

By Senator Campbell

32-148-03

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 and Enforcement Act; repealing s.  
19          752.01, F.S., relating to grandparental  
20          visitation; encouraging consolidation of  
21          actions under ss. 61.13, 752.011, F.S.;  
22          amending ss. 752.015, 752.07, F.S., to conform  
23          cross-references; amending s. 39.01, F.S.;  
24          including references to great-grandparents in  
25          definitions relating to dependent children;  
26          amending s. 39.509, F.S.; providing for  
27          great-grandparents' visitation rights; amending  
28          ss. 39.801, 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) One or both of the parents of the minor are  
17 deceased;

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;

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

31

1           (f) A deceased parent of the minor has made a written  
2 testamentary statement requesting that there be visitation  
3 between his or her surviving minor child and the grandparent  
4 or great-grandparent.

5           (2) Upon the filing of a petition by a grandparent or  
6 great-grandparent for visitation rights, the court shall hold  
7 a preliminary hearing to find whether there is evidence that  
8 the 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. Absent such a  
12 finding, the court shall dismiss the petition and shall award  
13 reasonable attorney's fees and costs to be paid by the  
14 petitioner to the respondent.

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

23           (4) When mediation fails to yield a resolution, the  
24 court shall order a psychological evaluation of the minor  
25 pursuant to Rule 12.363, Fla. Fam. L.R.P., if comparable  
26 evidence of the findings expected from such an evaluation is  
27 unavailable.

28           (5) After a hearing on the matter, the court may award  
29 reasonable rights of visitation to the grandparent or  
30 great-grandparent with respect to the minor if the court finds  
31 that:

1       (a) There is clear and convincing evidence that the  
2 minor is suffering or is threatened with suffering  
3 demonstrable significant mental or emotional harm as a result  
4 of a parental decision not to permit visitation or contact  
5 with the grandparent or great-grandparent and that visitation  
6 with the grandparent or great-grandparent will alleviate or  
7 mitigate the harm; and

8       (b) That the visitation will not materially harm the  
9 parent-child relationship.

10       (6) In assessing demonstrable significant mental or  
11 emotional harm as those terms are used in this chapter, the  
12 court shall consider the totality of the circumstances  
13 affecting the mental and emotional well-being of the minor,  
14 including:

15       (a) The love, affection, and other emotional ties  
16 existing between the minor and the grandparent or  
17 great-grandparent, including those based upon a relationship  
18 that has been permitted previously by one or more of the  
19 minor's parents.

20       (b) The length and quality of the prior relationship  
21 between the minor and the grandparent or great-grandparent,  
22 including the extent to which the grandparent or  
23 great-grandparent has been involved in providing regular care  
24 and support of the minor.

25       (c) Whether the grandparent or great-grandparent has  
26 established or attempted to establish ongoing personal contact  
27 with the minor.

28       (d) The reasons for which a parent or parents have  
29 made a decision to end contact or visitation between the minor  
30 and the grandparent or great-grandparent which was permitted  
31 previously by the parent or parents.

1           (e) Whether there has been demonstrable significant  
2 mental or emotional harm to the minor as the result of  
3 disruption in the family unit due to divorce, abandonment by a  
4 parent, or disability or death of a parent, sibling, or other  
5 household member, for which the minor has derived support and  
6 stability from the relationship with the grandparent or  
7 great-grandparent, and whether the continuation of that  
8 support and stability is likely to prevent further harm.

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

11           (g) When one parent is deceased, whether visitation  
12 with the grandparent or great-grandparent will help maintain  
13 or facilitate contact between the minor and the deceased  
14 parent's extended family of origin such that demonstrable  
15 significant mental or emotional harm to the minor from loss of  
16 additional family relationships is mitigated.

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

19           (i) The present mental, physical, and emotional health  
20 of the grandparent or great-grandparent.

21           (j) The recommendations of the minor's guardian ad  
22 litem.

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

25           (l) The preference of the minor if the minor is  
26 determined to be of sufficient maturity to express a  
27 preference.

28           (m) When a parent is deceased, any written  
29 testamentary statement by the deceased parent requesting that  
30 visitation with the grandparent or great-grandparent be  
31 granted or stating a belief that such visitation would reduce

1 or mitigate demonstrable significant mental or emotional harm  
2 to the minor as a result of the parent's death. The absence of  
3 such a testamentary statement may not be construed as evidence  
4 that the deceased parent would have objected to the requested  
5 visitation.

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

8 (7) In assessing whether granting a petition brought  
9 under this chapter will cause material harm to the  
10 parent-child relationship, the court shall consider the  
11 totality of the circumstances affecting the parent-child  
12 relationship, including:

13 (a) Whether there have been previous disputes between  
14 the parents and the grandparent or great-grandparent over  
15 childrearing or other matters related to the care and  
16 upbringing of the minor;

17 (b) Whether visitation would materially interfere with  
18 or compromise parental authority;

19 (c) Whether visitation can be arranged in such a  
20 manner as not to materially detract from the parent-child  
21 relationship, including the quantity of time available for  
22 enjoyment of the parent-child relationship and any other  
23 consideration related to disruption of the schedule and  
24 routines of the parents' and the minor's home lives;

25 (d) Whether visitation is being sought for the primary  
26 purpose of continuing or establishing a relationship with the  
27 minor with the intent that the minor benefit from the  
28 relationship;

29 (e) Whether the requested visitation would expose the  
30 minor to conduct, moral standards, experiences, or other  
31

1 factors that are inconsistent with influences provided by the  
2 parent;

3 (f) The nature of the relationship between the parents  
4 and the grandparent or great-grandparent;

5 (g) The reasons for which a parent or parents have  
6 made a decision to end contact or visitation between the minor  
7 and the grandparent or great-grandparent which has been  
8 permitted previously by that parent or parents;

9 (h) The psychological toll of visitation disputes on  
10 the minor in the particular circumstances; and

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

13 (8) Part II of chapter 61, the Uniform Child Custody  
14 Jurisdiction and Enforcement Act, apply to actions brought  
15 under this chapter.

16 (9) If separate actions under this section and s.  
17 61.13 are pending concurrently, courts are strongly encouraged  
18 to consolidate the actions in order to minimize the burden of  
19 litigation of visitation rights on the minor and the parties.

20 (10) An order of grandparent visitation or  
21 great-grandparent visitation may be modified upon a showing of  
22 substantial change in circumstances or a showing that  
23 visitation is causing material harm to the parent-child  
24 relationship.

25 (11) An original action requesting visitation rights  
26 under this chapter may be filed by any grandparent or  
27 great-grandparent only once during any 2-year period, except  
28 on good cause shown that the minor is suffering or threatened  
29 with suffering demonstrable significant mental or emotional  
30 harm caused by a parental decision to deny or limit contact or  
31 visitation between a minor and grandparent or

1 great-grandparent, which was not known to the grandparent or  
2 great-grandparent at the time of filing an earlier action.

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

7 (13) Section 57.105 applies to actions brought under  
8 this chapter.

9 Section 2. Section 752.01, Florida Statutes, is  
10 repealed.

11 Section 3. Section 752.015, Florida Statutes, is  
12 amended to read:

13 752.015 Mediation of visitation disputes.--It shall be  
14 the public policy of this state that families resolve  
15 differences over grandparent visitation within the family. It  
16 shall be the further public policy of this state that when  
17 families are unable to resolve differences relating to  
18 grandparent visitation that the family participate in any  
19 formal or informal mediation services that may be available.  
20 When families are unable to resolve differences relating to  
21 grandparent visitation and a petition is filed pursuant to s.  
22 752.011 ~~s. 752.01~~, the court shall, if such services are  
23 available in the circuit, refer the case to family mediation  
24 in accordance with rules promulgated by the Supreme Court.

25 Section 4. Section 752.07, Florida Statutes, is  
26 amended to read:

27 752.07 Effect of adoption of child by stepparent on  
28 right of visitation; when right may be terminated.--When there  
29 is a remarriage of one of the natural parents of a minor child  
30 for whom visitation rights may be or may have been granted to  
31 a grandparent pursuant to s. 752.011 ~~s. 752.01~~, any subsequent



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

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

10 39.01 Definitions.--When used in this chapter, unless  
11 the context otherwise requires:

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

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

29 Section 6. Section 39.509, Florida Statutes, is  
30 amended to read:

31

1           39.509 Grandparents' and great-grandparents'  
2 ~~Grandparents~~ rights.--Notwithstanding any other provision of  
3 law, a maternal or paternal grandparent or great-grandparent  
4 as well as a stepgrandparent or step-great-grandparent is  
5 entitled to reasonable visitation with his or her grandchild  
6 or great-grandchild who has been adjudicated a dependent child  
7 and taken from the physical custody of the parent 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 the case plan. Reasonable visitation may be  
11 unsupervised and, where appropriate and feasible, may be  
12 frequent and continuing.

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

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

1 shall not be denied to a child who has been adjudicated a  
2 dependent child.

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

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

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

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

31

1           Section 7. 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 8. Paragraph (b) of subsection (2), paragraphs  
6 (c) and (d) of subsection (4), and subsections (6) and (7) of  
7 section 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 and Enforcement Act. It  
15 is the public policy of this state to assure that each minor  
16 child has frequent and continuing contact with both parents  
17 after the parents separate or the marriage of the parties is  
18 dissolved 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 or  
29 great-grandparents visitation rights with a minor child  
30 pursuant to the criteria set forth in s. 752.011 if it is in  
31 the child's best interest. Grandparents or great-grandparents

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

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

27           (4)

28           (c) When a custodial parent refuses to honor a  
29 noncustodial parent's, or grandparent's, or  
30 great-grandparent's visitation rights without proper cause,  
31 the court shall, after calculating the amount of visitation

1 | improperly denied, award the noncustodial parent, ~~or~~  
2 | grandparent, or great-grandparent a sufficient amount of extra  
3 | visitation to compensate the noncustodial parent, ~~or~~  
4 | grandparent, or great-grandparent, which visitation shall be  
5 | ordered as expeditiously as possible in a manner consistent  
6 | with the best interests of the child and scheduled in a manner  
7 | that is convenient for the person deprived of visitation. In  
8 | ordering any makeup visitation, the court shall schedule such  
9 | visitation in a manner that is consistent with the best  
10 | interests of the child or children and that is convenient for  
11 | the noncustodial parent, ~~or~~ grandparent, or great-grandparent.

12 | In addition, the court:

13 |         1. May order the custodial parent to pay reasonable  
14 | court costs and attorney's fees incurred by the noncustodial  
15 | parent, ~~or~~ grandparent, or great-grandparent to enforce their  
16 | visitation rights or make up improperly denied visitation;

17 |         2. May order the custodial parent to attend the  
18 | parenting course approved by the judicial circuit;

19 |         3. May order the custodial parent to do community  
20 | service if the order will not interfere with the welfare of  
21 | the child;

22 |         4. May order the custodial parent to have the  
23 | financial burden of promoting frequent and continuing contact  
24 | when the custodial parent and child reside further than 60  
25 | miles from the noncustodial parent;

26 |         5. May award custody, rotating custody, or primary  
27 | residence to the noncustodial parent, upon the request of the  
28 | noncustodial parent, if the award is in the best interests of  
29 | the child; or

30 |         6. May impose any other reasonable sanction as a  
31 | result of noncompliance.



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

4 (6) In any proceeding under this section, the court  
5 may not deny shared parental responsibility, custody, or  
6 visitation rights to a parent, or grandparent, or  
7 great-grandparent solely because that parent, or grandparent,  
8 or great-grandparent is or is believed to be infected with  
9 human immunodeficiency virus; but the court may condition such  
10 rights upon the parent's, or grandparent's, or  
11 great-grandparent's agreement to observe measures approved by  
12 the Centers for Disease Control and Prevention of the United  
13 States Public Health Service or by the Department of Health  
14 for preventing the spread of human immunodeficiency virus to  
15 the child.

16 (7) In any case where the child is actually residing  
17 with a grandparent or great-grandparent in a stable  
18 relationship, whether or not the court has awarded custody to  
19 the grandparent or great-grandparent ~~or not~~, the court may  
20 recognize the grandparent or great-grandparent ~~grandparents~~ as  
21 having the same standing as parents for evaluating what  
22 custody arrangements are in the best interest of the child.

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

25 63.0425 Grandparent's or great-grandparent's right to  
26 adopt.--

27 (1) When a child who has lived with a grandparent or  
28 great-grandparent for at least 6 months is placed for  
29 adoption, the adoption entity handling the adoption shall  
30 notify that grandparent or great-grandparent of the impending  
31 adoption before the petition for adoption is filed. If the

1 grandparent or great-grandparent petitions the court to adopt  
2 the child, the court shall give first priority for adoption to  
3 that grandparent or great-grandparent.

4 (2) This section does ~~shall~~ not apply if the placement  
5 for adoption is a result of the death of the child's parent  
6 and a different preference is stated in the parent's will.

7 (3) This section does ~~shall~~ not apply in stepparent  
8 adoptions.

9 (4) ~~Nothing in~~ This section does not ~~shall~~ contravene  
10 ~~the provisions of~~ s. 63.142(4).

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

13 63.172 Effect of judgment of adoption.--

14 (2) If one or both parents of a child die without the  
15 relationship of parent and child having been previously  
16 terminated and a spouse of the living parent or a close  
17 relative of the child thereafter adopts the child, the child's  
18 right of inheritance from or through the deceased parent is  
19 unaffected by the adoption and, unless the court orders  
20 otherwise, the adoption will not terminate any grandparental  
21 or great-grandparental rights delineated under chapter 752.  
22 For purposes of this subsection, a close relative of a child  
23 is the child's brother, sister, grandparent,  
24 great-grandparent, aunt, or uncle.

25 Section 11. This act shall take effect July 1, 2003.  
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SENATE SUMMARY

Provides for court-ordered visitation by grandparents or great-grandparents in certain circumstances. Provides for appointment of a guardian ad litem and for family mediation if the court makes a preliminary finding that the minor is threatened with demonstrable significant mental or emotional harm in the absence of such visitation. Requires court-ordered evaluation of the child if mediation fails. Provides for a hearing to determine whether the minor is threatened with demonstrable significant mental or emotional harm. Provides criteria for such a determination. Provides for awarding attorney's fees and costs. Applies the Uniform Child Custody Jurisdiction and Enforcement Act. Encourages consolidation of legal actions under ss. 61.13 and 752.011, F.S. Includes references to great-grandparents in definitions 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. Confirms cross-references to changes made by the act.