.S.;
4 conforming references and cross references;
5 re-enacting s. 44.102, F.S.; to incorporate an
6 amendment to s. 61.13, F.S.; amending s. 61.13,
7 F.S.; conforming a reference; providing for the
8 posting of a bond with respect to certain
9 orders of child custody or visitation;
10 providing criteria for the court to use in
11 assessing the need for a bond; providing for
12 forfeiture of the bond under certain
13 circumstances; creating sections 61.501 through
14 61.542, F.S., cited as the "Uniform Child
15 Custody Jurisdiction and Enforcement Act";
16 providing purposes; providing definitions;
17 specifying proceedings not governed by the act;
18 providing application to Indian tribes;
19 providing international application of the act;
20 providing the effect of a child custody
21 determination; providing priority for questions
22 jurisdiction under the act; providing for
23 notice to persons outside the state; providing
24 for appearance at proceedings and limited
25 immunity; providing for communication between
26 courts of this state and courts of other
27 states; providing for taking testimony in
28 another state; providing for cooperation
29 between courts and the preservation of records;
30 providing for initial child custody
31 jurisdiction; providing for exclusive,

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 court to decline jurisdiction by reason of
 10 conduct; specifying information to be submitted
 11 to the court; providing for the appearance of
 12 the parties and the child at proceedings;
 13 providing definitions relating to enforcement;
 14 providing for enforcement under the Hague
 15 Convention; providing duty of the court to
 16 enforce child custody determinations of a court
 17 of another state; providing for temporary
 18 visitation; providing for registration of
 19 out-of-state child custody determinations;
 20 providing for enforcement of registered
 21 determinations; providing procedures with
 22 respect to simultaneous proceedings; providing
 23 for 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

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 for transition; amending s.
8 741.30, F.S.; conforming references and cross
9 references; repealing ss. 61.1302, 61.1304,
10 61.1306, 61.1308, 61.131, 61.1312, 61.1314,
11 61.1316, 61.1318, 61.132, 61.1322, 61.1324,
12 61.1326, 61.1328, 61.133, 61.1332, 61.1334,
13 61.1336, 61.1338, 61.134, 61.1342, 61.1344,
14 61.1346, and 61.1348, F.S., relating to the
15 "Uniform Child Custody Jurisdiction Act";
16 providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

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

22 39.502 Notice, process, and service.--

23 (7) Service of the summons and service of pleadings,
24 papers, and notices subsequent to the summons on persons
25 outside this state must be made pursuant to s. 61.509 ~~s.~~
26 ~~61.1312~~.

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

30 44.102 Court-ordered mediation.--

31 (2) A court, under rules adopted by the Supreme Court:

1 (a) Must, upon request of one party, refer to
2 mediation any filed civil action for monetary damages,
3 provided the requesting party is willing and able to pay the
4 costs of the mediation or the costs can be equitably divided
5 between the parties, unless:

6 1. The action is a landlord and tenant dispute that
7 does not include a claim for personal injury.

8 2. The action is filed for the purpose of collecting a
9 debt.

10 3. The action is a claim of medical malpractice.

11 4. The action is governed by the Florida Small Claims
12 Rules.

13 5. The court determines that the action is proper for
14 referral to nonbinding arbitration under this chapter.

15 6. The parties have agreed to binding arbitration.

16 7. The parties have agreed to an expedited trial
17 pursuant to s. 45.075.

18 8. The parties have agreed to voluntary trial
19 resolution pursuant to s. 44.104.

20 (b) May refer to mediation all or any part of a filed
21 civil action for which mediation is not required under this
22 section.

23 (c) In circuits in which a family mediation program
24 has been established and upon a court finding of a dispute,
25 shall refer to mediation all or part of custody, visitation,
26 or other parental responsibility issues as defined in s.
27 61.13. Upon motion or request of a party, a court shall not
28 refer any case to mediation if it finds there has been a
29 history of domestic violence that would compromise the
30 mediation process.

31

1 (d) In circuits in which a dependency or in need of
2 services mediation program has been established, may refer to
3 mediation all or any portion of a matter relating to
4 dependency or to a child in need of services or a family in
5 need of services.

6 Section 3. Paragraph (b) of subsection (2) of section
7 61.13, Florida Statutes, is amended to read:

8 61.13 Custody and support of children; visitation
9 rights; power of court in making orders.--

10 (2)

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

24 2. The court shall order that the parental
25 responsibility for a minor child be shared by both parents
26 unless the court finds that shared parental responsibility
27 would be detrimental to the child. Evidence that a parent has
28 been convicted of a felony of the third degree or higher
29 involving domestic violence, as defined in s. 741.28 and
30 chapter 775, or meets the criteria of s. 39.806(1)(d), creates
31 a rebuttable presumption of detriment to the child. If the

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

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

24 b. The court shall order "sole parental
 25 responsibility, with or without visitation rights, to the
 26 other parent when it is in the best interests of" the minor
 27 child.

28 c. The court may award the grandparents visitation
 29 rights with a minor child if it is in the child's best
 30 interest. Grandparents have legal standing to seek judicial
 31 enforcement of such an award. This section does not require

1 that grandparents be made parties or given notice of
2 dissolution pleadings or proceedings, nor do grandparents have
3 legal standing as "contestants" as defined in s. 61.1306. A
4 court may not order that a child be kept within the state or
5 jurisdiction of the court solely for the purpose of permitting
6 visitation by the grandparents.

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

20 Section 4. (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

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

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

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

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

12 (2) If the court enters an order of child custody or
13 visitation, including in a modification proceeding, that
14 includes a provision entered under paragraph (1)(b) or
15 paragraph (1)(c), a certified copy of the order should be sent
16 by the parent who requested the restriction to the Passport
17 Services Office of the U.S. Department of State requesting
18 that they not issue a passport to the child without their
19 signature or further court order.

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

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

1 **(b) The party has strong family and community ties to**
2 **Florida or to other states or countries, including whether the**
3 **party or child is a citizen of another country;**

4 **(c) The party has strong financial reasons to remain**
5 **in Florida or to relocate to another state or country;**

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

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

19 **(f) The party has a criminal record.**

20 **(4) The court must consider the party's financial**
21 **resources prior to setting the bond amount under this section.**
22 **Under no circumstances may the court set a bond that is**
23 **unreasonable.**

24 **(5) Any deficiency of bond or security shall not**
25 **absolve the violating party of responsibility to pay the full**
26 **amount of damages determined by the court.**

27 **(6)(a) Upon a material violation of any custody or**
28 **visitation order by removing a child from this state or this**
29 **country or by concealing the whereabouts of a child, the court**
30 **may order the bond or other security forfeited in whole or in**
31 **part.**

1 (b) This section, including the requirement to post a
2 bond or other security, does not apply to a parent who, in a
3 proceeding to order or modify child custody or visitation, the
4 court determines is a victim of an act of domestic violence or
5 has reasonable cause to believe he or she is about to become
6 the victim of an act of domestic violence, as defined in
7 section 741.28, Florida Statutes. An injunction for protection
8 against domestic violence issued pursuant to section 741.30,
9 Florida Statutes, for a parent as the petitioner which is in
10 effect at the time of the court proceeding shall be one means
11 of demonstrating sufficient evidence that the parent is a
12 victim of domestic violence or is about to become the victim
13 of an act of domestic violence, as defined in section 741.28,
14 Florida Statutes, and shall exempt the parent from this
15 section, including the requirement to post a bond or other
16 security. A parent who is determined by the court to be exempt
17 from the requirements of this section must meet the
18 requirements of section 787.03(6), Florida Statutes, if an
19 offense of interference with custody is committed.

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

23 1. Reimburse the nonviolating party for actual costs
24 or damages incurred in upholding the court's order of custody
25 or visitation.

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

28 3. Reimburse reasonable fees and costs as determined
29 by the court.

30 (b) Any remaining proceeds shall be held as further
31 security if deemed necessary by the court, and if further

1 security is not found to be necessary; applied to any child
2 support arrears owed by the parent against whom the bond was
3 required, and if no arrears exists; all remaining proceeds
4 will be allocated by the court in the best interest of the
5 child.

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

14 Section 5. Sections 61.501 through 61.542, Florida
15 Statutes, are created to read:

16 61.501 Short title.--This part may be cited as the
17 "Uniform Child Custody Jurisdiction and Enforcement Act."

18 61.502 Purposes of part; construction of
19 provisions.--The general purposes of this part are to:

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

24 (2) Promote cooperation with the courts of other
25 states to the end that a custody decree is rendered in the
26 state that can best decide the case in the interest of the
27 child.

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

30 (4) Deter abductions.

31

1 (5) Avoid relitigating the custody decisions of other
2 states in this state.

3 (6) Facilitate the enforcement of custody decrees of
4 other states.

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

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

10 61.503 Definitions.--As used in this part, the term:

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

13 (2) "Child" means an individual who has not attained
14 18 years of age.

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

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

31

1 (5) "Commencement" means the filing of the first
2 pleading in a proceeding.

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

6 (7) "Home state" means the state in which a child
7 lived with a parent or a person acting as a parent for at
8 least 6 consecutive months immediately before the commencement
9 of a child custody proceeding. In the case of a child younger
10 than 6 months of age, the term means the state in which the
11 child lived from birth with any of the persons mentioned. A
12 period of temporary absence of any of the mentioned persons is
13 part of the period.

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

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

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

21 (11) "Modification" means a child custody
22 determination that changes, replaces, supersedes, or is
23 otherwise made after a previous determination concerning the
24 same child, regardless of whether it is made by the court that
25 made the previous determination.

26 (12) "Person" means an individual, corporation,
27 business trust, estate, trust, partnership, limited liability
28 company, association, joint venture, or government;
29 governmental subdivision, agency, instrumentality, or public
30 corporation; or any other legal or commercial entity.

31

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

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

7 (b) Has been awarded a child-custody determination by
8 a court or claims a right to a child-custody determination
9 under the laws of this state.

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

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

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

19 (17) "Warrant" means an order issued by a court
20 authorizing law enforcement officers to take physical custody
21 of a child.

22 61.504 Proceedings governed by other law.--This part
23 does not govern a proceeding pertaining to the authorization
24 of emergency medical care for a child.

25 61.505 Application to Indian tribes.--

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

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1 (2) A court of this state shall treat a tribe as if it
2 were a state of the United States for purposes of applying ss.
3 61.501-61.523.

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

8 61.506 International application of part.--

9 (1) A court of this state shall treat a foreign
10 country as if it were a state of the United States for
11 purposes of applying ss. 61.501-61.523.

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

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

20 61.507 Effect of child custody determination.--A child
21 custody determination made by a court of this state which had
22 jurisdiction under this part binds all persons who have been
23 served in accordance with the laws of this state or notified
24 in accordance with s. 61.509 or who have submitted to the
25 jurisdiction of the court, and who have been given an
26 opportunity to be heard. As to those persons, the
27 determination is conclusive as to all decided issues of law
28 and fact except to the extent the determination is modified.

29 61.508 Priority.--If a question of existence or
30 exercise of jurisdiction under this part is raised in a child
31 custody proceeding, the question, upon request of a party,

1 must be given priority on the calendar and handled
2 expeditiously.

3 61.509 Notice to persons outside the state.--

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

10 (2) Proof of service may be made in the manner
11 prescribed by the laws of the state in which the service is
12 made.

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

16 61.510 Appearance and limited immunity.--

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

24 (2) A person who is subject to personal jurisdiction
25 in this state on a basis other than physical presence is not
26 immune from service of process in this state. A party present
27 in this state who is subject to the jurisdiction of another
28 state is not immune from service of process allowable under
29 the laws of that state.

30 (3) The immunity granted by subsection (1) does not
31 extend to civil litigation based on an act unrelated to the

1 participation in a proceeding under this part which was
2 committed by an individual while present in this state.

3 61.511 Communication between courts.--

4 (1) A court of this state may communicate with a court
5 in another state concerning a proceeding arising under this
6 part.

7 (2) The court shall allow the parties to participate
8 in the communication. If the parties elect to participate in
9 the communication, they must be given the opportunity to
10 present facts and legal arguments before a decision on
11 jurisdiction is made.

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

16 (4) Except as otherwise provided in subsection (3), a
17 record must be made of a communication under this section. The
18 parties must be informed promptly of the communication and
19 granted access to the record.

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

25 61.512 Taking testimony in another state.--

26 (1) In addition to other procedures available to a
27 party, a party to a child custody proceeding may offer
28 testimony of witnesses who are located in another state,
29 including testimony of the parties and the child, by
30 deposition or other means available in this state for
31 testimony taken in another state. The court on its own motion

1 may order that the testimony of a person be taken in another
2 state and may prescribe the manner in which and the terms upon
3 which the testimony is taken.

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

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

15 61.513 Cooperation between courts; preservation of
16 records.--

17 (1) A court of this state may request the appropriate
18 court of another state to:

19 (a) Hold an evidentiary hearing;

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

22 (c) Order that an evaluation be made with respect to
23 the custody of a child involved in a pending proceeding
24 pursuant to the laws of the state where the proceeding is
25 pending;

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

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31

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 if the court
10 has personal jurisdiction over the party against whom these
11 expenses are being assessed.

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

19 61.514 Initial child custody jurisdiction.--

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

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

29 (b) A court of another state does not have
30 jurisdiction under paragraph (a), or a court of the home state
31 of the child has declined to exercise jurisdiction on the

1 grounds that this state is the more appropriate forum under s.
2 61.520 or s. 61.521, and:

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

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

10 (c) All courts having jurisdiction under paragraph (a)
11 or paragraph (b) have declined to exercise jurisdiction on the
12 grounds that a court of this state is the more appropriate
13 forum to determine the custody of the child under s. 61.520 or
14 s. 61.521; or

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

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

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

24 61.515 Exclusive, continuing jurisdiction.--

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

29 (a) A court of this state determines that the child,
30 the child's parents, and any person acting as a parent does
31 not have a significant connection with this state and that

1 substantial evidence is no longer available in this state
2 concerning the child's care, protection, training, and
3 personal relationships; or

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

7 (2) A court of this state which has made a child
8 custody determination and does not have exclusive, continuing
9 jurisdiction under this section may modify that determination
10 only if it has jurisdiction to make an initial determination
11 under s. 61.514.

12 61.516 Jurisdiction to modify a determination.--Except
13 as otherwise provided in s. 61.517, a court of this state may
14 not modify a child custody determination made by a court of
15 another state unless a court of this state has jurisdiction to
16 make an initial determination under s. 61.514(1)(a) or s.
17 61.514(1)(b) and:

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

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

26 61.517 Temporary emergency jurisdiction.--

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

1 the child, is subjected to or threatened with mistreatment or
2 abuse.

3 (2) If there is no previous child custody
4 determination that is entitled to be enforced under this part,
5 and a child custody proceeding has not been commenced in a
6 court of a state having jurisdiction under ss. 61.514-61.616,
7 a child custody determination made under this section remains
8 in effect until an order is obtained from a court of a state
9 having jurisdiction under ss. 61.514-61.516. If a child
10 custody proceeding has not been or is not commenced in a court
11 of a state having jurisdiction under ss. 61.514-61.516, a
12 child custody determination made under this section becomes a
13 final determination if it so provides and this state becomes
14 the home state of the child.

15 (3) If there is a previous child custody determination
16 that is entitled to be enforced under this part, or a child
17 custody proceeding has been commenced in a court of a state
18 having jurisdiction under ss. 61.514-61.516, any order issued
19 by a court of this state under this section must specify in
20 the order a period that the court considers adequate to allow
21 the person seeking an order to obtain an order from the state
22 having jurisdiction under ss. 61.514-61.516. The order issued
23 in this state remains in effect until an order is obtained
24 from the other state within the period specified or the period
25 expires.

26 (4) A court of this state which has been asked to make
27 a child custody determination under this section, upon being
28 informed that a child custody proceeding has been commenced
29 in, or a child custody determination has been made by, a court
30 of a state having jurisdiction under ss. 61.514-61.516, shall
31 immediately communicate with the other court. A court of this

1 state which is exercising jurisdiction under ss.
2 61.514-61.516, upon being informed that a child custody
3 proceeding has been commenced in, or a child custody
4 determination has been made by, a court of another state under
5 a statute similar to this section shall immediately
6 communicate with the court of that state to resolve the
7 emergency, protect the safety of the parties and the child,
8 and determine a period for the duration of the temporary
9 order.

10 61.518 Notice; opportunity to be heard; joinder.--

11 (1) Before a child custody determination is made under
12 this part, notice and an opportunity to be heard in accordance
13 with the standards of s. 61.509 must be given to all persons
14 entitled to notice under the laws of this state as in child
15 custody proceedings between residents of this state, any
16 parent whose parental rights have not been previously
17 terminated, and any person acting as a parent.

18 (2) This part 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 part are governed by the laws of this state as in child
24 custody proceedings between residents of this state.

25 61.519 Simultaneous proceedings.--

26 (1) Except as otherwise provided in s. 61.517, a court
27 of this state may not exercise its jurisdiction under ss.
28 61.514-61.524 if, at the time of the commencement of the
29 proceeding, a proceeding concerning the custody of the child
30 had been commenced in a court of another state having
31 jurisdiction substantially in conformity with this part,

1 unless the proceeding has been terminated or is stayed by the
2 court of the other state because a court of this state is a
3 more convenient forum under s. 61.520.

4 (2) Except as otherwise provided in s. 61.517, a court
5 of this state, before hearing a child custody proceeding,
6 shall examine the court documents and other information
7 supplied by the parties pursuant to s. 61.522. If the court
8 determines that a child custody proceeding was previously
9 commenced in a court in another state having jurisdiction
10 substantially in accordance with this part, the court of this
11 state shall stay its proceeding and communicate with the court
12 of the other state. If the court of the state having
13 jurisdiction substantially in accordance with this part does
14 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 61.520 Inconvenient forum.--

1 (1) A court of this state which has jurisdiction under
2 this part 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

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

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

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

14 61.521 Jurisdiction declined by reason of conduct.--

15 (1) Except as otherwise provided in s. 61.517 or by
16 other law of this state, if a court of this state has
17 jurisdiction under this part because a person seeking to
18 invoke its jurisdiction has engaged in unjustifiable conduct,
19 the 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 ss. 61.514-61.516 determines that this state is a more
24 appropriate forum under s. 61.520; or

25 (c) No court of any other state would have
26 jurisdiction under the criteria specified in ss.
27 61.514-61.516.

28 (2) If a court of this state declines to exercise its
29 jurisdiction under 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

1 staying the proceeding until a child custody proceeding is
2 commenced in a court having jurisdiction under ss.
3 61.514-61.516.

4 (3) If a court dismisses a petition or stays a
5 proceeding because it declines to exercise its jurisdiction
6 under 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 expenses for child care during the course of the
11 proceedings, unless the party from whom fees are sought
12 establishes that the assessment would be clearly
13 inappropriate. The court may not assess fees, costs, or
14 expenses against this state unless authorized by law other
15 than this part.

16 61.522 Information to be submitted to the court.--

17 (1) Subject to Florida 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;

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 which could
25 affect the current proceeding.

26 61.523 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

1 who has physical custody or control of the child to appear in
2 person with the child.

3 (2) If a party to a child custody proceeding whose
4 presence is desired by the court is outside this state, the
5 court may order that a notice given pursuant to s. 61.509
6 include a statement directing the party to appear in person
7 with or without the child and informing the party that failure
8 to appear may result in a decision adverse to the party.

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

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

18 61.524 Definitions.--As used in ss. 61.524-61.540, the
19 term:

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

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

29 61.525 Enforcement under the Hague Convention.--Under
30 this part, a court of this state may enforce an order for the
31 return of a child made under the Hague Convention on the Civil

1 Aspects of International Child Abduction as if it were a child
2 custody determination.

3 61.526 Duty to enforce.--

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

11 (2) A court of this state may use any remedy available
12 under other laws of this state to enforce a child custody
13 determination made by a court of another state. The remedies
14 provided by ss. 61.524-61.540 are cumulative and do not affect
15 the availability of other remedies to enforce a child custody
16 determination.

17 61.527 Temporary visitation.--

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

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

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

26 (2) If a court of this state makes an order under
27 paragraph (1)(b), it shall specify in the order a period that
28 it considers adequate to allow the petitioner to obtain an
29 order from a court having jurisdiction under the criteria
30 specified in ss. 61.514-61.523. The order remains in effect

31

1 until an order is obtained from the other court or the period
2 expires.

3 61.528 Registration of child custody determination.--

4 (1) A child custody determination issued by a court of
5 another state may be registered in this state, with or without
6 a simultaneous request for enforcement, by sending to the
7 circuit court of the county where the petitioner or respondent
8 resides or where a simultaneous request for enforcement is
9 sought:

10 (a) A letter or other document requesting
11 registration;

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

17 (c) Except as otherwise provided in s. 61.522, the
18 name and address of the person seeking registration and any
19 parent or person acting as a parent who has been awarded
20 custody or visitation in the child custody determination
21 sought to be registered.

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

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

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

30 (3) The notice required by paragraph (2)(b) must state
31 that:

1 (a) A registered determination is enforceable as of
2 the date of the registration in the same manner as a
3 determination issued by a court of this state;

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

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

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

16 (a) The issuing court did not have jurisdiction under
17 ss. 61.514-61.523;

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

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

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

30 (6) Confirmation of a registered order, whether by
31 operation of law or after notice and hearing, precludes

1 further contest of the order with respect to any matter that
2 could have been asserted at the time of registration.

3 61.529 Enforcement of registered determination.--

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

8 (2) A court of this state shall recognize and enforce
9 but may not modify, except in accordance with ss.
10 61.514-61.523, a registered child custody determination of
11 another state.

12 61.530 Simultaneous proceedings.--If a proceeding for
13 enforcement under ss. 61.524-61.540 is commenced in a court of
14 this state and the court determines that a proceeding to
15 modify the determination is pending in a court of another
16 state having jurisdiction to modify the determination under
17 ss. 61.514-61.523, the enforcing court shall immediately
18 communicate with the modifying court. The proceeding for
19 enforcement continues unless the enforcing court, after
20 consultation with the modifying court, stays or dismisses the
21 proceeding.

22 61.531 Expedited enforcement of child custody
23 determination.--

24 (1) A petition under ss. 61.524-61.540 must be
25 verified. Certified copies of all orders sought to be enforced
26 and of any order confirming registration must be attached to
27 the petition. A copy of a certified copy of an order may be
28 attached instead of the original.

29 (2) A petition for enforcement of a child custody
30 determination must state:

31

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

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

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

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

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

19 (f) If the child custody determination has been
20 registered and confirmed under s. 61.528, the date and place
21 of registration.

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

31

1 (4) An order issued under subsection (3) must state
2 the time and place of the hearing and advise the respondent
3 that at the hearing the court will order that the petitioner
4 may take immediate physical custody of the child and the
5 payment of fees, costs, and expenses under s. 61.535 and may
6 schedule a hearing to determine whether further relief is
7 appropriate, unless the respondent appears and establishes
8 that:

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

11 1. The issuing court did not have jurisdiction under
12 ss. 61.514-61.523;

13 2. The child custody determination for which
14 enforcement is sought has been vacated, stayed, or modified by
15 a court of a state having jurisdiction to do so under ss.
16 61.514-61.523; or

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

21 (b) The child custody determination for which
22 enforcement is sought was registered and confirmed under s.
23 61.528, but has been vacated, stayed, or modified by a court
24 of a state having jurisdiction to do so under ss.
25 61.514-61.523.

26 61.532 Service of petition and order.--Except as
27 otherwise provided in s. 61.534, the petition and order must
28 be served by any method authorized by the laws of this state
29 upon the respondent and any person who has physical custody of
30 the child.

31 61.533 Hearing and order.--

1 (1) Unless the court enters a temporary emergency
2 order under s. 61.517, upon a finding that a petitioner is
3 entitled to immediate physical custody of the child, the court
4 shall order that the petitioner may take immediate physical
5 custody of the child unless the respondent establishes that:

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

8 1. The issuing court did not have jurisdiction under
9 ss. 61.514-61.523;

10 2. The child custody determination for which
11 enforcement is sought has been vacated, stayed, or modified by
12 a court of a state having jurisdiction to do so under ss.
13 61.514-61.523; or

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

18 (b) The child custody determination for which
19 enforcement is sought was registered and confirmed under s.
20 61.528, but has been vacated, stayed, or modified by a court
21 of a state having jurisdiction to do so under ss.
22 61.514-61.523.

23 (2) The court shall award the fees, costs, and
24 expenses authorized under s. 61.535 and may grant additional
25 relief, including a request for the assistance of law
26 enforcement officers, and set a further hearing to determine
27 whether additional relief is appropriate.

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

31

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

5 61.534 Warrant to take physical custody of child.--

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

12 (2) If the court, upon the testimony of the petitioner
13 or other witness, finds that the child is likely to imminently
14 suffer serious physical harm or removal from this state, it
15 may issue a warrant to take physical custody of the child. The
16 petition must be heard on the next judicial day after the
17 warrant is executed unless that date is impossible. In that
18 event, the court shall hold the hearing on the first judicial
19 day possible. The application for the warrant must include the
20 statements required by s. 61.531(2).

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

23 (a) Recite the facts upon which a conclusion of
24 imminent serious physical harm or removal from the
25 jurisdiction is based;

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

28 (c) Provide for the placement of the child pending
29 final relief.

30
31

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

4 (5) A warrant to take physical custody of a child is
5 enforceable throughout this state. If the court finds on the
6 basis of the testimony of the petitioner or other witness that
7 a less intrusive remedy is not effective, it may authorize law
8 enforcement officers to enter private property to take
9 physical custody of the child. If required by exigent
10 circumstances of the case, the court may authorize law
11 enforcement officers to make a forcible entry at any hour.

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

15 61.535 Costs, fees, and expenses.--

16 (1) So long as the court has personal jurisdiction
17 over the party against whom the expenses are being assessed,
18 the court shall award the prevailing party, including a state,
19 necessary and reasonable expenses incurred by or on behalf of
20 the party, including costs, communication expenses, attorney's
21 fees, investigative fees, expenses for witnesses, travel
22 expenses, and expenses for child care during the course of the
23 proceedings, unless the party from whom fees or expenses are
24 sought establishes that the award would be clearly
25 inappropriate.

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

28 61.536 Recognition and enforcement.--A court of this
29 state shall accord full faith and credit to an order issued by
30 another state and consistent with this part which enforces a
31 child custody determination by a court of another state unless

1 the order has been vacated, stayed, or modified by a court
2 having jurisdiction to do so under ss. 61.514-61.523.

3 61.537 Appeals.--An appeal may be taken from a final
4 order in a proceeding under ss. 61.524-61.540 in accordance
5 with expedited appellate procedures in other civil cases.
6 Unless the court enters a temporary emergency order under s.
7 61.517, the enforcing court may not stay an order enforcing a
8 child custody determination pending appeal.

9 61.538 Role of state attorney.--

10 (1) In a case arising under this part or involving the
11 Hague Convention on the Civil Aspects of International Child
12 Abduction, the state attorney may take any lawful action,
13 including resort to a proceeding under ss. 61.524-61.540 or
14 any other available civil proceeding, to locate a child,
15 obtain the return of a child, or enforce a child custody
16 determination, if there is:

17 (a) An existing child custody determination;

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

20 (c) A reasonable belief that a criminal statute has
21 been violated; or

22 (d) A reasonable belief that the child has been
23 wrongfully removed or retained in violation of the Hague
24 Convention on the Civil Aspects of International Child
25 Abduction.

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

28 61.539 Role of law enforcement officers.--At the
29 request of a state attorney acting under s. 61.538, a law
30 enforcement officer may take any lawful action reasonably
31

1 necessary to locate a child or a party and assist a state
2 attorney with responsibilities under s. 61.538.

3 61.540 Costs and expenses.--The court may assess
4 against the nonprevailing party all direct expenses and costs
5 incurred by the state attorney and law enforcement officers
6 under s. 61.538 or s. 61.539 so long as the court has personal
7 jurisdiction over the nonprevailing party.

8 61.541 Application and construction.--In applying and
9 construing this part, consideration must be given to the need
10 to promote uniformity of the law with respect to its subject
11 matter among states that enact it.

12 61.542 Transitional provision.--A motion or other
13 request for relief made in a child custody proceeding or to
14 enforce a child custody determination that was commenced
15 before the effective date of this part is governed by the law
16 in effect at the time the motion or other request was made.

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

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

24 (3)

25 (d) If the sworn petition seeks to determine issues of
26 custody or visitation with regard to the minor child or
27 children of the parties, the sworn petition shall be
28 accompanied by or shall incorporate the allegations required
29 by s. 61.522 ~~s. 61.132~~ of the Uniform Child Custody
30 Jurisdiction and Enforcement Act.

31

1 (4) Upon the filing of the petition, the court shall
2 set a hearing to be held at the earliest possible time. The
3 respondent shall be personally served with a copy of the
4 petition, financial affidavit, uniform child custody
5 jurisdiction and enforcement act affidavit, if any, notice of
6 hearing, and temporary injunction, if any, prior to the
7 hearing.

8 (7)(a)1. The clerk of the court shall furnish a copy
9 of the petition, financial affidavit, uniform child custody
10 jurisdiction and enforcement act affidavit, if any, notice of
11 hearing, and temporary injunction, if any, to the sheriff or a
12 law enforcement agency of the county where the respondent
13 resides or can be found, who shall serve it upon the
14 respondent as soon thereafter as possible on any day of the
15 week and at any time of the day or night. The clerk of the
16 court shall be responsible for furnishing to the sheriff such
17 information on the respondent's physical description and
18 location as is required by the department to comply with the
19 verification procedures set forth in this section.

20 Notwithstanding any other provision of law to the contrary,
21 the chief judge of each circuit, in consultation with the
22 appropriate sheriff, may authorize a law enforcement agency
23 within the jurisdiction to effect service. A law enforcement
24 agency serving injunctions pursuant to this section shall use
25 service and verification procedures consistent with those of
26 the sheriff.

27 2. When an injunction is issued, if the petitioner
28 requests the assistance of a law enforcement agency, the court
29 may order that an officer from the appropriate law enforcement
30 agency accompany the petitioner and assist in placing the
31 petitioner in possession of the dwelling or residence, or

1 otherwise assist in the execution or service of the
2 injunction. A law enforcement officer shall accept a copy of
3 an injunction for protection against domestic violence,
4 certified by the clerk of the court, from the petitioner and
5 immediately serve it upon a respondent who has been located
6 but not yet served.

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

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

30 Section 7. Sections 61.1302, 61.1304, 61.1306,
31 61.1308, 61.131, 61.1312, 61.1314, 61.1316, 61.1318, 61.132,

1 61.1322, 61.1324, 61.1326, 61.1328, 61.133, 61.1332, 61.1334,
2 61.1336, 61.1338, 61.134, 61.1342, 61.1344, 61.1346, and
3 61.1348, Florida Statutes, are repealed.

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