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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/20/2016	.	
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The Committee on Fiscal Policy (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Before line 18

insert:

Section 1. Subsections (1) and (49) of section 39.01, Florida Statutes, are amended to read:

39.01 Definitions.—When used in this chapter, unless the context otherwise requires:

(1) "Abandoned" or "abandonment" means a situation in which the parent or legal custodian of a child or, in the absence of a



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11 parent or legal custodian, the caregiver, while being able, has  
12 made no significant contribution to the child's care and  
13 maintenance or has failed to establish or maintain a substantial  
14 and positive relationship with the child, or both. For purposes  
15 of this subsection, "establish or maintain a substantial and  
16 positive relationship" includes, but is not limited to, frequent  
17 and regular contact with the child through frequent and regular  
18 visitation or frequent and regular communication to or with the  
19 child, and the exercise of parental rights and responsibilities.  
20 Marginal efforts and incidental or token visits or  
21 communications are not sufficient to establish or maintain a  
22 substantial and positive relationship with a child. A man's  
23 acknowledgement of paternity of the child does not limit the  
24 period of time considered in determining whether the child was  
25 abandoned. The term does not include a surrendered newborn  
26 infant as described in s. 383.50, a "child in need of services"  
27 as defined in chapter 984, or a "family in need of services" as  
28 defined in chapter 984. The incarceration, repeated  
29 incarceration, or extended incarceration of a parent, legal  
30 custodian, or caregiver responsible for a child's welfare may  
31 support a finding of abandonment.

32 (49) "Parent" means a woman who gives birth to a child and  
33 a man whose consent to the adoption of the child would be  
34 required under s. 63.062(1). If a child has been legally  
35 adopted, the term "parent" means the adoptive mother or father  
36 of the child. ~~The term does not include an individual whose~~  
37 ~~parental relationship to the child has been legally terminated,~~  
38 ~~or an alleged or prospective parent, unless the parental status~~  
39 ~~falls within the terms of s. 39.503(1) or s. 63.062(1).~~ For



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40 purposes of this chapter only, when the phrase "parent or legal  
41 custodian" is used, it refers to rights or responsibilities of  
42 the parent and, only if there is no living parent with intact  
43 parental rights, to the rights or responsibilities of the legal  
44 custodian who has assumed the role of the parent. The term does  
45 not include an individual whose parental relationship to the  
46 child has been legally terminated, or an alleged or prospective  
47 parent, unless:

48 (a) The parental status falls within the terms of s.  
49 39.503(1) or s. 63.062(1); or

50 (b) Parental status is applied for the purpose of  
51 determining whether the child has been abandoned.

52  
53 ===== T I T L E A M E N D M E N T =====

54 And the title is amended as follows:

55 Delete line 2

56 and insert:

57 An act relating to adoption; amending s. 39.01, F.S.;  
58 redefining the terms "abandoned" or "abandonment" and  
59 "parent"; amending s. 63.082, F.S.;