

House Bill No. 1059

An act relating to the Florida Statutes; amending ss. 447.203 and 752.01, F.S., to conform to judicial decisions holding parts of said provisions unconstitutional.

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

Section 1. Paragraph (j) of subsection (3) of section 447.203, Florida Statutes, is amended to read:

447.203 Definitions.—As used in this part:

(3) “Public employee” means any person employed by a public employer except:

~~(j) Those persons who by virtue of their positions of employment are regulated by the Florida Supreme Court pursuant to s. 15, Art. V of the State Constitution.~~

Reviser’s note.—The Florida Supreme Court in *Chiles v. State Employees Attorneys Guild*, 734 So. 2d 1030 (Fla. 1999), held s. 447.203(3)(j) unconstitutional under s. 6, Art. I of the Florida Constitution as the state failed to prove the requisite necessity for a wholesale ban on collective bargaining by government lawyers.

Section 2. Subsection (1) of section 752.01, Florida Statutes, is amended to read:

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

(1) The court shall, 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;~~

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

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

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

~~(e) The minor is living with both natural parents who are still married to each other whether or not there is a broken relationship between either or both parents of the minor child and the grandparents, and either or both parents have used their parental authority to prohibit a relationship between the minor child and the grandparents.~~

Reviser's note.—The Florida Supreme Court in *Von Eiff v. Azicri*, 720 So. 2d 510 (Fla. 1998), held s. 752.01(1)(a) facially unconstitutional as it impermissibly infringes on privacy rights protected by s. 23, Art. I of the Florida Constitution. The Florida Supreme Court in *Beagle v. Beagle*, 678 So. 2d 1271 (Fla. 1996), held s. 752.01(1)(e) facially unconstitutional as it constitutes impermissible state interference with parental rights protected by either s. 23, Art. I of the Florida Constitution or the due process clause of the Fourteenth Amendment to the United States Constitution.

Approved by the Governor May 25, 2000.

Filed in Office Secretary of State May 25, 2000.