

By Senator Yarborough

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1 A bill to be entitled
2 An act relating to shared parental responsibility
3 after the establishment of paternity; amending s.
4 742.011, F.S.; authorizing a parent to request certain
5 determinations and the creation of a parenting plan
6 and time-sharing schedule; amending s. 742.10, F.S.;
7 requiring the determination of parental responsibility
8 and the establishment of a parenting plan, a time-
9 sharing schedule, or child support to be done through
10 a certain action; deleting a provision regarding
11 unchallenged acknowledgment of paternity; amending s.
12 744.301, F.S.; specifying that a mother of a child
13 born out of wedlock and the father of such child are
14 the natural guardians of the child and subject to the
15 rights and responsibilities of being parents if
16 certain conditions are met; providing an effective
17 date.

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19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Section 742.011, Florida Statutes, is amended to
22 read:

23 742.011 Proceedings for determination of paternity, rights,
24 and responsibilities ~~proceedings~~; jurisdiction.—Any woman who is
25 pregnant or has a child, any man who has reason to believe that
26 he is the father of a child, or any child may bring proceedings
27 in the circuit court, in chancery, to determine the paternity of
28 the child when paternity has not been established by law or
29 otherwise. After the birth of the child, a parent may request a

4-01618A-23

20231146

30 determination of parental responsibility and child support and
31 for the creation of a parenting plan and time-sharing schedule
32 pursuant to chapter 61.

33 Section 2. Subsection (5) of section 742.10, Florida
34 Statutes, is amended to read:

35 742.10 Establishment of paternity for children born out of
36 wedlock.—

37 (5) Regardless of whether paternity is established in an
38 action under s. 742.011 or this section, the determination of
39 parental responsibility and a parenting plan, a time-sharing
40 schedule, or child support must be established in an action
41 brought under s. 742.011 ~~Judicial or administrative proceedings~~
42 ~~are not required or permitted to ratify an unchallenged~~
43 ~~acknowledgment of paternity.~~

44 Section 3. Subsection (1) of section 744.301, Florida
45 Statutes, is amended to read:

46 744.301 Natural guardians.—

47 (1) The parents jointly are the natural guardians of their
48 own children and of their adopted children, during minority,
49 unless the parents' parental rights have been terminated
50 pursuant to chapter 39. If a child is the subject of any
51 proceeding under chapter 39, the parents may act as natural
52 guardians under this section unless the court division with
53 jurisdiction over guardianship matters finds that it is not in
54 the child's best interests. If one parent dies, the surviving
55 parent remains the sole natural guardian even if he or she
56 remarries. If the marriage between the parents is dissolved, the
57 natural guardianship belongs to the parent to whom sole parental
58 responsibility has been granted, or if the parents have been

4-01618A-23

20231146__

59 granted shared parental responsibility, both continue as natural
60 guardians. If the marriage is dissolved and neither parent is
61 given parental responsibility for the child, neither may act as
62 natural guardian of the child. The mother of a child born out of
63 wedlock and a father who has signed a voluntary acknowledgment
64 of paternity or established paternity under s. 742.011 or s.
65 742.10 are the natural guardians of the child and are entitled
66 and subject to the rights and responsibilities of parents. If a
67 father has not established paternity under s. 742.011 or s.
68 742.10, the mother of a child born out of wedlock is the natural
69 guardian of the child and is entitled to primary residential
70 care and custody of the child unless the court enters an order
71 stating otherwise.

72 Section 4. This act shall take effect July 1, 2023.