

By Senator Grant

13-1151A-00

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A bill to be entitled
An act relating to paternity actions; amending
s. 742.031, F.S.; limiting paternity actions to
nonjury trials; providing an effective date.

WHEREAS, it is in the interest of this state to promote
the health, well-being, and financial stability of its
children, and
WHEREAS, there is an overwhelming public necessity to
ensure that families in this state are able to support and
nurture the growth and development of their children, and
WHEREAS, the Federal Government has recently enacted
legislation granting states more funding and greater
flexibility through provisions for penalties and incentives
for purposes of implementing and strengthening the
effectiveness of child-support enforcement programs and child
care and child welfare services, and
WHEREAS, the viability of child support enforcement
programs and child care and child welfare services such as the
Temporary Assistance for Needy Families block grants are
threatened as the receipt of funds for these programs and
services is conditioned on state compliance with specific
federal requirements, including the expansion of expedited
summary procedures to establish paternity and the mandate to
eliminate the right to jury trial in paternity actions, and
WHEREAS, the establishment of paternity in this state
is a prerequisite to the establishment, modification,
collection, and enforcement of child support and may be
established through a nonjury or jury trial in a paternity
action, and

1 WHEREAS, the Legislature has enacted the same statutory
2 procedural protections for nonjury trials in paternity actions
3 as those afforded in jury trials such that these protections
4 have largely superseded the historical role juries have played
5 in the establishment of paternity, and

6 WHEREAS, the state courts, in accordance with statute,
7 have admitted results of specific types of genetic testing in
8 paternity actions based on the underlying scientific principle
9 that these tests have gained general acceptance as reliable in
10 the relevant scientific community if the techniques and
11 methods used in the testing process were conducted by a
12 qualified technical laboratory that followed generally
13 accepted testing procedures to protect against false tests and
14 contamination, and

15 WHEREAS, the state courts, in accordance with statute,
16 are required to provide notice of and right to challenge the
17 results of genetic testing and to allow expert testimony to
18 contest or support the testing procedure or results in
19 paternity actions, and

20 WHEREAS, the request for jury trials in paternity
21 actions in this state has declined to one or two requests a
22 year, and

23 WHEREAS, the elimination of the right to jury trial
24 will not otherwise affect the parties' rights to establish
25 paternity, NOW, THEREFORE,

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Section 742.031, Florida Statutes, is
30 amended to read:

31

1 742.031 Hearings; court orders for support, hospital
2 expenses, and attorney's fee.--

3 (1) Hearings for the purpose of establishing or
4 refuting the allegations of the complaint and answer shall be
5 held by the court without a jury in the chambers and may be
6 restricted to persons, in addition to the parties involved and
7 their counsel, as the judge in his or her discretion may
8 direct. The court shall determine the issues of paternity of
9 the child and the ability of the parents to support the child.
10 Each party's social security number shall be recorded in the
11 file containing the adjudication of paternity. If the court
12 finds that the alleged father is the father of the child, it
13 shall so order. If appropriate, the court shall order the
14 father to pay the complainant, her guardian, or any other
15 person assuming responsibility for the child moneys sufficient
16 to pay reasonable attorney's fees, hospital or medical
17 expenses, cost of confinement, and any other expenses incident
18 to the birth of the child and to pay all costs of the
19 proceeding. Bills for pregnancy, childbirth, and scientific
20 testing are admissible as evidence without requiring
21 third-party foundation testimony, and shall constitute prima
22 facie evidence of amounts incurred for such services or for
23 testing on behalf of the child. The court shall order either
24 or both parents owing a duty of support to the child to pay
25 support pursuant to s. 61.30. The court shall issue, upon
26 motion by a party, a temporary order requiring the provision
27 of child support pursuant to s. 61.30 pending an
28 administrative or judicial determination of parentage, if
29 there is clear and convincing evidence of paternity on the
30 basis of genetic tests or other evidence. The court may also
31 make a determination as to the parental responsibility and

1 residential care and custody of the minor children in
2 accordance with chapter 61.

3 Section 2. This act shall take effect upon becoming a
4 law.

5
6 *****

7 SENATE SUMMARY

8 Provides that actions to determine paternity will be held
9 by the court without a jury.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31