

By the Committee on Rules & Calendar and Representative
Arnall

1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes;
3 amending ss. 447.203 and 752.01, F.S., to
4 conform to judicial decisions holding parts of
5 said provisions unconstitutional.
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7 Be It Enacted by the Legislature of the State of Florida:
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9 Section 1. Paragraph (j) of subsection (3) of section
10 447.203, Florida Statutes, is amended to read:

11 447.203 Definitions.--As used in this part:

12 (3) "Public employee" means any person employed by a
13 public employer except:

14 ~~(j) Those persons who by virtue of their positions of~~
15 ~~employment are regulated by the Florida Supreme Court pursuant~~
16 ~~to s. 15, Art. V of the State Constitution.~~
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18 Reviser's note.--The Florida Supreme Court in
19 Chiles v. State Employees Attorneys Guild, 734
20 So. 2d 1030 (Fla. 1999), held s. 447.203(3)(j)
21 unconstitutional under s. 6, Art. I of the
22 Florida Constitution as the state failed to
23 prove the requisite necessity for a wholesale
24 ban on collective bargaining by government
25 lawyers.
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27 Section 2. Subsection (1) of section 752.01, Florida
28 Statutes, is amended to read:

29 752.01 Action by grandparent for right of visitation;
30 when petition shall be granted.--
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1 (1) The court shall, upon petition filed by a
2 grandparent of a minor child, award reasonable rights of
3 visitation to the grandparent with respect to the child when
4 it is in the best interest of the minor child if:
5 ~~(a) One or both parents of the child are deceased;~~
6 (a)~~(b)~~ The marriage of the parents of the child has
7 been dissolved;
8 (b)~~(c)~~ A parent of the child has deserted the child;
9 (c)~~(d)~~ The minor child was born out of wedlock and
10 not later determined to be a child born within wedlock as
11 provided in s. 742.091; or
12 ~~(e) The minor is living with both natural parents who
13 are still married to each other whether or not there is a
14 broken relationship between either or both parents of the
15 minor child and the grandparents, and either or both parents
16 have used their parental authority to prohibit a relationship
17 between the minor child and the grandparents.~~

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19 Reviser's note.--The Florida Supreme Court in
20 Von Eiff v. Azicri, 720 So. 2d 510 (Fla. 1998),
21 held s. 752.01(1)(a) facially unconstitutional
22 as it impermissibly infringes on privacy rights
23 protected by s. 23, Art. I of the Florida
24 Constitution. The Florida Supreme Court in
25 Beagle v. Beagle, 678 So. 2d 1271 (Fla. 1996),
26 held s. 752.01(1)(e) facially unconstitutional
27 as it constitutes impermissible state
28 interference with parental rights protected by
29 either s. 23, Art. I of the Florida
30 Constitution or the due process clause of the
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1 Fourteenth Amendment to the United States
2 Constitution.
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