



162920

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Bean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(1) "Abandoned" or "abandonment" means a situation in which
the parent or legal custodian of a child or, in the absence of a
parent or legal custodian, the caregiver, while being able, has



12 made no significant contribution to the child's care and
13 maintenance or has failed to establish or maintain a substantial
14 and positive relationship with the child, or both. For purposes
15 of this subsection, "establish or maintain a substantial and
16 positive relationship" includes, but is not limited to, frequent
17 and regular contact with the child through frequent and regular
18 visitation or frequent and regular communication to or with the
19 child, and the exercise of parental rights and responsibilities.
20 Marginal efforts and incidental or token visits or
21 communications are not sufficient to establish or maintain a
22 substantial and positive relationship with a child. A man's
23 acknowledgment of paternity of the child does not limit the
24 period of time considered in determining whether the child was
25 abandoned. The term does not include a surrendered newborn
26 infant as described in s. 383.50, a "child in need of services"
27 as defined in chapter 984, or a "family in need of services" as
28 defined in chapter 984. The absence of a parent, legal
29 custodian, or caregiver responsible for a child's welfare, who
30 is a servicemember, by reason of deployment or anticipated
31 deployment as defined in 50 U.S.C. s. 3938(e), may not be
32 considered or used as a factor in determining abandonment. The
33 incarceration, repeated incarceration, or extended incarceration
34 of a parent, legal custodian, or caregiver responsible for a
35 child's welfare may support a finding of abandonment.

36 Section 2. Subsection (1) of section 39.0137, Florida
37 Statutes, is amended, and subsection (3) is added to that
38 section, to read:

39 39.0137 Federal law; rulemaking authority.-

40 (1) This chapter does not supersede the requirements of the



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41 Indian Child Welfare Act, 25 U.S.C. ss. 1901 et seq., ~~or~~ the
42 Multi-Ethnic Placement Act of 1994, Pub. L. No. 103-382, as
43 amended, the Servicemembers Civil Relief Act, 50 U.S.C. ss. 3901
44 et seq., or the implementing regulations for such acts.

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

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

51
52 ===== T I T L E A M E N D M E N T =====

53 And the title is amended as follows:

54 Delete everything before the enacting clause
55 and insert:

56 A bill to be entitled
57 An act relating to the Servicemembers Civil Relief
58 Act; amending s. 39.01, F.S.; revising the definition
59 of the terms "abandoned" or "abandonment"; amending s.
60 39.0137, F.S.; providing that certain state laws
61 relating to children do not supersede the
62 Servicemembers Civil Relief Act; requiring the
63 Department of Children and Families to ensure that the
64 act is observed in certain cases; providing an
65 effective date.