



515886

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Judiciary (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (2) through (11) of section
752.011, Florida Statutes, are redesignated as subsections (3)
through (12), respectively, a new subsection (2) is added to
that section, and present subsections (4) and (5) of that
section are amended, to read:

752.011 Petition for grandparent visitation with a minor
child.—A grandparent of a minor child whose parents are



515886

12 deceased, missing, or in a persistent vegetative state, or whose
13 one parent is deceased, missing, or in a persistent vegetative
14 state and whose other parent has been convicted of a felony or
15 an offense of violence evincing behavior that poses a
16 substantial threat of harm to the minor child's health or
17 welfare, may petition the court for court-ordered visitation
18 with the grandchild under this section.

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

27 (5)~~(4)~~ In assessing the best interests ~~interest~~ of the
28 child under subsection (4) ~~(3)~~, the court shall consider the
29 totality of the circumstances affecting the mental and emotional
30 well-being of the minor child, including:

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

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

39 (c) Whether the grandparent established ongoing personal
40 contact with the minor child before the death of the parent,



515886

41 before the onset of the parent's persistent vegetative state, or
42 before the parent was missing.

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

46 (e) Whether there has been significant and demonstrable
47 mental or emotional harm to the minor child as a result of the
48 disruption in the family unit, whether the child derived support
49 and stability from the grandparent, and whether the continuation
50 of such support and stability is likely to prevent further harm.

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

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

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

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

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

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

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

69 (m) Other factors that the court considers necessary to



515886

70 making its determination.

71 ~~(6)~~~~(5)~~ In assessing material harm to the parent-child
72 relationship under subsection (4) ~~(3)~~, the court shall consider
73 the totality of the circumstances affecting the parent-child
74 relationship, including:

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

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

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

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

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

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

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

98 (h) The psychological toll of visitation disputes on the



515886

99 minor child.

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

102 Section 2. This act shall take effect July 1, 2022.

103

104 ===== T I T L E A M E N D M E N T =====

105 And the title is amended as follows:

106 Delete everything before the enacting clause

107 and insert:

108

A bill to be entitled

109

An act relating to grandparent visitation rights;

110

amending s. 752.011, F.S.; creating a presumption for

111

maternal or paternal grandparent or stepgrandparent

112

visitation of a child under certain circumstances;

113

providing a burden for overcoming such presumption;

114

providing an effective date.