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1  
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

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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.

35

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

37

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, time-sharing,  
 49 and visitation.

50 (3) "Child" means:

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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, parental responsibility, parenting time, right to  
 66 access, time-sharing, visitation, and authority to grant limited  
 67 contact with a child.

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

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

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- 76        (a) A parent of a child; or  
 77        (b) An individual who has custodial responsibility for a  
 78 child.  
 79        (9) "Deployment" means the movement or mobilization of a  
 80 servicemember for less than 18 months pursuant to uniformed  
 81 service orders that:  
 82        (a) Are designated as unaccompanied;  
 83        (b) Do not authorize dependent travel; or  
 84        (c) Otherwise do not permit the movement of family members  
 85 to the location to which the servicemember is deployed.  
 86        (10) "Family member" means a sibling, aunt, uncle, cousin,  
 87 stepparent, or grandparent of a child or an individual  
 88 recognized by the deploying parent and the other parent to be in  
 89 a familial relationship with a child.  
 90        (11) "Limited contact" means the authority of a nonparent  
 91 to visit a child for a limited time. The term includes authority  
 92 to take the child to a place other than the child's residence.  
 93        (12) "Nonparent" means an individual other than a  
 94 deploying parent or other parent.  
 95        (13) "Notice of deployment" means official notification to  
 96 a servicemember, through orders or other written or electronic  
 97 communication, that the servicemember is subject to deployment  
 98 on or about a specified date.  
 99        (14) "Other parent" means an individual who, in addition  
 100 to a deploying parent, is:

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- 101        (a) A parent of a child; or
- 102        (b) An individual who has custodial responsibility for a
- 103 child.
- 104        (15) "Record" means information that is created in a
- 105 tangible medium or stored in an electronic or other medium and
- 106 is retrievable in perceivable form.
- 107        (16) "Return from deployment" means the conclusion of a
- 108 servicemember's deployment as specified in uniformed service
- 109 orders.
- 110        (17) "Servicemember" means a member of a uniformed
- 111 service.
- 112        (18) "Sign" means, with the intent to authenticate or
- 113 adopt a record, to:
- 114        (a) Execute or adopt a tangible symbol; or
- 115        (b) Attach to or logically associate with the record an
- 116 electronic symbol, sound, or process.
- 117        (19) "State" means a state of the United States, the
- 118 District of Columbia, Puerto Rico, the United States Virgin
- 119 Islands, or any territory or insular possession subject to the
- 120 jurisdiction of the United States.
- 121        (20) "Uniformed service" means any of the following:
- 122        (a) Active and reserve components of the Army, Navy, Air
- 123 Force, Marine Corps, or Coast Guard of the United States.
- 124        (b) The United States Merchant Marine.
- 125        (c) The commissioned corps of the United States Public

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126 Health Service.

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

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

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

137 61.707 Jurisdiction.—

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

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

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

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

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

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151 current deployment.

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

155 61.709 Notice requirement for deploying parent.—

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

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

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

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

175 (3) Notice pursuant to subsection (1) is not required if

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176 both parents are living in the same residence and have actual  
 177 notice of the deployment or plan.

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

181 61.711 Duty to notify of change of address.—

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

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

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

200 61.721 Form of temporary custodial responsibility



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201 agreement.—

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

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

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

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

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

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

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

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

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

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226 allocation of any costs of contact.

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

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

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

238 (j) Specify which parent is required to file the agreement  
 239 if the agreement must be filed with the court pursuant to s.  
 240 61.729.

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

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

245 (1) An agreement granting custodial responsibility during  
 246 deployment is temporary and terminates after the deploying  
 247 parent returns from deployment unless the agreement has been  
 248 terminated in a record or by a written agreement signed by both  
 249 the deploying parent and the other parent, or, in the absence of  
 250 such a record or agreement, by court order or under s. 61.761,

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251 or modified under s. 61.725. The agreement does not in any way  
252 create an independent, continuing right to caretaking authority,  
253 decisionmaking authority, or limited contact for an individual  
254 granted custodial responsibility.

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

262 61.725 Modification of agreement.—

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

266 (2) If an agreement is modified before deployment of a  
267 deploying parent, the modification must be in writing and signed  
268 by both parents and, if applicable, any agreed upon nonparent  
269 granted temporary custodial responsibility under the modified  
270 agreement.

271 (3) If an agreement is modified during deployment of a  
272 deploying parent, the modification must be agreed to in a record  
273 by both parents and, if applicable, any agreed upon nonparent  
274 granted temporary custodial responsibility under the modified  
275 agreement.

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276        61.727 Power of attorney.—A deploying parent may, by power  
277 of attorney, grant all or part of custodial responsibility to an  
278 adult nonparent for the period of deployment if no other parent  
279 possesses custodial responsibility, or if a court order  
280 currently in effect prohibits contact between the child and the  
281 other parent. The deploying parent may revoke the power of  
282 attorney by signing a revocation of the power of attorney.

283        61.729 Filing custodial responsibility agreement or power  
284 of attorney with court.—An agreement or power of attorney must  
285 be filed within a reasonable time with a court that has entered  
286 an order in effect relating to custodial responsibility or child  
287 support concerning the child who is the subject of the agreement  
288 or power. The case number and heading of the pending case  
289 concerning custodial responsibility or child support must be  
290 provided to the court with the agreement or power.

291        61.733 Proceeding for temporary custody order.—

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

299        (2) (a) At any time after a deploying parent receives  
300 notice of deployment, either parent may file a motion regarding

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301 custodial responsibility of a child during deployment. The  
302 motion must be filed in a pending proceeding for custodial  
303 responsibility in a court with jurisdiction under s. 61.707 or,  
304 if a pending proceeding does not exist in a court with  
305 jurisdiction under s. 61.707, the motion must be filed in a new  
306 action for granting custodial responsibility during deployment.

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

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

317 61.737 Effect of prior judicial order or agreement.—In a  
318 proceeding for a temporary grant of custodial responsibility:

319 (1) A prior judicial order granting custodial  
320 responsibility in the event of deployment is binding on the  
321 court unless circumstances meet the requirements authorized by  
322 general law for modifying a judicial order regarding custodial  
323 responsibility.

324 (2) The court shall enforce a prior written agreement  
325 between the parents for granting custodial responsibility in the

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326 event of deployment, including an agreement for custodial  
327 responsibility during deployment, unless the court finds that  
328 the agreement is not in the best interest of the child.

329 61.739 Grant of temporary caretaking authority to  
330 nonparent.—

331 (1) Upon the motion of a deploying parent and in  
332 accordance with general law, if it is in the best interest of  
333 the child, a court may grant temporary caretaking authority to a  
334 nonparent who is an adult family member of the child or an adult  
335 who is not a family member with whom the child has a close and  
336 substantial relationship. In the case of an adult who is not a  
337 family member with whom the child has a close and substantial  
338 relationship, the best interest of the child must be established  
339 by clear and convincing evidence.

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

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

346 (b) In the absence of a permanent custody order that is  
347 currently in effect, the amount of time the deploying parent  
348 habitually cared for the child before being notified of  
349 deployment; however, the court may add travel time necessary to  
350 transport the child.

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

372       61.741 Grant of limited contact.—A court shall grant  
373 limited contact to a nonparent who is a family member of the  
374 child or an individual who is not a family member with whom the  
375 child has a close and substantial relationship on motion of a

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376 deploying parent and in accordance with general law unless the  
 377 court finds that limited contact with a nonparent would not be  
 378 in the best interest of the child. In the case of an adult who  
 379 is not a family member with whom the child has a close and  
 380 substantial relationship, the best interest of the child must be  
 381 established by clear and convincing evidence.

382 61.743 Nature of authority created by temporary custody  
 383 order.-

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

393 (2) A nonparent granted temporary caretaking authority,  
 394 decisionmaking authority, or limited contact has standing only  
 395 to enforce the grant until it is terminated in a record or by a  
 396 written agreement signed by both the deploying parent and the  
 397 other parent, or, in the absence of such a record or agreement,  
 398 by court order or under this part.

399 (3) If a grant of temporary authority is terminated in a  
 400 record or by a written agreement signed by both the deploying



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401 parent and the other parent, a copy of the termination record or  
402 agreement shall be filed with the court and the temporary  
403 custody order shall be modified to reflect the termination.  
404 Thereafter, the deploying parent and the other parent may agree  
405 on alternative arrangements for custodial responsibility in  
406 compliance with s. 61.721 or either parent may seek an  
407 alternative arrangement for custodial responsibility under s.  
408 61.749.

409 61.745 Content of temporary custody order.—An order  
410 granting custodial responsibility, when applicable, must:

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

413 (2) To the extent permissible, identify the destination,  
414 duration, and conditions of the deployment.

415 (3) Specify the allocation of caretaking authority,  
416 decisionmaking authority, or limited contact among the deploying  
417 parent, the other parent, and any nonparent.

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

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

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426 (6) Provide for liberal contact between the deploying  
 427 parent and the child during the time the deploying parent is on  
 428 leave or otherwise available, unless it is not in the best  
 429 interest of the child.

430 (7) Provide for reasonable contact between the deploying  
 431 parent and the child after the parent's return from deployment  
 432 until the temporary order is terminated, even if the time of  
 433 contact exceeds the time the deploying parent spent with the  
 434 child before entry of the temporary order.

435 61.747 Order for child support.—If a court has issued an  
 436 order granting caretaking authority, or an agreement granting  
 437 caretaking authority has been executed, the court may enter a  
 438 temporary order for child support authorized by general law if  
 439 the court has jurisdiction under the Uniform Interstate Family  
 440 Support Act. If a temporary order for child support is entered  
 441 under this section, the court may:

442 (1) Enter a temporary order for child support from the  
 443 deploying parent to the other parent pursuant to s. 61.30;

444 (2) Require the deploying parent to enroll the child as a  
 445 military dependent with DEERS, TriCare, or other similar  
 446 benefits available to military dependents as provided by the  
 447 deploying parent's branch of service; or

448 (3) Suspend, abate, or reduce the child support obligation  
 449 of the other parent until the custody judgment or time-share  
 450 order previously in effect is reinstated.

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451 61.749 Modifying or terminating temporary grant of  
452 custodial responsibility or limited contact to nonparent.-

453 (1) Except for an agreement under s. 61.723, or as  
454 otherwise provided in subsection (2), and consistent with the  
455 Servicemembers Civil Relief Act, Title 50, Appendix U.S.C. ss.  
456 501 et seq, a court may modify or terminate a temporary grant of  
457 custodial responsibility on motion of a deploying parent, other  
458 parent, or any nonparent granted caretaking authority if the  
459 modification or termination is consistent with this part and is  
460 in the best interest of the child. A modification is temporary  
461 and terminates after the deploying parent returns from  
462 deployment, unless the grant has been terminated before that  
463 time by court order.

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

466 61.761 Procedure for terminating temporary agreement  
467 granting custodial responsibility.-

468 (1) After a deploying parent returns from deployment, a  
469 deploying parent and the other parent may file with the court an  
470 agreement to terminate a temporary order for custodial  
471 responsibility.

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

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

475 (b) On the date the agreement is signed by the deploying

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476 parent and the other parent if the agreement to terminate does  
477 not specify a date.

478 (3) In the absence of an agreement to terminate under  
479 subsection (1), a temporary agreement granting custodial  
480 responsibility automatically terminates 30 days after the  
481 deploying parent gives notice of return from deployment to the  
482 other parent.

483 (4) If a temporary agreement granting custodial  
484 responsibility was filed with a court pursuant to s. 61.729, an  
485 agreement to terminate must be filed with the court within a  
486 reasonable time after the deploying parent and other parent sign  
487 the agreement. The case number and heading of the case concerning  
488 custodial responsibility or child support must be provided to the  
489 court with the agreement to terminate.

490 (5) A proceeding seeking to prevent termination of a  
491 temporary order for custodial responsibility is governed by  
492 general law.

493 61.763 Visitation before termination of temporary grant of  
494 custodial responsibility.—From the time a deploying parent  
495 returns from deployment until a temporary agreement or order for  
496 custodial responsibility is terminated, the court shall issue a  
497 temporary order granting the deploying parent reasonable contact  
498 with the child even if the time of contact exceeds the time the  
499 deploying parent spent with the child before deployment unless it  
500 is not in the best interest of the child.

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501        61.771 Relation to electronic signatures in Global and  
502 National Commerce Act.—This act modifies, limits, or supersedes  
503 the Electronic Signatures in Global and National Commerce Act,  
504 15 U.S.C. s. 7001 et seq., but does not modify, limit, or  
505 supersede s. 101(c) of that act, 15 U.S.C. s. 7001(c), or  
506 authorize electronic delivery of any of the notices described in  
507 s. 103(b) of that act, 15 U.S.C. s. 7003(b).

508        61.773 Applicability.—This act does not:

509        (1) Affect the validity of a temporary agreement or court  
510 order concerning custodial responsibility during deployment  
511 entered before July 1, 2018.

512        (2) Apply to a permanent change of station move by a  
513 servicemember, which shall be governed by s. 61.13001.

514        Section 2. Section 61.13002, Florida Statutes, is  
515 repealed.

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