

Amendment No.

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

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

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

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

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

30 Section 3. Subsection (2) of section 751.02, Florida
31 Statutes, is amended to read:

32 751.02 Temporary or concurrent custody proceedings;
33 jurisdiction.-

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

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

39 (b) Not have signed, written documentation from a parent
40 which is sufficient to enable the custodian to do all of the

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41 things necessary to care for the child which are available to
42 custodians who have an order issued under s. 751.05.

43 Section 4. Subsection (13) of section 751.03, Florida
44 Statutes, is amended, and subsection (14) is added to that
45 section, to read:

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

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

54 (14) Any other provisions that are related to the best
55 interest of the child, including, but not limited to, a plan for
56 transitioning custody.

57 Section 5. Subsection (4), (6), and (7) of section 751.05,
58 Florida Statutes, are amended to read:

59 751.05 Order granting temporary or concurrent custody.—

60 (4) The order granting:

61 (a) Concurrent custody of the minor child may not
62 eliminate or diminish the custodial rights of the child's parent
63 or parents. The order must expressly state that the grant of
64 custody does not affect the ability of the child's parent or
65 parents to obtain physical custody of the child at any time,

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66 except that the court may approve provisions requested in the
67 petition which are related to the best interest of the child.

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

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

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

86 (a) The court shall terminate the order upon a finding
87 that either or both of the child's parents object to the order,
88 except that the court may require the parties to comply with
89 provisions approved in the order which are related to a plan for
90 transitioning custody prior to terminating the order.

