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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/06/2010	.	
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The Committee on Criminal and Civil Justice Appropriations
(Villalobos) recommended the following:

Senate Amendment (with title amendment)

Between lines 225 and 226
insert:

Section 6. Section 61.13002, Florida Statutes, is amended
to read:

61.13002 Temporary time-sharing modification and child
support modification due to military service.—

(1) If a supplemental petition or a motion for modification
of time-sharing and parental responsibility is filed because a
parent is activated, deployed, or temporarily assigned to
military service and the parent's ability to comply with time-



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13 sharing is materially affected as a result, the court may not
14 issue an order or modify or amend a previous judgment or order
15 that changes time-sharing as it existed on the date the parent
16 was activated, deployed, or temporarily assigned to military
17 service, except that a court may enter a temporary order ~~to~~
18 ~~modify or amend time-sharing~~ if there is clear and convincing
19 evidence that a ~~the~~ temporary modification or amendment is in
20 the best interests of the child. When entering a temporary order
21 under this section, the court shall consider and ~~provide for~~, if
22 feasible, provide for contact between the ~~military~~ servicemember
23 and his or her child, including, but not limited to, electronic
24 communication by webcam, telephone, or other available means.
25 The court shall also permit liberal time-sharing during periods
26 of leave from military service, as it is in the child's best
27 interests to maintain the parent-child bond during the parent's
28 military service.

29 (2) If a parent is activated, deployed, or temporarily
30 assigned to military service on orders in excess of 90 days and
31 that parent's ability to comply with time-sharing is materially
32 affected as a result, that parent may designate other persons to
33 exercise the parent's time-sharing possession of the child on
34 the parent's behalf. Such designation is limited to a family
35 member, or stepparent or other relative by marriage, of the
36 child. The designation must be in writing and provided to the
37 other parent at least 10 working days before the court-ordered
38 period of time-sharing commences. The other parent may object
39 only on the grounds that the designee's time-sharing visitation
40 is not in the best interests of the child. If unable to reach
41 agreement on the delegation, either parent may request an



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42 expedited court hearing for a determination on the designation.

43 (3) The servicemember and the other parent shall cooperate
44 with each other in an effort to reach a mutually agreeable
45 resolution of custody, visitation, delegation of visitation, and
46 child support. Each parent shall provide information to the
47 other parent in order to facilitate agreement on custody,
48 visitation, delegation of visitation, and child support.
49 Agreements on the designation of persons to exercise time-
50 sharing possession of the child on the servicemember's behalf
51 may also be made at the time of dissolution of marriage or other
52 child custody proceedings.

53 (4) Upon motion of either parent for enforcement of rights
54 under this section, the court shall, for good cause shown, hold
55 an expedited hearing in custody and visitation matters
56 instituted under this section, and permit the servicemember to
57 testify by telephone, video teleconference, webcam, affidavit,
58 or other means if the military duties of the servicemember have
59 a material effect on that parent's ability, or anticipated
60 ability, to appear in person at a regularly scheduled hearing.

61 (5)~~(2)~~ If a temporary order is issued under this section,
62 the court shall reinstate the time-sharing order previously in
63 effect upon the servicemember parent's return from active
64 military service, deployment, or temporary assignment.

65 (6)~~(3)~~ If a temporary order is entered under this section,
66 the court may address the issue of support for the child by:

67 (a) Entering an order of temporary support from the
68 servicemember to the other parent under s. 61.30;

69 (b) Requiring the servicemember to enroll the child as a
70 military dependent with DEERs, TriCare, or other similar



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71 benefits available to military dependents as provided by the
72 service member's branch of service and federal regulations; or

73 (c) Suspending, abating, or reducing the child support
74 obligation of the other parent ~~nonservice member~~ until the
75 custody judgment or time-share order previously in effect is
76 reinstated.

77 (4) This section does not apply to permanent change of
78 station moves by military personnel, which is ~~shall be~~ governed
79 by s. 61.13001.

80

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

82 And the title is amended as follows:

83 Delete line 26

84 and insert:

85 order; amending s. 61.13002, F.S.; authorizing a
86 servicemember parent ordered to active duty to
87 designate another to exercise that parent's time-
88 sharing responsibility for the child; providing for
89 expedited hearings and alternative means for the
90 servicemember parent to testify; providing an
91 effective date.