

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; amending s. 744.301, F.S.;  
11 specifying that a mother of a child born out of  
12 wedlock and the father of such child are the natural  
13 guardians of the child and subject to the rights and  
14 responsibilities of being parents if certain  
15 conditions are met; providing an effective date.

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

18  
19 Section 1. Section 742.011, Florida Statutes, is amended  
20 to read:

21 742.011 Proceedings for determination of paternity,  
22 rights, and responsibilities ~~proceedings~~; jurisdiction.—Any  
23 woman who is pregnant or has a child, any man who has reason to  
24 believe that he is the father of a child, or any child may bring  
25 proceedings in the circuit court, in chancery, to determine the

26 paternity of the child when paternity has not been established  
 27 by law or otherwise. After the birth of the child, a parent may  
 28 request a determination of parental responsibility and child  
 29 support and for the creation of a parenting plan and time-  
 30 sharing schedule pursuant to chapter 61.

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

33 742.10 Establishment of paternity for children born out of  
 34 wedlock.—

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

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

44 744.301 Natural guardians.—

45 (1) The parents jointly are the natural guardians of their  
 46 own children and of their adopted children, during minority,  
 47 unless the parents' parental rights have been terminated  
 48 pursuant to chapter 39. If a child is the subject of any  
 49 proceeding under chapter 39, the parents may act as natural  
 50 guardians under this section unless the court division with

51 jurisdiction over guardianship matters finds that it is not in  
52 the child's best interests. If one parent dies, the surviving  
53 parent remains the sole natural guardian even if he or she  
54 remarries. If the marriage between the parents is dissolved, the  
55 natural guardianship belongs to the parent to whom sole parental  
56 responsibility has been granted, or if the parents have been  
57 granted shared parental responsibility, both continue as natural  
58 guardians. If the marriage is dissolved and neither parent is  
59 given parental responsibility for the child, neither may act as  
60 natural guardian of the child. The mother of a child born out of  
61 wedlock and a father who has signed a voluntary acknowledgment  
62 of paternity or established paternity under s. 742.011 or s.  
63 742.10 are the natural guardians of the child and are entitled  
64 and subject to the rights and responsibilities of parents. If a  
65 father has not established paternity under s. 742.011 or s.  
66 742.10(1), the mother of a child born out of wedlock is the  
67 natural guardian of the child and is entitled to primary  
68 residential care and custody of the child unless the court  
69 enters an order stating otherwise.

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