

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 amendment 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**  
16 **to 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.~~or~~

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, may petition the  
28 court for court-ordered visitation with the child ~~grandchild~~  
29 under this section.

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  
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.

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

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.

(7)~~(6)~~ In assessing material harm to the parent-child relationship under subsection (5) ~~(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.

(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

151 making its determination.

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

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

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

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

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

175 (13)~~(12)~~ Venue must ~~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. 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



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201    under this chapter which was entered before the adoption. The  
202    court may terminate the order unless the grandparent is able to  
203    show that the criteria of s. 752.011 authorizing the visitation  
204    continue to be satisfied.

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