

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Roach offered the following:

3
4 **Amendment**

5 Remove lines 61-97 and insert:

6 (14) Any other provisions that are related to the best interest
7 of the child, including, but not limited to, a reasonable plan
8 for transitioning custody.

9 Section 5. Subsections (4), (6), and (7) of section
10 751.05, Florida Statutes, are amended to read:

11 751.05 Order granting temporary or concurrent custody.—

12 (4) The order granting:

13 (a) Concurrent custody of the minor child may not
14 eliminate or diminish the custodial rights of the child's parent
15 or parents. The order must expressly state that the grant of
16 custody does not affect the ability of the child's parent or

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17 | parents to obtain physical custody of the child at any time,
18 | except that the court may approve provisions requested in the
19 | petition which are related to the best interest of the child,
20 | including a reasonable transition plan that provides for a
21 | return of custody back to the child's parent or parents.

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

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

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

35 | (b) The court shall terminate the order upon a finding
36 | that the parent is a fitparent, or by consent of the parties,
37 | except that the court may require the parties to comply with
38 | provisions approved in the order which are related to a plan for
39 | transitioning custody before terminating the order. ~~The court~~
40 | ~~may modify an order granting temporary custody if the parties~~
41 | ~~consent or if modification is in the best interest of the child.~~

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42 (c) If the order granting temporary custody was entered
43 after a finding that the child's parent or parents are unfit and
44 the child has been in the temporary custody of an extended
45 family member for a period of time the court determines to be
46 significant, the court may, on its own motion, establish
47 reasonable conditions, which are in the best interest of the
48 child, for transitioning the child back to the custody of the
49 child's parent or parents. In determining such reasonable
50 conditions, the court shall consider the following:

51 1. The length of time the child lived or resided with the
52 extended family member;

53 2. The child's developmental stage; and

54 3. The length of time reasonably necessary to complete the
55 transition.

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

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