

By the Committee on Judiciary; and Senator Posey

590-2219-07

1 A bill to be entitled
2 An act relating to child custody; creating s.
3 61.13002, F.S.; prohibiting a court from
4 modifying child custody during the time a
5 parent is activated, deployed, or temporarily
6 assigned to military service; providing a
7 limited exception; requiring reinstatement upon
8 parent's return from military service; limiting
9 application of the prohibition; providing an
10 effective date.

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

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14 Section 1. Section 61.13002, Florida Statutes, is
15 created to read:

16 61.13002 Child custody modification.--

17 (1) If a supplemental petition to modify or a motion
18 for change of child custody and parental responsibility is
19 filed during the time a parent is activated, deployed, or
20 temporarily assigned to military service and the parent's
21 ability to continue as the primary caretaker of a minor child
22 is materially affected as a result, the court may not issue an
23 order or modify or amend a previous judgment or order that
24 changes custody as it existed on the date the parent was
25 activated, deployed, or temporarily assigned to military
26 service, except that a court may enter a temporary order to
27 modify or amend custody if there is clear and convincing
28 evidence that the temporary modification or amendment is in
29 the best interests of the child. When entering a temporary
30 order under this section, the court shall consider and provide
31 for, if feasible, contact between the military service member

1 and his or her child, including, but not limited to,
2 electronic communication by webcam, telephone, or other
3 available means. The court shall also permit liberal
4 time-sharing during periods of leave from military service, as
5 it is in the child's best interests to maintain the
6 parent-child bond during the parent's military service.

7 (2) If a temporary order is issued under this section,
8 the court shall reinstate the custody judgment or order
9 previously in effect upon the parent's return from active
10 military service, deployment, or temporary assignment.

11 (3) This section does not apply to permanent change of
12 station moves by military personnel, which shall be governed
13 by s. 61.13001.

14 Section 2. This act shall take effect July 1, 2007.

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16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 SB 122

19 The committee substitute differs from the underlying bill in
20 that it:

- 21 -- Expands the scope of the bill to apply to parents in all
branches of the military;
- 22 -- Does not apply to custody orders involving a military
23 parent who is not the primary caretaker of a child;
- 24 -- Directs courts to facilitate contact between a military
parent and a child in a temporary custody modification
25 order through the use of webcams, telephones, and other
means; and
- 26 -- Requires courts to grant liberal visitation to the
27 military parent while the parent is on leave from
military service.