

ENROLLED

CS/CS/HB 775

2023 Legislature

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 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 child support and the creation of a parenting plan
 9 and time-sharing schedule to be done through a certain
 10 action; providing construction; amending s. 744.301,
 11 F.S.; specifying that a mother of a child born out of
 12 wedlock and a father who has established paternity of
 13 such child are the natural guardians of the child and
 14 subject to the rights and responsibilities of being
 15 parents; specifying that the mother of a child born
 16 out of wedlock is the natural guardian if a father has
 17 not established paternity; providing an effective
 18 date.

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

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

742.011 Proceedings for determination of paternity,

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26 | rights, and responsibilities ~~proceedings~~; jurisdiction.—Any
 27 | woman who is pregnant or has a child, any man who has reason to
 28 | believe that he is the father of a child, or any child may bring
 29 | proceedings in the circuit court, in chancery, to determine the
 30 | paternity of the child when paternity has not been established
 31 | by law or otherwise. After the birth of the child, a parent may
 32 | request a determination of parental responsibility and child
 33 | support and for the creation of a parenting plan and time-
 34 | sharing schedule pursuant to chapter 61.

35 | Section 2. Subsection (5) of section 742.10, Florida
 36 | Statutes, is amended to read:

37 | 742.10 Establishment of paternity for children born out of
 38 | wedlock.—

39 | (5) Regardless of whether paternity is established in an
 40 | action under s. 742.011 or this section, the determination of
 41 | parental responsibility and child support and the creation of a
 42 | parenting plan and time-sharing schedule must be established in
 43 | an action brought under s. 742.011. Judicial or administrative
 44 | proceedings are not required or permitted to ratify an
 45 | unchallenged acknowledgment of paternity. This section may not
 46 | be construed to prevent the Department of Revenue from
 47 | establishing child support by an administrative order pursuant
 48 | to s. 409.2563.

49 | Section 3. Subsection (1) of section 744.301, Florida
 50 | Statutes, is amended to read:

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51 744.301 Natural guardians.—
52 (1) The parents jointly are the natural guardians of their
53 own children and of their adopted children, during minority,
54 unless the parents' parental rights have been terminated
55 pursuant to chapter 39. If a child is the subject of any
56 proceeding under chapter 39, the parents may act as natural
57 guardians under this section unless the court division with
58 jurisdiction over guardianship matters finds that it is not in
59 the child's best interests. If one parent dies, the surviving
60 parent remains the sole natural guardian even if he or she
61 remarries. If the marriage between the parents is dissolved, the
62 natural guardianship belongs to the parent to whom sole parental
63 responsibility has been granted, or if the parents have been
64 granted shared parental responsibility, both continue as natural
65 guardians. If the marriage is dissolved and neither parent is
66 given parental responsibility for the child, neither may act as
67 natural guardian of the child. The mother of a child born out of
68 wedlock and a father who has established paternity under s.
69 742.011 or s. 742.10 are the natural guardians of the child and
70 are entitled and subject to the rights and responsibilities of
71 parents. If a father has not established paternity under s.
72 742.011 or s. 742.10(1), the mother of a child born out of
73 wedlock is the natural guardian of the child and is entitled to
74 primary residential care and custody of the child unless the
75 court enters an order stating otherwise.

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