

By Representative Weissman

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 visitation for grandparents and  
 5           great-grandparents under certain circumstances;  
 6           providing for appointment of a guardian ad  
 7           litem and family mediation if the court makes a  
 8           preliminary finding that the minor is  
 9           threatened with demonstrable significant mental  
 10          or emotional harm without such visitation;  
 11          requiring court-ordered evaluation of the child  
 12          if mediation fails; providing for a hearing to  
 13          determine whether the minor is threatened with  
 14          demonstrable significant mental or emotional  
 15          harm; providing criteria for such a  
 16          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;  
 20          encouraging consolidation of actions under ss.  
 21          61.13, and 752.011, F.S.; amending ss. 752.015  
 22          and 752.07, F.S., to conform cross references;  
 23          amending s. 39.01, F.S.; including references  
 24          to great-grandparents in definitions relating  
 25          to dependent children; amending s. 39.509,  
 26          F.S.; providing for great-grandparents'  
 27          visitation rights; amending ss. 39.801 and  
 28          63.0425, F.S.; providing for a  
 29          great-grandparent's right to adopt; amending s.  
 30          61.13, F.S.; providing for great-grandparents'  
 31          visitation rights and standing with regard to

1           evaluating custody arrangements; conforming  
2           this section to provisions of this act;  
3           amending s. 63.172, F.S.; conforming references  
4           relating to great-grandparental visitation  
5           rights under ch. 752, F.S.; providing an  
6           effective date.

7

8 Be It Enacted by the Legislature of the State of Florida:

9

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

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

14           (1) A grandparent or great-grandparent of a minor may  
15 petition for visitation with that minor if:

16           (a) The petitioner is the parent or grandparent of a  
17 deceased parent of the minor;

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

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

21           (d) The minor was born out of wedlock and not later  
22 determined to be a minor born within wedlock as provided in s.  
23 742.091; or

24           (e) A deceased parent of the minor has made a written  
25 testamentary statement requesting that there be visitation  
26 between his or her surviving minor child and the grandparent  
27 or great-grandparent.

28           (2) Upon the filing of a petition by a grandparent or  
29 great-grandparent for visitation rights, the court shall hold  
30 a preliminary hearing to find whether there is evidence that  
31 the minor is suffering or is threatened with suffering

1 demonstrable significant mental or emotional harm as a result  
2 of a parental decision not to permit visitation or contact  
3 with the grandparent or great-grandparent. Absent such a  
4 finding, the court shall dismiss the petition and shall award  
5 reasonable attorney's fees and costs to be paid by the  
6 petitioner to the respondent.

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

15 (4) When mediation fails to yield a resolution, the  
16 court shall order a psychological evaluation of the minor  
17 pursuant to Rule 12.363, Fla. Fam. L.R.P., if comparable  
18 evidence of the findings expected from such an evaluation is  
19 unavailable.

20 (5) After a hearing on the matter, the court may award  
21 reasonable rights of visitation to the grandparent or  
22 great-grandparent with respect to the minor if the court finds  
23 that:

24 (a) There is clear and convincing evidence that the  
25 minor is suffering or is threatened with suffering  
26 demonstrable significant mental or emotional harm as a result  
27 of a parental decision not to permit visitation or contact  
28 with the grandparent or great-grandparent and that visitation  
29 with the grandparent or great-grandparent will alleviate or  
30 mitigate the harm.

31

1           (b) The visitation will not materially harm the  
2 parent-child relationship.

3           (6) In assessing demonstrable significant mental or  
4 emotional harm as those terms are used in this chapter, the  
5 court shall consider the totality of the circumstances  
6 affecting the mental and emotional well-being of the minor,  
7 including:

8           (a) The love, affection, and other emotional ties  
9 existing between the minor and the grandparent or  
10 great-grandparent, including those based upon a relationship  
11 that has been permitted previously by one or more of the  
12 minor's parents.

13           (b) The length and quality of the prior relationship  
14 between the minor and the grandparent or great-grandparent,  
15 including the extent to which the grandparent or  
16 great-grandparent has been involved in providing regular care  
17 and support of the minor.

18           (c) Whether the grandparent or great-grandparent has  
19 established or attempted to establish ongoing personal contact  
20 with the 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 or great-grandparent which was permitted  
24 previously by the parent or parents.

25           (e) Whether there has been demonstrable significant  
26 mental or emotional harm to the minor as the 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 relationship with the grandparent or  
31

1 great-grandparent and whether the continuation of that support  
2 and stability is likely to 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 visitation  
6 with the grandparent or great-grandparent will help maintain  
7 or facilitate contact between the minor and the deceased  
8 parent's extended family of origin such that demonstrable  
9 significant mental or emotional harm to the minor from loss of  
10 additional family relationships is 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 or great-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 or great-grandparent be  
25 granted or stating a belief that such visitation would reduce  
26 or mitigate demonstrable significant mental or emotional harm  
27 to the minor as a result of the parent's death. The absence of  
28 such a testamentary statement may not be construed as evidence  
29 that the deceased parent would have objected to the requested  
30 visitation.

31

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

3           (7) In assessing whether granting a petition brought  
4 under this chapter will cause material harm to the  
5 parent-child relationship, the court shall consider the  
6 totality of the circumstances affecting the parent-child  
7 relationship, including:

8           (a) Whether there have been previous disputes between  
9 the parents and the grandparent or great-grandparent over  
10 childrearing or other matters related to the care and  
11 upbringing of the minor.

12           (b) Whether visitation would materially interfere with  
13 or compromise parental authority.

14           (c) Whether visitation can be arranged in such a  
15 manner as not to materially detract from the parent-child  
16 relationship, including the quantity of time available for  
17 enjoyment of the parent-child relationship and any other  
18 consideration related to disruption of the schedule and  
19 routines of the parents' and the minor's home lives.

20           (d) Whether visitation is being sought for the primary  
21 purpose of continuing or establishing a relationship with the  
22 minor with the intent that the minor benefit from the  
23 relationship.

24           (e) Whether the requested visitation would expose the  
25 minor to conduct, moral standards, experiences, or other  
26 factors that are inconsistent with influences provided by the  
27 parent.

28           (f) The nature of the relationship between the parents  
29 and the grandparent or great-grandparent.

30           (g) The reasons for which a parent or parents have  
31 made a decision to end contact or visitation between the minor

1 and the grandparent or great-grandparent which has been  
2 permitted previously by the parent or parents.

3 (h) The psychological toll of visitation disputes on  
4 the minor in the particular circumstances.

5 (i) Such other factors as the court considers  
6 necessary in making this determination.

7 (8) Sections 61.1302-61.1348, the Uniform Child  
8 Custody Jurisdiction Act, apply to actions brought under this  
9 chapter.

10 (9) If separate actions under this section and s.  
11 61.13 are pending concurrently, courts are strongly encouraged  
12 to consolidate the actions in order to minimize the burden of  
13 litigation of visitation rights on the minor and the parties.

14 (10) An order of grandparent visitation or  
15 great-grandparent visitation may be modified upon a showing of  
16 substantial change in circumstances or a showing that  
17 visitation is causing material harm to the parent-child  
18 relationship.

19 (11) An original action requesting visitation rights  
20 under this chapter may be filed by any grandparent or  
21 great-grandparent only once during any 2-year period, except  
22 on good cause shown that the minor is suffering or threatened  
23 with suffering demonstrable significant mental or emotional  
24 harm caused by a parental decision to deny or limit contact or  
25 visitation between a minor and grandparent or  
26 great-grandparent, which was not known to the grandparent or  
27 great-grandparent at the time of filing an earlier action.

28 (12) This section does not provide for visitation  
29 rights for grandparents or great-grandparents of minors placed  
30 for adoption under chapter 63 except as provided in s. 752.07  
31 with respect to adoption by a stepparent.

1           (13) Section 57.105 applies to actions brought under  
2 this chapter.

3           Section 2. Section 752.01, Florida Statutes, is  
4 repealed.

5           Section 3. Section 752.015, Florida Statutes, is  
6 amended to read:

7           752.015 Mediation of visitation disputes.--It shall be  
8 the public policy of this state that families resolve  
9 differences over grandparent visitation within the family. It  
10 shall be the further public policy of this state that when  
11 families are unable to resolve differences relating to  
12 grandparent visitation that the family participate in any  
13 formal or informal mediation services that may be available.  
14 When families are unable to resolve differences relating to  
15 grandparent visitation and a petition is filed pursuant to s.  
16 752.011 ~~752.01~~, the court shall, if such services are  
17 available in the circuit, refer the case to family mediation  
18 in accordance with rules promulgated by the Supreme Court.

19           Section 4. Section 752.07, Florida Statutes, is  
20 amended to read:

21           752.07 Effect of adoption of child by stepparent on  
22 right of visitation; when right may be terminated.--When there  
23 is a remarriage of one of the natural parents of a minor child  
24 for whom visitation rights may be or may have been granted to  
25 a grandparent pursuant to s. 752.011 ~~752.01~~, any subsequent  
26 adoption by the stepparent will not terminate any  
27 grandparental rights. However, the court may determine that  
28 ~~termination of~~ such visitation rights should be terminated  
29 based upon the standards set forth in s. 752.011 for granting  
30 such visitation ~~is in the best interest of the child and rule~~  
31



1 accordingly, after affording the grandparent an opportunity to  
2 be heard.

3 Section 5. Subsections (46) and (50) of section 39.01,  
4 Florida Statutes, are amended to read:

5 39.01 Definitions.--When used in this chapter, unless  
6 the context otherwise requires:

7 (46) "Next of kin" means an adult relative of a child  
8 who is the child's brother, sister, grandparent,  
9 great-grandparent, aunt, uncle, or first cousin.

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

24 Section 6. Section 39.509, Florida Statutes, is  
25 amended to read:

26 39.509 Grandparents' and great-grandparents'  
27 ~~Grandparents~~ rights.--Notwithstanding any other provision of  
28 law, a maternal or paternal grandparent or great-grandparent  
29 as well as a stepgrandparent or step-great-grandparent is  
30 entitled to reasonable visitation with his or her grandchild  
31 or great-grandchild who has been adjudicated a dependent child

1 and taken from the physical custody of the parent unless the  
2 court finds that such visitation is not in the best interest  
3 of the child or that such visitation would interfere with the  
4 goals of the case plan. Reasonable visitation may be  
5 unsupervised and, where appropriate and feasible, may be  
6 frequent and continuing.

7 (1) Grandparent or great-grandparent visitation may  
8 take place in the home of the grandparent or great-grandparent  
9 unless there is a compelling reason for denying such a  
10 visitation. The department's caseworker shall arrange the  
11 visitation to which a grandparent or great-grandparent is  
12 entitled pursuant to this section. The state shall not charge  
13 a fee for any costs associated with arranging the visitation.  
14 However, the grandparent or great-grandparent shall pay for  
15 the child's cost of transportation when the visitation is to  
16 take place in the grandparent's or great-grandparent's home.  
17 The caseworker shall document the reasons for any decision to  
18 restrict a grandparent's or great-grandparent's visitation.

19 (2) A grandparent or great-grandparent entitled to  
20 visitation pursuant to this section shall not be restricted  
21 from appropriate displays of affection to the child, such as  
22 appropriately hugging or kissing his or her grandchild or  
23 great-grandchild. Gifts, cards, and letters from the  
24 grandparent or great-grandparent and other family members  
25 shall not be denied to a child who has been adjudicated a  
26 dependent child.

27 (3) Any attempt by a grandparent or great-grandparent  
28 to facilitate a meeting between the child who has been  
29 adjudicated a dependent child and the child's parent or legal  
30 custodian, or any other person in violation of a court order  
31

1 shall automatically terminate future visitation rights of the  
2 grandparent or great-grandparent.

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

6 (5) The termination of parental rights does not affect  
7 the rights of grandparents or great-grandparents unless the  
8 court finds that such visitation is not in the best interest  
9 of the child or that such visitation would interfere with the  
10 goals of permanency planning for the child.

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

25 Section 7. Paragraph (a) of subsection (3) of section  
26 39.801, Florida Statutes, is amended to read:

27 39.801 Procedures and jurisdiction; notice; service of  
28 process.--

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

1 (a) Notice of the date, time, and place of the  
2 advisory hearing for the petition to terminate parental rights  
3 and a copy of the petition must be personally served upon the  
4 following persons, specifically notifying them that a petition  
5 has been filed:

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

19  
20 The document containing the notice to respond or appear must  
21 contain, in type at least as large as the type in the balance  
22 of the document, the following or substantially similar  
23 language: "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY  
24 HEARING CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL  
25 RIGHTS OF THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON  
26 THE DATE AND TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS  
27 A PARENT TO THE CHILD OR CHILDREN NAMED IN THE PETITION  
28 ATTACHED TO THIS NOTICE."

29 Section 8. Paragraph (b) of subsection (2), paragraph  
30 (c) of subsection (4), and subsections (6) and (7) of section  
31 61.13, Florida Statutes, are amended to read:

1           61.13 Custody and support of children; visitation  
2 rights; power of court in making orders.--

3           (2)

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

17           2. The court shall order that the parental  
18 responsibility for a minor child be shared by both parents  
19 unless the court finds that shared parental responsibility  
20 would be detrimental to the child. Evidence that a parent has  
21 been convicted of a felony of the third degree or higher  
22 involving domestic violence, as defined in s. 741.28 and  
23 chapter 775, or meets the criteria of s. 39.806(1)(d), creates  
24 a rebuttable presumption of detriment to the child. If the  
25 presumption is not rebutted, shared parental responsibility,  
26 including visitation, residence of the child, and decisions  
27 made regarding the child, may not be granted to the convicted  
28 parent. However, the convicted parent is not relieved of any  
29 obligation to provide financial support. If the court  
30 determines that shared parental responsibility would be  
31 detrimental to the child, it may order sole parental

1 responsibility and make such arrangements for visitation as  
2 will best protect the child or abused spouse from further  
3 harm. Whether or not there is a conviction of any offense of  
4 domestic violence or child abuse or the existence of an  
5 injunction for protection against domestic violence, the court  
6 shall consider evidence of domestic violence or child abuse as  
7 evidence of detriment to the child.

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

17         b. The court shall order "sole parental  
18 responsibility, with or without visitation rights, to the  
19 other parent when it is in the best interests of" the minor  
20 child.

21         c. The court may award the grandparents or  
22 great-grandparents visitation rights with a minor child  
23 pursuant to the criteria set forth in s. 752.011 if it is in  
24 the child's best interest. Grandparents or great-grandparents  
25 have legal standing to seek judicial enforcement of such an  
26 award. This section does not require that grandparents or  
27 great-grandparents be made parties or given notice of  
28 dissolution pleadings or proceedings, nor do grandparents or  
29 great-grandparents have legal standing as "contestants" as  
30 defined in s. 61.1306. However, if separate actions under this  
31 section and s. 752.011 are pending concurrently, courts are

1 strongly encouraged to consolidate the actions in order to  
2 minimize the burden of litigation of visitation rights on the  
3 child.A court may not order that a child be kept within the  
4 state or jurisdiction of the court solely for the purpose of  
5 permitting visitation by the grandparents or  
6 great-grandparents.

7           3. Access to records and information pertaining to a  
8 minor child, including, but not limited to, medical, dental,  
9 and school records, may not be denied to a parent because the  
10 parent is not the child's primary residential parent. Full  
11 rights under this subparagraph apply to either parent unless a  
12 court order specifically revokes these rights, including any  
13 restrictions on these rights as provided in a domestic  
14 violence injunction. A parent having rights under this  
15 subparagraph has the same rights upon request as to form,  
16 substance, and manner of access as are available to the other  
17 parent of a child, including, without limitation, the right to  
18 in-person communication with medical, dental, and education  
19 providers.

20           (4)

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

1 ordering any makeup visitation, the court shall schedule such  
2 visitation in a manner that is consistent with the best  
3 interests of the child or children and that is convenient for  
4 the noncustodial parent, ~~or~~ grandparent, or great-grandparent.

5 In addition, the court:

6 1. May order the custodial parent to pay reasonable  
7 court costs and attorney's fees incurred by the noncustodial  
8 parent, ~~or~~ grandparent, or great-grandparent to enforce their  
9 visitation rights or make up improperly denied visitation;

10 2. May order the custodial parent to attend the  
11 parenting course approved by the judicial circuit;

12 3. May order the custodial parent to do community  
13 service if the order will not interfere with the welfare of  
14 the child;

15 4. May order the custodial parent to have the  
16 financial burden of promoting frequent and continuing contact  
17 when the custodial parent and child reside further than 60  
18 miles from the noncustodial parent;

19 5. May award custody, rotating custody, or primary  
20 residence to the noncustodial parent, upon the request of the  
21 noncustodial parent, if the award is in the best interests of  
22 the child; or

23 6. May impose any other reasonable sanction as a  
24 result of noncompliance.

25 (d) A person who violates this subsection may be  
26 punished by contempt of court or other remedies as the court  
27 deems appropriate.

28 (6) In any proceeding under this section, the court  
29 may not deny shared parental responsibility, custody, or  
30 visitation rights to a parent, ~~or~~ grandparent, or  
31 great-grandparent solely because that parent, ~~or~~ grandparent,



1 or great-grandparent is or is believed to be infected with  
2 human immunodeficiency virus; but the court may condition such  
3 rights upon the parent's, ~~or~~ grandparent's, or  
4 great-grandparent's agreement to observe measures approved by  
5 the Centers for Disease Control and Prevention of the United  
6 States Public Health Service or by the Department of Health  
7 for preventing the spread of human immunodeficiency virus to  
8 the child.

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

16 Section 9. Subsection (1) of section 63.0425, Florida  
17 Statutes, is amended to read:

18 63.0425 Grandparent's or great-grandparent's right to  
19 adopt.--

20 (1) When a child who has lived with a grandparent or  
21 great-grandparent for at least 6 months is placed for  
22 adoption, the adoption entity handling the adoption shall  
23 notify that grandparent or great-grandparent of the impending  
24 adoption before the petition for adoption is filed. If the  
25 grandparent or great-grandparent petitions the court to adopt  
26 the child, the court shall give first priority for adoption to  
27 that grandparent or great-grandparent.

28 Section 10. Subsection (2) of section 63.172, Florida  
29 Statutes, is amended to read:

30 63.172 Effect of judgment of adoption.--

31

1           (2) If one or both parents of a child die without the  
2 relationship of parent and child having been previously  
3 terminated and a spouse of the living parent or a close  
4 relative of the child thereafter adopts the child, the child's  
5 right of inheritance from or through the deceased parent is  
6 unaffected by the adoption and, unless the court orders  
7 otherwise, the adoption will not terminate any grandparental  
8 or great-grandparental rights delineated under chapter 752.  
9 For purposes of this subsection, a close relative of a child  
10 is the child's brother, sister, grandparent,  
11 great-grandparent, aunt, or uncle.

12           Section 11. This act shall take effect July 1, 2002.

13  
14           \*\*\*\*\*

15           HOUSE SUMMARY

16           Provides for court-ordered visitation by grandparents or  
17 great-grandparents in certain circumstances. Provides for  
18 appointment of a guardian ad litem and for family  
19 mediation if the court makes a preliminary finding that  
20 the minor is threatened with demonstrable significant  
21 mental or emotional harm in the absence of such  
22 visitation. Requires court-ordered evaluation of the  
23 child if mediation fails. Provides for a hearing to  
24 determine whether the minor is threatened with  
25 demonstrable significant mental or emotional harm.  
26 Provides criteria for such a determination. Provides for  
27 awarding attorney's fees and costs. Applies the Uniform  
28 Child Custody Jurisdiction Act. Encourages consolidation  
29 of legal actions under ss. 61.13 and 752.011, F.S.  
30 Includes references to great-grandparents in definitions  
31 relating to dependent children. Provides for  
great-grandparents' visitation rights. Provides for a  
great-grandparent's right to adopt. Provides for  
great-grandparents' visitation rights and standing with  
regard to evaluating custody arrangements. Conforms cross  
references to changes made by the act.