

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Metz offered the following:

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5 Remove lines 54-406 and insert:

6 positive relationship of substantial duration and depth in which
 7 a significant bond exists between a child and a nonparent.

8 (5) "Court" means the court of legal jurisdiction.

9 (6) "Custodial responsibility" includes all powers and
 10 duties relating to caretaking authority and decisionmaking
 11 authority for a child. The term includes physical custody, legal
 12 custody, parenting time, right to access, visitation, and
 13 authority to grant limited contact with a child.

14 (7) "Decisionmaking authority" means the power to make
 15 important decisions regarding a child, including decisions
 16 regarding the child's education, religious training, health

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17 care, extracurricular activities, and travel. The term does not
18 include the power to make decisions that necessarily accompany a
19 grant of caretaking authority.

20 (8) "Deploying parent" means a servicemember who is
21 deployed or has been notified of impending deployment and is:

22 (a) A parent of a child; or

23 (b) An individual who has custodial responsibility for a
24 child.

25 (9) "Deployment" means the movement or mobilization of a
26 servicemember for more than 90 days but less than 18 months
27 pursuant to uniformed service orders that:

28 (a) Are designated as unaccompanied;

29 (b) Do not authorize dependent travel; or

30 (c) Otherwise do not permit the movement of family members
31 to the location to which the servicemember is deployed.

32 (10) "Family member" means a sibling, aunt, uncle, cousin,
33 stepparent, or grandparent of a child or an individual
34 recognized by the deploying parent and the other parent to be in
35 a familial relationship with a child.

36 (11) "Limited contact" means the authority of a nonparent
37 to visit a child for a limited time. The term includes authority
38 to take the child to a place other than the child's residence.

39 (12) "Nonparent" means an individual other than a
40 deploying parent or other parent.

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41 (13) "Notice of deployment" means official notification to
42 a servicemember, through orders or other written or electronic
43 communication from higher authority, that the servicemember is
44 subject to deployment on or about a specified date.

45 (14) "Other parent" means an individual who, in addition
46 to a deploying parent, is:

47 (a) A parent of a child; or

48 (b) An individual who has custodial responsibility for a
49 child.

50 (15) "Record" means information that is created in a
51 tangible medium or stored in an electronic or other medium and
52 is retrievable in perceivable form.

53 (16) "Return from deployment" means the conclusion of a
54 servicemember's deployment as specified in uniformed service
55 orders.

56 (17) "Servicemember" means a member of a uniformed
57 service.

58 (18) "Sign" means, with the intent to authenticate or
59 adopt a record, to:

60 (a) Execute or adopt a tangible symbol; or

61 (b) Attach to or logically associate with the record an
62 electronic symbol, sound, or process.

63 (19) "State" means a state of the United States, the
64 District of Columbia, Puerto Rico, the United States Virgin

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65 Islands, or any territory or insular possession subject to the
66 jurisdiction of the United States.

67 (20) "Uniformed service" means any of the following:

68 (a) Active and reserve components of the Army, Navy, Air
69 Force, Marine Corps, or Coast Guard of the United States.

70 (b) The United States Merchant Marine.

71 (c) The commissioned corps of the United States Public
72 Health Service.

73 (d) The commissioned corps of the National Oceanic and
74 Atmospheric Administration.

75 (e) The National Guard of a state or territory of the
76 United States, Puerto Rico, or the District of Columbia.

77 61.705 Remedies for noncompliance.—In addition to other
78 remedies authorized by general law, if a court finds that a
79 party to a proceeding acts in bad faith or intentionally fails to
80 comply with this part or a court order issued under this part,
81 the court may assess reasonable attorney fees and costs against
82 the party, and order other appropriate relief.

83 61.707 Jurisdiction.—

84 (1) A court may issue an order regarding custodial
85 responsibility only if the court has jurisdiction under the
86 Uniform Child Custody Jurisdiction and Enforcement Act.

87 (2) For purposes of the Uniform Child Custody Jurisdiction
88 and Enforcement Act, the residence of the deploying parent does
89 not change by reason of the deployment if:

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90 (a) A court has issued a temporary order regarding
91 custodial responsibility.

92 (b) A court has issued a permanent order regarding
93 custodial responsibility before notice of deployment and the
94 parents modify that order temporarily by agreement.

95 (c) A court in another state has issued a temporary order
96 regarding custodial responsibility as a result of impending or
97 current deployment.

98 (3) This section does not prevent a court from exercising
99 temporary emergency jurisdiction under the Uniform Child Custody
100 Jurisdiction and Enforcement Act.

101 61.709 Notice requirement for deploying parent.-

102 (1) Except as otherwise provided in subsection (3), and
103 subject to subsection (2), a deploying parent shall notify in a
104 record to the other parent:

105 (a) A pending deployment not later than 7 days after
106 receiving notice of deployment unless he or she is reasonably
107 prevented from doing so by the circumstances of service, in which
108 case the deploying parent shall provide notice as soon as
109 reasonably possible.

110 (b) A plan fulfilling each parent's share of custodial
111 responsibility during deployment provided as soon as reasonably
112 possible after notice of deployment is given under paragraph

113 (a) .

114 (2) If a court order prohibits disclosure of the address

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115 or contact information of the other parent, notice pursuant to
116 subsection (1) must be provided to the issuing court. If the
117 address of the other parent is available to the issuing court,
118 the court shall forward the notice to the other parent. The court
119 shall keep confidential the address or contact information of the
120 other parent.

121 (3) Notice pursuant to subsection (1) is not required if
122 both parents are living in the same residence and have actual
123 notice of the deployment or plan.

124 (4) In a proceeding regarding custodial responsibility, a
125 court may consider the reasonableness of a parent's efforts to
126 comply with this section.

127 61.711 Duty to notify of change of address.-

128 (1) Except as otherwise provided in subsection (2), an
129 individual granted custodial responsibility during deployment
130 must notify the deploying parent and any other individual with
131 custodial responsibility of a child of any change of mailing
132 address or residence until the grant is terminated. The
133 individual must provide the notice to any court that has issued
134 a custody or child support order concerning the child.

135 (2) If a court order prohibits disclosure of the address
136 or contact information of an individual to whom custodial
137 responsibility has been granted, notice pursuant to subsection
138 (1) must be provided to the issuing court. The court shall keep
139 confidential the mailing address or residence of the individual

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140 granted custodial responsibility.

141 61.713 General consideration in custody proceeding of
142 parent's service.-In a proceeding for custodial responsibility
143 of a child of a servicemember, a court may not consider a
144 parent's past deployment or possible future deployment in
145 determining the best interest of the child.

146 61.721 Form of custodial responsibility agreement.-

147 (1) The parents of a child may enter into a temporary
148 agreement granting custodial responsibility during deployment.

149 (2) The agreement must be in writing and signed by both
150 parents and any nonparent granted custodial responsibility.

151 (3) Subject to subsection (4), the agreement, if feasible,
152 must:

153 (a) Identify the destination, duration, and conditions of
154 the deployment that is the basis for the agreement.

155 (b) Specify the allocation of caretaking authority among
156 the deploying parent, the other parent, and any nonparent.

157 (c) Specify any decisionmaking authority that accompanies
158 a grant of caretaking authority.

159 (d) Specify any grant of limited contact to a nonparent.

160 (e) Provide a process to resolve any dispute that may arise
161 if custodial responsibility is shared by the other parent and a
162 nonparent, or by other nonparents.

163 (f) Specify the frequency, duration, and means, including
164 electronic means, by which the deploying parent will have contact

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165 with the child, any role to be played by the other parent or
166 nonparent in facilitating the contact, and the allocation of any
167 costs of contact.

168 (g) Specify contact between the deploying parent and child
169 during the time the deploying parent is on leave or is otherwise
170 available.

171 (h) Acknowledge that the agreement does not modify any
172 existing child support obligation and that changing the terms of
173 the obligation during deployment requires modification in the
174 appropriate court.

175 (i) Provide that the agreement will terminate according to
176 the procedures under this part after the deploying parent returns
177 from deployment.

178 (j) Specify which parent is required to file the agreement
179 if the agreement must be filed pursuant to s. 61.729.

180 (4) The omission of any item in subsection (3) does not
181 invalidate the agreement.

182 61.723 Nature of authority created by custodial
183 responsibility agreement.—

184 (1) An agreement granting custodial responsibility during
185 deployment is temporary and terminates after the deploying
186 parent returns from deployment unless the agreement has been
187 terminated before that time by court order or modification under
188 s. 61.725. The agreement does not create an independent,
189 continuing right to caretaking authority, decisionmaking

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190 authority, or limited contact for an individual granted custodial
191 responsibility.

192 (2) A nonparent granted caretaking authority,
193 decisionmaking authority, or limited contact by agreement has
194 standing to enforce the agreement until it is terminated in
195 writing by agreement of the deploying parent and the other
196 parent, or in the absence of such agreement, by court order or
197 under s. 61.761, or modified under s. 61.725.

198 61.725 Modification of agreement.—

199 (1) The parents of a child may modify an agreement
200 granting custodial responsibility by mutual consent.

201 (2) If an agreement is modified before deployment of a
202 deploying parent, the modification must be in writing and signed
203 by both parents and any nonparent granted custodial
204 responsibility under the modified agreement.

205 (3) If an agreement is modified during deployment of a
206 deploying parent, the modification must be agreed to in a record
207 by both parents and any nonparent granted custodial
208 responsibility.

209 61.727 Power of attorney.—A deploying parent may, by power
210 of attorney, grant all or part of custodial responsibility to an
211 adult nonparent for the period of deployment if no other parent
212 possesses custodial responsibility, or if a court order
213 currently in effect prohibits contact between the child and the

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214 other parent. The deploying parent may revoke the power of
215 attorney by signing a revocation of the power of attorney.

216 61.729 Filing custodial responsibility agreement or power
217 of attorney with court.—An agreement or power of attorney must
218 be filed within a reasonable time with a court that has entered
219 an order in effect relating to custodial responsibility or child
220 support concerning the child who is the subject of the agreement
221 or power. The case number and heading of the pending case
222 concerning custodial responsibility or child support must be
223 provided to the court with the agreement or power.

224 61.733 Proceeding for temporary custody order.—

225 (1) After a deploying parent receives notice of deployment
226 and until the deployment terminates, a court may issue a
227 temporary order granting custodial responsibility unless
228 prohibited by the Servicemembers Civil Relief Act, Title 50,
229 Appendix U.S.C. ss. 501 et seq. A court may not issue a
230 permanent order granting custodial responsibility without the
231 consent of the deploying parent.

232 (2) (a) At any time after a deploying parent receives
233 notice of deployment, either parent may file a motion regarding
234 custodial responsibility of a child during deployment. The
235 motion must be filed in a pending proceeding for custodial
236 responsibility in a court with jurisdiction under s. 61.707 or,
237 if a pending proceeding does not exist in a court with

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238 jurisdiction under s. 61.707, the motion must be filed in a new
239 action for granting custodial responsibility during deployment.

240 (b) If a motion to grant custodial responsibility is filed
241 under paragraph (a) before a deploying parent deploys, the court
242 shall conduct an expedited hearing.

243 61.735 Testimony by electronic means.—In a proceeding for
244 a temporary custody order, a deploying parent or servicemember
245 witness who is not reasonably able to appear in person may
246 appear, provide testimony, and present evidence by telephonic,
247 electronic, or web based means.

248 61.737 Effect of prior judicial order or agreement.—In a
249 proceeding for a temporary grant of custodial responsibility:

250 (1) A prior judicial order granting custodial
251 responsibility in the event of deployment is binding on the
252 court unless circumstances meet the requirements authorized by
253 general law for modifying a judicial order regarding custodial
254 responsibility.

255 (2) The court shall enforce a prior written agreement
256 between the parents for granting custodial responsibility in the
257 event of deployment, including an agreement for custodial
258 responsibility during deployment, unless the court finds that
259 the agreement is not in the best interest of the child.

260 61.739 Grant of caretaking authority to nonparent.—

261 (1) Upon the motion of a deploying parent and in
262 accordance with general law, if it is in the best interest of

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263 the child, a court may grant caretaking authority to a nonparent
264 who is an adult family member of the child or an adult with whom
265 the child has a close and substantial relationship.

266 (2) Unless a grant of caretaking authority to a nonparent
267 is agreed to by the other parent, the grant is limited to an
268 amount of time that may not exceed:

269 (a) The amount of time granted to the deploying parent
270 under a permanent custody order; however, the court may add
271 travel time necessary to transport the child; or

272 (b) In the absence of a permanent custody order that is
273 currently in effect, the amount of time the deploying parent
274 habitually cared for the child before being notified of
275 deployment; however, the court may add travel time necessary to
276 transport the child.

277 (3) If, due to the operational constraints of the
278 deployment or a portion thereof, the deploying parent is unable
279 to exercise decisionmaking authority, a court may grant part of
280 that authority to a nonparent who is an adult family member of
281 the child or an adult with whom the child has a close and
282 substantial relationship. A grant of decisionmaking authority to
283 a nonparent must be narrowly tailored to the reasonably
284 foreseeable needs of the child during the time that the
285 deploying parent is unable to exercise such authority. If a
286 court grants the authority to a nonparent, the court shall
287 specify the decisionmaking powers granted and the duration of

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288 such grant. Except as specified, the deploying parent retains
289 his or her decisionmaking authority.

290 61.741 Grant of limited contact.—A court shall grant
291 limited contact to a nonparent who is a family member of the
292 child or an individual with whom the child has a close and
293 substantial relationship on motion of a deploying parent and in
294 accordance with general law unless the court finds that limited
295 contact with a nonparent would not be in the best interest of
296 the child.

297 61.743 Nature of authority created by temporary custody
298 order.—

299 (1) A grant of authority is temporary and terminates after
300 the deploying parent returns from deployment unless the grant
301 has been sooner terminated in writing by agreement of the
302 deploying parent and the other parent, or in the absence of such
303 an agreement, by court order. The grant does not create an
304 independent, continuing right to caretaking authority,
305 decisionmaking authority, or limited contact to an individual
306 granted temporary custody.

307 (2) A nonparent granted caretaking authority,
308 decisionmaking authority, or limited contact has standing to
309 enforce the grant until it is terminated in writing by agreement
310 of the deploying parent and the other parent, or in the absence
311 of such an agreement, by court order or under this part.

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312 (3) If a grant of authority is terminated in writing by
313 agreement of the deploying parent and the other parent, a copy
314 of the termination agreement shall be filed with the court and
315 the temporary custody order shall be modified to reflect the
316 termination. Thereafter the deploying parent and the other
317 parent may agree on alternative arrangements for custodial
318 responsibility in compliance with s. 61.721 or either parent may
319 seek an alternative arrangement for custodial responsibility
320 under s. 61.749.

321 61.745 Content of temporary custody order.—An order
322 granting custodial responsibility, when applicable, must:

323 (1) Designate the order as temporary and provide for
324 termination after the deploying parent returns from deployment.

325 (2) Identify, to the extent feasible, the destination,
326 duration, and conditions of the deployment.

327 (3) Specify the allocation of caretaking authority,
328 decisionmaking authority, or limited contact among the deploying
329 parent, the other parent, and any nonparent.

330 (4) Provide a process to resolve any dispute that may
331 arise if the order divides caretaking or decisionmaking
332 authority between individuals, or grants caretaking authority to
333 one individual and limited contact to another individual.

334 (5) Provide for liberal communication between the
335 deploying parent and the child during deployment, including

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336 through electronic means, unless it is not in the best interest
337 of the child, and allocate any costs of communication.

338 (6) Provide for liberal contact between the deploying
339 parent and the child during the time the deploying parent is on
340 leave or otherwise available, unless it is not in the best
341 interest of the child.

342 (7) Provide for reasonable contact between the deploying
343 parent and the child after the parent's return from deployment
344 until the temporary order is terminated, even if the time of
345 contact exceeds the time the deploying parent spent with the
346 child before entry of the temporary order.

347 61.747 Order for child support.—If a court has issued an
348 order granting caretaking authority, or an agreement granting
349 caretaking authority has been executed, the court may enter a
350 temporary order for child support authorized by general law if
351 the court has jurisdiction under the Uniform Interstate Family
352 Support Act.

353 61.749 Modifying or terminating grant of custodial
354 responsibility or limited contact to nonparent.—

355 (1) Except for an agreement under s. 61.723, or as
356 otherwise provided in subsection (2), and consistent with the
357 Servicemembers Civil Relief Act, Title 50, Appendix U.S.C. ss.
358 501 et seq, a court may modify or terminate a temporary grant of
359 custodial responsibility on motion of a deploying parent, other
360 parent, or any nonparent granted caretaking authority if the

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361 modification or termination is consistent with this part and is
362 in the best interest of the child. A modification is temporary
363 and terminates after the deploying parent returns from
364 deployment, unless the grant has been terminated before that
365 time by court order.

366 (2) The court shall terminate a grant of limited contact
367 on motion of a deploying parent.

368 61.761 Procedure for terminating temporary agreement
369 granting custodial responsibility.-

370 (1) After a deploying parent returns from deployment, a
371 deploying parent and the other parent may file with the court an
372 agreement to terminate a temporary order for custodial
373 responsibility.

374 (2) After an agreement has been filed, it shall terminate:

375 (a) On the date specified on an agreement to terminate
376 under subsection (1); or

377 (b) On the date the agreement is signed by the deploying
378 parent and the other parent if the agreement to terminate does
379 not specify a date.

380 (3) In the absence of an agreement to terminate under (1),
381 a temporary agreement granting custodial responsibility
382 terminates 30 days after the deploying parent gives notice of
383