



692654

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Children, Families, and Elder Affairs (Bean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (4) is added to section 751.01,
Florida Statutes, to read:

751.01 Purpose of act.—The purposes of this chapter are to:

(4) Protect the welfare of minor children by allowing
transitions of custody consistent with their best interest.

Section 2. Section 751.011, Florida Statutes, is amended to



692654

11 read:

12 751.011 Definitions.—As used in this chapter, the term:

13 (1) "Concurrent custody" means that an eligible extended
14 family member is awarded custodial rights to care for a child
15 concurrently with the child's parent or parents.

16 (2) "Extended family member" means a person who is:

17 (a) A relative of a minor child within the third degree by
18 blood or marriage to the parent; ~~or~~

19 (b) The stepparent of a minor child if the stepparent is
20 currently married to the parent of the child and is not a party
21 in a pending dissolution, separate maintenance, domestic
22 violence, or other civil or criminal proceeding in any court of
23 competent jurisdiction involving one or both of the child's
24 parents as an adverse party; or

25 (c) An individual who qualifies as "fictive kin" as defined
26 in s. 39.01.

27 Section 3. Subsection (2) of section 751.02, Florida
28 Statutes, is amended to read

29 751.02 Temporary or concurrent custody proceedings;
30 jurisdiction.—

31 (2) In addition to the requirements of subsection (1), an
32 individual seeking concurrent custody must:

33 (a) Currently have physical custody of the child or ~~and~~
34 have had physical custody of the child for at least 10 days in
35 any 30-day period within the last 12 months; and

36 (b) Not have signed, written documentation from a parent
37 which is sufficient to enable the custodian to do all of the
38 things necessary to care for the child which are available to
39 custodians who have an order issued under s. 751.05.



692654

40 Section 4. Subsection (13) of section 751.03, Florida
41 Statutes, is amended, and subsection (14) is added to that
42 section, to read:

43 751.03 Petition for temporary or concurrent custody;
44 contents.—Each petition for temporary or concurrent custody of a
45 minor child must be verified by the petitioner, who must be an
46 extended family member, and must contain statements, to the best
47 of the petitioner's knowledge and belief, providing:

48 (13) ~~A statement of~~ The period of time for which the
49 petitioner is requesting temporary custody, including a
50 statement of the reasons supporting that request.

51 (14) Any other provisions that are related to the best
52 interest of the child which have been requested by the parties,
53 including, but not limited to, a plan for transitioning custody.

54 Section 5. Subsections (4), (6), and (7) of section 751.05,
55 Florida Statutes, are amended to read:

56 751.05 Order granting temporary or concurrent custody.—

57 (4) The order granting:

58 (a) Concurrent custody of the minor child may not eliminate
59 or diminish the custodial rights of the child's parent or
60 parents. The order must expressly state that the grant of
61 custody does not affect the ability of the child's parent or
62 parents to obtain physical custody of the child at any time,
63 except that the court may approve provisions requested in the
64 petition which are related to the best interest of the child.

65 (b) Temporary custody of the minor child to the petitioner
66 may include provisions requested in the petition which are
67 related to the best interest of the child and may also grant
68 visitation rights to the child's parent or parents, if it is in



692654

69 the best interest of the child.

70 (6) At any time, either or both of the child's parents may
71 petition the court to modify or terminate the order granting
72 temporary custody. The court shall terminate the order upon a
73 finding that the parent is a fit parent, or by consent of the
74 parties, except that the court may require the parties to comply
75 with provisions approved in the order which are related to the
76 best interest of the child. The court may modify an order
77 granting temporary custody if the parties consent or if
78 modification is in the best interest of the child.

79 (7) At any time, the petitioner or either or both of the
80 child's parents may move the court to terminate the order
81 granting concurrent custody.

82 (a) The court shall terminate the order upon a finding that
83 either or both of the child's parents object to the order,
84 except that the court may require the parties to comply with
85 provisions approved in the order which are related to the best
86 interest of the child.

87 (b) The fact that an order for concurrent custody has been
88 terminated does not preclude any person who is otherwise
89 eligible to petition for temporary custody from filing such
90 petition.

91 Section 6. This act shall take effect July 1, 2020.

92
93 ===== T I T L E A M E N D M E N T =====

94 And the title is amended as follows:

95 Delete everything before the enacting clause
96 and insert:

97 A bill to be entitled



692654

98 An act relating to custody of minor children by
99 extended family; amending s. 751.01, F.S.; revising
100 the purposes of ch. 751, F.S.; amending s. 751.011,
101 F.S.; revising the definition of the term "extended
102 family member"; amending s. 751.02, F.S.; revising the
103 requirements for individuals seeking concurrent
104 custody; amending s. 751.03, F.S.; allowing any other
105 provisions related to the best interest of the child
106 to be considered in a petition for temporary or
107 concurrent custody; amending s. 751.05, F.S.;
108 authorizing courts to include provisions requested in
109 petitions for temporary or concurrent custody which
110 relate to the best interest of the child; authorizing
111 courts to require parties to comply with provisions
112 approved in the order which relate to the best
113 interest of the child; providing an effective date.