

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WITHDRAWN _____ (Y/N)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: Local, Federal & Veterans
2 Affairs Subcommittee

3 Representative Payne offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7
8 Section 1. Subsection (1) of section 39.01, Florida
9 Statutes, is amended to read:

10 39.01 Definitions.—When used in this chapter, unless the
11 context otherwise requires:

12 (1) "Abandoned" or "abandonment" means a situation in
13 which the parent or legal custodian of a child or, in the
14 absence of a parent or legal custodian, the caregiver, while
15 being able, has made no significant contribution to the child's
16 care and maintenance or has failed to establish or maintain a

Amendment No.

17 substantial and positive relationship with the child, or both.
18 For purposes of this subsection, "establish or maintain a
19 substantial and positive relationship" includes, but is not
20 limited to, frequent and regular contact with the child through
21 frequent and regular visitation or frequent and regular
22 communication to or with the child, and the exercise of parental
23 rights and responsibilities. Marginal efforts and incidental or
24 token visits or communications are not sufficient to establish
25 or maintain a substantial and positive relationship with a
26 child. A man's acknowledgment of paternity of the child does not
27 limit the period of time considered in determining whether the
28 child was abandoned. The term does not include a surrendered
29 newborn infant as described in s. 383.50, a "child in need of
30 services" as defined in chapter 984, or a "family in need of
31 services" as defined in chapter 984. The absence of a parent,
32 legal custodian, or caregiver responsible for a child's welfare,
33 who is a servicemember, by reason of deployment or anticipated
34 deployment as defined in 50 U.S.C. s. 3938(e), may not be
35 considered or used as a factor in determining abandonment. The
36 incarceration, repeated incarceration, or extended incarceration
37 of a parent, legal custodian, or caregiver responsible for a
38 child's welfare may support a finding of abandonment.

39 Section 2. Subsection (1) of section 39.0137, Florida
40 Statutes, is amended, and a new subsection (3) is added to that
41 section to read:

867457 - h0197 strike all amendment.docx

Published On: 12/10/2019 6:02:35 PM

Amendment No.

42 39.0137 Federal law; rulemaking authority.—

43 (1) This chapter does not supersede the requirements of
44 the Indian Child Welfare Act, 25 U.S.C. ss. 1901 et seq., ~~or~~ the
45 Multi-Ethnic Placement Act of 1994, Pub. L. No. 103-382, as
46 amended, the Servicemembers Civil Relief Act, 50 U.S.C. ss. 3901
47 et seq., or the implementing regulations for such acts.

48 (3) The department shall ensure that the Servicemembers
49 Civil Relief Act is observed in cases where a parent, legal
50 custodian, or caregiver responsible for a child's welfare, by
51 virtue of his or her service, is unable to take custody of his
52 or her child or appear before the court in person.

53 Section 3. This act shall take effect July 1, 2020.

54
55 -----
56 **T I T L E A M E N D M E N T**

57 Remove everything before the enacting clause and insert:
58 An act relating to the Servicemembers Civil Relief Act; amending
59 s. 39.01, F.S.; revising the definition of "abandoned" or
60 "abandonment"; amending s. 39.0137, F.S.; providing that certain
61 state laws relating to children do not supersede the
62 Servicemembers Civil Relief Act; requiring the Department of
63 Children and Families to ensure that the act is observed in
64 certain cases; providing an effective date.