

1                                   A bill to be entitled  
 2           An act relating to custody of minor children by  
 3           extended family; amending s. 751.01, F.S.; revising  
 4           the purposes of ch. 751, F.S.; amending s. 751.011,  
 5           F.S.; revising the definition of the term "extended  
 6           family member"; amending s. 751.02, F.S.; revising the  
 7           requirements for individuals seeking concurrent  
 8           custody; amending s. 751.03, F.S.; allowing certain  
 9           provisions related to the best interest of the child  
 10          to be considered in a petition for temporary or  
 11          concurrent custody; amending s. 751.05, F.S.;  
 12          authorizing courts to include provisions requested in  
 13          petitions for temporary or concurrent custody which  
 14          relate to the best interest of the child; authorizing  
 15          courts to require parties to comply with provisions  
 16          approved in the order which relate to the  
 17          transitioning of custody; providing an effective date.

18  
 19 Be It Enacted by the Legislature of the State of Florida:

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

23           751.01 Purpose of act.—The purposes of this chapter are  
 24 to:

25           (4) Protect the welfare of minor children by allowing

26 | transitions of custody consistent with their best interest.

27 | Section 2. Subsection (2) of section 751.011, Florida  
28 | Statutes, is amended to read:

29 | 751.011 Definitions.—As used in this chapter, the term:

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

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

33 | (b) The stepparent of a minor child if the stepparent is  
34 | currently married to the parent of the child and is not a party  
35 | in a pending dissolution, separate maintenance, domestic  
36 | violence, or other civil or criminal proceeding in any court of  
37 | competent jurisdiction involving one or both of the child's  
38 | parents as an adverse party; or

39 | (c) An individual who qualifies as "fictive kin" as  
40 | defined in s. 39.01.

41 | Section 3. Paragraph (a) of subsection (2) of section  
42 | 751.02, Florida Statutes, is amended to read:

43 | 751.02 Temporary or concurrent custody proceedings;  
44 | jurisdiction.—

45 | (2) In addition to the requirements of subsection (1), an  
46 | individual seeking concurrent custody must:

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

50 | Section 4. Subsection (13) of section 751.03, Florida

51 Statutes, is amended, and subsection (14) is added to that  
52 section, to read:

53 751.03 Petition for temporary or concurrent custody;  
54 contents.—Each petition for temporary or concurrent custody of a  
55 minor child must be verified by the petitioner, who must be an  
56 extended family member, and must contain statements, to the best  
57 of the petitioner's knowledge and belief, providing:

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

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

64 Section 5. Subsections (4), (6), and (7) of section  
65 751.05, Florida Statutes, are amended to read:

66 751.05 Order granting temporary or concurrent custody.—

67 (4) The order granting:

68 (a) Concurrent custody of the minor child may not  
69 eliminate or diminish the custodial rights of the child's parent  
70 or parents. The order must expressly state that the grant of  
71 custody does not affect the ability of the child's parent or  
72 parents to obtain physical custody of the child at any time,  
73 except that the court may approve provisions requested in the  
74 petition which are related to the best interest of the child.

75 (b) Temporary custody of the minor child to the petitioner

76 | may include provisions requested in the petition which are  
77 | related to the best interest of the child and may also grant  
78 | visitation rights to the child's parent or parents, if it is in  
79 | the best interest of the child.

80 | (6) At any time, either or both of the child's parents may  
81 | petition the court to modify or terminate the order granting  
82 | temporary custody. The court shall terminate the order upon a  
83 | finding that the parent is a fit parent, or by consent of the  
84 | parties, except that the court may require the parties to comply  
85 | with provisions approved in the order which are related to a  
86 | plan for transitioning custody before terminating the order. The  
87 | court may modify an order granting temporary custody if the  
88 | parties consent or if modification is in the best interest of  
89 | the child.

90 | (7) At any time, the petitioner or either or both of the  
91 | child's parents may move the court to terminate the order  
92 | granting concurrent custody.

93 | (a) The court shall terminate the order upon a finding  
94 | that either or both of the child's parents object to the order,  
95 | except that the court may require the parties to comply with  
96 | provisions approved in the order which are related to a plan for  
97 | transitioning custody before terminating the order.

98 | (b) The fact that an order for concurrent custody has been  
99 | terminated does not preclude any person who is otherwise  
100 | eligible to petition for temporary custody from filing such

CS/HB 185

2020

101 | petition.

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