

1  
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.  
30  
31

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

30  
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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