

By Senator Rodriguez

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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; revising the purpose for which
6 the court shall hold a certain preliminary hearing;
7 revising the circumstances in which the court may
8 appoint a guardian ad litem and must refer the matter
9 to family mediation; revising the circumstances in
10 which the court may award reasonable visitation to a
11 grandparent; 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.—A grandparent of a minor child ~~whose parents are~~
19 ~~deceased, missing, or in a persistent vegetative state, or whose~~
20 ~~one parent is deceased, missing, or in a persistent vegetative~~
21 ~~state and whose other parent has been convicted of a felony or~~
22 ~~an offense of violence evincing behavior that poses a~~
23 ~~substantial threat of harm to the minor child's health or~~
24 ~~welfare,~~ may petition the court for court-ordered visitation
25 with the grandchild under this section if the minor child's
26 parents are divorced or if one or both of the minor child's
27 parents are deceased, missing, or in a persistent vegetative
28 state.

29 (1) Upon the filing of a petition by a grandparent for

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30 visitation, the court shall hold a preliminary hearing to
31 determine whether the petitioner has made a prima facie showing
32 that the minor child's parents are divorced or one or both of
33 the minor child's parents are deceased, missing, or in a
34 persistent vegetative state ~~of parental unfitness or significant~~
35 ~~harm to the child~~. Absent such a showing, the court shall
36 dismiss the petition and may award reasonable attorney fees and
37 costs to be paid by the petitioner to the respondent.

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

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

56 (3)(4) After conducting a final hearing on the issue of
57 visitation, the court may award reasonable visitation to the
58 grandparent with respect to the minor child if the court finds

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59 by clear and convincing evidence that the minor child's parents
60 are divorced or one or both of the minor child's parents are
61 deceased, missing, or in a persistent vegetative state ~~a parent~~
62 ~~is unfit or that there is significant harm to the child~~, that
63 visitation is in the best interest of the minor child, and that
64 the visitation will not materially harm the parent-child
65 relationship, if one exists.

66 ~~(4)~~~~(5)~~ In assessing the best interests of the child under
67 subsection (3) ~~(4)~~, the court shall consider the totality of the
68 circumstances affecting the mental and emotional well-being of
69 the minor child, including:

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

74 (b) The length and quality of the previous relationship
75 between the minor child and the grandparent, including the
76 extent to which the grandparent was involved in providing
77 regular care and support for the child.

78 (c) Whether the grandparent established ongoing personal
79 contact with the minor child before the parents divorced, before
80 the death of the parent, before the onset of the parent's
81 persistent vegetative state, or before the parent was missing.

82 (d) The reasons cited by the respondent parent in ending
83 contact or visitation between the minor child and the
84 grandparent.

85 (e) Whether there has been significant and demonstrable
86 mental or emotional harm to the minor child as a result of the
87 disruption in the family unit, whether the child derived support

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88 and stability from the grandparent, and whether the continuation
89 of such support and stability is likely to prevent further harm.

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

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

94 (h) The present mental, physical, and emotional health of
95 the grandparent.

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

98 (j) The result of any psychological evaluation of the minor
99 child.

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

102 (l) A written testamentary statement by the deceased parent
103 regarding visitation with the grandparent. The absence of a
104 testamentary statement is not deemed to provide evidence that
105 the deceased or missing parent or parent in a persistent
106 vegetative state would have objected to the requested
107 visitation.

108 (m) Other factors that the court considers necessary to
109 making its determination.

110 (5)~~(6)~~ In assessing material harm to the parent-child
111 relationship under subsection (3) ~~(4)~~, the court shall consider
112 the totality of the circumstances affecting the parent-child
113 relationship, including:

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

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117 (b) Whether visitation would materially interfere with or
118 compromise parental authority.

119 (c) Whether visitation can be arranged in a manner that
120 does not materially detract from the parent-child relationship,
121 including the quantity of time available for enjoyment of the
122 parent-child relationship and any other consideration related to
123 disruption of the schedule and routine of the parent and the
124 minor child.

125 (d) Whether visitation is being sought for the primary
126 purpose of continuing or establishing a relationship with the
127 minor child with the intent that the child benefit from the
128 relationship.

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

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

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

137 (h) The psychological toll of visitation disputes on the
138 minor child.

139 (i) Other factors that the court considers necessary in
140 making its determination.

141 (6)~~(7)~~ Part II of chapter 61 applies to actions brought
142 under this section.

143 (7)~~(8)~~ If actions under this section and s. 61.13 are
144 pending concurrently, the courts are strongly encouraged to
145 consolidate the actions in order to minimize the burden of

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146 litigation on the minor child and the other parties.

147 ~~(8)-(9)~~ An order for grandparent visitation may be modified
148 upon a showing by the person petitioning for modification that a
149 substantial change in circumstances has occurred and that
150 modification of visitation is in the best interest of the minor
151 child.

152 ~~(9)-(10)~~ An original action requesting visitation under this
153 section may be filed by a grandparent only once during any 2-
154 year period, except on good cause shown that the minor child is
155 suffering, or may suffer, significant and demonstrable mental or
156 emotional harm caused by a parental decision to deny visitation
157 between a minor child and the grandparent, which was not known
158 to the grandparent at the time of filing an earlier action.

159 ~~(10)-(11)~~ This section does not provide for grandparent
160 visitation with a minor child placed for adoption under chapter
161 63 except as provided in s. 752.071 with respect to adoption by
162 a stepparent or close relative.

163 ~~(11)-(12)~~ Venue shall be in the county where the minor child
164 primarily resides, unless venue is otherwise governed by chapter
165 39, chapter 61, or chapter 63.

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