

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/CS/SB 226 — Support for Dependent Adult Children

by Children, Families, and Elder Affairs Committee; Judiciary Committee; and Senator Berman

The bill specifies procedures for effectuating the common law duty of parents to support a dependent adult child. In this context, a dependent adult child is an adult who is dependent on others for care or support because of a mental or physical incapacity that began before the age of 18. This duty of support is detailed in court opinions and is recognized in the Florida Statutes, but the procedures for a dependent adult child to obtain support are not clear.

The bill creates s. 61.1255, F.S., to codify the common law obligation of a parent to support a dependent adult child after he or she reaches the age of majority. The bill specifies who may bring an action to establish such support and provides that support payments should be made directly to the dependent adult child. The bill permits a portion of the support to be placed in a special needs trust or pooled trust for the dependent adult child's benefit and prohibits a court from entering an order for support that would make the dependent adult child ineligible for programs or services the dependent adult child currently participates in, receives, or would be reasonably expected to participate in after reaching the age of majority.

The bill also creates s. 61.31, F.S., to establish new support guidelines for courts to use in support calculations for a dependent adult child. The bill permits a petition to appoint a guardian advocate to request authority to file a civil suit to establish support payments on behalf of the dependent adult child. Under the bill, any modifications and enforcement of support for a dependent adult child must be made in accordance with the requirements established for regular child support under ch. 61, F.S. The bill assigns jurisdiction over a dependent adult child and defines the court's role in such a proceeding.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 39-0; House 115-0