

By Senator Burgess

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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.; authorizing a grandparent
4 of a minor child to petition a court for court-ordered
5 visitation with the child in certain circumstances;
6 making technical changes; reenacting ss. 752.015 and
7 752.071, F.S., relating to mediation of visitation
8 disputes and the effect of adoption by a stepparent or
9 close relative, respectively, to incorporate the
10 amendments made to s. 752.011, F.S., in references
11 thereto; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 752.011, Florida Statutes, is amended to
16 read:

17 752.011 Petition for grandparent visitation with a minor
18 child.—

19 (1) (a) A grandparent of a minor child whose parents are
20 deceased, missing, or in a persistent vegetative state may
21 petition the court for court-ordered visitation with the child
22 under this section.~~7-07~~

23 (b) A grandparent of a minor child whose one parent is
24 deceased, missing, or in a persistent vegetative state and whose
25 other parent has been convicted of a felony or an offense of
26 violence evincing behavior that poses a substantial threat of
27 harm to the minor child's health or welfare~~7~~ may petition the
28 court for court-ordered visitation with the child ~~grandchild~~
29 under this section.

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30 (c) A grandparent of a minor child whose one parent is
31 deceased, missing, or in a persistent vegetative state may
32 petition the court for court-ordered visitation with the child
33 under this section if:

34 1. The child resided in the same household as the
35 grandparent for at least 6 months during the 12-month period
36 immediately preceding the parent's death, disappearance, or
37 persistent vegetative state;

38 2. The child did not live in the same household as the
39 other parent for at least 6 months during that preceding 12-
40 month period; and

41 3. Eliminating the child's contact with the grandparent
42 would pose a substantial threat of harm to the physical, mental,
43 or emotional well-being of the child.

44 (2)-(1) Upon the filing of a petition by a grandparent for
45 visitation, the court shall hold a preliminary hearing to
46 determine whether the petitioner has made a prima facie showing
47 of parental unfitness or significant harm to the child. Absent
48 such a showing, the court shall dismiss the petition and may
49 award reasonable attorney fees and costs to be paid by the
50 petitioner to the respondent.

51 (3)-(2) Notwithstanding subsection (2)-(1), if the court
52 finds that one parent of a child has been held criminally liable
53 for the death of the other parent of the child or civilly liable
54 for an intentional tort causing the death of the other parent of
55 the child, there is a presumption for granting reasonable
56 visitation with the petitioning grandparent or stepgrandparent
57 if he or she is the parent of the child's deceased parent. This
58 presumption may only be overcome if the court finds that

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59 granting such visitation is not in the best interests of the
60 child.

61 (4)~~(3)~~ If the court finds that there is prima facie
62 evidence that a parent is unfit or that there is significant
63 harm to the child, the court may appoint a guardian ad litem and
64 must ~~shall~~ refer the matter to family mediation as provided in
65 s. 752.015. If family mediation does not successfully resolve
66 the issue of grandparent visitation, the court must ~~shall~~
67 proceed with a final hearing.

68 (5)~~(4)~~ After conducting a final hearing on the issue of
69 visitation, the court may award reasonable visitation to the
70 grandparent with respect to the minor child if the court finds
71 by clear and convincing evidence that a parent is unfit or that
72 there is significant harm to the child, that visitation is in
73 the best interests ~~interest~~ of the minor child, and that the
74 visitation will not materially harm the parent-child
75 relationship.

76 (6)~~(5)~~ In assessing the best interests of the child under
77 subsection (5) ~~(4)~~, the court shall consider the totality of the
78 circumstances affecting the mental and emotional well-being of
79 the minor child, including:

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

84 (b) The length and quality of the previous relationship
85 between the minor child and the grandparent, including the
86 extent to which the grandparent was involved in providing
87 regular care and support for the child.

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88 (c) Whether the grandparent established ongoing personal
89 contact with the minor child before the death of the parent,
90 before the onset of the parent's persistent vegetative state, or
91 before the parent was missing.

92 (d) The reasons cited by the respondent parent in ending
93 contact or visitation between the minor child and the
94 grandparent.

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

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

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

104 (h) The present mental, physical, and emotional health of
105 the grandparent.

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

108 (j) The result of any psychological evaluation of the minor
109 child.

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

112 (l) A written testamentary statement by the deceased parent
113 regarding visitation with the grandparent. The absence of a
114 testamentary statement is not deemed to provide evidence that
115 the deceased or missing parent or parent in a persistent
116 vegetative state would have objected to the requested

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117 visitation.

118 (m) Other factors that the court considers necessary to
119 making its determination.

120 (7)~~(6)~~ In assessing material harm to the parent-child
121 relationship under subsection (5) ~~(4)~~, the court shall consider
122 the totality of the circumstances affecting the parent-child
123 relationship, including:

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

127 (b) Whether visitation would materially interfere with or
128 compromise parental authority.

129 (c) Whether visitation can be arranged in a manner that
130 does not materially detract from the parent-child relationship,
131 including the quantity of time available for enjoyment of the
132 parent-child relationship and any other consideration related to
133 disruption of the schedule and routine of the parent and the
134 minor child.

135 (d) Whether visitation is being sought for the primary
136 purpose of continuing or establishing a relationship with the
137 minor child with the intent that the child benefit from the
138 relationship.

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

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

144 (g) The reasons cited by the parent in ending contact or
145 visitation between the minor child and the grandparent which was

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146 previously allowed by the parent.

147 (h) The psychological toll of visitation disputes on the
148 minor child.

149 (i) Other factors that the court considers necessary in
150 making its determination.

151 (8)~~(7)~~ Part II of chapter 61 applies to actions brought
152 under this section.

153 (9)~~(8)~~ If actions under this section and s. 61.13 are
154 pending concurrently, the courts are strongly encouraged to
155 consolidate the actions in order to minimize the burden of
156 litigation on the minor child and the other parties.

157 (10)~~(9)~~ An order for grandparent visitation may be modified
158 upon a showing by the person petitioning for modification that a
159 substantial change in circumstances has occurred and that
160 modification of visitation is in the best interests ~~interest~~ of
161 the minor child.

162 (11)~~(10)~~ An original action requesting visitation under
163 this section may be filed by a grandparent only once during any
164 2-year period, except on good cause shown that the minor child
165 is suffering, or may suffer, significant and demonstrable mental
166 or emotional harm caused by a parental decision to deny
167 visitation between a minor child and the grandparent, which was
168 not known to the grandparent at the time of filing an earlier
169 action.

170 (12)~~(11)~~ This section does not provide for grandparent
171 visitation with a minor child placed for adoption under chapter
172 63 except as provided in s. 752.071 with respect to adoption by
173 a stepparent or close relative.

174 (13)~~(12)~~ Venue must ~~shall~~ be in the county where the minor

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175 child primarily resides, unless venue is otherwise governed by
176 chapter 39, chapter 61, or chapter 63.

177 Section 2. For the purpose of incorporating the amendment
178 made by this act to section 752.011, Florida Statutes, in a
179 reference thereto, section 752.015, Florida Statutes, is
180 reenacted to read:

181 752.015 Mediation of visitation disputes.—It is the public
182 policy of this state that families resolve differences over
183 grandparent visitation within the family. It is the further
184 public policy of this state that, when families are unable to
185 resolve differences relating to grandparent visitation, the
186 family participate in any formal or informal mediation services
187 that may be available. If families are unable to resolve
188 differences relating to grandparent visitation and a petition is
189 filed pursuant to s. 752.011, the court shall, if such services
190 are available in the circuit, refer the case to family mediation
191 in accordance with the Florida Family Law Rules of Procedure.

192 Section 3. For the purpose of incorporating the amendment
193 made by this act to section 752.011, Florida Statutes, in a
194 reference thereto, section 752.071, Florida Statutes, is
195 reenacted to read:

196 752.071 Effect of adoption by stepparent or close
197 relative.—After the adoption of a minor child by a stepparent or
198 close relative, the stepparent or close relative may petition
199 the court to terminate an order granting grandparent visitation
200 under this chapter which was entered before the adoption. The
201 court may terminate the order unless the grandparent is able to
202 show that the criteria of s. 752.011 authorizing the visitation
203 continue to be satisfied.

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Section 4. This act shall take effect July 1, 2025.