

By the Committee on Military Affairs, Space, and Domestic Security; and Senator Storms

583-03457-11

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1 A bill to be entitled
2 An act relating to child custody; amending s.
3 61.13002, F.S.; providing that a parent's activation,
4 deployment, or temporary assignment to military
5 service and the resultant temporary disruption to the
6 child may not be the sole factor in granting a
7 petition for or modification of time-sharing and
8 parental responsibility; providing that a time-sharing
9 and parental responsibility order in effect before a
10 temporary change due to a parent's military service
11 shall automatically be reinstated after a specified
12 period after return and notice by the returning
13 parent; providing an exception; specifying burden of
14 proof for the exception; providing an effective date.

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

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18 Section 1. Subsections (1) and (4) of section 61.13002,
19 Florida Statutes, are amended to read:

20 61.13002 Temporary time-sharing modification and child
21 support modification due to military service.—

22 (1) If a supplemental petition or a motion for modification of
23 time-sharing and parental responsibility is filed because a
24 parent is activated, deployed, or temporarily assigned to
25 military service and the parent's ability to comply with time-
26 sharing is materially affected as a result, the court may not
27 issue an order or modify or amend a previous judgment or order
28 that changes time-sharing as it existed on the date the parent
29 was activated, deployed, or temporarily assigned to military

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30 service, except that a court may enter a temporary order to
31 modify or amend time-sharing if there is clear and convincing
32 evidence that the temporary modification or amendment is in the
33 best interests of the child. When entering a temporary order
34 under this section, the court shall consider and provide for, if
35 feasible, contact between the military servicemember and his or
36 her child, including, but not limited to, electronic
37 communication by webcam, telephone, or other available means.
38 The court shall also permit liberal time-sharing during periods
39 of leave from military service, as it is in the child's best
40 interests to maintain the parent-child bond during the parent's
41 military service. However, a parent's activation, deployment, or
42 temporary assignment to military service and the resultant
43 temporary disruption to the child may not be the sole factor in
44 a court's decision to grant a petition for or modification of
45 permanent time-sharing and parental responsibility.

46 (4) If a temporary order is issued under this section, the
47 court shall automatically reinstate the time-sharing order
48 previously in effect before the military parent's activation,
49 deployment, or temporary assignment to military service, within
50 10 days after notification by that parent of his or her ~~upon the~~
51 ~~servicemember parent's~~ return from active military service,
52 deployment, or temporary assignment, unless the court finds that
53 resumption of the original order is no longer in the child's
54 best interest. The nonmilitary parent bears the burden of
55 proving that resumption of the original order is no longer in
56 the child's best interest.

57 Section 2. This act shall take effect July 1, 2011.