

By Senator Burgess

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A bill to be entitled
An act relating to grandparent visitation rights;
amending s. 752.011, F.S.; authorizing a grandparent
of a minor child to petition a court for court-ordered
visitation with the child in certain circumstances;
making technical changes; reenacting ss. 752.015 and
752.071, F.S., relating to mediation of visitation
disputes and the effect of adoption by a stepparent or
close relative, respectively, to incorporate the
amendment made to s. 752.011, F.S., in references
thereto; 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.—

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

(b) A grandparent of a minor child 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 child ~~grandchild~~
under this section.

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

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

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

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

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

(3)~~(2)~~ Notwithstanding subsection (2) ~~(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

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

(4)~~(3)~~ If the court finds that there is prima facie evidence that 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.

(5)~~(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 by clear and convincing evidence that a parent is unfit or that there is significant harm to the child, that visitation is in the best interests ~~interest~~ of the minor child, and that the visitation will not materially harm the parent-child relationship.

(6)~~(5)~~ In assessing the best interests of the child under subsection (5) ~~(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.

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(c) Whether the grandparent established ongoing personal contact with the minor child 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 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

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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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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.

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

(9)~~(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 litigation on the minor child and the other parties.

(10)~~(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 interests ~~interest~~ of the minor child.

(11)~~(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.

(12)~~(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.

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

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

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

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

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

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

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Section 4. This act shall take effect July 1, 2026.