

1 A bill to be entitled
 2 An act relating to grandparent visitation; amending s.
 3 752.011, F.S.; revising the criteria required for the
 4 grandparent of a minor child to petition the court for
 5 grandparent visitation; providing an effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:

8
 9 **Section 1. Section 752.011, Florida Statutes, is amended**
 10 **to read:**

11 752.011 Petition for grandparent visitation with a minor
 12 child.—A grandparent of a minor child ~~whose parents are~~
 13 ~~deceased, missing, or in a persistent vegetative state, or whose~~
 14 ~~one parent is deceased, missing, or in a persistent vegetative~~
 15 ~~state and whose other parent has been convicted of a felony or~~
 16 ~~an offense of violence evincing behavior that poses a~~
 17 ~~substantial threat of harm to the minor child's health or~~
 18 ~~welfare,~~ may petition the court for court-ordered visitation
 19 with the grandchild under this section if the minor child's
 20 parents are divorced or if one or both of the minor child's
 21 parents are deceased, missing, or in a persistent vegetative
 22 state.

23 (1) Upon the filing of a petition by a grandparent for
 24 visitation, the court shall hold a preliminary hearing to
 25 determine whether the petitioner has made a prima facie showing

26 | that the minor child's parents are divorced or one or both of
27 | the minor child's parents are deceased, missing, or in a
28 | persistent vegetative state ~~of parental unfitness or significant~~
29 | ~~harm to the child.~~ Absent such a showing, the court shall
30 | dismiss the petition and may award reasonable attorney fees and
31 | costs to be paid by the petitioner to the respondent.

32 | ~~(2) Notwithstanding subsection (1), if the court finds~~
33 | ~~that one parent of a child has been held criminally liable for~~
34 | ~~the death of the other parent of the child or civilly liable for~~
35 | ~~an intentional tort causing the death of the other parent of the~~
36 | ~~child, there is a presumption for granting reasonable visitation~~
37 | ~~with the petitioning grandparent or stepgrandparent if he or she~~
38 | ~~is the parent of the child's deceased parent. This presumption~~
39 | ~~may only be overcome if the court finds that granting such~~
40 | ~~visitation is not in the best interests of the child.~~

41 | (2) ~~(3)~~ If the court finds that there is prima facie
42 | evidence that the minor child's parents are divorced or one or
43 | both of the minor child's parents are deceased, missing, or in a
44 | persistent vegetative state ~~a parent is unfit or that there is~~
45 | ~~significant harm to the child,~~ the court may appoint a guardian
46 | ad litem and must ~~shall~~ refer the matter to family mediation as
47 | provided in s. 752.015. If family mediation does not
48 | successfully resolve the issue of grandparent visitation, the
49 | court must ~~shall~~ proceed with a final hearing.

50 | (3) ~~(4)~~ After conducting a final hearing on the issue of

51 visitation, the court may award reasonable visitation to the
52 grandparent with respect to the minor child if the court finds
53 by clear and convincing evidence that the minor child's parents
54 are divorced or one or both of the minor child's parents are
55 deceased, missing, or in a persistent vegetative state ~~a parent~~
56 ~~is unfit or that there is significant harm to the child~~, that
57 visitation is in the best interest of the minor child, and that
58 the visitation will not materially harm the parent-child
59 relationship, if one exists.

60 ~~(4)(5)~~ In assessing the best interests of the child under
61 subsection (3) ~~(4)~~, the court shall consider the totality of the
62 circumstances affecting the mental and emotional well-being of
63 the minor child, including:

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

68 (b) The length and quality of the previous relationship
69 between the minor child and the grandparent, including the
70 extent to which the grandparent was involved in providing
71 regular care and support for the child.

72 (c) Whether the grandparent established ongoing personal
73 contact with the minor child before the parents divorced, before
74 the death of the parent, before the onset of the parent's
75 persistent vegetative state, or before the parent was missing.

76 (d) The reasons cited by the respondent parent in ending
77 contact or visitation between the minor child and the
78 grandparent.

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

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

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

88 (h) The present mental, physical, and emotional health of
89 the grandparent.

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

92 (j) The result of any psychological evaluation of the
93 minor child.

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

96 (l) A written testamentary statement by the deceased
97 parent regarding visitation with the grandparent. The absence of
98 a testamentary statement is not deemed to provide evidence that
99 the deceased or missing parent or parent in a persistent
100 vegetative state would have objected to the requested

101 visitation.

102 (m) Other factors that the court considers necessary to
103 making its determination.

104 (5)~~(6)~~ In assessing material harm to the parent-child
105 relationship under subsection (3) ~~(4)~~, the court shall consider
106 the totality of the circumstances affecting the parent-child
107 relationship, including:

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

111 (b) Whether visitation would materially interfere with or
112 compromise parental authority.

113 (c) Whether visitation can be arranged in a manner that
114 does not materially detract from the parent-child relationship,
115 including the quantity of time available for enjoyment of the
116 parent-child relationship and any other consideration related to
117 disruption of the schedule and routine of the parent and the
118 minor child.

119 (d) Whether visitation is being sought for the primary
120 purpose of continuing or establishing a relationship with the
121 minor child with the intent that the child benefit from the
122 relationship.

123 (e) Whether the requested visitation would expose the
124 minor child to conduct, moral standards, experiences, or other
125 factors that are inconsistent with influences provided by the

126 parent.

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

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

132 (h) The psychological toll of visitation disputes on the
133 minor child.

134 (i) Other factors that the court considers necessary in
135 making its determination.

136 (6)~~(7)~~ Part II of chapter 61 applies to actions brought
137 under this section.

138 (7)~~(8)~~ If actions under this section and s. 61.13 are
139 pending concurrently, the courts are strongly encouraged to
140 consolidate the actions in order to minimize the burden of
141 litigation on the minor child and the other parties.

142 (8)~~(9)~~ An order for grandparent visitation may be modified
143 upon a showing by the person petitioning for modification that a
144 substantial change in circumstances has occurred and that
145 modification of visitation is in the best interest of the minor
146 child.

147 (9)~~(10)~~ An original action requesting visitation under
148 this section may be filed by a grandparent only once during any
149 2-year period, except on good cause shown that the minor child
150 is suffering, or may suffer, significant and demonstrable mental

151 or emotional harm caused by a parental decision to deny
152 visitation between a minor child and the grandparent, which was
153 not known to the grandparent at the time of filing an earlier
154 action.

155 (10)~~(11)~~ This section does not provide for grandparent
156 visitation with a minor child placed for adoption under chapter
157 63 except as provided in s. 752.071 with respect to adoption by
158 a stepparent or close relative.

159 (11)~~(12)~~ Venue shall be in the county where the minor
160 child primarily resides, unless venue is otherwise governed by
161 chapter 39, chapter 61, or chapter 63.

162 **Section 2.** This act shall take effect July 1, 2025.