

By the Committee on Family Law & Children and  
Representatives Kelly, Bainter, Wiles, Melvin, Casey,  
Harrington, Fasano, Henriquez, Jacobs, Cantens and Greenstein

1                                   A bill to be entitled  
2           An act relating to children and families;  
3           creating s. 752.011, F.S.; providing for  
4           court-ordered grandparent visitation under  
5           certain circumstances; providing for  
6           appointment of a guardian ad litem and family  
7           mediation if the court makes a preliminary  
8           finding that the minor is threatened with  
9           demonstrable significant mental or emotional  
10          harm without visitation; requiring  
11          court-ordered evaluation of the child if  
12          mediation fails; providing for a hearing in  
13          which the determination of demonstrable  
14          significant mental or emotional harm to the  
15          minor will be made; providing criteria for such  
16          a determination; providing for attorney's fees  
17          and costs; applying the Uniform Child Custody  
18          Jurisdiction Act; repealing s. 752.01, F.S.,  
19          relating to grandparental visitation; amending  
20          s. 61.13, F.S., to conform to the act;  
21          encouraging consolidation of actions under ss.  
22          61.13 and 752.011, F.S.; amending ss. 752.015  
23          and 752.07, F.S., to conform cross references;  
24          amending s. 39.01, F.S.; including references  
25          to great-grandparents in definitions relating  
26          to dependent children; amending s. 39.509,  
27          F.S.; providing for great-grandparents  
28          visitation rights; amending ss. 39.801 and  
29          63.0425, F.S.; providing for a  
30          great-grandparent's right to adopt; amending s.  
31          61.13, F.S.; providing for great-grandparents

1           visitation rights and standing with regard to  
2           evaluating custody arrangements; amending s.  
3           63.172, F.S.; conforming references relating to  
4           great-grandparental visitation rights under ch.  
5           752, F.S.; providing an effective date.

6  
7 Be It Enacted by the Legislature of the State of Florida:

8  
9           Section 1. Section 752.011, Florida Statutes, is  
10          created to read:

11           752.011 Action by grandparent for right of visitation;  
12          when petition shall be granted.--

13           (1) A grandparent of a minor may petition for  
14          visitation with that minor if:

15           (a) One or both of the parents of the minor are  
16          deceased;

17           (b) The marriage of the parents of the minor has been  
18          dissolved, whether or not a dissolution action is pending;

19           (c) A parent of the minor has deserted the minor;

20           (d) The minor was born out of wedlock and not later  
21          determined to be a minor born within wedlock as provided in s.  
22          742.091;

23           (e) The minor is living with both natural parents who  
24          are still married to each other, whether or not there is a  
25          broken relationship between either or both parents of the  
26          minor and the grandparents, and either or both parents have  
27          used their parental authority to prohibit a relationship  
28          between the minor and the grandparents; or

29           (f) A deceased parent of the minor has made a written  
30          testamentary statement requesting that there be visitation  
31

1 between his or her surviving minor child and the grandparent  
2 or grandparents.

3 (2) Upon the filing of a petition by a grandparent for  
4 visitation rights, the court shall hold a preliminary hearing  
5 to find whether there is evidence that the minor is suffering  
6 or is threatened with suffering demonstrable significant  
7 mental or emotional harm as a result of a parental decision  
8 not to permit visitation or contact with the grandparent.  
9 Absent such a finding, the court shall dismiss the petition  
10 and may award reasonable attorney's fees and costs to be paid  
11 by the petitioner to the respondent.

12 (3) If the court finds that there is evidence that the  
13 minor is suffering or is threatened with suffering  
14 demonstrable significant mental or emotional harm as a result  
15 of a parental decision not to permit visitation or contact  
16 with the grandparent, the court may appoint a guardian ad  
17 litem and shall order the matter to family mediation as  
18 provided under chapter 44 and Rules 12.740 and 12.741 of the  
19 Florida Family Law Rules of Procedure.

20 (4) If mediation fails to yield a resolution, the  
21 court shall order a psychological evaluation of the minor  
22 pursuant to Rule 12.363, Fla. Fam. L.R.P., absent the  
23 availability of comparable evidence of the findings expected  
24 from such an evaluation.

25 (5) After a hearing on the matter, the court may award  
26 reasonable rights of visitation to the grandparent with  
27 respect to the minor if the court finds that:

28 (a) The minor is suffering or is threatened with  
29 suffering demonstrable significant mental or emotional harm as  
30 a result of a parental decision not to permit visitation or  
31

1 contact with the grandparent and that visitation with the  
2 grandparent will alleviate or mitigate the harm; and  
3 (b) The visitation will not materially harm the  
4 parent-child relationship.  
5 (6) In assessing demonstrable significant mental or  
6 emotional harm as those terms are used in this chapter, the  
7 court shall consider the totality of the circumstances  
8 affecting the mental and emotional well-being of the minor,  
9 including:  
10 (a) The love, affection, and other emotional ties  
11 existing between the minor and the grandparent, including  
12 those based upon a relationship that has been permitted  
13 previously by one or more of the minor's parents.  
14 (b) The length and quality of the prior relationship  
15 between the minor and the grandparent, including the extent to  
16 which the grandparent has been involved in providing regular  
17 care and support of the minor.  
18 (c) Whether the grandparent has established or  
19 attempted to establish ongoing personal contact with the  
20 minor.  
21 (d) The reasons for which a parent or parents have  
22 made a decision to end contact or visitation between the minor  
23 and the grandparent which was permitted previously by the  
24 parent or parents.  
25 (e) Whether there has been demonstrable significant  
26 mental or emotional harm to the minor as a result of  
27 disruption in the family unit due to divorce, abandonment by a  
28 parent, or disability or death of a parent, sibling, or other  
29 household member, for which the minor has derived support and  
30 stability from the grandparental relationship and whether the  
31

1 continuation of that support and stability is likely to  
2 prevent further harm.

3 (f) The existence or threat of mental injury to the  
4 minor as defined in s. 39.01.

5 (g) When one parent is deceased, whether grandparent  
6 visitation will help maintain or facilitate contact between  
7 the minor and the deceased parent's extended family of origin  
8 such that demonstrable significant mental or emotional harm to  
9 the minor from loss of additional family relationships is  
10 mitigated.

11 (h) The present mental, physical, and emotional needs  
12 and health of the minor.

13 (i) The present mental, physical, and emotional health  
14 of the grandparent.

15 (j) The recommendations of the minor's guardian ad  
16 litem.

17 (k) The results of the psychological evaluation of the  
18 minor pursuant to Rule 12.363, Fla. Fam. L.R.P.

19 (l) The preference of the minor if the minor is  
20 determined to be of sufficient maturity to express a  
21 preference.

22 (m) When a parent is deceased, any written  
23 testamentary statement by the deceased parent requesting that  
24 visitation with the grandparent be granted or stating a belief  
25 that such visitation would reduce or mitigate demonstrable  
26 significant mental or emotional harm to the minor as a result  
27 of the parent's death. The absence of such a testamentary  
28 statement may not be construed as evidence that the deceased  
29 parent would have objected to the requested visitation.

30 (n) Such other factors as the court considers  
31 necessary in making this determination.

1           (7) In assessing whether granting a petition brought  
2 under this chapter will cause material harm to the  
3 parent-child relationship, the court shall consider the  
4 totality of the circumstances affecting the parent-child  
5 relationship, including:  
6           (a) Whether there have been previous disputes between  
7 the grandparent and the parents over childrearing or other  
8 matters related to the care and upbringing of the minor;  
9           (b) Whether visitation would in a material manner  
10 interfere with or compromise parental authority;  
11           (c) Whether visitation can be arranged in such a  
12 manner as not to materially detract from the parent-child  
13 relationship, including the quantity of time available for  
14 enjoyment of the parent-child relationship and any other  
15 consideration related to disruption of the schedule and  
16 routines of the parents' and the minor's home lives;  
17           (d) Whether visitation is being sought for the primary  
18 purpose of continuing or establishing a relationship with the  
19 minor with the intent that the minor benefit from the  
20 relationship;  
21           (e) Whether the requested visitation would expose the  
22 minor to conduct, moral standards, experiences, or other  
23 factors that are inconsistent with influences provided by the  
24 parent;  
25           (f) The nature of the relationship between the parents  
26 and the grandparent;  
27           (g) The reasons for which a parent or parents have  
28 made a decision to end contact or visitation between the minor  
29 and the grandparent which has been permitted previously by  
30 that parent or parents;  
31

1       (h) The psychological toll of visitation disputes on  
2 the minor in the particular circumstances; and  
3       (i) Such other factors as the court considers  
4 necessary in making this determination.  
5       (8) Sections 61.1302-61.1348, the Uniform Child  
6 Custody Jurisdiction Act, apply to actions brought under this  
7 chapter.  
8       (9) If separate actions under this section and s.  
9 61.13 are pending concurrently, courts are strongly encouraged  
10 to consolidate the actions in order to minimize the burden of  
11 litigation of visitation rights on the minor and the parties.  
12       (10) An order of grandparent visitation may be  
13 modified upon a showing of substantial change in circumstances  
14 or a showing that visitation is causing material harm to the  
15 parent-child relationship.  
16       (11) An original action requesting visitation rights  
17 under this chapter may be filed by any grandparent only once  
18 during any 2-year period, except for good cause shown that the  
19 minor is suffering or is threatened with suffering  
20 demonstrable significant mental or emotional harm caused by a  
21 parental decision to deny or limit contact or visitation  
22 between a minor and grandparent, which was not known to the  
23 grandparent at the time of filing an earlier action.  
24       (12) This section does not provide for grandparental  
25 visitation rights for minors placed for adoption under chapter  
26 63 except as provided in s. 752.07 with respect to adoption by  
27 a stepparent.  
28       (13) Section 57.105 applies to actions brought under  
29 this chapter.  
30       Section 2. Section 752.01, Florida Statutes, is  
31 repealed.

1           Section 3. Subsection (2) of section 61.13, Florida  
2 Statutes, is amended to read:

3           61.13 Custody and support of children; visitation  
4 rights; power of court in making orders.--

5           (2)(a) The court shall have jurisdiction to determine  
6 custody, notwithstanding that the child is not physically  
7 present in this state at the time of filing any proceeding  
8 under this chapter, if it appears to the court that the child  
9 was removed from this state for the primary purpose of  
10 removing the child from the jurisdiction of the court in an  
11 attempt to avoid a determination or modification of custody.

12           (b)1. The court shall determine all matters relating  
13 to custody of each minor child of the parties in accordance  
14 with the best interests of the child and in accordance with  
15 the Uniform Child Custody Jurisdiction Act. It is the public  
16 policy of this state to assure that each minor child has  
17 frequent and continuing contact with both parents after the  
18 parents separate or the marriage of the parties is dissolved  
19 and to encourage parents to share the rights and  
20 responsibilities, and joys, of childrearing. After considering  
21 all relevant facts, the father of the child shall be given the  
22 same consideration as the mother in determining the primary  
23 residence of a child irrespective of the age or sex of the  
24 child.

25           2. The court shall order that the parental  
26 responsibility for a minor child be shared by both parents  
27 unless the court finds that shared parental responsibility  
28 would be detrimental to the child. Evidence that a parent has  
29 been convicted of a felony of the third degree or higher  
30 involving domestic violence, as defined in s. 741.28 and  
31 chapter 775, or meets the criteria of s. 39.806(1)(d), creates



1 a rebuttable presumption of detriment to the child. If the  
2 presumption is not rebutted, shared parental responsibility,  
3 including visitation, residence of the child, and decisions  
4 made regarding the child, may not be granted to the convicted  
5 parent. However, the convicted parent is not relieved of any  
6 obligation to provide financial support. If the court  
7 determines that shared parental responsibility would be  
8 detrimental to the child, it may order sole parental  
9 responsibility and make such arrangements for visitation as  
10 will best protect the child or abused spouse from further  
11 harm. Whether or not there is a conviction of any offense of  
12 domestic violence or child abuse or the existence of an  
13 injunction for protection against domestic violence, the court  
14 shall consider evidence of domestic violence or child abuse as  
15 evidence of detriment to the child.

16 a. In ordering shared parental responsibility, the  
17 court may consider the expressed desires of the parents and  
18 may grant to one party the ultimate responsibility over  
19 specific aspects of the child's welfare or may divide those  
20 responsibilities between the parties based on the best  
21 interests of the child. Areas of responsibility may include  
22 primary residence, education, medical and dental care, and any  
23 other responsibilities that the court finds unique to a  
24 particular family.

25 b. The court shall order "sole parental  
26 responsibility, with or without visitation rights, to the  
27 other parent when it is in the best interests of" the minor  
28 child.

29 c. The court may award the grandparents visitation  
30 rights with a minor child pursuant to the criteria set forth  
31 in s. 752.011 ~~if it is in the child's best interest.~~

1 Grandparents have legal standing to seek judicial enforcement  
2 of such an award. This section does not require that  
3 grandparents be made parties or given notice of dissolution  
4 pleadings or proceedings, nor do grandparents have legal  
5 standing as "contestants" as defined in s. 61.1306. However,  
6 if separate actions under this section and s. 752.011 are  
7 pending concurrently, courts are strongly encouraged to  
8 consolidate the actions in order to minimize the burden of  
9 litigation of visitation rights on the child.A court may not  
10 order that a child be kept within the state or jurisdiction of  
11 the court solely for the purpose of permitting visitation by  
12 the grandparents.

13           3. Access to records and information pertaining to a  
14 minor child, including, but not limited to, medical, dental,  
15 and school records, may not be denied to a parent because the  
16 parent is not the child's primary residential parent.

17           (c) The circuit court in the county in which either  
18 parent and the child reside or the circuit court in which the  
19 original award of custody was entered have jurisdiction to  
20 modify an award of child custody. The court may change the  
21 venue in accordance with s. 47.122.

22           (d) No presumption shall arise in favor of or against  
23 a request to relocate when a primary residential parent seeks  
24 to move the child and the move will materially affect the  
25 current schedule of contact and access with the secondary  
26 residential parent. In making a determination as to whether  
27 the primary residential parent may relocate with a child, the  
28 court must consider the following factors:

29           1. Whether the move would be likely to improve the  
30 general quality of life for both the residential parent and  
31 the child.

1           2. The extent to which visitation rights have been  
2 allowed and exercised.

3           3. Whether the primary residential parent, once out of  
4 the jurisdiction, will be likely to comply with any substitute  
5 visitation arrangements.

6           4. Whether the substitute visitation will be adequate  
7 to foster a continuing meaningful relationship between the  
8 child and the secondary residential parent.

9           5. Whether the cost of transportation is financially  
10 affordable by one or both parties.

11           6. Whether the move is in the best interests of the  
12 child.

13           Section 4. Section 752.015, Florida Statutes, is  
14 amended to read:

15           752.015 Mediation of visitation disputes.--It shall be  
16 the public policy of this state that families resolve  
17 differences over grandparent visitation within the family. It  
18 shall be the further public policy of this state that when  
19 families are unable to resolve differences relating to  
20 grandparent visitation that the family participate in any  
21 formal or informal mediation services that may be available.  
22 When families are unable to resolve differences relating to  
23 grandparent visitation and a petition is filed pursuant to s.  
24 752.011 ~~752.01~~, the court shall, if such services are  
25 available in the circuit, refer the case to family mediation  
26 in accordance with rules promulgated by the Supreme Court.

27           Section 5. Section 752.07, Florida Statutes, is  
28 amended to read:

29           752.07 Effect of adoption of child by stepparent on  
30 right of visitation; when right may be terminated.--When there  
31 is a remarriage of one of the natural parents of a minor child

1 for whom visitation rights may be or may have been granted to  
2 a grandparent pursuant to s. 752.011 ~~752.01~~, any subsequent  
3 adoption by the stepparent will not terminate any  
4 grandparental rights. However, the court may determine that  
5 ~~termination of such visitation rights~~ should be terminated  
6 based upon the standards for granting such visitation which  
7 are set forth in s. 752.011 ~~is in the best interest of the~~  
8 ~~child~~ and rule accordingly, after affording the grandparent an  
9 opportunity to be heard.

10 Section 6. Subsections (47) and (51) of section 39.01,  
11 Florida Statutes, are amended to read:

12 39.01 Definitions.--When used in this chapter, unless  
13 the context otherwise requires:

14 (47) "Next of kin" means an adult relative of a child  
15 who is the child's brother, sister, grandparent,  
16 great-grandparent, aunt, uncle, or first cousin.

17 (51) "Participant," for purposes of a shelter  
18 proceeding, dependency proceeding, or termination of parental  
19 rights proceeding, means any person who is not a party but who  
20 should receive notice of hearings involving the child,  
21 including foster parents or the legal custodian of the child,  
22 identified prospective parents, grandparents, or  
23 great-grandparents entitled to priority for adoption  
24 consideration under s. 63.0425, actual custodians of the  
25 child, and any other person whose participation may be in the  
26 best interest of the child. A community-based agency under  
27 contract with the department to provide protective services  
28 may be designated as a participant at the discretion of the  
29 court. Participants may be granted leave by the court to be  
30 heard without the necessity of filing a motion to intervene.

31

1           Section 7. Section 39.509, Florida Statutes, is  
2 amended to read:

3           39.509 Grandparents and great-grandparents  
4 rights.--Notwithstanding any other provision of law, a  
5 maternal or paternal grandparent or great-grandparent, as well  
6 as a stepgrandparent or step-great-grandparent is entitled to  
7 reasonable visitation with his or her grandchild or  
8 great-grandchild who has been adjudicated a dependent child  
9 and taken from the physical custody of the parent unless the  
10 court finds that such visitation is not in the best interest  
11 of the child or that such visitation would interfere with the  
12 goals of the case plan. Reasonable visitation may be  
13 unsupervised and, where appropriate and feasible, may be  
14 frequent and continuing.

15           (1) Grandparent or great-grandparent visitation may  
16 take place in the home of the grandparent or great-grandparent  
17 unless there is a compelling reason for denying such a  
18 visitation. The department's caseworker shall arrange the  
19 visitation to which a grandparent or great-grandparent is  
20 entitled pursuant to this section. The state shall not charge  
21 a fee for any costs associated with arranging the visitation.  
22 However, the grandparent or great-grandparent shall pay for  
23 the child's cost of transportation when the visitation is to  
24 take place in the grandparent's or great-grandparent's home.  
25 The caseworker shall document the reasons for any decision to  
26 restrict a grandparent's or great-grandparent's visitation.

27           (2) A grandparent or great-grandparent entitled to  
28 visitation pursuant to this section shall not be restricted  
29 from appropriate displays of affection to the child, such as  
30 appropriately hugging or kissing his or her grandchild or  
31 great-grandchild. Gifts, cards, and letters from the

1 grandparent or great-grandparent and other family members  
2 shall not be denied to a child who has been adjudicated a  
3 dependent child.

4 (3) Any attempt by a grandparent or great-grandparent  
5 to facilitate a meeting between the child who has been  
6 adjudicated a dependent child and the child's parent or legal  
7 custodian, or any other person in violation of a court order  
8 shall automatically terminate future visitation rights of the  
9 grandparent or great-grandparent.

10 (4) When the child has been returned to the physical  
11 custody of his or her parent, the visitation rights granted  
12 pursuant to this section shall terminate.

13 (5) The termination of parental rights does not affect  
14 the rights of grandparents or great-grandparents unless the  
15 court finds that such visitation is not in the best interest  
16 of the child or that such visitation would interfere with the  
17 goals of permanency planning for the child.

18 (6) In determining whether grandparental or  
19 great-grandparental visitation is not in the child's best  
20 interest, consideration may be given to the finding of guilt,  
21 regardless of adjudication, or entry or plea of guilty or nolo  
22 contendere to charges under the following statutes, or similar  
23 statutes of other jurisdictions: s. 787.04, relating to  
24 removing minors from the state or concealing minors contrary  
25 to court order; s. 794.011, relating to sexual battery; s.  
26 798.02, relating to lewd and lascivious behavior; chapter 800,  
27 relating to lewdness and indecent exposure; or chapter 827,  
28 relating to the abuse of children. Consideration may also be  
29 given to a report of abuse, abandonment, or neglect under ss.  
30 415.101-415.113 or this chapter and the outcome of the  
31 investigation concerning such report.

1 Section 8. Paragraph (a) of subsection (3) of section  
2 39.801, Florida Statutes, is amended to read:

3 39.801 Procedures and jurisdiction; notice; service of  
4 process.--

5 (3) Before the court may terminate parental rights, in  
6 addition to the other requirements set forth in this part, the  
7 following requirements must be met:

8 (a) Notice of the date, time, and place of the  
9 advisory hearing for the petition to terminate parental rights  
10 and a copy of the petition must be personally served upon the  
11 following persons, specifically notifying them that a petition  
12 has been filed:

- 13 1. The parents of the child.
- 14 2. The legal custodians of the child.
- 15 3. If the parents who would be entitled to notice are  
16 dead or unknown, a living relative of the child, unless upon  
17 diligent search and inquiry no such relative can be found.
- 18 4. Any person who has physical custody of the child.
- 19 5. Any grandparent or great-grandparent entitled to  
20 priority for adoption under s. 63.0425.
- 21 6. Any prospective parent who has been identified  
22 under s. 39.503 or s. 39.803.
- 23 7. The guardian ad litem for the child or the  
24 representative of the guardian ad litem program, if the  
25 program has been appointed.

26  
27 The document containing the notice to respond or appear must  
28 contain, in type at least as large as the type in the balance  
29 of the document, the following or substantially similar  
30 language: "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY  
31 HEARING CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL

1 RIGHTS OF THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON  
2 THE DATE AND TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS  
3 A PARENT TO THE CHILD OR CHILDREN NAMED IN THE PETITION  
4 ATTACHED TO THIS NOTICE."

5 Section 9. Paragraph (b) of subsection (2), paragraph  
6 (c) of subsection (4), and subsections (6) and (7) of section  
7 61.13, Florida Statutes, are amended to read:

8 61.13 Custody and support of children; visitation  
9 rights; power of court in making orders.--

10 (2)

11 (b)1. The court shall determine all matters relating  
12 to custody of each minor child of the parties in accordance  
13 with the best interests of the child and in accordance with  
14 the Uniform Child Custody Jurisdiction Act. It is the public  
15 policy of this state to assure that each minor child has  
16 frequent and continuing contact with both parents after the  
17 parents separate or the marriage of the parties is dissolved  
18 and to encourage parents to share the rights and  
19 responsibilities, and joys, of childrearing. After considering  
20 all relevant facts, the father of the child shall be given the  
21 same consideration as the mother in determining the primary  
22 residence of a child irrespective of the age or sex of the  
23 child.

24 2. The court shall order that the parental  
25 responsibility for a minor child be shared by both parents  
26 unless the court finds that shared parental responsibility  
27 would be detrimental to the child. Evidence that a parent has  
28 been convicted of a felony of the third degree or higher  
29 involving domestic violence, as defined in s. 741.28 and  
30 chapter 775, or meets the criteria of s. 39.806(1)(d), creates  
31 a rebuttable presumption of detriment to the child. If the



1 presumption is not rebutted, shared parental responsibility,  
2 including visitation, residence of the child, and decisions  
3 made regarding the child, may not be granted to the convicted  
4 parent. However, the convicted parent is not relieved of any  
5 obligation to provide financial support. If the court  
6 determines that shared parental responsibility would be  
7 detrimental to the child, it may order sole parental  
8 responsibility and make such arrangements for visitation as  
9 will best protect the child or abused spouse from further  
10 harm. Whether or not there is a conviction of any offense of  
11 domestic violence or child abuse or the existence of an  
12 injunction for protection against domestic violence, the court  
13 shall consider evidence of domestic violence or child abuse as  
14 evidence of detriment to the child.

15       a. In ordering shared parental responsibility, the  
16 court may consider the expressed desires of the parents and  
17 may grant to one party the ultimate responsibility over  
18 specific aspects of the child's welfare or may divide those  
19 responsibilities between the parties based on the best  
20 interests of the child. Areas of responsibility may include  
21 primary residence, education, medical and dental care, and any  
22 other responsibilities that the court finds unique to a  
23 particular family.

24       b. The court shall order "sole parental  
25 responsibility, with or without visitation rights, to the  
26 other parent when it is in the best interests of" the minor  
27 child.

28       c. The court may award the grandparents and  
29 great-grandparents visitation rights with a minor child if it  
30 is in the child's best interest. Grandparents and  
31 great-grandparents have legal standing to seek judicial

1 enforcement of such an award. This section does not require  
2 that grandparents or great-grandparents be made parties or  
3 given notice of dissolution pleadings or proceedings, nor do  
4 grandparents or great-grandparents have legal standing as  
5 "contestants" as defined in s. 61.1306. A court may not order  
6 that a child be kept within the state or jurisdiction of the  
7 court solely for the purpose of permitting visitation by the  
8 grandparents or great-grandparents.

9           3. Access to records and information pertaining to a  
10 minor child, including, but not limited to, medical, dental,  
11 and school records, may not be denied to a parent because the  
12 parent is not the child's primary residential parent.

13           (4)

14           (c) When a custodial parent refuses to honor a  
15 noncustodial parent's, ~~or~~ grandparent's, or  
16 great-grandparent's visitation rights without proper cause,  
17 the court shall, after calculating the amount of visitation  
18 improperly denied, award the noncustodial parent, ~~or~~  
19 grandparent, or great-grandparent a sufficient amount of extra  
20 visitation to compensate the noncustodial parent, ~~or~~  
21 grandparent, or great-grandparent, which visitation shall be  
22 ordered as expeditiously as possible in a manner consistent  
23 with the best interests of the child and scheduled in a manner  
24 that is convenient for the person deprived of visitation. In  
25 ordering any makeup visitation, the court shall schedule such  
26 visitation in a manner that is consistent with the best  
27 interests of the child or children and that is convenient for  
28 the noncustodial parent, ~~or~~ grandparent, or great-grandparent.  
29 In addition, the court:

30           1. May order the custodial parent to pay reasonable  
31 court costs and attorney's fees incurred by the noncustodial

1 parent, ~~or~~ grandparent, or great-grandparent to enforce their  
2 visitation rights or make up improperly denied visitation;  
3         2. May order the custodial parent to attend the  
4 parenting course approved by the judicial circuit;  
5         3. May order the custodial parent to do community  
6 service if the order will not interfere with the welfare of  
7 the child;  
8         4. May order the custodial parent to have the  
9 financial burden of promoting frequent and continuing contact  
10 when the custodial parent and child reside further than 60  
11 miles from the noncustodial parent;  
12         5. May award custody, rotating custody, or primary  
13 residence to the noncustodial parent, upon the request of the  
14 noncustodial parent, if the award is in the best interests of  
15 the child; or  
16         6. May impose any other reasonable sanction as a  
17 result of noncompliance.  
18         (d) A person who violates this subsection may be  
19 punished by contempt of court or other remedies as the court  
20 deems appropriate.  
21         (6) In any proceeding under this section, the court  
22 may not deny shared parental responsibility, custody, or  
23 visitation rights to a parent, ~~or~~ grandparent, or  
24 great-grandparent solely because that parent, ~~or~~ grandparent,  
25 or great-grandparent is or is believed to be infected with  
26 human immunodeficiency virus; but the court may condition such  
27 rights upon the parent's, ~~or~~ grandparent's, or  
28 great-grandparent's agreement to observe measures approved by  
29 the Centers for Disease Control and Prevention of the United  
30 States Public Health Service or by the Department of Health  
31

1 for preventing the spread of human immunodeficiency virus to  
2 the child.

3 (7) In any case where the child is actually residing  
4 with a grandparent or great-grandparent in a stable  
5 relationship, whether or not the court has awarded custody to  
6 the grandparent ~~or not~~, the court may recognize the  
7 grandparents or great-grandparents as having the same standing  
8 as parents for evaluating what custody arrangements are in the  
9 best interest of the child.

10 Section 10. Subsection (1) of section 63.0425, Florida  
11 Statutes, is amended to read:

12 63.0425 Grandparent's or great-grandparent's right to  
13 adopt.--

14 (1) When a child who has lived with a grandparent or  
15 great-grandparent for at least 6 months is placed for  
16 adoption, the agency or intermediary handling the adoption  
17 shall notify that grandparent or great-grandparent of the  
18 impending adoption before the petition for adoption is filed.  
19 If the grandparent or great-grandparent petitions the court to  
20 adopt the child, the court shall give first priority for  
21 adoption to that grandparent or great-grandparent.

22 Section 11. Subsection (2) of section 63.172, Florida  
23 Statutes, is amended to read:

24 63.172 Effect of judgment of adoption.--

25 (2) If one or both parents of a child die without the  
26 relationship of parent and child having been previously  
27 terminated and a spouse of the living parent or a close  
28 relative of the child thereafter adopts the child, the child's  
29 right of inheritance from or through the deceased parent is  
30 unaffected by the adoption and, unless the court orders  
31 otherwise, the adoption will not terminate any grandparental

1 or great-grandparental rights delineated under chapter 752.  
2 For purposes of this subsection, a close relative of a child  
3 is the child's brother, sister, grandparent,  
4 great-grandparent, aunt, or uncle.

5 Section 12. This act shall take effect July 1, 2000.  
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