



1 A bill to be entitled
2 An act relating to deployed parent custody and
3 visitation; creating part IV of ch. 61, F.S., entitled
4 "Uniform Deployed Parents Custody and Visitation Act";
5 providing definitions; providing remedies for
6 noncompliance; authorizing a court to issue certain
7 custodial orders only under certain jurisdiction;
8 providing notice requirements; providing requirements
9 for a proceeding for custodial responsibility of a
10 child of a servicemember; providing requirements for
11 agreement forms, termination, modification, power of
12 attorney, and filing; providing requirements for
13 temporary orders granting custodial responsibility;
14 authorizing telephonic, electronic, and web-based
15 appearance, testimony, and evidence in a proceeding
16 for temporary custody; requiring certain witnesses to
17 be sworn in by specified officers; providing for the
18 effect of any prior judicial order or agreement;
19 authorizing a court to grant temporary caretaking
20 authority or limited contact to certain nonparents
21 under certain conditions; providing for the
22 termination of a grant of authority; providing
23 requirements for a temporary custody order;
24 authorizing a court to enter a temporary order for
25 child support and modify or terminate a temporary



26 grant of custodial responsibility under certain
27 circumstances; providing procedures for terminating a
28 temporary custodial responsibility agreement;
29 providing for visitation before such termination;
30 providing construction; providing applicability;
31 repealing s. 61.13002, F.S., relating to temporary
32 time-sharing modification and child support
33 modification due to military service; providing an
34 effective date.

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

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38 Section 1. Part IV of chapter 61, Florida Statutes,
39 consisting of sections 61.703-61.773, Florida Statutes, is
40 created and entitled "Uniform Deployed Parents Custody and
41 Visitation Act."

42 61.703 Definitions.—As used in this part:

43 (1) "Adult" means an individual who has attained 18 years
44 of age or who has had the disability of nonage removed under
45 chapter 743.

46 (2) "Caretaking authority" means the right to live with
47 and care for a child on a day-to-day basis. The term includes
48 physical custody, parenting time, right to access, and
49 visitation.

50 (3) "Child" means:



51 (a) An individual who has not attained 18 years of age and
52 who has not had the disability of nonage removed under chapter
53 743; or

54 (b) An adult son or daughter by birth or adoption, or
55 designated by general law, who is the subject of a court order
56 concerning custodial responsibility.

57 (4) "Close and substantial relationship" means a positive
58 relationship of substantial duration and depth in which a
59 significant emotional bond exists between a child and a
60 nonparent.

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

62 (6) "Custodial responsibility" includes all powers and
63 duties relating to caretaking authority and decisionmaking
64 authority for a child. The term includes physical custody, legal
65 custody, parenting time, right to access, visitation, and
66 authority to grant limited contact with a child.

67 (7) "Decisionmaking authority" means the power to make
68 important decisions regarding a child, including decisions
69 regarding the child's education, religious training, health
70 care, extracurricular activities, and travel. The term does not
71 include the power to make decisions that necessarily accompany a
72 grant of caretaking authority.

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

75 (a) A parent of a child; or



76 (b) An individual who has custodial responsibility for a
77 child.

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

81 (a) Are designated as unaccompanied;

82 (b) Do not authorize dependent travel; or

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

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

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

92 (12) "Nonparent" means an individual other than a
93 deploying parent or other parent.

94 (13) "Notice of deployment" means official notification to
95 a servicemember, through orders or other written or electronic
96 communication, that the servicemember is subject to deployment
97 on or about a specified date.

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

100 (a) A parent of a child; or



101 (b) An individual who has custodial responsibility for a
102 child.

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

106 (16) "Return from deployment" means the conclusion of a
107 servicemember's deployment as specified in uniformed service
108 orders.

109 (17) "Servicemember" means a member of a uniformed
110 service.

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

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

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

116 (19) "State" means a state of the United States, the
117 District of Columbia, Puerto Rico, the United States Virgin
118 Islands, or any territory or insular possession subject to the
119 jurisdiction of the United States.

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

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

123 (b) The United States Merchant Marine.

124 (c) The commissioned corps of the United States Public
125 Health Service.



126 (d) The commissioned corps of the National Oceanic and
127 Atmospheric Administration.

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

130 61.705 Remedies for noncompliance.—In addition to other
131 remedies authorized by general law, if a court finds that a
132 party to a proceeding acts in bad faith or intentionally fails to
133 comply with this part or a court order issued under this part,
134 the court may assess any remedies under this chapter against the
135 party, and order other appropriate relief under general law.

136 61.707 Jurisdiction.—

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

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

143 (a) A court has issued a temporary order regarding
144 custodial responsibility.

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

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



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

154 61.709 Notice requirement for deploying parent.—

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

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

163 (b) A proposed plan fulfilling each parent's share of
164 custodial responsibility during deployment provided as soon as
165 reasonably possible after notice of deployment is given under
166 paragraph (a).

167 (2) If a court order prohibits disclosure of the address
168 or contact information of the other parent, notice pursuant to
169 subsection (1) must be provided to the issuing court. If the
170 address of the other parent is available to the issuing court,
171 the court shall forward the notice to the other parent. The court
172 shall keep confidential the address or contact information of the
173 other parent.

174 (3) Notice pursuant to subsection (1) is not required if
175 both parents are living in the same residence and have actual



176 notice of the deployment or plan.

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

180 61.711 Duty to notify of change of address.—

181 (1) Except as otherwise provided in subsection (2), an
182 individual granted custodial responsibility during deployment
183 must notify the deploying parent and any other individual with
184 custodial responsibility of a child of any change of mailing
185 address or residence until the grant is terminated. The
186 individual must provide the notice to any court that has issued
187 a custody or child support order concerning the child.

188 (2) If a court order prohibits disclosure of the address
189 or contact information of an individual to whom custodial
190 responsibility has been granted, notice pursuant to subsection
191 (1) must be provided to the issuing court. The court shall keep
192 confidential the mailing address or residence of the individual
193 granted custodial responsibility.

194 61.713 General consideration in custody proceeding of
195 parent's service.—In a proceeding for custodial responsibility
196 of a child of a servicemember, a court may not consider a
197 parent's past deployment or possible future deployment in
198 determining the best interest of the child.

199 61.721 Form of temporary custodial responsibility
200 agreement.—



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

203 (2) The agreement must be in writing and signed by both
204 parents and any agreed upon nonparent granted custodial
205 responsibility during deployment.

206 (3) Subject to subsection (4), the agreement, if feasible,
207 must:

208 (a) To the extent permissible, identify the destination,
209 duration, and conditions of the deployment that is the basis for
210 the agreement.

211 (b) Specify the allocation of caretaking authority among
212 the deploying parent, the other parent, and any agreed upon
213 nonparent.

214 (c) Specify any decisionmaking authority that accompanies
215 a grant of caretaking authority.

216 (d) Specify any grant of limited contact to an agreed upon
217 nonparent.

218 (e) Provide a process to resolve any dispute that may arise
219 if custodial responsibility is shared by the other parent and an
220 agreed upon nonparent, or by other agreed upon nonparents.

221 (f) Specify the frequency, duration, and means, including
222 electronic means, by which the deploying parent will have contact
223 with the child, any role to be played by the other parent or
224 agreed upon nonparent in facilitating the contact, and the
225 allocation of any costs of contact.



226 (g) Specify contact between the deploying parent and child
227 during the time the deploying parent is on leave or is otherwise
228 available.

229 (h) Acknowledge that the agreement does not modify any
230 existing child support obligation and that changing the terms of
231 the obligation during deployment requires modification in the
232 appropriate court.

233 (i) Provide that the agreement will terminate according to
234 the procedures under this part after the deploying parent returns
235 from deployment or as otherwise agreed upon in writing or in a
236 record by the deploying parent and the other parent.

237 (j) Specify which parent is required to file the agreement
238 if the agreement must be filed with the court pursuant to s.
239 61.729.

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

242 61.723 Nature of authority created by temporary custodial
243 responsibility agreement.—

244 (1) An agreement granting custodial responsibility during
245 deployment is temporary and terminates after the deploying
246 parent returns from deployment unless the agreement has been
247 terminated before that time by court order or modification under
248 s. 61.725. The agreement does not in any way create an
249 independent, continuing right to caretaking authority,
250 decisionmaking authority, or limited contact for an individual



251 granted custodial responsibility.

252 (2) An agreed upon nonparent granted temporary custodial
253 responsibility or limited contact by agreement has standing only
254 to enforce the agreement until it is terminated by a written
255 agreement signed by both the deploying parent and the other
256 parent, or, in the absence of such agreement, by court order or
257 under s. 61.761, or modified under s. 61.725.

258 61.725 Modification of agreement.—

259 (1) The parents of a child may modify an agreement
260 granting temporary custodial responsibility by mutual consent
261 and without the consent of any nonparent.

262 (2) If an agreement is modified before deployment of a
263 deploying parent, the modification must be in writing and signed
264 by both parents and any nonparent granted temporary custodial
265 responsibility under the modified agreement.

266 (3) If an agreement is modified during deployment of a
267 deploying parent, the modification must be agreed to in a record
268 by both parents and, if applicable, any agreed upon nonparent
269 granted temporary custodial responsibility.

270 61.727 Power of attorney.—A deploying parent may, by power
271 of attorney, grant all or part of custodial responsibility to an
272 adult nonparent for the period of deployment if no other parent
273 possesses custodial responsibility, or if a court order
274 currently in effect prohibits contact between the child and the
275 other parent. The deploying parent may revoke the power of



276 attorney by signing a revocation of the power of attorney.

277 61.729 Filing custodial responsibility agreement or power
278 of attorney with court.—An agreement or power of attorney must
279 be filed within a reasonable time with a court that has entered
280 an order in effect relating to custodial responsibility or child
281 support concerning the child who is the subject of the agreement
282 or power. The case number and heading of the pending case
283 concerning custodial responsibility or child support must be
284 provided to the court with the agreement or power.

285 61.733 Proceeding for temporary custody order.—

286 (1) After a deploying parent receives notice of deployment
287 and until the deployment terminates, a court may issue a
288 temporary order granting custodial responsibility unless
289 prohibited by the Servicemembers Civil Relief Act, Title 50,
290 Appendix U.S.C. ss. 501 et seq. A court may not issue a
291 permanent order granting custodial responsibility without the
292 consent of the deploying parent.

293 (2) (a) At any time after a deploying parent receives
294 notice of deployment, either parent may file a motion regarding
295 custodial responsibility of a child during deployment. The
296 motion must be filed in a pending proceeding for custodial
297 responsibility in a court with jurisdiction under s. 61.707 or,
298 if a pending proceeding does not exist in a court with
299 jurisdiction under s. 61.707, the motion must be filed in a new
300 action for granting custodial responsibility during deployment.



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

304 61.735 Testimony by electronic means.—In a proceeding for
305 a temporary custody order, a deploying parent or servicemember
306 witness who is not reasonably able to appear in person may
307 appear, provide testimony, and present evidence by telephonic,
308 electronic, or web-based means. The deploying parent or
309 servicemember witness must be sworn in by an officer authorized
310 to administer oaths under federal law.

311 61.737 Effect of prior judicial order or agreement.—In a
312 proceeding for a temporary grant of custodial responsibility:

313 (1) A prior judicial order granting custodial
314 responsibility in the event of deployment is binding on the
315 court unless circumstances meet the requirements authorized by
316 general law for modifying a judicial order regarding custodial
317 responsibility.

318 (2) The court shall enforce a prior written agreement
319 between the parents for granting custodial responsibility in the
320 event of deployment, including an agreement for custodial
321 responsibility during deployment, unless the court finds that
322 the agreement is not in the best interest of the child.

323 61.739 Grant of temporary caretaking authority to
324 nonparent.—

325 (1) Upon the motion of a deploying parent and in



326 accordance with general law, if it is in the best interest of
327 the child, a court may grant temporary caretaking authority to a
328 nonparent who is an adult family member of the child or an adult
329 who is not a family member with whom the child has a close and
330 substantial relationship. In the case of an adult who is not a
331 family member with whom the child has a close and substantial
332 relationship, the best interest of the child must be established
333 by clear and convincing evidence.

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

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

340 (b) In the absence of a permanent custody order that is
341 currently in effect, the amount of time the deploying parent
342 habitually cared for the child before being notified of
343 deployment; however, the court may add travel time necessary to
344 transport the child.

345 (3) If, due to the operational constraints of the
346 deployment, or a portion thereof, the deploying parent is unable
347 to exercise decisionmaking authority and if it is in the best
348 interest of the child, a court may grant part of that authority
349 to a nonparent who is an adult family member of the child or an
350 adult who is not a family member with whom the child has a close



351 and substantial relationship. In the case of an adult who is not
352 a family member with whom the child has a close and substantial
353 relationship, the best interest of the child must be established
354 by clear and convincing evidence. A grant of decisionmaking
355 authority to a nonparent must be narrowly drawn to the
356 reasonably foreseeable needs of the child during the time that
357 the deploying parent is unable to exercise such authority and
358 must consider the role of the other parent. If a court grants
359 the authority to a nonparent, the court shall specify the
360 decisionmaking powers granted and the duration of such grant,
361 which shall not exceed the length of time in which the deploying
362 parent is unable to exercise decisionmaking authority. Except as
363 otherwise specified in this subsection, the deploying parent
364 retains his or her decisionmaking authority for the child during
365 deployment.

366 61.741 Grant of limited contact.—A court shall grant
367 limited contact to a nonparent who is a family member of the
368 child or an individual who is not a family member with whom the
369 child has a close and substantial relationship on motion of a
370 deploying parent and in accordance with general law unless the
371 court finds that limited contact with a nonparent would not be
372 in the best interest of the child. In the case of an adult who
373 is not a family member with whom the child has a close and
374 substantial relationship, the best interest of the child must be
375 established by clear and convincing evidence.



376 61.743 Nature of authority created by temporary custody
377 order.-

378 (1) A grant of authority is temporary and terminates after
379 the deploying parent returns from deployment unless the grant
380 has been terminated before the return of the deploying parent by
381 a written agreement signed by both the deploying parent and the
382 other parent, or, in the absence of such an agreement, by court
383 order. The grant does not create any independent, continuing
384 right to caretaking authority, decisionmaking authority, or
385 limited contact to an individual granted temporary custody.

386 (2) A nonparent granted temporary caretaking authority,
387 decisionmaking authority, or limited contact has standing only
388 to enforce the grant until it is terminated by a written
389 agreement signed by both the deploying parent and the other
390 parent, or, in the absence of such an agreement, by court order
391 or under this part.

392 (3) If a grant of temporary authority is terminated by a
393 written agreement signed by both the deploying parent and the
394 other parent, a copy of the termination agreement shall be filed
395 with the court and the temporary custody order shall be modified
396 to reflect the termination. Thereafter, the deploying parent and
397 the other parent may agree on alternative arrangements for
398 custodial responsibility in compliance with s. 61.721 or either
399 parent may seek an alternative arrangement for custodial
400 responsibility under s. 61.749.



401 61.745 Content of temporary custody order.—An order
402 granting custodial responsibility, when applicable, must:
403 (1) Designate the order as temporary and provide for
404 termination after the deploying parent returns from deployment.
405 (2) Identify, to the extent feasible, the destination,
406 duration, and conditions of the deployment.
407 (3) Specify the allocation of caretaking authority,
408 decisionmaking authority, or limited contact among the deploying
409 parent, the other parent, and any nonparent.
410 (4) Provide a process to resolve any dispute that may
411 arise if the order divides caretaking or decisionmaking
412 authority between individuals, or grants caretaking authority to
413 one individual and limited contact to another individual.
414 (5) Provide for liberal communication between the
415 deploying parent and the child during deployment, including
416 through electronic means, unless it is not in the best interest
417 of the child, and allocate any costs of communication.
418 (6) Provide for liberal contact between the deploying
419 parent and the child during the time the deploying parent is on
420 leave or otherwise available, unless it is not in the best
421 interest of the child.
422 (7) Provide for reasonable contact between the deploying
423 parent and the child after the parent's return from deployment
424 until the temporary order is terminated, even if the time of
425 contact exceeds the time the deploying parent spent with the



426 child before entry of the temporary order.

427 61.747 Order for child support.—If a court has issued an
428 order granting caretaking authority, or an agreement granting
429 caretaking authority has been executed, the court may enter a
430 temporary order for child support authorized by general law if
431 the court has jurisdiction under the Uniform Interstate Family
432 Support Act.

433 61.749 Modifying or terminating temporary grant of
434 custodial responsibility or limited contact to nonparent.—

435 (1) Except for an agreement under s. 61.723, or as
436 otherwise provided in subsection (2), and consistent with the
437 Servicemembers Civil Relief Act, Title 50, Appendix U.S.C. ss.
438 501 et seq, a court may modify or terminate a temporary grant of
439 custodial responsibility on motion of a deploying parent, other
440 parent, or any nonparent granted caretaking authority if the
441 modification or termination is consistent with this part and is
442 in the best interest of the child. A modification is temporary
443 and terminates after the deploying parent returns from
444 deployment, unless the grant has been terminated before that
445 time by court order.

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

448 61.761 Procedure for terminating temporary agreement
449 granting custodial responsibility.—

450 (1) After a deploying parent returns from deployment, a



451 deploying parent and the other parent may file with the court an
452 agreement to terminate a temporary order for custodial
453 responsibility.

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

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

457 (b) On the date the agreement is signed by the deploying
458 parent and the other parent if the agreement to terminate does
459 not specify a date.

460 (3) In the absence of an agreement to terminate under
461 subsection (1), a temporary agreement granting custodial
462 responsibility automatically terminates 30 days after the
463 deploying parent gives notice of return from deployment to the
464 other parent.

465 (4) If a temporary agreement granting custodial
466 responsibility was filed with a court pursuant to s. 61.729, an
467 agreement to terminate must be filed with the court within a
468 reasonable time after the deploying parent and other parent sign
469 the agreement. The case number and heading of the case concerning
470 custodial responsibility or child support must be provided to the
471 court with the agreement to terminate.

472 (5) A proceeding seeking to prevent termination of a
473 temporary order for custodial responsibility is governed by
474 general law.

475 61.763 Visitation before termination of temporary grant of



476 custodial responsibility.—From the time a deploying parent
477 returns from deployment until a temporary agreement or order for
478 custodial responsibility is terminated, the court shall issue a
479 temporary order granting the deploying parent reasonable contact
480 with the child even if the time of contact exceeds the time the
481 deploying parent spent with the child before deployment unless it
482 is not in the best interest of the child.

483 61.771 Relation to electronic signatures in Global and
484 National Commerce Act.—This act modifies, limits, or supersedes
485 the Electronic Signatures in Global and National Commerce Act,
486 15 U.S.C. s. 7001 et seq., but does not modify, limit, or
487 supersede s. 101(c) of that act, 15 U.S.C. s. 7001(c), or
488 authorize electronic delivery of any of the notices described in
489 s. 103(b) of that act, 15 U.S.C. s. 7003(b).

490 61.773 Applicability.—This act does not affect the
491 validity of a temporary agreement or court order concerning
492 custodial responsibility during deployment entered before July
493 1, 2018.

494 Section 2. Section 61.13002, Florida Statutes, is
495 repealed.

496 Section 3. This act shall take effect July 1, 2018.