STORAGE NAME: h0055a.cja.doc
DATE: January 29, 2002

HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
CRIMINAL JUSTICE APPROPRIATIONS
ANALYSIS

BILL #: HB 55

RELATING TO: Grandparent Visitation

SPONSOR(S): Representatives Weissman and Ross

TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

(1) JUDICIAL OVERSIGHT YEAS 9 NAYS 1
(2) CRIMINAL JUSTICE APPROPRIATIONS YEAS 6 NAYS 6
(3) COUNCIL FOR SMARTER GOVERNMENT
(4)
(5)

I. SUMMARY:

HB 55 revises both the substantive and procedural requirements underlying a petition for grandparent and great-grandparent visitation rights. The bill replaces the "best interest of the child" standard with the requisite determination of whether the minor is "suffering or threatened with suffering demonstrable significant mental or emotional harm" due to parental prohibition against visitation, and whether court-ordered visitation would materially harm the parent-child relationship. Specific provisions of the bill include: requiring a preliminary evidentiary hearing to determine whether there is a threshold finding of specified harm due to the prohibition against visitation; providing for an award of attorneys' fees and costs upon dismissal of a petition for lack of preliminary evidence of the specified harm to the minor; allowing the court to appoint a guardian ad litem; requiring court-ordered family mediation, and if the mediation is unsuccessful, requiring court-ordered psychological evaluation of the minor; requiring a final evidentiary hearing to determine whether to grant grandparent visitation under specified circumstances; and limiting grandparent visitation rights actions to once every two years with an exception.

The bill also amends numerous existing statutory provisions related to grandparent visitation found in chapter 39, Florida Statutes, relating to dependent children, chapter 61, Florida Statutes, relating to dissolution of marriage, and chapter 63, Florida Statutes, relating to adoption. These revisions extend the same rights and preferences currently provided to grandparents to great-grandparents.

This bill has an effective date of July 1, 2002.

The fiscal impact of the bill is indeterminate. The Office of State Courts Administrator indicates that it is impossible to project the number of cases that would be brought to the courts by grandparents or great-grandparents. The courts, however, predict that any such cases would be “high conflict” and would require substantial resources. In addition, the bill may be subject to the local mandates provisions of the Florida Constitution.

SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

1.	Less Government	Yes []	No [X]	N/A []
2.	Lower Taxes	Yes []	No []	N/A [X]
3.	Individual Freedom	Yes []	No [X]	N/A []
4.	Personal Responsibility	Yes []	No [X]	N/A []
5.	Family Empowerment	Yes []	No [X]	N/A []

For any principle that received a "no" above, please explain: The bill provides authority to the court to award visitation to grandparents and great-grandparents under certain specified circumstances over the objection of the parent or parents of the child. The bill has the potential to allow the government to interfere with the constitutionally protected right of parents to raise their children as they wish. The bill may adversely affect family relationships as a result of involvement by the courts in family decisions related to children.

B. PRESENT SITUATION:

History of Grandparent Visitation Laws in Florida

In 1978, the Florida Legislature provided for the courts to award grandparents visitation rights in an existing action for dissolution of marriage. (See chapter 78-5, LOF). Grandparents, however, could not be made parties and had no legal standing as contestants to the action for dissolution of marriage.

In 1984, the Legislature created s. 61.1301, Florida Statutes, which established a grandparent's freestanding statutory right to exercise visitation with his or her grandchild. (See chapter 84-64, LOF; statutory revision created chapter 752, Florida Statutes, relating to grandparental visitation rights, rather than leaving the language in the proposed s. 61.1301, Florida Statutes) That is, a grandparent could initiate an independent action to exercise grandparent visitation rights. The law required the court to grant visitation "when in the best interest of the child," and if one of the following parental or marital scenarios existed:

- one or both parents are deceased s. 752.01**(a),** Florida Statutes (1999)];
- the marriage of the parents has been dissolved s. 752.01**(b),** Florida Statutes (1999)]; or
- a parent has deserted the child s. 752.01**(c),** Florida Statutes (1999)].

In 1990, the law was amended to provide an additional circumstance under which grandparents could seek visitation:

> "if the child was born out of wedlock and not later determined to be a child born within wedlock" s. 752.01**(d),** Florida Statutes (1999)].

Factors were also provided for the court to consider in the determination of the best interest of the child, including: the grandparent's willingness to encourage a close parent-child relationship, the length and quality of the prior grandparent-child relationship, the child's preference, the child's mental and physical health, the grandparent's mental and physical health, and other such factors as are necessary in each case (See chapter 90-273, LOF).

The chapter was further amended in 1993, to add another situation under which grandparents could petition for visitation rights:

> - if the minor child was living with both natural parents who were still married to each other and one or both parents have used their parental authority to prohibit a relationship between the child and the grandparents s. 752.01**(e),** Florida Statutes (1999)].

There are a number of additional statutory provisions, unconnected with chapter 752, Florida Statutes, that govern grandparent rights related to their grandchildren. These provisions apply to ongoing proceedings in which the health, welfare, custody, or adoption of a child is already at issue. For example, s. 39.509, Florida Statutes, relating to dependency and child protection, provides that a grandparent is entitled to reasonable visitation with a grandchild who has been adjudicated a dependent child and already removed from parental, custodial, or legal custody. Additionally, s. 61.13(2)(b)2.c., Florida Statutes, relating to proceedings involving dissolution of marriage, child support and custody, provides for court-ordered visitation rights. However, a grandparent is not automatically entitled to be made a party to the proceedings, to be given notice of the dissolution of marriage proceedings, or to require the court to order that a child remain in the state for purposes of allowing grandparent visitation. Section 61.13(7), Florida Statutes, further provides that in a case where a child is actually residing with a grandparent in a stable relationship, the court may recognize the grandparents as having the same standing as parents for evaluating what custody arrangements are in the best interest of the child. Section 63.425, Florida Statutes, provides that when a child who has lived with a grandparent for at least 6 months is placed for adoption, the grandparent is to be noticed of the impending adoption and given first priority for adoption by the court if the grandparent petitions to adopt. Many of these statutory provisions have been the subject of constitutional challenges in recent years.

Constitutional Issues

Since 1996, the Florida Supreme Court has systematically ruled that certain provisions of chapter 752, Florida Statutes, were facially unconstitutional. The courts have consistently determined that grandparent visitation rights as were set forth in chapter 752, Florida Statutes, infringe on a parent's fundamental and constitutional right to parent a child free from governmental interference as implicitly protected under the Fourteenth Amendment of the United States Constitution, and more explicitly protected under the right of privacy provision in article 1, section 23 of the Florida Constitution. The only occasion where states may interfere with privacy rights is when there is a compelling state interest. The Florida Supreme Court expressly found an inherent problem in using the "best interest" standard in lieu of a showing of "demonstrable harm to the child's health or welfare" as the basis for warranting government interference into a parent's constitutional right of privacy in a parenting decision such as grandparent visitation. Only where there is demonstrable harm to the child is the state interest sufficiently compelling to warrant governmental intrusion. See Beagle v. Beagle, 678 So.2d 1271 (Fla. 1996). The cases finding parts of the statutes unconstitutional include:

> - Paragraph **(e)** of subsection (1) of s. 752.01, Florida Statutes, relating to grandparent visitation rights within an intact family, was determined to be unconstitutional in 1996. The Florida Supreme Court determined that only in the event where the child is threatened with demonstrable harm would the countervailing interest of the state be compelling against the wishes of the parents and their right to raise their child free from governmental intrusion. See Beagle v. Beagle, 678 So.2d 1271 (Fla. 1996).

> - Paragraph **(a)** of subsection (1) of s. 752.01, Florida Statutes, relating to grandparent visitation rights when one or both of the parents are deceased, was found unconstitutional in 1998. The Florida Supreme Court held that the privacy rights of an intact family are not

greater than the privacy rights of a family where one or both of the parents are deceased. Relying on the Beagle decision, the Court found that there was no compelling interest, absent harm or threatened harm to the minor that would outweigh the interests of the remaining parent to decide how to raise their child. The Court held that the privacy rights of a parent did not depend on whether or not the family was intact. In the words of the Von Eiff court, "We agree with Judge Green's dissenting opinion in Von Eiff [below] that 'it appears to be an unassailable proposition that otherwise fit parents...who have neither abused, neglected or abandoned their child, have a reasonable expectation that the state will not interfere with their decision to exclude or limit the grandparents' visitation with their child.'" See Von Eiff, 720 So.2d 510 (Fla. 1998), quoting Von Eiff v. Azicri, 699 So.2d 772, 781 (Green, J. dissenting).

- Paragraph **(b)** of subsection (1) of s. 752.01, Florida Statutes, providing for grandparent standing to petition for visitation in cases where the marriage of the child's marriage was dissolved, was found unconstitutional by the Second District Court of Appeal in 1999. The Court reasoned that a divorced parent should have no lesser privacy rights than a married or widowed natural parent. See Lonon v. Ferrell, 739 So. 2d 650 (Fla. 2d DCA 1999).

- Paragraph **(d)** of subsection (1) of s. 752.01, Florida Statutes, providing for grandparent standing to petition for visitation in cases where the child was born out of wedlock, was found unconstitutional in 2000. The Florida Supreme Court stated that "the fact the parents of the child in Brunetti were never married should not change this Court's analysis of the constitutionality of this statute. Section 752.01(1)(d) suffers from the same constitutional infirmity as subsection (a) in Von Eiff." See Saul v. Brunetti, 753 So.2d 26 (Fla. 2000).

- Section 61.13(7), Florida Statutes, relating to grandparent rights to a child involved in a custody, support, or visitation proceeding, was found to be unconstitutional in 2000 by the Florida Supreme Court. The Court stated: "we find no valid basis to distinguish the custody statute we consider here from the visitation statute we considered in Von Eiff and Beagle, except for the fact that the custody statute is even more intrusive upon a parent's rights". See Richardson v. Richardson, 734 So.2d 1063 (Fla. 2000).

Traditionally, those interests which have been found to be compelling involve the health and safety of children, protection from sexual exploitation and abuse, and education of children. See Wisconsin v. Yoder, 406 U.S. 205 (1972). In these areas, states may make laws regulating parental conduct (e.g. state may compel attendance in school until a certain age, states may require that parents inoculate their children in order to attend school). The U.S. Supreme Court has historically found parental rights to be protected, even in the face of a child's illness, giving the parents the right to free exercise of their religious beliefs as concerning their children, and allowing parents, not government, to make the essential choices about how to raise their children. However, several of the privacy cases, even in these areas, accede to the wishes of the parents. For instance, in Wisconsin v. Yoder, an Amish father was allowed to remove his child from school, even though he was within the age where school attendance was compulsory.

Harm to a child as defined in s. 39.01(30), Florida Statutes, has been found to be a compelling state interest by the Florida Supreme Court. See Padgett v. HRS, 577 So.2d 565 (Fla. 1991). Examples of harm to the child which rise to the level of a compelling state interest and therefore may warrant governmental interference are abuse, abandonment, and neglect of the child. Any lower standard of harm is in danger of rendering a statute constitutionally infirm. See Beagle at 1271.

Great-Grandparents

The Department of Elder Affairs estimates that the population of great-grandparents in the state of Florida is approaching 1.5 million. There is little case law in which a great-grandparent has

petitioned for either visitation rights or the right to adopt their great-grandchild. However, as the population of grandparents grows younger, so will the population of great-grandparents, and as they become more willing and able to accept the responsibility of raising or having visitation with a young child, the issue of the role of great-grandparents in the lives of their great-grandchildren may be raised more frequently. The case law in which great-grandparents are specifically referenced, assumes their rights are on par with those of grandparents. See Meeks v. Garner, 598 So.2d 261 (Fla. 1st DCA 1992). See also Schilling v. Wood, 532 So.2d 12 (Fla. 4th DCA 1988).

Chapter 752.001, Florida Statutes, provides: "For purposes of this chapter, the term 'grandparent' shall include great-grandparent." The Florida Supreme Court in Footnote 2 of Von Eiff v. Azicri stated, "Section 752.001, Florida Statutes (1993), broadly defines grandparent to include a great-grandparent." See Von Eiff v. Azicri, 720 So.2d 510 (Fla. 1998).

C. EFFECT OF PROPOSED CHANGES:

The bill revises the substantive and procedural requirements underlying a petition for grandparent and great-grandparent visitation rights. Specifically, the bill:

- Provides five scenarios under which a grandparent or great-grandparent may petition for visitation rights: when the child has a deceased parent; when the marriage of the child's parents has been dissolved or dissolution is pending; when the child has been deserted by a parent; when the child was born out of wedlock and not later determined to be born within wedlock; and when a deceased parent of the child has made a written testamentary statement requesting grandparent visitation.

- Requires the court to hold a preliminary evidentiary hearing on the petition to determine whether the minor is "suffering or is threatened with suffering demonstrable significant mental or emotional harm" due to the parental decision to prohibit the grandparent or great-grandparent visitation. If no such finding is made at the preliminary hearing, the court must dismiss the petition and must award reasonable attorneys' fees and costs to the prevailing party.

- Provides that if a finding of the specified harm is made at the preliminary hearing, the court may appoint a guardian ad litem. The court must then order the matter to family mediation in accordance with chapter 44, Florida Statutes, relating to court-ordered mediation, and Rules 12.740 and 12.741 of the Florida Family Law Rules of Procedure.

- Provides that if mediation is unsuccessful and there is no other comparable psychological evaluative evidence available, the court must order a psychological evaluation of the minor pursuant to the Florida Family Law Rules of Procedure.

- Provides that a court may award reasonable grandparent or great-grandparent visitation rights after a final hearing if the court has found that: (a) that clear and convincing evidence shows the minor is suffering or is threatened with suffering demonstrable significant mental or emotional harm due to the parental decision to prohibit visitation that could be alleviated or mitigated by allowing the visitation, and (b) the visitation will not materially harm the parent-child relationship.

- Provides two expansive and different lists of factors for the court to consider in determining whether there is evidence of existing or threatened demonstrable significant mental or emotional harm due to the parental decision to prohibit the visitation and whether granting the petition will cause material harm to the parent-child relationship, respectively.

Factors for the court to consider for finding existing or threatened demonstrable significant mental or emotional harm include:

- the existing love, affection and other emotional ties in the grandchild-grandparent relationship;
- the length and quality of prior grandchild-grandparent relationship, including care and support;
- the previously established or attempted personal contacts with the grandchild;
- the reasons for the parental decision to end grandparent visitation previously permitted;
- the degree of support and stability of grandparent visitation in cases of demonstrable significant mental or emotional harm caused by the disruption (death, divorce, disability, etc.) in the family unit;
- the existence or threat of mental harm to the child;
- the impact of grandparent visitation in maintaining or facilitating contact between the child and a deceased parent's extended family;
- the grandchild's present mental, physical and emotional needs and health;
- the grandparent's present mental, physical, and emotional health;
- recommendations of the guardian ad litem;
- the results of the minor's psychological evaluation;
- a grandchild's expressed preference if the child is sufficiently mature to voice a preference;
- a deceased parent's written testamentary statement requesting grandparent visitation as helping to reduce or mitigate the grandchild's demonstrable significant mental or emotional harm resulting from a parent's death;
- other factors as the court deems necessary.

Factors for the court to consider for finding that visitation will not materially harm the parent-child relationship include:

- whether there have been previous disputes between grandparents and parents regarding the grandchild's care or upbringing;
- whether grandparent visitation will materially interfere with parental authority;
- whether a grandparent visitation arrangement can be made to minimize material detraction from the quality and quantity of time in a parent-child relationship;
- whether the primary purpose of seeking grandparent visitation is to continue or establish a beneficial relationship to the child;
- the exposure of the child to conduct, experiences or other factors contrary to the parent's influences;
- the nature of the parent-grandparent relationship;
- the reasons for the parental decision to end grandparent-grandchild visitation previously permitted;
- the psychological toll of the visitation disputes upon the child;
- other factors as the court deems necessary.

- Makes the Uniform Child Custody Jurisdiction Act applicable to grandparent visitation actions brought under chapter 752, Florida Statutes.

- Strongly encourages courts to consolidate separate actions brought independently under chapter 752, Florida Statutes, relating to independent grandparent visitation actions and s. 61.13, Florida Statutes, relating to custody, support and visitation proceedings.

- Allows for the modification of an order granting grandparent visitation upon a showing that there is a substantial change in circumstances or that the visitation is materially harming the parent-child relationship.

- Limits the frequency of actions for grandparent visitation to once in a two year period, except for good cause shown that the minor is suffering or is threatened with suffering demonstrable significant mental or emotional harm caused by the parental decision to deny or limit visitation by the grandparent which was not known prior to the filing of the earlier action.

- Makes the provisions relating to the award of attorneys fees under s. 57.105, Florida Statutes, applicable to actions brought under chapter 752, Florida Statutes.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Creates s. 752.011, Florida Statutes, to revise the substantive and procedural requirements relating to a petition for grandparent or great-grandparent visitation rights. See "EFFECT OF PROPOSED CHANGES" for further detail.

Section 2. Repeals s. 752.01, Florida Statutes, relating to the existing provisions governing a grandparent's legal right to visitation.

Section 3. Amends s. 752.015, Florida Statutes, relating to mediation of visitation disputes, to incorporate the cross-reference to the newly created s. 752.011, Florida Statues.

Section 4. Amends s. 752.07, Florida Statutes, relating to the effect of a stepparent adoption on grandparent visitation, to incorporate cross-references to the newly created ϶ 752.011, Florida Statutes and to remove reference to the "best interest of child" standard.

Section 5. Amends s. 39.01, Florida Statutes, relating to dependent children, to include great-grandparent in the definition of "next of kin." In addition, this section adds great-grandparents to the definition of "participant" or those persons who are not a party to any proceedings under chapter 39, but who must be given notice of hearings involving the child.

Section 6. Amends s. 39.509, Florida Statutes, relating to grandparent visitation with a dependent child. The section includes great-grandparents among those who may petition for visitation rights where there has been an adjudication of dependency and removal of the child from the physical custody of the parent or legal guardian.

Section 7. Amends s. 39.801, Florida Statutes, relating to proceedings for termination of parental rights. This section provides great-grandparents with the right to notice of a hearing on the petition for termination of parental rights.

Section 8. Amends s. 61.13, Florida Statutes, relating to custody, support, and visitation. This section extends to great-grandparents the same rights held by grandparents in the event of a dissolution of the marriage of the parents of the child.

Section 9. Amends s. 63.0425, Florida Statutes, relating to grandparent's right to adopt. The section provides great-grandparents with the same rights as grandparents related to priority in adoption when a child has lived with the grandparent for at least six months and the grandparents petition the court to adopt.

Section 10. Amends subsection (2) of s. 63.172, Florida Statutes, relating to the effect of judgment of adoption. This section provides great-grandparents with the same protection already accorded to a grandparent against termination of visitation rights in those cases where a child is adopted by a surviving parent or close relative. For purposes of this subsection, great-grandparents are specifically included as close relatives.

Section 11. Provides for the act to take effect on July 1, 2002.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   Indeterminate. Please see fiscal comments for further explanation.

2. Expenditures:

   Indeterminate. Please see fiscal comments for further explanation.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   Indeterminate. Please see fiscal comments for further explanation.

2. Expenditures:

   Indeterminate. Please see fiscal comments for further explanation.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The Office of State Courts Administrator notes the following costs that may accrue to non-indigent losing parties in legal actions brought pursuant to the provisions of the bill: (1) cost of legal counsel, (2) cost of mediation services, and (3) cost of court-ordered evaluations. Since the courts cannot predict the number of actions that would arise if the bill passes, the aggregate, direct economic impact on the private sector is indeterminate.

D. FISCAL COMMENTS:

Since the courts cannot predict the number of actions that would arise if the bill passes, the aggregate fiscal impact on state and local governments is indeterminate. The courts advise that these cases, by definition, would be "high conflict" and require evidentiary hearings that are estimated to last one or two days.

In addition, the bill does not address who will or should bear the costs associated with the discretionary appointment of a guardian ad litem, the court-ordered mediation, and the psychological evaluation in those cases where the parties are indigent. Family court mediation programs and costs of evaluations for indigent parties are primarily supported through county appropriations. Guardian ad litem programs are jointly supported by the state and the counties.

There could be further indirect consequences of the bill resulting from cases in which the court found that a child was suffering from harm sufficient to warrant government intrusion into the parent-child relationship. In these cases, further proceedings may be initiated by the Department of Children and Family Services pursuant to the child abuse and neglect provisions of chapter 39, Florida Statutes. To the extent that these cases would not otherwise be identified and acted upon under current law, increased workload on the courts and the Department of Children and Family Services would result. Indigent parents who, as a result, become involved in shelter proceedings would have a right to a publicly funded attorney to represent their interests. Currently, these costs are covered by the state and local governments.

III. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill may require counties to spend funds to accommodate the requirements placed on the circuit courts. If the expenditures do not exceed $1.6 million statewide, the bill would be exempt from the requirements of Section 18, Article VII of the Florida Constitution, as having an insignificant fiscal impact.

To the extent that workload and other costs increase for the circuit courts, as well as the state-funded district courts of appeal, increases in state funding will also be necessary to pay for those portions of the operation of the courts that are born by the state. The costs of this bill would be born jointly by the state and the counties, so the bill may be considered to apply to all persons (i.e., governments that must provide funding) who are similarly situated. For the "similarly situated" constitutional exception to Section 18(a), Article VII of the Florida Constitution, applies, the Legislature would need to determine that the bill fulfills an important state interest.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority of counties or municipalities to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the percentage of state tax shared with counties or municipalities.

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

It cannot be determined whether this bill would be subject to and would survive a constitutional challenge. Both the federal and Florida courts have recognized that absent a finding of specified harm, a parent's fundamental right to raise his or her child free from governmental interference is protected under the Fourteenth Amendment of the United States Constitution; and in Florida, under the explicit right of privacy provision in article 1, section 23 of the Florida Constitution. In June 2000, the U.S. Supreme Court struck down a Washington state law on visitation as unconstitutional as applied. See Troxel v. Granville, 530 U.S. 57 (2000). In Troxel, the paternal grandparent petitioned for expanded visitation rights to their deceased son's children. The biological mother had recently reduced the visitation from weekends to monthly visits. The Washington State Supreme Court determined that although the grandparents had standing to petition for visitation under its state law, the state law, as written, facially violated a parent's constitutional right to raise a child without state interference. The U.S. Supreme Court subsequently agreed with the state supreme court that the statute violated the rights of parents to make decisions for what is best for their children free from governmental interference. Finding the state statute "breathtakingly broad", the Court noted that the statute did not require a finding of harm and allows anyone to petition for forced visitation at any time under a best interest determination by the court. The Court added that no consideration was given to the decision of the parent, particularly noting that the parental fitness was not even at issue in the case. The Court avoided ruling that all nonparental visitation statues would be facially unconstitutional and stated that that determination would need to be made on a case-by-case basis.

Also see "PRESENT SITUATION" section of analysis.

B. RULE-MAKING AUTHORITY:

None

C. OTHER COMMENTS:

Since s. 752.001, Florida Statutes, states, "For purposes of this chapter, the term 'grandparent' shall include great-grandparent", several sections of the bill may be unnecessarily redundant.

The bill amends s. 61.13(7), Florida Statutes, which has been ruled unconstitutional by the Florida Supreme Court. See Richardson v. Richardson, 734 So. 2d 1063 (Fla. 2000).

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On January 8, 2002, the **Committee on Judicial Oversight** adopted a strike everything amendment which made several technical and one substantive change to the bill in order to conform to the Senate bill. The substantive change was the addition of intact families to the list of family situations under which a grandparent could petition the court for visitation with a grandchild over the objections of the parents.

On January 29, 2002, the Committee on Criminal Justice Appropriations adopted a substitute amendment to the traveling amendment which removed a provision that s. 57.105, F.S., relating to award of attorney fees and costs would apply to actions brought under Chapter 752, F.S.

VI. SIGNATURES:

COMMITTEE ON JUDICIAL OVERSIGHT:

Prepared by:	Staff Director:
Carol Preston	Nathan Bond

AS REVISED BY THE COMMITTEE ON CRIMINAL JUSTICE APPROPRIATIONS:

Prepared by:	Staff Director:
James P. DeBeaugrine	James P. DeBeaugrine