

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Children, Families &
2 Seniors Subcommittee
3 Representative Rouson offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
7 Section 1. Section 752.01, Florida Statutes, is repealed.
8 Section 2. Section 752.011, Florida Statutes, is created

9 to read:

10 752.011 Petition for grandparent visitation of a minor
11 child.—A grandparent of a minor child whose parents are
12 deceased, missing, or in a permanent vegetative state, or whose
13 one parent is deceased, missing, or in a permanent vegetative
14 state and whose other parent has been convicted of a felony or
15 an offense of violence, may petition the court for court-ordered
16 visitation with the grandchild under this section.

17 (1) Upon the filing of a petition by a grandparent for

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18 visitation, the court shall hold a preliminary hearing to
19 determine whether the petitioner has made a prima facie showing
20 of parental unfitness or significant harm to the child. Absent
21 such a showing, the court shall dismiss the petition and may
22 award reasonable attorney fees and costs to be paid by the
23 petitioner to the respondent.

24 (2) If the court finds that there is prima facie evidence
25 that a parent is unfit or that there is significant harm to the
26 child, the court shall proceed with a final hearing, may appoint
27 a guardian ad litem, and shall refer the matter to family
28 mediation as provided in s. 752.015.

29 (3) After conducting a final hearing on the issue of
30 visitation, the court may award reasonable visitation to the
31 grandparent with respect to the minor child if the court finds
32 by clear and convincing evidence that a parent is unfit or that
33 there is significant harm to the child, that visitation is in
34 the best interest of the minor child, and that the visitation
35 will not materially harm the parent-child relationship.

36 (4) In assessing the best interest of the child under
37 subsection (3), the court shall consider the totality of the
38 circumstances affecting the mental and emotional well-being of
39 the minor child, including:

40 (a) The love, affection, and other emotional ties existing
41 between the minor child and the grandparent, including those
42 resulting from the relationship that had been previously allowed
43 by the child's parent.

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44 (b) The length and quality of the previous relationship
45 between the minor child and the grandparent, including the
46 extent to which the grandparent was involved in providing
47 regular care and support for the child.

48 (c) Whether the grandparent established ongoing personal
49 contact with the minor child before the death of the parent.

50 (d) The reasons cited by the surviving parent in ending
51 contact or visitation between the minor child and the
52 grandparent.

53 (e) Whether there has been significant and demonstrable
54 mental or emotional harm to the minor child as a result of the
55 disruption in the family unit, whether the child derived support
56 and stability from the grandparent, and whether the continuation
57 of such support and stability is likely to prevent further harm.

58 (f) The existence or threat to the minor child of mental
59 injury as defined in s. 39.01.

60 (g) The present mental, physical, and emotional health of
61 the minor child.

62 (h) The present mental, physical, and emotional health of
63 the grandparent.

64 (i) The recommendations of the minor child's guardian ad
65 litem, if one is appointed.

66 (j) The result of any psychological evaluation of the
67 minor child.

68 (k) The preference of the minor child if the child is
69 determined to be of sufficient maturity to express a preference.

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70 (1) A written testamentary statement by the deceased
71 parent regarding visitation with the grandparent. The absence of
72 a testamentary statement is not deemed to provide evidence that
73 the deceased parent would have objected to the requested
74 visitation.

75 (m) Other factors that the court considers necessary to
76 making its determination.

77 (5) In assessing material harm to the parent-child
78 relationship under subsection (3), the court shall consider the
79 totality of the circumstances affecting the parent-child
80 relationship, including:

81 (a) Whether there have been previous disputes between the
82 grandparent and the parent over childrearing or other matters
83 related to the care and upbringing of the minor child.

84 (b) Whether visitation would materially interfere with or
85 compromise parental authority.

86 (c) Whether visitation can be arranged in a manner that
87 does not materially detract from the parent-child relationship,
88 including the quantity of time available for enjoyment of the
89 parent-child relationship and any other consideration related to
90 disruption of the schedule and routine of the parent and the
91 minor child.

92 (d) Whether visitation is being sought for the primary
93 purpose of continuing or establishing a relationship with the
94 minor child with the intent that the child benefit from the
95 relationship.

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96 (e) Whether the requested visitation would expose the
97 minor child to conduct, moral standards, experiences, or other
98 factors that are inconsistent with influences provided by the
99 parent.

100 (f) The nature of the relationship between the child's
101 parent and the grandparent.

102 (g) The reasons cited by the parent in ending contact or
103 visitation between the minor child and the grandparent which was
104 previously allowed by the parent.

105 (h) The psychological toll of visitation disputes on the
106 minor child.

107 (i) Other factors that the court considers necessary in
108 making its determination.

109 (6) Part II of chapter 61 applies to actions brought under
110 this section.

111 (7) If actions under this section and s. 61.13 are pending
112 concurrently, the courts are strongly encouraged to consolidate
113 the actions in order to minimize the burden of litigation on the
114 minor child and the other parties.

115 (8) An order for grandparent visitation may be modified
116 upon a showing by the person petitioning for modification that a
117 substantial change in circumstances has occurred and that
118 modification of visitation is in the best interest of the minor
119 child.

120 (9) An original action requesting visitation under this
121 section may be filed by a grandparent only once during any 2-

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122 year period, except on good cause shown that the minor child is
123 suffering, or may suffer, significant and demonstrable mental or
124 emotional harm caused by a parental decision to deny visitation
125 between a minor child and the grandparent, which was not known
126 to the grandparent at the time of filing an earlier action.

127 (10) This section does not provide for grandparent
128 visitation with a minor child placed for adoption under chapter
129 63 except as provided in s. 752.071 with respect to adoption by
130 a stepparent or close relative.

131 (11) Venue shall be in the county where the minor child
132 primarily resides, unless venue is otherwise governed by chapter
133 39, chapter 61, or chapter 63.

134 Section 3. Section 752.07, Florida Statutes, is repealed.

135 Section 4. Section 752.071, Florida Statutes, is created
136 to read:

137 752.071 Effect of adoption by stepparent or close
138 relative.—After the adoption of a minor child by a stepparent or
139 close relative, the stepparent or close relative may petition
140 the court to terminate an order granting grandparent visitation
141 under this chapter which was entered before the adoption. The
142 court may terminate the order unless the grandparent is able to
143 show that the criteria of s. 752.011 authorizing the visitation
144 continue to be satisfied.

145 Section 5. Section 752.015, Florida Statutes, is amended
146 to read:

147 752.015 Mediation of visitation disputes.—It is ~~shall be~~

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148 the public policy of this state that families resolve
149 differences over grandparent visitation within the family. It is
150 ~~shall be~~ the further public policy of this state that, when
151 families are unable to resolve differences relating to
152 grandparent visitation, ~~that~~ the family participate in any
153 formal or informal mediation services that may be available. If
154 ~~When~~ families are unable to resolve differences relating to
155 grandparent visitation and a petition is filed pursuant to s.
156 752.011 ~~s. 752.01~~, the court shall, if such services are
157 available in the circuit, refer the case to family mediation in
158 accordance with the Florida Family Law Rules of Procedure ~~rules~~
159 ~~promulgated by the Supreme Court.~~

160 Section 6. This act shall take effect July 1, 2015.

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163 **T I T L E A M E N D M E N T**

164 Remove everything before the enacting clause and insert:

165 A bill to be entitled

166 An act relating to the rights of grandparents;
167 repealing s. 752.01, F.S., relating to actions by a
168 grandparent for visitation rights; creating s.
169 752.011, F.S.; authorizing the grandparent of a minor
170 child to petition a court for visitation under certain
171 circumstances; requiring a preliminary hearing;
172 providing for the payment of attorney fees and costs
173 by a petitioner who fails to make a prima facie

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174 showing of harm; authorizing grandparent visitation if
175 the court makes specified findings; providing factors
176 for court consideration; providing for application of
177 the Uniform Child Custody Jurisdiction and Enforcement
178 Act; encouraging the consolidation of certain
179 concurrent actions; providing for modification of an
180 order awarding grandparent visitation; limiting the
181 frequency of actions seeking visitation; limiting
182 application to a minor child placed for adoption;
183 providing for venue; repealing s. 752.07, F.S.,
184 relating to the effect of adoption of a child by a
185 stepparent on grandparent visitation rights; creating
186 s. 752.071, F.S.; providing conditions under which a
187 court may terminate a grandparent visitation order
188 upon adoption of a minor child by a stepparent or
189 close relative; amending s. 752.015, F.S.; conforming
190 provisions and cross-references to changes made by the
191 act; providing an effective date.