



391970

LEGISLATIVE ACTION

Senate

.  
. .  
. .  
. .  
. .

House

---

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



391970

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



391970

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