

By the Committees on Judiciary; and Children, Families, and Elder Affairs; and Senator Bean

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1 A bill to be entitled
2 An act relating to custody of minor children by
3 extended family; amending s. 751.01, F.S.; revising
4 the purposes of ch. 751, F.S.; amending s. 751.011,
5 F.S.; revising the definition of the term "extended
6 family member"; amending s. 751.02, F.S.; revising the
7 requirements for individuals seeking concurrent
8 custody; amending s. 751.03, F.S.; allowing any other
9 provisions related to the best interest of the child
10 to be considered in a petition for temporary or
11 concurrent custody; amending s. 751.05, F.S.;
12 authorizing courts to include provisions requested in
13 petitions for temporary or concurrent custody which
14 relate to the best interest of the child; authorizing
15 courts to require parties to comply with provisions
16 approved in the order which relate to the best
17 interest of the child; providing an effective date.

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

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

23 751.01 Purpose of act.—The purposes of this chapter are to:
24 (4) Protect the welfare of minor children by allowing
25 transitions of custody consistent with their best interest.

26 Section 2. Section 751.011, Florida Statutes, is amended to
27 read:

28 751.011 Definitions.—As used in this chapter, the term:
29 (1) "Concurrent custody" means that an eligible extended

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30 family member is awarded custodial rights to care for a child
31 concurrently with the child's parent or parents.

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

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

35 (b) The stepparent of a minor child if the stepparent is
36 currently married to the parent of the child and is not a party
37 in a pending dissolution, separate maintenance, domestic
38 violence, or other civil or criminal proceeding in any court of
39 competent jurisdiction involving one or both of the child's
40 parents as an adverse party; or

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

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

45 751.02 Temporary or concurrent custody proceedings;
46 jurisdiction.-

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

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

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

56 Section 4. Subsection (13) of section 751.03, Florida
57 Statutes, is amended, and subsection (14) is added to that
58 section, to read:

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59 751.03 Petition for temporary or concurrent custody;
60 contents.—Each petition for temporary or concurrent custody of a
61 minor child must be verified by the petitioner, who must be an
62 extended family member, and must contain statements, to the best
63 of the petitioner's knowledge and belief, providing:

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

67 (14) Any other provisions that are related to the best
68 interest of the child, including, but not limited to, a plan for
69 transitioning custody.

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

72 751.05 Order granting temporary or concurrent custody.—

73 (4) The order granting:

74 (a) Concurrent custody of the minor child may not eliminate
75 or diminish the custodial rights of the child's parent or
76 parents. The order must expressly state that the grant of
77 custody does not affect the ability of the child's parent or
78 parents to obtain physical custody of the child at any time,
79 except that the court may approve provisions requested in the
80 petition which are related to the best interest of the child.

81 (b) Temporary custody of the minor child to the petitioner
82 may include provisions requested in the petition which are
83 related to the best interest of the child and may also grant
84 visitation rights to the child's parent or parents, if it is in
85 the best interest of the child.

86 (6) At any time, either or both of the child's parents may
87 petition the court to modify or terminate the order granting

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88 temporary custody. The court shall terminate the order upon a
89 finding that the parent is a fit parent, or by consent of the
90 parties, except that the court may require the parties to comply
91 with provisions approved in the order which are related to the
92 best interest of the child. The court may modify an order
93 granting temporary custody if the parties consent or if
94 modification is in the best interest of the child.

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

98 (a) The court shall terminate the order upon a finding that
99 either or both of the child's parents object to the order,
100 except that the court may require the parties to comply with
101 provisions approved in the order which are related to the best
102 interest of the child.

103 (b) The fact that an order for concurrent custody has been
104 terminated does not preclude any person who is otherwise
105 eligible to petition for temporary custody from filing such
106 petition.

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