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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	
02/06/2020 11:23 AM	.	
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Senator Bean moved the following:

Senate Amendment (with title amendment)

Delete lines 68 - 102
and insert:
interest of the child, including, but not limited to, a
reasonable plan for transitioning custody.

Section 5. 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



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12 or diminish the custodial rights of the child's parent or
13 parents. The order must expressly state that the grant of
14 custody does not affect the ability of the child's parent or
15 parents to obtain physical custody of the child at any time,
16 except that the court may approve provisions requested in the
17 petition which are related to the best interest of the child,
18 including a reasonable transition plan that provides for a
19 return of custody back to the child's parent or parents.

20 (b) Temporary custody of the minor child to the petitioner
21 may include provisions requested in the petition which are
22 related to the best interest of the child, including a
23 reasonable transition plan that provides for a return of custody
24 back to the parent or parents, and may also grant visitation
25 rights to the child's parent or parents, if it is in the best
26 interest of the child.

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

30 (a) The court may modify an order granting temporary
31 custody if the parties consent or if modification is in the best
32 interest of the child.

33 (b) The court shall terminate the order upon a finding that
34 the parent is a fit parent, or by consent of the parties, except
35 that the court may require the parties to comply with provisions
36 approved in the order which are related to a reasonable plan for
37 transitioning custody before terminating the order.

38 (c) If the order granting temporary custody was entered
39 after a finding that the child's parent or parents are unfit and
40 the child has been in the temporary custody of an extended



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41 family member for a period of time the court determines to be
42 significant, the court may, on its own motion, establish
43 reasonable conditions, which are in the best interests of the
44 child, for transitioning the child back to the custody of the
45 child's parent or parents. In determining such reasonable
46 conditions, the court shall consider all of the following:

47 1. The length of time the child lived or resided with the
48 extended family member.

49 2. The child's developmental stage.

50 3. The length of time reasonably needed to complete the
51 transition ~~The court may modify an order granting temporary~~
52 ~~eustody if the parties consent or if modification is in the best~~
53 ~~interest of the child.~~

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

57 (a) The court shall terminate the order upon a finding that
58 either or both of the child's parents object to the order,
59 except that the court may require the parties to comply with
60 provisions approved in the order which are related to a
61 reasonable plan for transitioning custody before terminating the
62 order.

63
64 ===== T I T L E A M E N D M E N T =====

65 And the title is amended as follows:

66 Delete lines 15 - 17

67 and insert:

68 the court to order on its own motion the transitioning
69 of a child back to the custody of his or parents in



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70 such proceedings under certain circumstances;
71 requiring the court to consider specified factors when
72 entering such order; authorizing courts to require
73 parties to comply with provisions approved in the
74 order which relate to a reasonable plan for
75 transitioning custody before terminating the order;
76 providing an effective date.