1	A bill to be entitled
2	An act relating to grandparent visitation rights;
3	amending s. 752.011, F.S.; creating a presumption for
4	maternal or paternal grandparent or stepgrandparent
5	visitation of a child under certain circumstances;
6	providing a burden for overcoming such presumption;
7	providing an effective date.
8	
9	Be It Enacted by the Legislature of the State of Florida:
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11	Section 1. Subsections (2) through (11) of section
12	752.011, Florida Statutes, are renumbered as subsections (3)
13	through (12), respectively, present subsections (4) and (5) are
14	amended, and a new subsection (2) is added to that section, to
15	read:
16	752.011 Petition for grandparent visitation with a minor
17	childA grandparent of a minor child whose parents are
18	deceased, missing, or in a persistent vegetative state, or whose
19	one parent is deceased, missing, or in a persistent vegetative
20	state and whose other parent has been convicted of a felony or
21	an offense of violence evincing behavior that poses a
22	substantial threat of harm to the minor child's health or
23	welfare, may petition the court for court-ordered visitation
24	with the grandchild under this section.
25	(2) Notwithstanding subsection (1), if the court finds
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26 that one parent of a child has been held criminally or civilly 27 liable for the death of the other parent of the child, there is 28 a presumption for granting reasonable visitation with the 29 petitioning grandparent or stepgrandparent if he or she is the 30 parent of the child's deceased parent. This presumption may only be overcome if the court finds that granting such visitation is 31 32 not in the best interests of the child. 33 (5) (4) In assessing the best interests interest of the 34 child under subsection (4), the court shall consider the totality of the circumstances affecting the mental and emotional 35 36 well-being of the minor child, including: The love, affection, and other emotional ties existing 37 (a) 38 between the minor child and the grandparent, including those 39 resulting from the relationship that had been previously allowed by the child's parent. 40 41 (b) The length and quality of the previous relationship between the minor child and the grandparent, including the 42 43 extent to which the grandparent was involved in providing 44 regular care and support for the child. 45 Whether the grandparent established ongoing personal (C) 46 contact with the minor child before the death of the parent, 47 before the onset of the parent's persistent vegetative state, or 48 before the parent was missing. 49 The reasons cited by the respondent parent in ending (d) contact or visitation between the minor child and the 50

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51	grandparent.
52	(e) Whether there has been significant and demonstrable
53	mental or emotional harm to the minor child as a result of the
54	disruption in the family unit, whether the child derived support
55	and stability from the grandparent, and whether the continuation
56	of such support and stability is likely to prevent further harm.
57	(f) The existence or threat to the minor child of mental
58	injury as defined in s. 39.01.
59	(g) The present mental, physical, and emotional health of
60	the minor child.
61	(h) The present mental, physical, and emotional health of
62	the grandparent.
63	(i) The recommendations of the minor child's guardian ad
64	litem, if one is appointed.
65	(j) The result of any psychological evaluation of the
66	minor child.
67	(k) The preference of the minor child if the child is
68	determined to be of sufficient maturity to express a preference.
69	(1) A written testamentary statement by the deceased
70	parent regarding visitation with the grandparent. The absence of
71	a testamentary statement is not deemed to provide evidence that
72	the deceased or missing parent or parent in a persistent
73	vegetative state would have objected to the requested
74	visitation.
75	(m) Other factors that the court considers necessary to
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76 making its determination.

77 <u>(6)(5)</u> In assessing material harm to the parent-child 78 relationship under subsection <u>(4)(3)</u>, the court shall consider 79 the totality of the circumstances affecting the parent-child 80 relationship, including:

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

84 (b) Whether visitation would materially interfere with or85 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.

92 (d) Whether visitation is being sought for the primary 93 purpose of continuing or establishing a relationship with the 94 minor child with the intent that the child benefit from the 95 relationship.

96 (e) Whether the requested visitation would expose the 97 minor child to conduct, moral standards, experiences, or other 98 factors that are inconsistent with influences provided by the 99 parent.

100

(f) The nature of the relationship between the child's

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101 parent and the grandparent. 102 The reasons cited by the parent in ending contact or (q) 103 visitation between the minor child and the grandparent which was 104 previously allowed by the parent. 105 (h) The psychological toll of visitation disputes on the minor child. 106 107 (i) Other factors that the court considers necessary in 108 making its determination. 109 Section 2. This act shall take effect July 1, 2022.

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