



26 that one or both of the minor child's parents are deceased,  
 27 missing, or in a persistent vegetative state of parental  
 28 ~~unfitness or significant harm to the child.~~ Absent such a  
 29 showing, the court shall dismiss the petition and may award  
 30 reasonable attorney fees and costs to be paid by the petitioner  
 31 to the respondent.

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

41 (2)(3) If the court finds that there is prima facie  
 42 evidence that one of the minor child's parents is deceased,  
 43 missing, or in a vegetative state ~~a parent is unfit or that~~  
 44 ~~there is significant harm to the child,~~ the court may appoint a  
 45 guardian ad litem and must ~~shall~~ refer the matter to family  
 46 mediation as provided in s. 752.015. If family mediation does  
 47 not successfully resolve the issue of grandparent visitation,  
 48 the court shall proceed with a final hearing.

49 (3)(4) After conducting a final hearing on the issue of  
 50 visitation, the court may award reasonable visitation to the

51 grandparent with respect to the minor child if the court finds  
52 by clear and convincing evidence that one or both of the minor  
53 child's parents are deceased, missing, or in a persistent  
54 vegetative state ~~a parent is unfit or that there is significant~~  
55 ~~harm to the child~~, that visitation is in the best interest of  
56 the minor child, and that the visitation will not materially  
57 harm the parent-child relationship, if one exists.

58 ~~(4)-(5)~~ In assessing the best interests of the child under  
59 subsection ~~(3)-(4)~~, the court shall consider the totality of the  
60 circumstances affecting the mental and emotional well-being of  
61 the minor child, including:

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

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

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

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

76 grandparent.

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

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

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

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

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

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

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

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

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

101 making its determination.

102       ~~(5)-(6)~~ In assessing material harm to the parent-child  
103 relationship under subsection ~~(3)-(4)~~, the court shall consider  
104 the totality of the circumstances affecting the parent-child  
105 relationship, including:

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

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

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

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

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

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

126 parent and the grandparent.

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

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

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

134 (6)~~(7)~~ Part II of chapter 61 applies to actions brought  
135 under this section.

136 (7)~~(8)~~ If actions under this section and s. 61.13 are  
137 pending concurrently, the courts are strongly encouraged to  
138 consolidate the actions in order to minimize the burden of  
139 litigation on the minor child and the other parties.

140 (8)~~(9)~~ An order for grandparent visitation may be modified  
141 upon a showing by the person petitioning for modification that a  
142 substantial change in circumstances has occurred and that  
143 modification of visitation is in the best interest of the minor  
144 child.

145 (9)~~(10)~~ An original action requesting visitation under  
146 this section may be filed by a grandparent only once during any  
147 2-year period, except on good cause shown that the minor child  
148 is suffering, or may suffer, significant and demonstrable mental  
149 or emotional harm caused by a parental decision to deny  
150 visitation between a minor child and the grandparent, which was

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151 not known to the grandparent at the time of filing an earlier  
152 action.

153 (10)~~(11)~~ This section does not provide for grandparent  
154 visitation with a minor child placed for adoption under chapter  
155 63 except as provided in s. 752.071 with respect to adoption by  
156 a stepparent or close relative.

157 (11)~~(12)~~ Venue shall be in the county where the minor  
158 child primarily resides, unless venue is otherwise governed by  
159 chapter 39, chapter 61, or chapter 63.

160 Section 2. This act shall take effect July 1, 2024.