

By Senator Rodriguez

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A bill to be entitled

An act relating to grandparent visitation; amending s. 752.011, F.S.; revising the criteria required for a grandparent of a minor child to petition the court for grandparent visitation; revising the purpose for which the court shall hold a certain preliminary hearing; revising the circumstances in which the court may appoint a guardian ad litem and must refer the matter to family mediation; revising the circumstances in which the court may award reasonable visitation to a grandparent; providing an effective date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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litigation on the minor child and the other parties.

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

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

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

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

Section 2. This act shall take effect July 1, 2026.