



692654

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/05/2019	.	
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The Committee on Children, Families, and Elder Affairs (Bean) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

751.01 Purpose of act.—The purposes of this chapter are to:

(4) Protect the welfare of minor children by allowing  
transitions of custody consistent with their best interest.

Section 2. Section 751.011, Florida Statutes, is amended to



692654

11 read:

12 751.011 Definitions.—As used in this chapter, the term:

13 (1) "Concurrent custody" means that an eligible extended  
14 family member is awarded custodial rights to care for a child  
15 concurrently with the child's parent or parents.

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

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

19 (b) The stepparent of a minor child if the stepparent is  
20 currently married to the parent of the child and is not a party  
21 in a pending dissolution, separate maintenance, domestic  
22 violence, or other civil or criminal proceeding in any court of  
23 competent jurisdiction involving one or both of the child's  
24 parents as an adverse party; or

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

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

29 751.02 Temporary or concurrent custody proceedings;  
30 jurisdiction.—

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

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

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



692654

40 Section 4. Subsection (13) of section 751.03, Florida  
41 Statutes, is amended, and subsection (14) is added to that  
42 section, to read:

43 751.03 Petition for temporary or concurrent custody;  
44 contents.—Each petition for temporary or concurrent custody of a  
45 minor child must be verified by the petitioner, who must be an  
46 extended family member, and must contain statements, to the best  
47 of the petitioner's knowledge and belief, providing:

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

51 (14) Any other provisions that are related to the best  
52 interest of the child which have been requested by the parties,  
53 including, but not limited to, a plan for transitioning custody.

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

56 751.05 Order granting temporary or concurrent custody.—

57 (4) The order granting:

58 (a) Concurrent custody of the minor child may not eliminate  
59 or diminish the custodial rights of the child's parent or  
60 parents. The order must expressly state that the grant of  
61 custody does not affect the ability of the child's parent or  
62 parents to obtain physical custody of the child at any time,  
63 except that the court may approve provisions requested in the  
64 petition which are related to the best interest of the child.

65 (b) Temporary custody of the minor child to the petitioner  
66 may include provisions requested in the petition which are  
67 related to the best interest of the child and may also grant  
68 visitation rights to the child's parent or parents, if it is in



692654

69 the best interest of the child.

70 (6) At any time, either or both of the child's parents may  
71 petition the court to modify or terminate the order granting  
72 temporary custody. The court shall terminate the order upon a  
73 finding that the parent is a fit parent, or by consent of the  
74 parties, except that the court may require the parties to comply  
75 with provisions approved in the order which are related to the  
76 best interest of the child. The court may modify an order  
77 granting temporary custody if the parties consent or if  
78 modification is in the best interest of the child.

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

82 (a) The court shall terminate the order upon a finding that  
83 either or both of the child's parents object to the order,  
84 except that the court may require the parties to comply with  
85 provisions approved in the order which are related to the best  
86 interest of the child.

87 (b) The fact that an order for concurrent custody has been  
88 terminated does not preclude any person who is otherwise  
89 eligible to petition for temporary custody from filing such  
90 petition.

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

92  
93 ===== T I T L E A M E N D M E N T =====

94 And the title is amended as follows:

95 Delete everything before the enacting clause  
96 and insert:

97 A bill to be entitled



692654

98 An act relating to custody of minor children by  
99 extended family; amending s. 751.01, F.S.; revising  
100 the purposes of ch. 751, F.S.; amending s. 751.011,  
101 F.S.; revising the definition of the term "extended  
102 family member"; amending s. 751.02, F.S.; revising the  
103 requirements for individuals seeking concurrent  
104 custody; amending s. 751.03, F.S.; allowing any other  
105 provisions related to the best interest of the child  
106 to be considered in a petition for temporary or  
107 concurrent custody; amending s. 751.05, F.S.;  
108 authorizing courts to include provisions requested in  
109 petitions for temporary or concurrent custody which  
110 relate to the best interest of the child; authorizing  
111 courts to require parties to comply with provisions  
112 approved in the order which relate to the best  
113 interest of the child; providing an effective date.