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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/07/2018	.	
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The Committee on Rules (Passidomo) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 61.13002, Florida Statutes, is repealed.

Section 2. Part IV of chapter 61, Florida Statutes,  
consisting of sections 61.703-61.773, Florida Statutes, is  
created and entitled "Uniform Deployed Parents Custody and  
Visitation Act."

61.703 Definitions.—As used in this part:

(1) "Adult" means an individual who has attained 18 years



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12 of age or who has had the disability of nonage removed under  
13 chapter 743.

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

18 (3) "Child" means:

19 (a) An individual who has not attained 18 years of age and  
20 who has not had the disability of nonage removed under chapter  
21 743; or

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

25 (4) "Close and substantial relationship" means a positive  
26 relationship of substantial duration and depth in which a  
27 significant bond exists between a child and a nonparent.

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

29 (6) "Custodial responsibility" includes all powers and  
30 duties relating to caretaking authority and decisionmaking  
31 authority for a child. The term includes physical custody, legal  
32 custody, parenting time, right to access, visitation, and  
33 authority to grant limited contact with a child.

34 (7) "Decisionmaking authority" means the power to make  
35 important decisions regarding a child, including decisions  
36 regarding the child's education, religious training, health  
37 care, extracurricular activities, and travel. The term does not  
38 include the power to make decisions that necessarily accompany a  
39 grant of caretaking authority.

40 (8) "Deploying parent" means a servicemember who is



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41 deployed or has been notified of impending deployment and is:

42 (a) A parent of a child; or

43 (b) An individual who has custodial responsibility for a  
44 child.

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

48 (a) Are designated as unaccompanied;

49 (b) Do not authorize dependent travel; or

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

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

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

59 (12) "Nonparent" means an individual other than a deploying  
60 parent or other parent.

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

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

67 (a) A parent of a child; or

68 (b) An individual who has custodial responsibility for a  
69 child.



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

73           (16) "Return from deployment" means the conclusion of a  
74 servicemember's deployment as specified in uniformed service  
75 orders.

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

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

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

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

82           (19) "State" means a state of the United States, the  
83 District of Columbia, Puerto Rico, the United States Virgin  
84 Islands, or any territory or insular possession subject to the  
85 jurisdiction of the United States.

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

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

89           (b) The United States Merchant Marine.

90           (c) The commissioned corps of the United States Public  
91 Health Service.

92           (d) The commissioned corps of the National Oceanic and  
93 Atmospheric Administration.

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

96           61.705 Remedies for noncompliance.—In addition to other  
97 remedies authorized by general law, if a court finds that a  
98 party to a proceeding acts in bad faith or intentionally fails



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99 to comply with this part or a court order issued under this  
100 part, the court may assess reasonable attorney fees and costs  
101 against the party, and order other appropriate relief.

102 61.707 Jurisdiction.—

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

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

109 (a) A court has issued a temporary order regarding  
110 custodial responsibility.

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

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

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

120 61.709 Notice requirement for deploying parent.—

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

124 (a) A pending deployment not later than 7 days after  
125 receiving notice of deployment unless he or she is reasonably  
126 prevented from doing so by the circumstances of service, in  
127 which case the deploying parent shall provide notice as soon as



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128 reasonably possible.

129 (b) A plan fulfilling each parent's share of custodial  
130 responsibility during deployment provided as soon as reasonably  
131 possible after notice of deployment is given under paragraph  
132 (a).

133 (2) If a court order prohibits disclosure of the address or  
134 contact information of the other parent, notice pursuant to  
135 subsection (1) must be provided to the issuing court. If the  
136 address of the other parent is available to the issuing court,  
137 the court shall forward the notice to the other parent. The  
138 court shall keep confidential the address or contact information  
139 of the other parent.

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

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

146 61.711 Duty to notify of change of address.-

147 (1) Except as otherwise provided in subsection (2), an  
148 individual granted custodial responsibility during deployment  
149 must notify the deploying parent and any other individual with  
150 custodial responsibility of a child of any change of mailing  
151 address or residence until the grant is terminated. The  
152 individual must provide the notice to any court that has issued  
153 a custody or child support order concerning the child.

154 (2) If a court order prohibits disclosure of the address or  
155 contact information of an individual to whom custodial  
156 responsibility has been granted, notice pursuant to subsection



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157 (1) must be provided to the issuing court. The court shall keep  
158 confidential the mailing address or residence of the individual  
159 granted custodial responsibility.

160 61.713 General consideration in custody proceeding of  
161 parent's service.—In a proceeding for custodial responsibility  
162 of a child of a servicemember, a court may not consider a  
163 parent's past deployment or possible future deployment in  
164 determining the best interest of the child.

165 61.721 Form of custodial responsibility agreement.—

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

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

170 (3) Subject to subsection (4), the agreement, if feasible,  
171 must:

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

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

176 (c) Specify any decisionmaking authority that accompanies a  
177 grant of caretaking authority.

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

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

182 (f) Specify the frequency, duration, and means, including  
183 electronic means, by which the deploying parent will have  
184 contact with the child, any role to be played by the other  
185 parent or nonparent in facilitating the contact, and the



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186 allocation of any costs of contact.

187 (g) Specify contact between the deploying parent and child  
188 during the time the deploying parent is on leave or is otherwise  
189 available.

190 (h) Acknowledge that the agreement does not modify any  
191 existing child support obligation and that changing the terms of  
192 the obligation during deployment requires modification in the  
193 appropriate court.

194 (i) Provide that the agreement will terminate according to  
195 the procedures under this part after the deploying parent  
196 returns from deployment.

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

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

201 61.723 Nature of authority created by custodial  
202 responsibility agreement.—

203 (1) An agreement granting custodial responsibility during  
204 deployment is temporary and terminates after the deploying  
205 parent returns from deployment unless the agreement has been  
206 terminated before that time by court order or modification under  
207 s. 61.725. The agreement does not create an independent,  
208 continuing right to caretaking authority, decisionmaking  
209 authority, or limited contact for an individual granted  
210 custodial responsibility.

211 (2) A nonparent granted caretaking authority,  
212 decisionmaking authority, or limited contact by agreement has  
213 standing to enforce the agreement until it is terminated in  
214 writing by agreement of the deploying parent and the other





215 parent, or in the absence of such agreement, by court order,  
216 under s. 61.761, or modified under s. 61.725.

217 61.725 Modification of agreement.—

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

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

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

228 61.727 Power of attorney.—A deploying parent may, by power  
229 of attorney, grant all or part of custodial responsibility to an  
230 adult nonparent for the period of deployment if no other parent  
231 possesses custodial responsibility, or if a court order  
232 currently in effect prohibits contact between the child and the  
233 other parent. The deploying parent may revoke the power of  
234 attorney by signing a revocation of the power of attorney.

235 61.729 Filing custodial responsibility agreement or power  
236 of attorney with court.—An agreement or power of attorney must  
237 be filed within a reasonable time with a court that has entered  
238 an order in effect relating to custodial responsibility or child  
239 support concerning the child who is the subject of the agreement  
240 or power. The case number and heading of the pending case  
241 concerning custodial responsibility or child support must be  
242 provided to the court with the agreement or power.

243 61.733 Proceeding for temporary custody order.—



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244 (1) After a deploying parent receives notice of deployment  
245 and until the deployment terminates, a court may issue a  
246 temporary order granting custodial responsibility unless  
247 prohibited by the Servicemembers Civil Relief Act, Title 50,  
248 Appendix U.S.C. ss. 501 et seq. A court may not issue a  
249 permanent order granting custodial responsibility without the  
250 consent of the deploying parent.

251 (2) (a) At any time after a deploying parent receives notice  
252 of deployment, either parent may file a motion regarding  
253 custodial responsibility of a child during deployment. The  
254 motion must be filed in a pending proceeding for custodial  
255 responsibility in a court with jurisdiction under s. 61.707 or,  
256 if a pending proceeding does not exist in a court with  
257 jurisdiction under s. 61.707, the motion must be filed in a new  
258 action for granting custodial responsibility during deployment.

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

262 61.735 Testimony by electronic means.—In a proceeding for a  
263 temporary custody order, a deploying parent, servicemember, or  
264 witness who is not reasonably able to appear in person may  
265 appear, provide testimony, and present evidence by electronic  
266 means unless the court finds good cause to require in-person  
267 testimony.

268 61.737 Effect of prior judicial order or agreement.—In a  
269 proceeding for a temporary grant of custodial responsibility:

270 (1) A prior judicial order granting custodial  
271 responsibility in the event of deployment is binding on the  
272 court unless circumstances meet the requirements authorized by



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273 general law for modifying a judicial order regarding custodial  
274 responsibility.

275 (2) The court shall enforce a prior written agreement  
276 between the parents for granting custodial responsibility in the  
277 event of deployment, including an agreement for custodial  
278 responsibility during deployment, unless the court finds that  
279 the agreement is not in the best interest of the child.

280 61.739 Grant of caretaking authority to nonparent.—

281 (1) Upon the motion of a deploying parent and in accordance  
282 with general law, if it is in the best interest of the child, a  
283 court may grant caretaking authority to a nonparent who is an  
284 adult family member of the child or an adult with whom the child  
285 has a close and substantial relationship.

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

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

292 (b) In the absence of a permanent custody order that is  
293 currently in effect, the amount of time the deploying parent  
294 habitually cared for the child before being notified of  
295 deployment; however, the court may add travel time necessary to  
296 transport the child.

297 (3) If the deploying parent is unable to exercise  
298 decisionmaking authority, a court may grant part of that  
299 authority to a nonparent who is an adult family member of the  
300 child or an adult with whom the child has a close and  
301 substantial relationship. If a court grants the authority to a



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302 nonparent, the court shall specify the decisionmaking powers  
303 granted.

304 61.741 Grant of limited contact.—A court shall grant  
305 limited contact to a nonparent who is a family member of the  
306 child or an individual with whom the child has a close and  
307 substantial relationship on motion of a deploying parent and in  
308 accordance with general law unless the court finds that limited  
309 contact with a nonparent would not be in the best interest of  
310 the child.

311 61.743 Nature of authority created by temporary custody  
312 order.—

313 (1) A grant of authority is temporary and terminates after  
314 the deploying parent returns from deployment unless the grant  
315 has been terminated before that time by written agreement of the  
316 deploying parent and the other parent, or in the absence of such  
317 an agreement, by court order. The grant does not create an  
318 independent, continuing right to caretaking authority,  
319 decisionmaking authority, or limited contact to an individual  
320 granted temporary custody.

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

326 (3) If a grant of authority is terminated in writing by  
327 agreement of the deploying parent and the other parent, a copy  
328 of the termination agreement shall be filed with the court and  
329 the temporary custody order shall be modified to reflect the  
330 termination. Thereafter the deploying parent and the other



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331 parent may agree on alternative arrangements for custodial  
332 responsibility in compliance with s. 61.721 or either parent may  
333 seek an alternative arrangement for custodial responsibility  
334 under s. 61.749.

335 61.745 Content of temporary custody order.—An order  
336 granting custodial responsibility, when applicable, must:

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

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

341 (3) Specify the allocation of caretaking authority,  
342 decisionmaking authority, or limited contact among the deploying  
343 parent, the other parent, and any nonparent.

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

348 (5) Provide for liberal communication between the deploying  
349 parent and the child during deployment, including through  
350 electronic means, unless it is not in the best interest of the  
351 child, and allocate any costs of communication.

352 (6) Provide for liberal contact between the deploying  
353 parent and the child during the time the deploying parent is on  
354 leave or otherwise available, unless it is not in the best  
355 interest of the child.

356 (7) Provide for reasonable contact between the deploying  
357 parent and the child after the parent's return from deployment  
358 until the temporary order is terminated, even if the time of  
359 contact exceeds the time the deploying parent spent with the



360 child before entry of the temporary order.

361 61.747 Order for child support.—If a court has issued an  
362 order granting caretaking authority, or an agreement granting  
363 caretaking authority has been executed, the court may enter a  
364 temporary order for child support authorized by general law if  
365 the court has jurisdiction under the Uniform Interstate Family  
366 Support Act.

367 61.749 Modifying or terminating grant of custodial  
368 responsibility or limited contact to nonparent.—

369 (1) Except for an agreement under s. 61.723, or as  
370 otherwise provided in subsection (2), and consistent with the  
371 Servicemembers Civil Relief Act, Title 50, Appendix U.S.C. ss.  
372 501 et seq., a court may modify or terminate a temporary grant  
373 of custodial responsibility on motion of a deploying parent,  
374 other parent, or any nonparent granted caretaking authority if  
375 the modification or termination is consistent with this part and  
376 is in the best interest of the child. A modification is  
377 temporary and terminates after the deploying parent returns from  
378 deployment, unless the grant has been terminated before that  
379 time by court order.

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

382 61.761 Procedure for terminating temporary agreement  
383 granting custodial responsibility.—

384 (1) After a deploying parent returns from deployment, a  
385 deploying parent and the other parent may file with the court an  
386 agreement to terminate a temporary order for custodial  
387 responsibility.

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



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

391 (b) On the date the agreement is signed by the deploying  
392 parent and the other parent if the agreement to terminate does  
393 not specify a date.

394 (3) In the absence of an agreement to terminate under (1),  
395 a temporary agreement granting custodial responsibility  
396 terminates 30 days after the deploying parent gives notice of  
397 return from deployment to the other parent.

398 (4) If a temporary agreement granting custodial  
399 responsibility was filed with a court pursuant to s. 61.729, an  
400 agreement to terminate must be filed with the court within a  
401 reasonable time after the deploying parent and other parent sign  
402 the agreement. The case number and heading of the case  
403 concerning custodial responsibility or child support must be  
404 provided to the court with the agreement to terminate.

405 (5) A proceeding seeking to prevent termination of a  
406 temporary order for custodial responsibility is governed by  
407 general law.

408 61.763 Visitation before termination of temporary grant of  
409 custodial responsibility.—From the time a deploying parent  
410 returns from deployment until a temporary agreement or order for  
411 custodial responsibility is terminated, the court shall issue a  
412 temporary order granting the deploying parent reasonable contact  
413 with the child even if the time of contact exceeds the time the  
414 deploying parent spent with the child before deployment unless  
415 it is not in the best interest of the child.

416 61.771 Relation to electronic signatures in Global and  
417 National Commerce Act.—This act modifies, limits, or supersedes



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418 the Electronic Signatures in Global and National Commerce Act,  
419 15 U.S.C. s. 7001 et seq., but does not modify, limit, or  
420 supersede s. 101(c) of that act, 15 U.S.C. s. 7001(c), or  
421 authorize electronic delivery of any of the notices described in  
422 s. 103(b) of that act, 15 U.S.C. s. 7003(b).

423 61.773 Applicability.—This act does not affect the validity  
424 of a temporary court order concerning custodial responsibility  
425 during deployment entered before July 1, 2018.

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

427  
428 ===== T I T L E A M E N D M E N T =====

429 And the title is amended as follows:

430 Delete everything before the enacting clause  
431 and insert:

432 A bill to be entitled  
433 An act relating to deployed parent custody and  
434 visitation; repealing s. 61.13002, F.S., relating to  
435 temporary time-sharing modification and child support  
436 modification due to military service; creating part IV  
437 of ch. 61, F.S., entitled "Uniform Deployed Parents  
438 Custody and Visitation Act"; providing definitions;  
439 providing remedies for noncompliance; authorizing a  
440 court to issue certain custodial orders only under  
441 certain jurisdiction; providing notice requirements;  
442 providing requirements for proceeding for custodial  
443 responsibility of a child of a servicemember;  
444 providing requirements for agreement forms,  
445 termination, modification, power of attorney, and  
446 filing; providing requirements for temporary orders of





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447        custodial responsibility; authorizing electronic  
448        testimony in a proceeding for temporary custody;  
449        providing for the effect of any prior judicial order  
450        or agreement; authorizing a court to grant caretaking  
451        authority or limited contact to a nonparent under  
452        certain conditions; providing for the termination of a  
453        grant of authority; providing requirements for an  
454        order of temporary custody; authorizing a court to  
455        enter a temporary order for child support under  
456        certain circumstances; authorizing a court to modify  
457        or terminate a temporary grant of custodial  
458        responsibility; providing procedures for termination  
459        of a temporary custodial responsibility agreement;  
460        providing for visitation; providing construction;  
461        providing applicability; providing an effective date.