



391970

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/20/2019	.	
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The Committee on Judiciary (Bean) recommended the following:

Senate Amendment (with title amendment)

Delete lines 47 - 73

and insert:

Section 3. Subsections (4), (6), and (7) of section 751.05, Florida Statutes, are amended to read:

751.05 Order granting temporary or concurrent custody.—

(4) The order granting:

(a) Concurrent custody of the minor child may not eliminate or diminish the custodial rights of the child's parent or parents, except that the court may approve and enforce any



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12 conditions agreed to by the parties as part of the court order.
13 The order must expressly state that the grant of custody does
14 not affect the ability of the child's parent or parents to
15 obtain physical custody of the child at any time, unless the
16 parent or parents agreed to such a condition and it was included
17 in the order.

18 (b) Temporary custody of the minor child to the petitioner
19 may establish conditions to demonstrate the parent's fitness
20 before the child may be returned to the physical custody of the
21 parent and may also grant visitation rights to the child's
22 parent or parents, if it is in the best interest of the child.

23 (6) At any time, either or both of the child's parents may
24 petition the court to modify or terminate the order granting
25 temporary custody.

26 (a) The court shall terminate the order upon a finding that
27 the parent is a fit parent, or by consent of the parties. If the
28 child has been in the temporary custody of an extended family
29 member for 6 months or longer, the court shall establish any
30 conditions for the transition of the child to the parents'
31 custody which are in the best interest of the child, considering
32 the length of time the child lived with the extended family
33 member, the child's developmental stage and psychological needs,
34 the need for a gradual transition from one setting to another,
35 and visitation with the extended family member.

36 (b) The court may modify an order granting temporary
37 custody if the parties consent or if modification is in the best
38 interest of the child.

39 (7) At any time, the petitioner or either or both of the
40 child's parents may move the court to terminate the order



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41 granting concurrent custody.

42 (a) The court shall terminate the order upon a finding that
43 either or both of the child's parents object to the order,
44 except that if the order granting concurrent custody contains
45 conditions agreed to by the parties, the court may require the
46 parties to comply with such conditions or demonstrate that the
47 failure to comply does not endanger the welfare of the child
48 before allowing the parents to regain physical custody.

49 (b) The fact that an order for concurrent custody has been
50 terminated does not preclude any person who is otherwise
51 eligible to petition for temporary custody from filing such
52 petition.

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

55 And the title is amended as follows:

56 Delete lines 7 - 13

57 and insert:

58 F.S.; providing requirements for orders granting
59 concurrent or temporary custody; requiring the court
60 to establish any conditions for the transition of
61 custody of the child to the parent which are in the
62 child's best interest under certain circumstances;
63 requiring the court to consider specified factors;
64 authorizing the court to require parties to comply
65 with conditions agreed to be the parties in the order
66 granting concurrent custody or demonstrate that
67 failure to comply does not endanger the welfare of the
68 child; providing an effective