

By the Committees on Rules; and Judiciary; and Senators Perry, Rouson, and Book

595-03324-22

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1 A bill to be entitled  
2 An act relating to grandparent visitation rights;  
3 amending s. 752.011, F.S.; creating a presumption for  
4 maternal or paternal grandparent or stepgrandparent  
5 visitation of a child under certain circumstances;  
6 providing a burden for overcoming such presumption;  
7 providing an effective date.

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

10  
11 Section 1. Present subsections (2) through (11) of section  
12 752.011, Florida Statutes, are redesignated as subsections (3)  
13 through (12), respectively, a new subsection (2) is added to  
14 that section, and present subsections (4) and (5) of that  
15 section are amended, to read:

16 752.011 Petition for grandparent visitation with a minor  
17 child.—A grandparent of a minor child whose parents are  
18 deceased, missing, or in a persistent vegetative state, or whose  
19 one parent is deceased, missing, or in a persistent vegetative  
20 state and whose other parent has been convicted of a felony or  
21 an offense of violence evincing behavior that poses a  
22 substantial threat of harm to the minor child's health or  
23 welfare, may petition the court for court-ordered visitation  
24 with the grandchild under this section.

25 (2) Notwithstanding subsection (1), if the court finds that  
26 one parent of a child has been held criminally liable for the  
27 death of the other parent of the child or civilly liable for an  
28 intentional tort causing the death of the other parent of the  
29 child, there is a presumption for granting reasonable visitation

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30 with the petitioning grandparent or stepgrandparent if he or she  
31 is the parent of the child's deceased parent. This presumption  
32 may be overcome only if the court finds that granting such  
33 visitation is not in the best interests of the child.

34 (5) ~~(4)~~ In assessing the best interests ~~interest~~ of the  
35 child under subsection (4) ~~(3)~~, the court shall consider the  
36 totality of the circumstances affecting the mental and emotional  
37 well-being of the minor child, including:

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

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

46 (c) Whether the grandparent established ongoing personal  
47 contact with the minor child before the death of the parent,  
48 before the onset of the parent's persistent vegetative state, or  
49 before the parent was missing.

50 (d) The reasons cited by the respondent 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

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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 minor  
67 child.

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

70 (l) A written testamentary statement by the deceased parent  
71 regarding visitation with the grandparent. The absence of a  
72 testamentary statement is not deemed to provide evidence that  
73 the deceased or missing parent or parent in a persistent  
74 vegetative state would have objected to the requested  
75 visitation.

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

78 (6)~~(5)~~ In assessing material harm to the parent-child  
79 relationship under subsection (4) ~~(3)~~, the court shall consider  
80 the totality of the circumstances affecting the parent-child  
81 relationship, including:

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

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

87 (c) Whether visitation can be arranged in a manner that

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88 does not materially detract from the parent-child relationship,  
89 including the quantity of time available for enjoyment of the  
90 parent-child relationship and any other consideration related to  
91 disruption of the schedule and routine of the parent and the  
92 minor child.

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

97 (e) Whether the requested visitation would expose the minor  
98 child to conduct, moral standards, experiences, or other factors  
99 that are inconsistent with influences provided by the 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 Section 2. This act shall take effect July 1, 2022.