

Committee Substitute for Senate Bill No. 122

An act relating to child custody; creating s. 61.13002, F.S.; prohibiting a court from modifying child custody during the time a parent is activated, deployed, or temporarily assigned to military service; providing a limited exception; requiring reinstatement upon parent's return from military service; limiting application of the prohibition; providing an effective date.

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

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

61.13002 Child custody modification.—

(1) If a supplemental petition to modify or a motion for change of child custody and parental responsibility is filed during the time a parent is activated, deployed, or temporarily assigned to military service and the parent's ability to continue as the primary caretaker of a minor child is materially affected as a result, the court may not issue an order or modify or amend a previous judgment or order that changes custody as it existed on the date the parent was activated, deployed, or temporarily assigned to military service, except that a court may enter a temporary order to modify or amend custody if there is clear and convincing evidence that the temporary modification or amendment is in the best interests of the child. When entering a temporary order under this section, the court shall consider and provide for, if feasible, contact between the military service member and his or her child, including, but not limited to, electronic communication by webcam, telephone, or other available means. The court shall also permit liberal time-sharing during periods of leave from military service, as it is in the child's best interests to maintain the parent-child bond during the parent's military service.

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

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

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

Approved by the Governor June 15, 2007.

Filed in Office Secretary of State June 15, 2007.