

1984

## Session Law 84-064

Florida Senate & House of Representatives

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ABSTRACT OF LEGISLATIVE HISTORY DOCUMENTATION

Session Law: 84-64 Affected Statute: 752.01  
Prime Bill No.: H.B. 487 Sponsor: House Judiciary & others  
Other Bill Nos.: S.B. 371 (identical)

The following is a checklist of documentation located pertaining to the above referenced legislation. Copies reproduced and supplemental to this report are indicated by \* for items copied in whole and \*\* for copies of selected pages only. A more detailed report of findings is available upon request.

- ( \* ) Original Session Law: Chapter 84-64, Laws of Florida, 1984
- ( \* ) Florida Statutes: Chapter 752, Florida Statutes, 1985
- ( \*\* ) Bill Histories: History of Legislation, 1984 (pp. 129-30, 161-3
- ( \* ) Prime Bill Versions: H.B. 487, Comm. Sub. for H.B. 487
- ( \* ) Similar/Companion Bills: S.B. 371, Comm. Sub. for S.B. 371
- ( \*\* ) Journal Pages: House Journal (pp. 246, 262 & 465), Senate Journal  
(p. 323)
- ( \* ) Committee Staff Summaries and Analyses: House Judiciary on  
H.B. 487 (dated 2-29 and 4-4-84); Senate Judiciary - Civil on  
CS/SB 371 (dated 4-18-84).
- ( ) Committee Meeting Records: \_\_\_\_\_

Florida Information Associates  
Abstract of Legislative History

Session Law: 84-64

( \* ) Other Committee Documentation: "Comparison of F.S. 61.16 and  
Representative Upchurch's Amendment to CS/HB 487"

( ) Floor Debate Recordings: \_\_\_\_\_

( ) Miscellaneous Documentation: \_\_\_\_\_

**RECOMMENDATIONS FOR FURTHER RESEARCH**

I will review the tapes of the Senate floor debate when Rep. Up-  
church's amendment was removed from the bill on May 17, 1984; and  
the tapes of the House floor debate when the amended bill was re-  
turned to them for concurrence with the Senate amendment on May 18,  
1984.

**COMMENTS**

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\_\_\_\_\_  
\_\_\_\_\_

*Christina A. ...*  
FIA Researcher

*May 27, 1986*  
Date

## LEGISLATIVE RESEARCH REPORT

**Client:** Robert W. Heaton, Jr.  
2704 East Oakland Park Boulevard  
Suite 200  
Fort Lauderdale, FL 33306

**Report No.** L86-030

**Subject:** Chapter 752.01, Florida Statutes

**Date:** June 6, 1986

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Supplemental to this report is a statement entitled "Documenting Florida Legislative Intent," that outlines the inherent problems in legislative history research and defines Florida Information Associates' research methodology.

### Problem Statement

Was it the intent of the Legislature that attorney's fees be granted in actions initiated under Section 752.01, Florida Statutes?

### Legislative History

The language embodied in the subject section was created by Chapter 84-64, Laws of Florida, 1984. This act originated as House bill 487, which was prefiled on February 7, 1984, and referred to the House Committee on the Judiciary; it was subsequently sub-referred to that committee's subcommittee on Consumer, Probate and Family Law. The committee produced a substitute version of the bill, which was amended on the floor of the House and passed as amended on April 30, 1984. When the bill reached the Senate it was referred to that body's Committee on the Judiciary - Civil, which was also considering a virtually identical bill, designated Senate bill 371. Both bills were brought to the floor of the Senate on May 17, 1984, where the Senate bill was laid on the table and the House bill was passed with an amendment deleting specific language relating to attorney's fees. The amended bill was returned to the House, which concurred in the Senate amendment and passed the bill on May 18, 1984.

### Findings

I examined in the Florida State Archives the records of the 1984 House Committee on the Judiciary and the Senate Committee on the Judiciary - Civil.

The original versions of both H.B. 487 and S.B. 371 incorporated extensive language amending section 61.13, F.S., pertaining to custody, support and visitation rights. In the committee substitutes to both bills, this language was deleted, leaving only the provisions relating to grandparents' visitation rights. H.B. 487 was subsequently amended on the floor of the House; one of these amendments, proposed by Representative Upchurch, specifically mandated attorney's fees in actions for determination of grandparents' visitation rights. The house bill, carrying the Upchurch amendment, went to the Senate, which amended the bill (without discussion) to remove the Upchurch amendment. The House concurred in this action, and passed the bill as it stood.

From the first drafts of H.B. 487 and S.B. 371, this language was intended by the Legislature to be part of Chapter 61, Florida Statutes, specifically, section 61.1301. This designation remained and was incorporated in the enrolled act, numbered Chapter 84-64, Laws of Florida, 1984. However, in

Findings (continued)

the statutory revision process, this language was placed in a new chapter, designated 752, by the Division of Statutory Revision of the Joint Legislative Management Committee. According to Mr. John Ubarski, director of that division, this was an editorial decision based on the subject matter covered by the law. He also indicated that, by the terms of the biennial adoption act (enacted during each odd year regular session), the enrolled act, Chapter 84-64, will remain prima facie evidence until 1987. As such, the original law, assigning the subject language to Chapter 61, stands as the best evidence of the legislative intent and would prevail in event of conflict.

Supporting Documentation and Cites

Listed below are the records series and publications used in this research assignment. Those preceded with an asterisk (\*) are attached to this report. Records in the Florida State Archives are cited by the record group, series, box or volume number, and file folder title (if any). Therefore all cites to the Archives are in the following format: FSA, RG#, S.#/#, "title".

(PLEASE NOTE: ALL DOCUMENTS STARRED (\*) BELOW WERE TRANSMITTED WITH THE ABSTRACT OF LEGISLATIVE HISTORY ON MAY 27.)

\*Chapter 84-64, Laws of Florida, 1984.

\*Chapter 752, Florida Statutes, 1985.

Journal of the Florida House, April 25, 1984 (page 246),  
April 26, 1984 (page 262), and May 18, 1984 (page 465).

Journal of the Florida Senate, May 17, 1984 (page 323).

\*Joint Legislative Management Committee. History of Legislation, 1984, pp. 129-30 (Senate section), 161-3 (House section).

Supporting Documentation and Cites (continued)

House. Committee on the Judiciary. Bill files, 1984.  
Folder on H.B. 487 (F5H, R.6, 920, S.19/1242).  
\*House bill 487 (original version).  
\*Committee substitute for House bill 487.  
\*Staff summary of H.B. 487, by John Moser, dated  
February 29, 1984.  
\*Staff summary of CS/HB 487, by John Moser, dated  
April 4, 1984.  
\*"Comparison of F.S. 61.16 and Representative  
Upchurch's amendment to CS/HB 487".

Senate. Floor debate tapes, May 17, 1984 (action on H.B.  
487).

Senate. Committee on the Judiciary. Bill files, 1984.  
Folder on S.B. 371.  
\*Senate bill 371 (original version).  
\*Committee substitute for Senate bill 371.  
\*Staff summary of CS/SB 371, by S. Alberdi, dated  
April 18, 1984, with attached "Statement of  
Substantial Changes Contained in Committee  
substitute for Senate Bill 371".

Comments

It appears that the Legislature's intent was to include the subject language in Chapter 61; its inclusion in the Florida Statutes under a new chapter number was done under the editorial discretion of the Division of Statutory Revision. However, the written record does show that specific language relating to attorneys' fees was added to, then deleted from the bill before final passage. The written record does not show why the deletion was made, and the tape recordings of the Senate floor action deleting this language are also inconclusive, the amendment having been introduced and passed without debate.

It is remotely possible that the tape recordings of the House floor action concurring in the Senate amendment would be more revealing, but in the light of the lack of comment on the Senate floor, it is unlikely that the House tapes will contain anything more. I will review the House tapes when they become

Florida Information Associates  
**Legislative Research Report**  
No. LRS-020 (H.S. 752.01)  
June 6, 1986  
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Comments (continued)

available but will report only if the discussion adds something substantive.

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Connie J. Beane, Researcher

Time: 6.0 hours

Costs: Copying (10 pages @ \$.25/page) = \$2.50



By Representatives Deutsch, Silver, Drage, and Kelly

This public document was promulgated at an average cost of 1.6 cents per single page for the information of members of the Legislature and the public

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A bill to be entitled  
An act relating to visitation rights; amending  
s. 61.13, F.S., eliminating the prohibition  
against grandparents being considered  
"contestants" with respect to certain  
dissolution proceedings; creating s. 61.1301,  
F.S., providing for visitation rights of  
grandparents; providing an effective date.

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

Section 1. Paragraph (b) of subsection (2) of section  
61.13, Florida Statutes, is amended to read:

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

(2)

(b)1. The court shall determine all matters relating  
to custody of each minor child of the parties as a part of any  
proceeding under this chapter in accordance with the best  
interests of the child and in accordance with the Uniform  
Child Custody Jurisdiction Act. It is the public policy of  
this state to assure each minor child frequent and continuing  
contact with both parents after the parents have separated or  
dissolved their marriage and to encourage parents to share the  
rights and responsibilities of child rearing. Upon  
considering all relevant factors, the father of the child  
shall be given the same consideration as the mother in  
determining custody without regard to the age of the child.

2. The court shall order that the parental  
responsibility for a minor child be shared by both parents  
unless the court finds that shared parental responsibility

CODING: Words in ~~cancel~~ through type are deletions from existing law; words underlined are additions.

1 would be detrimental to the child. If the court determines 1.25  
 2 that shared parental responsibility would be detrimental to  
 3 the child, the court may order sole parental responsibility. 1.26  
 4 a. "Shared parental responsibility" means that both 1.27  
 5 parents retain full parental rights and responsibilities with  
 6 respect to their child and requires both parents to confer so 1.28  
 7 that major decisions affecting the welfare of the child will 1.29  
 8 be determined jointly. In ordering shared parental 1.30  
 9 responsibility, the court may consider the expressed desires  
 10 of the parents and may grant to one party the ultimate 1.31  
 11 responsibility over specific aspects of the child's welfare or 1.32  
 12 may divide those aspects between the parties based on the best  
 13 interests of the child. When it appears to the court to be in 1.34  
 14 the best interests of the child, the court may order or the  
 15 parties may agree how any such responsibility will be divided. 1.35  
 16 Such areas of responsibility may include primary physical 1.36  
 17 residence, education, medical and dental care, and any other 1.37  
 18 responsibilities which the court finds unique to a particular  
 19 family and/or in the best interests of the child. 1.38  
 20 b. "Sole parental responsibility" means that 1.40  
 21 responsibility for the minor child is given to one parent by  
 22 the court, with or without rights of visitation to the other 1.41  
 23 parent.  
 24 c. The court may award the grandparents visitation 1.43  
 25 rights of a minor child if it is deemed by the court to be in 1.44  
 26 the child's best interest. Grandparents shall have legal 1.45  
 27 standing to seek judicial enforcement of such an award. 1.46  
 28 Nothing in this section shall be construed to require that 1.47  
 29 grandparents be made parties or given notice of dissolution 1.48  
 30 pleadings or proceedings; ~~nor shall such grandparents have~~ 1.49  
 31 ~~legal standing as "contestants" as defined in s. 61.1306.~~ No 1.52

1 court shall order that a child be kept within the state or  
 2 jurisdiction of the court solely for the purpose of permitting 1.1  
 3 visitation by the grandparents.  
 4 3. Access to records and information pertaining to a 1.1  
 5 minor child, including but not limited to medical, dental, and 1.1  
 6 school records, shall not be denied to a parent because such 1.1  
 7 parent is not the child's primary residential parent. 1.1  
 8 Section 2. Section 61.1301, Florida Statutes, is 1.1  
 9 created to read:  
 10 61.1301 Visitation rights of grandparents.-- 1.1  
 11 (1) When one or both parents of a minor child are 1.1  
 12 deceased or divorced, the court may, upon a petition filed by 1.1  
 13 the grandparent of such child, award reasonable rights of 1.1  
 14 visitation to the grandparent, when it is in the best interest 1.1  
 15 of the child. Notice of the filing and a copy of the petition 1.1  
 16 shall be served on the parents of the minor child in the 1.1  
 17 manner prescribed by chapter 48.  
 18 (2) When one of the natural parents of a minor child 1.1  
 19 for whom visitation rights have been granted to a grandparent, 1.1  
 20 pursuant to subsection (1), remarries, any subsequent adoption 1.1  
 21 by a stepparent shall not terminate any grandparental rights. 1.1  
 22 However, the court may, after affording the grandparents an 1.1  
 23 opportunity to be heard, determine that such termination of 1.1  
 24 visitation rights is in the best interest of the child and  
 25 rule accordingly.  
 26 Section 3. This act shall take effect October 1, 1984. 1.1  
 27 \*\*\*\*\*  
 28 HOUSE SUMMARY  
 29 Eliminates a prohibition against grandparents being  
 30 treated as "contestants" in certain dissolution  
 31 proceedings. Authorizes the court to award visitation  
 rights to grandparents when one or both parents of a  
 minor child are deceased or divorced.

# Florida Legislature

## History of Legislation 1984 Regular Session

RE CHAPTER 84-64

CS/HB 487 (Passed)

CS/SB 371 (Similar)



prepared by:

## Joint Legislative Management Committee

Legislative Information Division  
Capitol Building, Room 826 — 488-4371

02/14/84 HOUSE Referred to Education, K - 12, Appropriations  
 02/17/84 HOUSE Subreferred to Subcommittee on Programs, On Committee agenda, pending subcommittee action-- Education, K-12, 214 C, 3 pm, 03/05/84

04/03/84 HOUSE Introduced, referred to Education, K - 12, Appropriations -HJ 00048, Subreferred to Subcommittee on Programs; On Committee agenda-- Subcomm, Educ K-12, 212 HOB, 3:30 pm, 04/04/84

04/09/84 HOUSE On Committee agenda-- Education, K-12, 214 C, 3 30 pm, 04/11/84

04/16/84 HOUSE On Committee agenda-- Education, K-12, 214 C, 3 30pm, 04/18/84

04/27/84 HOUSE Comm. Report CS by Education, K - 12 -HJ 00277; Now in Appropriations

06/01/84 HOUSE Died in Committee on Appropriations

H 0482 GENERAL BILL/CS by Health & Rehabilitative Services, Woodruff, Allen, Arnold, Bankhead, Bass, Brantley, Casas, Clements, Combee, Cosgrove, Crady, Crotty, Danaon, Deratany, Drage, Dudley, Dunbar, Easley, Grant, Grindle, Hanson, Hawkins, L. R. Hill, Hodges, Hollingsworth, Johnson, R M, Jones, C. F. Kelly, Lehtinen, Lippman, Locke, McEwan, Messersmith, Mitchell, Nergard, Patchett, Ready, Reynolds, Richmond, Sample, Sanderson, Selph, Shackelford, Shelley, Silver, Simone, Smith, Stewart, Tobin, Upchurch, Watt, Webster and others (Similar CS/S 0440) Public Assistance Workfare Program, provides for establishment of public assistance workfare project in Duval Co & up to 5 additional counties, to be implemented only under certain circumstances; provides conditions re registration of recipients of food stamps, etc. Appropriation. Effective Date 07/01/84

02/09/84 HOUSE Prefiled

02/14/84 HOUSE Referred to Health & Rehabilitative Services, Appropriations

02/17/84 HOUSE Subreferred to Subcommittee on Health, Economic and Social Services

04/03/84 HOUSE Introduced, referred to Health & Rehabilitative Services, Appropriations -HJ 00049, Subreferred to Subcommittee on Health, Economic and Social Services

04/05/84 HOUSE On Committee agenda-- H.R.S., 317 C, 1.15 pm, 04/09/84

04/16/84 HOUSE On Committee agenda-- H R S, 317 C, 3 30pm, 04/18/84

04/25/84 HOUSE Comm. Report. CS by Health & Rehabilitative Services -HJ 00266, Now in Appropriations

05/15/84 HOUSE Subreferred to Subcommittee on HRS/Criminal Justice (Sub. I)

06/01/84 HOUSE Died in Committee on Appropriations

H 0483 GENERAL BILL by Smith, Kelly  
Health & Rehabilitative Services, requires H.R.S Dept to revise rule re local health district for purposes of certificate of need determinations Effective Date: Upon becoming law.

02/09/84 HOUSE Prefiled

02/14/84 HOUSE Referred to Health & Rehabilitative Services

02/17/84 HOUSE Subreferred to Subcommittee on Health Care Cost Containment

04/03/84 HOUSE Introduced, referred to Health & Rehabilitative Services -HJ 00049, Subreferred to Subcommittee on Health Care Cost Containment

06/01/84 HOUSE Died in Committee on Health & Rehabilitative Services

H 0484 GENERAL BILL/CS by Criminal Justice, Carlton and others (Identical CS/S 0291, Compare H 0667)  
Drivers' Licenses, provides circumstances under which certain persons may be issued a limited license for business or employment use, provides that an appeal of a driver's license revocation or suspension shall not stay the revocation under certain circumstances Amends 322 271 Effective Date 10/01/84.

02/09/84 HOUSE Prefiled

02/14/84 HOUSE Referred to Criminal Justice

02/22/84 HOUSE Subreferred to Subcommittee on Criminal Code

CONTINUED ON NEXT PAGE

04/03/84 HOUSE Introduced, referred to Criminal Justice -HJ 00049, Subreferred to Subcommittee on Criminal Code

04/20/84 HOUSE On Committee agenda-- Subcomm., Crim Justice, 314 HOB, 1:30pm, 04/23; On Committee agenda, pending subcommittee action-- Criminal Justice, 314 HOB, 3.30pm, 04/23

04/26/84 HOUSE Comm. Report CS placed on Calendar by Criminal Justice -HJ 00266

06/01/84 HOUSE Died on Calendar

H 0485 GENERAL BILL by Carlton and others (Identical S 0289, Similar H 0479, Compare Eng/H 0360, H 0535, S 0239, CS/S 0469, S 1064)  
Driving Under the Influence, provides that certain out-of-state convictions count as previous convictions for purpose of sentencing repeat offenders; increases penalties for causing certain injuries to another by operation of motor vehicle while intoxicated, etc. Amends 316.193, 1931, 1932 Effective Date 10/01/84

02/09/84 HOUSE Prefiled

02/14/84 HOUSE Referred to Criminal Justice, Appropriations

02/22/84 HOUSE Subreferred to Subcommittee on Criminal Code

04/03/84 HOUSE Introduced, referred to Criminal Justice, Appropriations -HJ 00049, Subreferred to Subcommittee on Criminal Code

04/05/84 HOUSE On Committee agenda-- Subcomm, Crim Justice, 314 HOB, 2:15pm, 04/09

04/10/84 HOUSE On Committee agenda-- Criminal Justice, 314 HOB, 3 30pm, 04/11/84

04/13/84 HOUSE Comm. Report Favorable with amend by Criminal Justice -HJ 00207; Now in Appropriations

05/04/84 HOUSE On Committee agenda-- Appropriations, 21 HOB, 8 00 am, 05/08/84

05/09/84 HOUSE Comm. Report. Favorable, placed on Calendar by Appropriations -HJ 00351

06/01/84 HOUSE Died on Calendar, Ident./Sim./Compare Bill passed, refer to HB 360 (Ch 84-359)

H 0486 GENERAL BILL by Burke (Compare H 0469)  
Elections, creates provision re residency requirements for candidates for public office & public officers; defines terms, requires that a candidate or public officer have only one residence, provides prima facie proof thereof; provides factors to be considered in certain cases Creates 99 013 Effective Date: Upon becoming law

02/09/84 HOUSE Prefiled

02/14/84 HOUSE Referred to Ethics & Elections

02/13/84 HOUSE Subreferred to Subcommittee on Elections

04/03/84 HOUSE Introduced, referred to Ethics & Elections -HJ 00049, Subreferred to Subcommittee on Elections

04/06/84 HOUSE On Committee agenda-- Subcomm, Ethics, 212 HOB, 3 30 pm, 04/10/84

04/13/84 HOUSE On Committee agenda-- Ethics, 212 HOB, 4 00 pm, 04/17/84

04/25/84 HOUSE Comm. Report CS by Ethics & Elections; CS combines this bill and 469, Laid on table under Rule, refer to CS/ HB 469 (Died in Senate Committee) -HJ 00266

H 0487 GENERAL BILL/CS by Judiciary, Deutsch, Drage, Kelly, Silver and others (Similar CS/S 0371)  
Grandparents' Visitation Rights, provides for visitation rights of grandparents, etc. Creates 61 1301, repeals 68 08 Effective Date 10/01/84.

02/09/84 HOUSE Prefiled

02/14/84 HOUSE Referred to Judiciary

02/17/84 HOUSE Subreferred to Subcommittee on Consumer, Probate and Family Law; On Committee agenda-- Subcomm, Judiciary, 212HOB, 8am, 03/07 &/or 03/14

04/03/84 HOUSE Introduced, referred to Judiciary -HJ 00049, Subreferred to Subcommittee on Consumer, Probate and Family Law

04/09/84 HOUSE Comm. Report. CS placed on Calendar by Judiciary

CONTINUED ON NEXT PAGE

04/09/84 -HJ 00154  
 04/19/84 HOUSE Placed on Special Order Calendar  
 04/23/84 HOUSE CS read first and second times, Amendment adopted; Amendment pending -HJ 00246  
 04/26/84 HOUSE Pending amendment withdrawn, Amendment reconsidered, withdrawn. Amendments adopted -HJ 00262  
 04/30/84 HOUSE Read third time, Amendments adopted, CS passed as amended, YEAS 108 NAYS 3 -HJ 00270  
 05/02/84 SFNATE In Messages  
 05/04/84 SENATE Received, referred to Judiciary-Civil -SJ 00233  
 05/11/84 SENATE Extension of time granted Committee Judiciary-Civil  
 05/17/84 SENATE Withdrawn from Judiciary-Civil, Substituted for CS/SB 371; Passed as amended, YEAS 36 NAYS 0 -SJ 00324; Immediately certified -SJ 00326  
 05/17/84 HOUSE In Messages  
 05/18/84 HOUSE Concurred, CS passed as further amended, YEAS 100 NAYS 6 -HJ 00465  
 05/18/84 Ordered engrossed, then enrolled  
 05/22/84 HOUSE Signed by Officers and presented to Governor -HJ 00533  
 05/29/84 Approved by Governor Chapter No. 84-84 -HJ 00915

H 0488 GENERAL BILL by Judiciary (Similar S 0158, Compare CS/S 0911)  
Liability of Public Officers, specifically includes public defender offices within statutory definition of state agencies, & specifically includes public defenders & their employees & agents within certain exemption from personal liability for acts or omissions in course of duties Amends 768 28 Effective Date 05/15/84.

02/09/84 HOUSE Prefiled  
 02/14/84 HOUSE Placed on Calendar  
 04/03/84 HOUSE Introduced, placed on Calendar -HJ 00049  
 04/05/84 HOUSE Placed on Special Order Calendar  
 04/10/84 HOUSE Read second time -HJ 0016,  
 04/12/84 HOUSE Read third time, Passed; YEAS 107 NAYS 0 -HJ 00169  
 04/13/84 SENATE In Messages  
 04/18/84 SENATE Received, referred to Judiciary-Civil, Finance, Taxation and Claims -SJ 00137  
 04/27/84 SENATE Extension of time granted Committee Judiciary-Civil  
 05/01/84 SENATE Withdrawn from Judiciary-Civil, Finance, Taxation and Claims, Substituted for SB 158, Passed, YEAS 33 NAYS 0 -SJ 00199  
 05/02/84 Ordered enrolled  
 05/08/84 HOUSE Signed by Officers and presented to Governor -HJ 00336  
 05/15/84 Approved by Governor Chapter No 84-29 -HJ 00444

H 0489 GENERAL BILL by Ogden (Compare Eng/S 0524)  
Insurance, changes certain restrictions upon statement of value of benefits in variable or indeterminate value insurance contracts or group certificates Amends 827 803 Effective Date 10/01/84

02/09/84 HOUSE Prefiled  
 02/14/84 HOUSE Referred to Commerce  
 02/16/84 HOUSE Subreferred to Subcommittee on Health Care and Life and Health Insurance  
 04/03/84 HOUSE Introduced, referred to Commerce -HJ 00049; Subreferred to Subcommittee on Health Care and Life and Health Insurance  
 04/05/84 HOUSE On Committee agenda-- Commerce, 21 HOB, 3 30 pm, 04/09/84  
 04/12/84 HOUSE On Committee agenda-- Commerce, 21 HOB, 3 30 pm, 04/16/84  
 04/18/84 HOUSE Comm Report Favorable with amend, placed on Calendar by Commerce -HJ 00235  
 05/18/84 HOUSE Placed on Special Order Calendar  
 05/24/84 HOUSE SB 524 taken up in lieu of HB 489 -HJ 00861  
 06/01/84 HOUSE Died on Calendar, Iden /Sim /Compare Bill passed, refer to SB 524 (Ch 84-93)

H 0490 GENERAL BILL by Agriculture (Identical S 0207)  
Eggs & Poultry, provides certain labeling requirements for sale of eggs, prohibits egg & poultry dealers from using name, logo, or certificate or

CONTINUED ON NEXT PAGE

permit number of Agriculture & Consumer Services Dept in their advertising or packaging without department's approval, etc Amends Ch 583 Effective Date 07/01/84  
 02/09/84 HOUSE Prefiled  
 02/14/84 HOUSE Placed on Calendar  
 04/03/84 HOUSE Introduced, placed on Calendar -HJ 00049  
 04/05/84 HOUSE Placed on Special Order Calendar  
 04/09/84 HOUSE Read second time -HJ 00152  
 04/10/84 HOUSE Read third time: Passed, YEAS 110 NAYS 0 -HJ 00158  
 04/12/84 SENATE In Messages  
 04/13/84 SENATE Received, referred to Agriculture -SJ 00121  
 04/20/84 SENATE On Committee agenda-- Agriculture, 04/24/84, 9:00 am, Rm. B  
 04/24/84 SENATE Comm Report Favorable, placed on Calendar by Agriculture -SJ 00165  
 05/23/84 SENATE Substituted for SB 207, Passed, YEAS 30 NAYS 0 -SJ 00389  
 05/24/84 Ordered enrolled  
 05/29/84 HOUSE Signed by Officers and presented to Governor -HJ 00841  
 06/05/84 Approved by Governor Chapter No. 84-102

H 0491 GENERAL BILL/CS by Ethics & Elections, Lawson, Burke, Figg, Gustafson, Morgan, Silver (Similar S 0509, Compare Eng/H 0619)  
Elections, provides for uniform registration standards, modifies eligibility requirements; provides for promulgation by State Dept of absentee registration request forms, modifies absentee registration form to conform to modified eligibility requirements, etc Amends Chs 97, 98, 101, 104. Effective Date: 07/01/84

02/09/84 HOUSE Prefiled  
 02/14/84 HOUSE Referred to Ethics & Elections, Appropriations  
 02/13/84 HOUSE Subreferred to Subcommittee on Elections  
 02/17/84 HOUSE On Committee agenda-- Subcomm., Ethics, 212 HOB, 1 30 pm, 03/07/84  
 04/03/84 HOUSE Introduced, referred to Ethics & Elections, Appropriations -HJ 00050; Subreferred to Subcommittee on Elections  
 04/10/84 HOUSE On Committee agenda-- Ethics, 212 HOB, 1:30 pm, 04/12/84  
 04/25/84 HOUSE Comm. Report: CS by Ethics & Elections -HJ 00266, Now in Appropriations  
 05/02/84 HOUSE Withdrawn from Appropriations -HJ 00286, Placed on Calendar  
 05/18/84 HOUSE Placed on Special Order Calendar  
 05/23/84 HOUSE Placed on Consent Calendar  
 05/22/84 HOUSE CS read first and second times; Amendments adopted -HJ 00531  
 05/23/84 HOUSE Read third time, Pending roll call -HJ 00543  
 05/24/84 HOUSE CS passed as amended, YEAS 65 NAYS 50 -HJ 00652  
 05/24/84 SENATE In Messages  
 05/28/84 SENATE Received, referred to Judiciary-Civil -SJ 00459  
 06/01/84 SENATE Died in Committee, Iden./Sim./Compare Bill passed, refer to HB 619 (Ch 84-302)

H 0492 GENERAL BILL by Hawkins, L. R  
Juries, exempts certain persons from jury lists Amends 40.02 Effective Date 07/01/84

02/09/84 HOUSE Prefiled  
 02/14/84 HOUSE Referred to Judiciary  
 04/03/84 HOUSE Introduced, referred to Judiciary -HJ 00050  
 04/06/84 HOUSE Subreferred to Subcommittee on Court Systems and Miscellaneous, On Committee agenda-- Subcomm., Judiciary, 16 HOB, 1 15 pm, 04/10/84  
 04/23/84 HOUSE On Committee agenda-- Judiciary, 317 C, 1 15pm, 04/25/84  
 06/01/84 HOUSE Died in Committee on Judiciary

H 0493 GENERAL BILL by Wallace (Identical S 0286)  
Powers of Attorney, provides for creation of durable power of attorney, provides for recording & accounting requirements with respect to such

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HISTORY OF SENATE BILLS

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S 0368 GENERAL BILL by Scott (Identical H 0556)  
Ad Valorem Tax Exemption; specifies that real property improvements constructed or placed upon land by certain lessees of property owned by governmental units are not exempt Amends 196 199 Effective Date: 07/01/84  
 02/20/84 SENATE Prefiled  
 03/08/84 SENATE Referred to Finance, Taxation and Claims  
 04/03/84 SENATE Introduced, referred to Finance, Taxation and Claims -SJ 00034  
 04/13/84 SENATE Extension of time granted Committee Finance, Taxation and Claims  
 04/19/84 SENATE On Committee agenda-- Finance, Tax & Claims. Temporarily postponed  
 04/25/84 SENATE Extension of time granted Committee Finance, Taxation and Claims  
 05/03/84 SENATE On Committee agenda-- Finance, Tax & Claims. 05/07/84, 2 00 pm, Rm 1C  
 05/04/84 SENATE Extension of time granted Committee Finance, Taxation and Claims  
 05/07/84 SENATE Comm Report. Favorable, placed on Calendar by Finance, Taxation and Claims -SJ 00234  
 06/01/84 SENATE Died on Calendar

S 0369 GENERAL BILL by Carlucci (Similar H 0587, Compare CS/H 0988)  
Abuse Neglect & Exploitation, requires H R S. Dept. to report abuse, neglect, or exploitation of children, aged persons, & disabled persons to appropriate sheriff's office Amends 415 104, 505 Effective Date: 07/01/84  
 02/20/84 SENATE Prefiled  
 03/08/84 SENATE Referred to Health and Rehabilitative Services  
 04/03/84 SENATE Introduced, referred to Health and Rehabilitative Services -SJ 00034  
 04/16/84 SENATE Extension of time granted Committee Health and Rehabilitative Services  
 04/27/84 SENATE Extension of time granted Committee Health and Rehabilitative Services  
 05/09/84 SENATE Extension of time granted Committee Health and Rehabilitative Services  
 05/21/84 SENATE Extension of time granted Committee Health and Rehabilitative Services  
 06/01/84 SENATE Died in Committee. Iden./Sim /Compare Bill passed, refer to CS/HB 988 (Ch 84-226)

S 0370 GENERAL BILL by Gordon and others (Identical H 0915, Compare CS/H 0795, CS/S 0409)  
Banks & Trust Companies, permits sale of ownership or control of bank, trust company, or bank holding company in this state to such institutions, operations of which are principally conducted outside this state, provides for publication of notice of intent to acquire, etc. Amends 658 29 Effective Date Upon becoming law.  
 02/20/84 SENATE Prefiled  
 03/08/84 SENATE Referred to Commerce  
 04/03/84 SENATE Introduced, referred to Commerce -SJ 00034  
 04/11/84 SENATE On Committee agenda-- Commerce, 04/11/84, Temporarily postponed  
 04/16/84 SENATE Extension of time granted Committee Commerce  
 04/30/84 SENATE Extension of time granted Committee Commerce  
 05/11/84 SENATE Extension of time granted Committee Commerce  
 05/24/84 SENATE Extension of time granted Committee Commerce  
 06/01/84 SENATE Died in Committee. Iden /Sim /Compare Bill passed, refer to CS/HB 795 (Ch. 84-42)

S 0371 GENERAL BILL/CS by Judiciary-Civil, Scott (Similar CS/H 0487)  
Grandparents' Visitation Rights, provides for visitation rights to grandparents of a minor child, provides for termination of visitation rights under certain circumstances, etc Creates 61 1301, repeals 88 08. Effective Date 10/01/84  
 02/20/84 SENATE Prefiled  
 03/08/84 SENATE Referred to Judiciary-Civil  
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HISTORY OF SENATE BILLS

PAGE 130

04/03/84 SENATE Introduced, referred to Judiciary-Civil -SJ 00034  
 04/13/84 SENATE Extension of time granted Committee Judiciary-Civil  
 04/16/84 SENATE On Committee agenda-- Judiciary-Civil, 04/18/84, 2 00 pm, Rm. B  
 04/18/84 SENATE Comm. Report. CS placed on Calendar by Judiciary-Civil -SJ 00150  
 04/20/84 SENATE CS read first time -SJ 00155  
 05/17/84 SENATE Placed on Consent Calendar; Iden /Sim House Bill substituted, Laid on table under Rule. Iden./Sim /Compare Bill passed, refer to CS/HB 487 (Ch. 84-64) -SJ 00324

S 0372 GENERAL BILL by Crawford (Similar Eng/H 0909)  
Automobile Race Meets, provides that persons holding an automobile race meet shall pay certain costs of policing meet, provides for posting of bond adequate to cover such costs Amends 549.04 Effective Date. 07/01/84.  
 02/20/84 SENATE Prefiled  
 03/08/84 SENATE Referred to Economic, Community and Consumer Affairs  
 04/03/84 SENATE Introduced, referred to Economic, Community and Consumer Affairs -SJ 00034  
 04/13/84 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs  
 04/26/84 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs  
 05/09/84 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs  
 05/21/84 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs  
 06/01/84 SENATE Died in Committee on Economic, Community and Consumer Affairs

S 0373 GENERAL BILL by Plummer (Similar Eng/H 0329)  
Historic Preservation Trust Fund; authorizes historic preservation grants-in-aid for certain projects to any corporation, partnership, or other organization or individual. Amends 267 0817 Effective Date 10/01/84  
 02/20/84 SENATE Prefiled  
 03/08/84 SENATE Referred to Governmental Operations, Appropriations  
 04/03/84 SENATE Introduced, referred to Governmental Operations, Appropriations -SJ 00034, On Committee agenda-- Governmental Operations, 04/04/84, 2.00 pm, Rm H  
 Comm. Report: Favorable by Governmental Operations -SJ 00086  
 04/04/84 SENATE Now in Appropriations -SJ 00086  
 04/05/84 SENATE On Committee agenda-- Appropriations, Temporarily postponed  
 04/26/84 SENATE Extension of time granted Committee Appropriations, Subreferred to Appropriations Subcommittee A -SJ 00191  
 04/27/84 SENATE On Committee agenda-- Subcomm, Upon adjournment of full committee  
 05/03/84 SENATE Now in- Appropriations -SJ 00230  
 05/04/84 SENATE Extension of time granted Committee Appropriations  
 05/10/84 SENATE Extension of time granted Committee Appropriations  
 05/17/84 SENATE Extension of time granted Committee Appropriations  
 05/18/84 SENATE On Committee agenda-- Appropriations, 05/22/84, 2 00 pm, Rm. A  
 05/22/84 SENATE Comm Report: Favorable with amend, placed on Calendar by Appropriations -SJ 00339  
 05/29/84 SENATE Placed on Special Order Calendar -SJ 00511, Iden /Sim House Bill substituted; Laid on table under Rule, Iden /Sim /Compare Bill passed, refer to HB 329 (Ch 84-248) -SJ 00520

S 0374 GENERAL BILL by Plummer (Similar Eng/H 0147)  
Graves, provides penalty for wanton & malicious disturbance of contents of a grave. Amends 872 02 Effective Date: 10/01/84  
 02/20/84 SENATE Prefiled  
 03/08/84 SENATE Referred to Judiciary-Criminal  
 04/03/84 SENATE Introduced, referred to Judiciary-Criminal -SJ 00034  
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Journal  
of the  
Florida  
House of Representatives



Eighty-sixth  
Regular Session

since Statehood in 1845

April 3 through June 1, 1984

**Including a record of transmittal of Acts subsequent to sine die adjournment**



By the Committee on Judiciary and Representatives Deutsch, Silver, Drage, Kelly, Grindle, Titone, B L Johnson, Meffert, and Stewart—

~~CS/~~**HB 487**—A bill to be entitled An act relating to visitation rights, creating s 61 1301, F S, providing for visitation rights of grandparents, repealing s 68 08, F S., relating to the visitation rights of grandparents providing an effective date

—was read the first time by title On motion by Rep Deutsch, the rules were waived and the bill was read the second time by title

Representatives Deutsch, Drage, and Kelly offered the following amendment

**Amendment 1**—On page 1, lines 13-17, strike all of said lines and insert (1) The court may, upon petition filed by a grandparent of a minor child, if such grandparent is not the parent of the person with whom the child primarily resides, award reasonable rights of visitation when it is in the best interest of the minor child if

- (a) One or both parents are deceased,
- (b) The marriage of the parents has been dissolved, or
- (c) A parent has deserted the minor child

Rep Deutsch moved the adoption of the amendment, which was adopted

Representatives Deutsch, Drage, and Kelly offered the following amendment

**Amendment 2**—On page 1, lines 29 and 30, strike all of said lines and insert (3) In the event that any provision of this section is in conflict with the provisions of s 68 08, it is the intent of the legislature that the provisions of s 68 08 shall control (renumber remaining section accordingly)

Rep Deutsch moved the adoption of the amendment During consideration thereof, further consideration of CS/ HB 487 was temporarily deferred

**HB 698**—A bill to be entitled An act relating to alcoholic beverages, amending s 568 01, F S, relating to the alcoholic content of intoxicating liquors in counties where such beverages are prohibited, providing an effective date

—was read the second time by title.

Representative Richmond offered the following amendment

**Amendment 1**—On page 1, line 13, strike "only", and on lines 17-18, strike "Section 2 This act shall take effect upon becoming a law " and add: Section 2 Section 567.131 is created to read:

567 131. Alcoholic Content of Intoxicating Liquor —For purposes of this chapter, all liquors, wines, or beer containing more than 5 percent of alcohol by weight shall be deemed and held to be intoxicating liquors, wines, or beers and subject to the provisions of this chapter

Section 3. This act shall take effect upon becoming a law.

Rep Richmond moved the adoption of the amendment, which was adopted.

Representative Richmond offered the following title amendment

**Amendment 2**—On page 1, line 3, add after "s 568 01, F S " and creating s. 567 131

Rep Richmond moved the adoption of the amendment, which was adopted without objection Under Rule 8 19, the bill was referred to the Engrossing Clerk

**HB 540**—A bill to be entitled An act relating to the grand jury, amending s 905 01, F S., authorizing the chief judge of a circuit

court to replace grand jurors under certain circumstances, providing that only the chief judge may dispense with the grand jury, authorizing the chief judge in certain circuits to convene two contemporaneous grand juries, providing restrictions, providing an effective date

—was read the second time by title and, under Rule 8 19, referred to the Engrossing Clerk

**HB 1050**—A bill to be entitled An act relating to bonds, amending s 215 68, F S, providing interest rates applicable to state bonds and bonds issued on behalf of state agencies, revising procedures for award to lowest bidder, amending s 215 70, F S, requiring the State Board of Administration to monitor certain debt service accounts, amending s 215 73, F S, revising provisions relating to approval of bonds by the board, amending s 215 76, F S, specifying duties of state agencies regarding compliance with the Internal Revenue Code, amending s 215 82, F S, providing that certain bonds may be validated as determined by the Division of Bond Finance, amending s 215 83, F S, providing for construction of resolutions authorizing bond issuance and other proceedings, amending s 215 84, F S, correcting terminology, providing certain reimbursement procedures when state funds must be appropriated to pay principal and/or interest on bonds issued on behalf of local governments or authorities, providing an effective date

—was read the second time by title

The Committee on Appropriations offered the following amendment

**Amendment 1**—On page 6, lines 9-17, strike all of section 8 and insert on page 3 after line 15 (4) Whenever it becomes necessary for state funds to be appropriated for the payment of principal and/or interest on bonds which have been issued by the Division of Bond Finance on behalf of any local government or authority and for which the full faith and credit of the state has been pledged, any state shared revenues otherwise earmarked for the local government or authority shall be used by the Comptroller to reimburse the state, until the local government or authority has reimbursed the state in full

Rep Kutun moved the adoption of the amendment, which was adopted without objection

The Committee on Appropriations offered the following amendment

**Amendment 2**—On page 3, line 4, strike all of line 4 and insert Section 2 Subsections (3) and (4) are added to section 215 70

Rep Kutun moved the adoption of the amendment, which was adopted without objection

Representative Kutun offered the following amendment

**Amendment 3**—On page 6, line 18, strike "July 1, 1984" and insert upon becoming a law

Rep Kutun moved the adoption of the amendment, which was adopted without objection Under Rule 8 19, the bill was referred to the Engrossing Clerk.

**HB 178**—A bill to be entitled An act relating to school personnel; amending s 231.40, F S, authorizing, through collective bargaining, changes in employee sick leave benefits with respect to a sick leave pool, providing an effective date

—was read the second time by title

Representative Peebles offered the following amendment.

**Amendment 1**—On page 1, lines 10-12, strike all of said lines and insert Section 1 Paragraph (b) of subsection (2) and paragraph (f) of subsection (3) of section 231 40, Florida Statutes, are amended to read

231 40 Sick leave —

—was withdrawn from the Committee on Rules & Calendar, read the second time in full, and adopted

### Special Orders

**CS/HB 467**—A bill to be entitled An act relating to visitation rights, creating s 61 1301, F S, providing for visitation rights of grandparents, repealing s 68 08, F S, relating to the visitation rights of grandparents, providing an effective date

—was taken up, having been read the second time on April 23, now pending on motion by Rep Deutsch to adopt Amendment 2 On motion by Rep Drage, the House reconsidered the vote by which Amendment 1 was adopted and, without objection, the amendment was withdrawn Without objection, pending Amendment 2 was withdrawn

Representatives Deutsch, Drage, and Kelly offered the following amendment.

**Amendment 3**—On page 1, lines 13-17, strike all of said lines and insert (1) The court may upon petition filed by a grandparent of a minor child award reasonable rights of visitation when it is in the best interest of the minor child if (a) One or both parents are deceased, (b) The marriage of the parents has been dissolved, or (c) A parent has deserted the minor child

Rep Drage moved the adoption of the amendment, which was adopted

Representative Upchurch offered the following amendment

**Amendment 4**—On page 1, line 21, insert new subsection (2) and renumber subsequent subsection (2) In any action for an award of grandparent visitation rights under this section, the court in its discretion, may award reasonable attorney's fees and suit money, including temporary attorney's fees, to the parent with whom the child primarily resides or to the grandparent, regardless of which party prevailed in such action

Rep Upchurch moved the adoption of the amendment, which was adopted

Representatives Deutsch, Drage, and Kelly offered the following title amendment

**Amendment 5**—On page 1, lines 4-6, strike "repealing s 68 08, F S, relating to the visitation rights of grandparents."

Rep Drage moved the adoption of the amendment, which was adopted without objection Under Rule 8 19, the bill was referred to the Engrossing Clerk

**HJR 11**—A joint resolution proposing an amendment to Section 5 of Article II of the State Constitution relating to salaries of county officers

—was read the second time

Representative Gardner offered the following amendment

**Amendment 1**—On page 2, lines 10-11, strike "and district school boards"

Rep Gardner moved the adoption of the amendment, which was adopted

Representative Gustafson offered the following amendment

**Amendment 2**—On page 2, lines 10 and 11, strike all of said lines and insert *except that the compensation of members of boards of county commissioners shall be set at the figure in effect on June 30, 1984 unless otherwise fixed by resolution of the board of county commissioners*

Rep Gustafson moved the adoption of the amendment which was adopted

Representative Lippman offered the following amendment

**Amendment 3**—On page 2, line 10, insert between the words "of" and "county" *non charter*

Rep Lippman moved the adoption of the amendment, which failed of adoption

Representative Gustafson offered the following amendment

**Amendment 4**—On page 2, line 19, strike "annually"

Rep Gustafson moved the adoption of the amendment, which was adopted without objection Under Rule 8 19, the joint resolution was referred to the Engrossing Clerk

**HJR 1159**—A joint resolution proposing an amendment to Section 3 of Article V of the State Constitution relating to the Florida Supreme Court

—was read the second time

Representative Williams offered the following amendment

**Amendment 1**—On page 1, line 9, strike everything after the resolving clause and insert That the amendments to Sections 3, 10, and 11 of Article V of the State Constitution set forth below are agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1984

SECTION 3 Supreme court —

(a) ORGANIZATION —The supreme court shall consist of seven justices Of the seven justices, each appellate district shall have at least one justice elected or appointed from the district to the supreme court who is a resident of the district at the time of his original appointment or election Five justices shall constitute a quorum The concurrence of four justices shall be necessary to a decision When recusals for cause would prohibit the court from convening because of the requirements of this section, judges assigned to temporary duty may be substituted for justices

(b) JURISDICTION —The supreme court

(1) Shall hear appeals from final judgments of trial courts imposing the death penalty and from decisions of district courts of appeal declaring invalid a state statute or a provision of the state constitution

(2) When provided by general law, shall hear appeals from final judgments entered in proceedings for the validation of bonds or certificates of indebtedness and shall review action of statewide agencies relating to rates or service of utilities providing electric, gas, or telephone service.

(3) May review any decision of a district court of appeal that expressly declares valid a state statute, or that expressly construes a provision of the state or federal constitution, or that expressly affects a class of constitutional or state officers, or that expressly and directly conflicts with a decision of another district court of appeal or of the supreme court on the same question of law

(4) May review any decision of a district court of appeal that passes upon a question certified by it to be of great public importance, or that is certified by it to be in direct conflict with a decision of another district court of appeal

(5) May review any *pending proceeding in a district court of appeal or judgment of a trial court* certified by the district court of appeal in which an appeal is pending to be of great public importance, or to have a great effect on the proper administration of justice throughout the state, and certified to require immediate resolution by the supreme court

(f) Elections to the board of governors of the Exchange by the members of the Exchange shall be held once every 2 years, with those persons receiving the greatest number of votes cast being elected thereto

(8) Any amendments to the constitution and bylaws shall be subject to the approval of the Comptroller

(9) The Exchange formed under the provisions of this section shall not be subject to any state or local taxes or fees which taxes or fees are measured by income, transaction amounts, or gross receipts, nor shall it have any reporting requirements in respect to such income or transactions under state and local law Nothing herein shall be construed to give the members of the Exchange any tax exemption The exemption granted by this subsection shall not apply to any tax imposed under chapter 220, Florida Statutes, or under part II of chapter 212, Florida Statutes

(10) The Exchange or any member thereof shall reimburse the Comptroller for the actual costs incurred by the Comptroller in connection with the regulation and supervision of the Exchange The Comptroller shall adopt rules specifying the procedures for reimbursement As used in this section, "actual costs" means all direct and indirect costs and expenses incurred by the Comptroller in connection with the regulation and supervision of the Exchange, including general administrative costs, travel expenses, and salaries involved in the regulation and supervision of the Exchange The Comptroller may require the Exchange or any members to pay interim assessments related to estimated final assessments

(11) The Florida securities laws and rules shall apply to the Exchange and to its members

(12) The Comptroller may by rule establish limitations on investments in members of the Exchange by any person or company, consistent with the public interest and the efficient functioning of the Exchange

(13) The Comptroller may adopt reasonable rules necessary to implement this section

Section 2. This act shall take effect October 1, 1984

On motion by Rep Simon, the House concurred in the Senate amendment The question recurred on the passage of CS/CS/HB 312 The vote was

Yeas—96

The Chair	Dantzler	Jones, C F	Robinson
Abrams	Deutsch	Jones, D L	Rochlin
Armstrong	Drage	Lawson	Ros
Arnold	Dudley	Lewis	Sample
Bailey	Easley	Lippman	Sanderson
Bankhead	Evans-Jones	Locke	Sansom
Bass	Figg	Logan	Selph
Bell	Friedman	Mackenzie	Shackelford
Brantley	Gallagher	Martin	Shelley
Bronson	Gardner	McEwan	Simon
Brown, C	Grant	Meffert	Simone
Brown, T C	Grindle	Messersmith	Smith
Burnsed	Gustafson	Metcalf	Stewart
Carlton	Hanson	Mills	Thompson
Carpenter	Harris	Mitchell	Titone
Casas	Hawkins, L. R	Murphy	Tobiassen
Clark	Hazouri	Nergard	Tobin
Clements	Healey	Ogden	Upchurch
Combee	Hill	Patchett	Wallace
Cortina	Hodges	Peeples	Watt
Cosgrove	Hollingsworth	Press	Webster
Crady	Jamerson	Ready	Weinstock
Crotty	Johnson, B L	Reynolds	Williams
Danson	Johnson, R. M	Richmond	Woodruff

Nays—None

Votes after roll call

Yeas—Dunbar, Thomas, Ward, Kutun, Wetherell

So the bill passed, as amended by the Senate amendment. The action was certified to the Senate and the bill was ordered enrolled after engrossment

*The Honorable H Lee Moffitt, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS/HB 487, with amendment, and requests the concurrence of the House

*Joe Brown, Secretary*

By the Committee on Judiciary and Representative Deutsch and others—

**CS/HB 487**—A bill to be entitled An act relating to visitation rights; creating s 61 1301, F S, providing for visitation rights of grandparents; repealing s 68.08, F S, relating to visitation rights of grandparents, providing an effective date

**Senate Amendment 1**—On page 1, lines 23-28, strike all of said lines and renumber subsequent subsections

On motion by Rep Deutsch, the House concurred in the Senate amendment The question recurred on the passage of CS/HB 487 The vote was

Yeas—100

The Chair	Drage	Lewis	Robinson
Abrams	Dudley	Liberti	Rochlin
Armstrong	Dunbar	Lippman	Ros
Arnold	Easley	Locke	Sample
Bailey	Figg	Logan	Sanderson
Bankhead	Friedman	Mackenzie	Sansom
Bass	Gallagher	Martin	Selph
Bell	Gardner	McEwan	Shackelford
Bronson	Gordon	Meffert	Shelley
Brown, C	Grindle	Messersmith	Simon
Brown, T C	Gustafson	Metcalf	Simone
Burnsed	Hanson	Mills	Smith
Carlton	Harris	Mitchell	Stewart
Carpenter	Hawkins, L. R	Morgan	Thompson
Casas	Hazouri	Murphy	Titone
Clark	Healey	Nergard	Tobiassen
Clements	Hodges	Ogden	Tobin
Combee	Hollingsworth	Patchett	Upchurch
Cortina	Jamerson	Peeples	Wallace
Cosgrove	Johnson, B L	Press	Watt
Crady	Johnson, R M	Ready	Webster
Danson	Jones, D L	Reaves	Weinstock
Dantzler	Kutun	Reddick	Wetherell
Davis	Lawson	Reynolds	Williams
Deutsch	Lehtinen	Richmond	Woodruff

Nays—6

Brantley	Crotty	Grant	Hill
Burrall	Evans-Jones		

Votes after roll call.

Yeas—Thomas, Ward, Young

So the bill passed, as amended by the Senate amendment The action was certified to the Senate and the bill was ordered enrolled after engrossment

*The Honorable H Lee Moffitt, Speaker*

I am directed to inform the House of Representatives that the Senate has passed, with amendment, CS/HB 132 and requests the concurrence of the House

*Joe Brown, Secretary*



**Journal**  
**of the**  
**S E N A T E**  
**State of Florida**

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**SIXTEENTH REGULAR SESSION**  
**UNDER THE CONSTITUTION AS REVISED IN 1968**  
**APRIL 3 THROUGH JUNE 1, 1984**

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**CS for SB 1001**—A bill to be entitled An act relating to ad valorem taxation, amending s. 192.001, F.S., amending the definition of "floating structure" to include certain structures used for mining or mineral excavation and certain other structures; providing an effective date

—was read the second time by title

Senator Neal moved the following amendment which was adopted

**Amendment 1**—On page 1, strike all of lines 22-28 and insert: property *The term A "floating structure" includes, but is not limited to, entities may be used as a residence, place of business, office, hotel or motel, restaurant or lounge, clubhouse, meeting facility, storage or parking facility, mining platform, dredge, dragline, or similar facility or entity may be represented as such* Floating structures are expressly

On motion by Senator Neal, by two-thirds vote CS for SB 1001 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was.

Yeas—34

Mr President	Frank	Johnston	Rehm
Beard	Gersten	Kirkpatrick	Scott
Carlucci	Girardeau	Langley	Stuart
Castor	Grant	Malchon	Thomas
Childers, D	Grizzle	Mann	Thurman
Childers, W. D	Hair	Margolis	Vogt
Crawford	Henderson	McPherson	Weinstein
Deratany	Hill	Myers	
Fox	Jennings	Neal	

Nays—None

On motion by Senator Crawford, by two-thirds vote HB 1131 was withdrawn from the Committee on Commerce

On motion by Senator Crawford—

**HB 1131**—A bill to be entitled An act relating to health insurance, amending s. 627.651, F.S., requiring multiple-employer welfare arrangements to provide certain coverage, providing an effective date

—a companion measure, was substituted for SB 567 and read the second time by title. On motion by Senator Crawford, by two-thirds vote HB 1131 was read the third time by title, passed and certified to the House. The vote on passage was.

Yeas—34

Mr President	Frank	Jennings	Plummer
Beard	Gersten	Johnston	Scott
Carlucci	Girardeau	Kirkpatrick	Stuart
Castor	Grant	Langley	Thomas
Childers, D	Grizzle	Mann	Thurman
Childers, W. D.	Hair	Margolis	Vogt
Crawford	Henderson	McPherson	Weinstein
Deratany	Hill	Myers	
Fox	Jenne	Neal	

Nays—None

Vote after roll call:

Yea—Rehm

SB 567 was laid on the table

On motions by Senator Plummer, the rules were waived and by two-thirds vote CS for HB 168 was withdrawn from the Committees on Governmental Operations and Appropriations

On motion by Senator Plummer—

**CS for HB 168**—A bill to be entitled An act relating to historic preservation boards, amending ss. 266.01, 266.06, 266.101, 266.106, 266.110, 266.115, 266.201, 266.206, 266.301, 266.306, 266.401, 266.406, 266.501 and 266.506, F.S., relating to the Historic St. Augustine Preservation Board of Trustees, the Historic Pensacola Preservation Board of Trustees, the Historic Tallahassee Preservation Board of Trustees, the Historic Key West Preservation Board of Trustees, the Historic Boca Raton Preservation Board of Commissioners, the Historic Tampa-Hillsborough County Preservation Board of Trustees, and the Historic Broward County and Historic Volusia County and Flagler County Preservation Boards of Trustees, providing additional powers of the boards, providing an effective date

—a companion measure, was substituted for CS for SB 490 and read the second time by title. On motion by Senator Plummer, by two-thirds vote CS for HB 168 was read the third time by title, passed and certified to the House. The vote on passage was

Yeas—35

Mr. President	Frank	Jenne	Plummer
Beard	Gersten	Jennings	Rehm
Carlucci	Girardeau	Johnston	Scott
Castor	Gordon	Langley	Stuart
Childers, D	Grant	Mann	Thomas
Childers, W. D	Grizzle	Margolis	Thurman
Crawford	Hair	McPherson	Vogt
Deratany	Henderson	Myers	Weinstein
Fox	Hill	Neal	

Nays—None

Vote after roll call

Yea—Kirkpatrick

CS for SB 490 was laid on the table

On motion by Senator Scott, the rules were waived and by two-thirds vote CS for HB 487 was withdrawn from the Committee on Judiciary-Civil

On motion by Senator Scott—

**CS for HB 487**—A bill to be entitled An act relating to visitation rights, creating s. 61.1301, F.S., providing for visitation rights of grandparents, repealing s. 68.08, F.S., relating to visitation rights of grandparents, providing an effective date

—a companion measure, was substituted for CS for SB 371 and read the second time by title.

Senator Scott moved the following amendment which was adopted.

**Amendment 1**—On page 1, strike all of lines 23-28 and renumber subsequent subsections.

On motion by Senator Scott, by two-thirds vote CS for HB 487 as amended was read the third time by title, passed and certified to the House. The vote on passage was.

Yeas—36

Mr President	Fox	Jennings	Neal
Barron	Frank	Johnston	Plummer
Beard	Girardeau	Kirkpatrick	Rehm
Carlucci	Grant	Langley	Scott
Castor	Grizzle	Malchon	Stuart
Childers, D	Hair	Mann	Thomas
Childers, W. D	Henderson	Margolis	Thurman
Crawford	Hill	McPherson	Vogt
Deratany	Jenne	Myers	Weinstein

Nays—None

Vote after roll call

Yea—Gersten

CS for SB 371 was laid on the table

**CS for SB 626**—A bill to be entitled An act relating to ad valorem property tax exemptions, amending s. 196.1975, F.S., providing that certain nonprofit housing projects are deemed to be used for charitable purposes, providing a method for valuation of portions of certain property; providing an effective date.

—was read the second time by title

Senator Stuart moved the following amendments which were adopted:

**Amendment 1**—On page 1, line 12, insert

Section 1 Section 9 of chapter 83-71, Laws of Florida, is hereby repealed, and section 154.233, Florida Statutes, is reenacted and amended to read

Approved by the Governor May 29, 1984.

Filed in Office Secretary of State May 30, 1984.

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CHAPTER 84-64

Committee Substitute for House Bill No. 487

An act relating to visitation rights; creating s. 61.1301, F.S., providing for visitation rights of grandparents; repealing s. 68.08, F.S., relating to visitation rights of grandparents; providing an effective date.

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

Section 1. Section 61.1301, Florida Statutes, is created to read:

61.1301 Visitation rights of grandparents.--

(1) The court may, upon petition filed by a grandparent of a minor child award reasonable rights of visitation when it is in the best interest of the minor child if:

- (a) One or both parents are deceased;
- (b) The marriage of the parents has been dissolved; or
- (c) A parent has deserted the minor child.

Notice of the filing and a copy of the petition shall be served on the parents of the minor child in the manner prescribed by chapter 48.

(2) This act shall not provide for grandparent visitation rights for children placed for adoption under chapter 63 except for stepparent adoption pursuant to s. 61.1301(2).

(3) When one of the natural parents of a minor child for whom visitation rights have been granted to a grandparent, pursuant to subsection (1), remarries, any subsequent adoption by a stepparent shall not terminate any grandparental rights. However, the court may, after affording the grandparents an opportunity to be heard, determine that such termination of visitation rights is in the best interest of the child and rule accordingly.

Section 2. Section 68.08, Florida Statutes, is hereby repealed.

Section 3. This act shall take effect October 1, 1984.

Approved by the Governor May 29, 1984.

Filed in Office Secretary of State May 30, 1984.

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CHAPTER 84-65

House Bill No. 677

and is 18 years of age, the settlement may be had between the guardian and the ward under the direction of the court without notice to the next of kin, or the appointment of a guardian ad litem. A certified copy of the final settlement so made in every case must be filed with the Veterans Administration by the clerk of the court.

**History.**—s 11 ch 11906, 1927, CGL 2143, s 1, ch 73-304, s 13, ch 77-121, s 16, ch 84-62

**Note.**—Former s 294 12

**744.649 Notice of appointment of general guardian; closing of veteran's guardianship; transfer of responsibilities and penalties to general guardian.**—When the appointment of a general guardian has been made in the proper court and such guardian has qualified and taken charge of the other property of the ward, the general guardian shall file notice of such appointment in the court in which the veteran's guardianship is pending and have the veteran's guardianship settled up and closed so that the general guardian may take charge of the moneys referred to and described in ss. 744.613(2) and (3) and 744.622. When the appointment of a general guardian, whether for an incompetent or minor child or another beneficiary entitled to the benefits provided in 38 U.S.C., as amended, has been confirmed by the court having jurisdiction, such general guardian is responsible and is subject to the provisions and penalties contained in 38 U.S.C., as amended, as well as the requirements pertaining to guardians as set forth in this part.

**History.**—s 6, ch 11906, 1927, CGL 2138, s 17, ch 84-62

**Note.**—Former s 294 07

**744.652 Construction and application of part.**—This part shall be construed liberally to secure the beneficial intents and purposes of this part and applies only to beneficiaries of the Veterans Administration. It shall be so interpreted and construed as to effectuate its general purpose of making the welfare of such beneficiaries the primary concern of their guardians and of the court.

**History.**—s 17, 19, ch 14579, 1929, CGL 1936 Supp 2146(18), s 1, ch 73-304, s 18, ch 84-62

**Note.**—Former s 293 18

## CHAPTER 752

### GRANDPARENTAL VISITATION RIGHTS

- 752.01 Action by grandparent for right of visitation; when petition may be granted.
- 752.02 Persons who must be served notice of petition; manner of service.
- 752.07 Effect of adoption of child by stepparent on right of visitation, when right may be terminated.

**752.01 Action by grandparent for right of visitation; when petition may be granted.**—

(1) The court may, upon petition filed by a grandparent of a minor child, award reasonable rights of visitation to the grandparent with respect to the child when it is in the best interest of the minor child if

(a) One or both parents of the child are deceased;

(b) The marriage of the parents of the child has been dissolved; or

(c) A parent of the child has deserted the child

(2) This act does not provide for grandparental visitation rights for children placed for adoption under chapter 63 except as provided in s. 752.07 with respect to adoption by a stepparent.

**History.**—s 1, ch 84-64

**Note.**—The words "to the grandparent with respect to the child" were inserted by the editors

**Note.**—The words "of the child" were inserted by the editors

**Note.**—The words "as provided in s 752 07" were substituted by the editors for the words "pursuant to s 61 1301(2) " Section 752 07 was enacted by s 1 ch 84-64 (CS for HB 487) and represents the compilation of s 61 1301(3), as created by s 1 of that act, which subsection was renumbered from s 61 1301(2) as numbered in the unengrossed version of s 1 of CS for HB 487, to s 61 1301(3) as a result of Amendments 4 and 7 and Senate Amendment 1 to CS for HB 487, see 1984 House Journal, pp 262 and 270, and 1984 Senate Journal, p 323 respectively

**752.02 Persons who must be served notice of petition; manner of service.**—Notice of the filing of, and a copy of, the petition for grandparental visitation rights shall be served on the parents of the minor child in the manner prescribed by chapter 48.

**History.**—s 1, ch 84-64

**Note.**—The words "for grandparental visitation rights" were inserted by the editors.

**752.07 Effect of adoption of child by stepparent on right of visitation; when right may be terminated.**—When there is a remarriage of one of the natural parents of a minor child for whom visitation rights have been granted to a grandparent pursuant to s. 752.01, any subsequent adoption by the stepparent will not terminate any grandparental rights. However, the court may determine that termination of such visitation rights is in the best interest of the child and rule accordingly, after affording the grandparent an opportunity to be heard.

**History.**—s 1, ch 84-64

## CHAPTER 760

### DISCRIMINATION IN THE TREATMENT OF PERSONS

- 760.22 Definitions.
- 760.23 Discrimination in the sale or rental of housing.
- 760.24 Discrimination in the provision of brokerage services.
- 760.25 Discrimination in the financing of housing
- 760.29 Exemptions.

**760.22 Definitions.**—As used in ss. 760.20-760.37, the term.

(1) "Commission" means the Florida Commission on Human Relations.

(2) "Discriminatory housing practice" means an act that is unlawful under the terms of ss 760.20-760.37.

(3) "Dwelling" means any building or structure or portion thereof, which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered



By Committee on Judiciary and Representatives Deutsch, Silver, Drage, Kelly and others

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This public document was promulgated at an average cost of 16 cents per single page for the information of members of the Legislature and the public.

A bill to be entitled

An act relating to visitation rights; creating s. 61.1301, F.S., providing for visitation rights of grandparents; repealing s. 68.08, F.S., relating to the visitation rights of grandparents; providing an effective date.

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

Section 1. Section 61.1301, Florida Statutes, is created to read:

61.1301 Visitation rights of grandparents.--

(1) When one or both parents of a minor child are deceased or divorced, or when a parent has deserted a minor child, the court may, upon a petition filed by the grandparent of such child, award reasonable rights of visitation to the grandparent, when it is in the best interest of the child. Notice of the filing and a copy of the petition shall be served on the parents of the minor child in the manner prescribed by chapter 48.

(2) When one of the natural parents of a minor child for whom visitation rights have been granted to a grandparent, pursuant to subsection (1), remarries, any subsequent adoption by a stepparent shall not terminate any grandparental rights. However, the court may, after affording the grandparents an opportunity to be heard, determine that such termination of visitation rights is in the best interest of the child and rule accordingly.

Section 2. Section 68.08, Florida Statutes, is hereby repealed.

Section 3. This act shall take effect October 1, 1984.

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HOUSE SUMMARY

Authorizes the court to award visitation rights to grandparents when one or both parents of a minor child are deceased or divorced or when a parent has deserted a minor child.

l:hbs  
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COMMITTEE ON JUDICIARY  
STAFF SUMMARY

HB: 487 OTHER COMM. REFERENCE: \_\_\_\_\_  
SPONSOR: Representative Deutsch & others PREPARED BY: John Moser Jm  
SUBJECT: Grandparents' Visitation STAFF DIRECTOR: Richard Hixson RH  
DATE: February 29, 1984

I. SUMMARY

A. Present Situation

Section 61.13(2)(b)2.c., F.S., provides that in a dissolution of marriage proceeding the court may award the grandparents of any minor child involved, visitation rights if it is determined by the court to be in the best interest of the child. It is not required that grandparents be made parties to or be given notice to such a proceeding, nor do they have legal standing as contestants. This section is generally interpreted by the courts to mean that the grandparents may be allowed to participate in the dissolution proceeding for the purpose of allowing the court to make its determination of the best interests of the child. This grant of participation, however, does not confer a right upon the grandparents to petition the court for visitation either during the proceeding or afterward, nor to enter the action as parties or contestants. Putnal v. Putnal, 392 So.2d 613 (Fla. 5th DCA 1981). However, it appears that in jurisdictions throughout the state there is an inconsistent application of this principle.

B. Effect of Proposed Changes

This bill would create section 61.1301 which would allow grandparents to petition the court for reasonable visitation rights when one or both parents of a minor child are deceased or divorced, and this right could be exercised either at the time of the dissolution proceeding or subsequent to the proceeding or death of a parent. It would require that the parents of the minor child be given notice of the filing and a copy of the petition.

Any subsequent adoption by a step-parent of the child will not extinguish the grandparents' rights although the court may terminate the visitation rights if it is in the best interest of the child and the grandparents have been given an opportunity to be heard.

II. FISCAL IMPACT

None.



COMMITTEE ON JUDICIARY  
STAFF SUMMARY

CS for HB: 487

OTHER COMM. REFERENCE: \_\_\_\_\_

SPONSOR: Rep. Deutsch and others

PREPARED BY: John Moser *JM*

SUBJECT: Grandparents' Visitation

STAFF DIRECTOR: Richard Hixson *RH*

DATE: April 4, 1984

I. SUMMARY

A. Present Situation

Section 61.13(2)(b)2.c., F.S., provides that in a dissolution of marriage proceeding the court may award the grandparents of any minor child involved, visitation rights if it is determined by the court to be in the best interest of the child. It is not required that grandparents be made parties to or be given notice to such a proceeding, nor do they have legal standing as contestants. This section is generally interpreted by the courts to mean that the grandparents may be allowed to participate in the dissolution proceeding for the purpose of allowing the court to make its determination of the best interests of the child. This grant of participation, however, does not confer a right upon the grandparents to petition the court for visitation either during the proceeding or afterward, nor to enter the action as parties or contestants. Putnal v. Putnal, 392 So.2d 613 (Fla. 5th DCA 1981). However, it appears that in jurisdictions throughout the state there is an inconsistent application of this principle.

B. Effect of Proposed Changes

This bill would create section 61.1301 which would allow grandparents to petition the court for reasonable visitation rights when one or both parents of a minor child are deceased, divorced, or have deserted the child. This right could be exercised either at the time of the dissolution proceeding or subsequent to the proceeding, death or desertion. It would require that the parents of the minor child be given notice of the filing and a copy of the petition.

Section 68.08 would be repealed because the provisions of that section are incorporated into the new section created by the bill.

Any subsequent adoption by a step-parent of the child will not extinguish the grandparents' rights although the court may terminate the visitation rights if it is in the best interest of the child and the grandparents have been given an opportunity to be heard.

II. FISCAL IMPACT

None.

COMPARISON OF F.S. 61.16

AND REPRESENTATIVE UPCHURCH'S AMENDMENT TO CS/HB 487

Amendment

61.16

Scope:

- Specifically sets forth fees in grandparents visitation actions

Scope:

- Pertains to any proceeding under this chapter

Judicial Standard:

- Court to use discretion in awarding

Judicial Standard:

- Court may award after consideration of the financial resources of both parties

What Fees Entailed:

- Reasonable attorney's fees and suit money, including temporary attorney's fees

What Fees Entailed:

- Reasonable amount of attorney's fees, suit money, and the cost of maintaining or defending any proceeding under this chapter

\*No provision for temporary attorney fees

Method of Payment:

- No provision

Method of Payment:

- Court may order the amount be paid directly to the attorney who may enforce the payment in his name





all CS 371

31-674-84

See HB 487

SB 371  
SCOTT

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A bill to be entitled

An act relating to visitation rights; amending  
s. 61.13, F.S., eliminating the prohibition  
against grandparents being considered  
"contestants" with respect to certain  
dissolution proceedings; creating s. 61.1301,  
F.S., providing for visitation rights of  
grandparents; providing an effective date.

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

Section 1. Paragraph (b) of subsection (2) of section  
61.13, Florida Statutes, is amended to read:

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

(2)

(b)1. The court shall determine all matters relating  
to custody of each minor child of the parties as a part of any  
proceeding under this chapter in accordance with the best  
interests of the child and in accordance with the Uniform  
Child Custody Jurisdiction Act. It is the public policy of  
this state to assure each minor child frequent and continuing  
contact with both parents after the parents have separated or  
dissolved their marriage and to encourage parents to share the  
rights and responsibilities of child rearing. Upon  
considering all relevant factors, the father of the child  
shall be given the same consideration as the mother in  
determining custody without regard to the age of the child.

2. The court shall order that the parental  
responsibility for a minor child be shared by both parents  
unless the court finds that shared parental responsibility

1 would be detrimental to the child. If the court determines  
2 that shared parental responsibility would be detrimental to  
3 the child, the court may order sole parental responsibility.

4 a. "Shared parental responsibility" means that both  
5 parents retain full parental rights and responsibilities with  
6 respect to their child and requires both parents to confer so  
7 that major decisions affecting the welfare of the child will  
8 be determined jointly. In ordering shared parental  
9 responsibility, the court may consider the expressed desires  
10 of the parents and may grant to one party the ultimate  
11 responsibility over specific aspects of the child's welfare or  
12 may divide those aspects between the parties based on the best  
13 interests of the child. When it appears to the court to be in  
14 the best interests of the child, the court may order or the  
15 parties may agree how any such responsibility will be divided.  
16 Such areas of responsibility may include primary physical  
17 residence, education, medical and dental care, and any other  
18 responsibilities which the court finds unique to a particular  
19 family and/or in the best interests of the child.

20 b. "Sole parental responsibility" means that  
21 responsibility for the minor child is given to one parent by  
22 the court, with or without rights of visitation to the other  
23 parent.

24 c. The court may award the grandparents visitation  
25 rights of a minor child if it is deemed by the court to be in  
26 the child's best interest. Grandparents shall have legal  
27 standing to seek judicial enforcement of such an award.  
28 Nothing in this section shall be construed to require that  
29 grandparents be made parties or given notice of dissolution  
30 pleadings or proceedings; ~~nor shall such grandparents have~~  
31 ~~legal standing as "contestants" as defined in s- 61-1386. No~~

1 | court shall order that a child be kept within the state or  
2 | jurisdiction of the court solely for the purpose of permitting  
3 | visitation by the grandparents.

4 |         3. Access to records and information pertaining to a  
5 | minor child, including but not limited to medical, dental, and  
6 | school records, shall not be denied to a parent because such  
7 | parent is not the child's primary residential parent.

8 |         Section 2. Section 61.1301, Florida Statutes, is  
9 | created to read:

10 |         61.1301 Visitation rights of grandparents.--

11 |         (1) When one or both parents of a minor child are  
12 | deceased or divorced, the court may, upon a petition filed by  
13 | the grandparent of such child, award reasonable rights of  
14 | visitation to the grandparent, when it is in the best interest  
15 | of the child. Notice of the filing and a copy of the petition  
16 | shall be served on the parents of the minor child in the  
17 | manner prescribed by chapter 48.

18 |         (2) When one of the natural parents of a minor child  
19 | for whom visitation rights have been granted to a grandparent,  
20 | pursuant to subsection (1), remarries, any subsequent adoption  
21 | by a stepparent shall not terminate any grandparental rights.  
22 | However, the court may, after affording the grandparents an  
23 | opportunity to be heard, determine that such termination of  
24 | visitation rights is in the best interest of the child and  
25 | rule accordingly.

26 |         Section 3. This act shall take effect October 1, 1984.

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HOUSE SUMMARY

Eliminates a prohibition against grandparents being treated as "contestants" in certain dissolution proceedings. Authorizes the court to award visitation rights to grandparents when one or both parents of a minor child are deceased or divorced.



JCI, SCOTT

1                                   A bill to be entitled  
2           An act relating to visitation rights; creating  
3           s. 61.1301, F.S.; providing for visitation  
4           rights to grandparents of a minor child;  
5           providing for termination of visitation rights  
6           under certain circumstances; repealing s.  
7           68.08, F.S., relating to grandparents'  
8           visitation rights of minor children; providing  
9           an effective date.

10

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

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13           Section 1. Section 61 1301, Florida Statutes, is  
14 created to read:

15           61.1301 Visitation rights of grandparents.--

16           (1) The court may, upon a petition filed by a  
17 grandparent or the grandparents of a minor child, award  
18 reasonable rights of visitation when it is in the best  
19 interest of the child if:

20           (a) One or both parents are deceased;

21           (b) The marriage of the parents has been dissolved; or

22           (c) A parent has deserted the minor child.

23

24 Notice of the filing and a copy of the petition shall be  
25 served on the parents of the minor child in the manner  
26 prescribed in chapter 48.27           (2) Visitation rights awarded to grandparents pursuant  
28 to subsection (1), shall not terminate when one of the parents  
29 of a minor child remarries, or if the minor child is adopted  
30 by the stepparent. However, the court may terminate such  
31 visitation rights if it deems such action to be in the best

1 | interest of the child. The grandparents shall be given an  
2 | opportunity to appear before the court to retain visitation  
3 | rights prior to such termination.

4 |       Section 2. Section 68.08, Florida Statutes, is hereby  
5 | repealed.

6 |       Section 3. This act shall take effect October 1, 1984.

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

	<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1.	<u>Alberdi</u> <i>[Signature]</i>	<u>Alberdi</u> <i>[Signature]</i>	1. <u>JCI</u>	<u>Fav/CS</u>
2.	_____	_____	2. _____	_____
3.	_____	_____	3. _____	_____

SUBJECT:

Dissolution of Marriage

BILL NO. AND SPONSOR:

CS/SB 371 by  
Judiciary-Civil Committee and  
Senator Scott

I. SUMMARY:

A. Present Situation:

Currently, in a dissolution of marriage proceeding, a court may award visitation rights to the grandparents of a minor child if the court deems it to be in the best interest of the child. Grandparents are given legal standing to seek judicial enforcement of such an award. However, it is clearly stated in s. 61.13(2), F.S., that it is not required that grandparents be made parties or given notice of dissolution pleadings or proceedings, nor shall they have legal standing as contestants in proceedings involving custody or visitation rights.

However, when grandparents are awarded visitation rights in an order granting a dissolution of marriage to the parents of their minor grandchildren, the grandparents have legal standing to seek judicial enforcement of such visitation rights.

Section 68.08, F.S., provides that any court in this state which is competent to decide child custody matters has jurisdiction to award the grandparents of minor children visitation rights upon the death of or desertion by one of the minor children's parents if it is deemed by the court to be in the best interest of the minor children.

B. Effect of Proposed Changes:

The proposed committee substitute provides that the court may, upon a petition filed by a grandparent of a minor child, award reasonable rights of visitation when it is in the best interest of the child if:

- (a) One or both parents are deceased;
- (b) The marriage of the parents has been dissolved; or
- (c) A parent has deserted the minor child.

Visitation rights awarded to a grandparent, pursuant to the conditions stated above, shall not terminate if the custodial parent of the minor child remarries, or if the child is adopted by the stepparent. However, the court may terminate such visitation rights if it deems such action to be in the best interest of the child. The grandparents shall be given an opportunity to appear before the court to retain visitation rights prior to such termination.

Section 68.08, F.S., is repealed.



II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

Since grandparents would have standing as a contestant in a proceeding involving a right to custody or visitation rights with respect to a minor child, the courts may experience an increase in caseloads.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR SENATE BILL 371

The Committee Substitute deletes the change in s. 61.13 which would have given grandparents legal standing as "contestants" in proceedings involving parties claiming a right to custody or visitation rights with respect to a minor child. In addition, the Committee Substitute makes numerous changes of a technical nature.

Committee on Judiciary-Civil

  
Staff Director