

## CHAPTER 2020-65

### Committee Substitute for House Bill No. 197

An act relating to the Servicemembers Civil Relief Act; amending s. 39.01, F.S.; revising the definition of “abandoned” or “abandonment”; amending s. 39.0137, F.S.; providing that certain state laws relating to children do not supersede the Servicemembers Civil Relief Act; requiring the Department of Children and Families to ensure that the act is observed in certain cases; providing an effective date.

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

Section 1. Subsection (1) of section 39.01, Florida Statutes, is amended to read:

39.01 Definitions.—When used in this chapter, unless the context otherwise requires:

(1) “Abandoned” or “abandonment” means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child’s care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both. For purposes of this subsection, “establish or maintain a substantial and positive relationship” includes, but is not limited to, frequent and regular contact with the child through frequent and regular visitation or frequent and regular communication to or with the child, and the exercise of parental rights and responsibilities. Marginal efforts and incidental or token visits or communications are not sufficient to establish or maintain a substantial and positive relationship with a child. A man’s acknowledgment of paternity of the child does not limit the period of time considered in determining whether the child was abandoned. The term does not include a surrendered newborn infant as described in s. 383.50, a “child in need of services” as defined in chapter 984, or a “family in need of services” as defined in chapter 984. The absence of a parent, legal custodian, or caregiver responsible for a child’s welfare, who is a servicemember, by reason of deployment or anticipated deployment as defined in 50 U.S.C. s. 3938(e), may not be considered or used as a factor in determining abandonment. The incarceration, repeated incarceration, or extended incarceration of a parent, legal custodian, or caregiver responsible for a child’s welfare may support a finding of abandonment.

Section 2. Subsection (1) of section 39.0137, Florida Statutes, is amended, and a new subsection (3) is added to that section to read:

39.0137 Federal law; rulemaking authority.—

(1) This chapter does not supersede the requirements of the Indian Child Welfare Act, 25 U.S.C. ss. 1901 et seq., ~~or~~ the Multi-Ethnic Placement Act of 1994, Pub. L. No. 103-382, as amended, the Servicemembers Civil Relief Act, 50 U.S.C. ss. 3901 et seq., or the implementing regulations for such acts.

(3) The department shall ensure that the Servicemembers Civil Relief Act is observed in cases where a parent, legal custodian, or caregiver responsible for a child’s welfare, by virtue of his or her service, is unable to take custody of the child or appear before the court in person.

Section 3. This act shall take effect July 1, 2020.

Approved by the Governor June 20, 2020.

Filed in Office Secretary of State June 20, 2020.