

By the Committees on Judiciary; and Children, Families, and Elder Affairs; and Senator Yarborough

590-03310-23

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

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Section 742.011, Florida Statutes, is amended to
25 read:

26 742.011 Proceedings for determination of paternity, rights,
27 and responsibilities ~~proceedings~~; jurisdiction.—Any woman who is
28 pregnant or has a child, any man who has reason to believe that
29 he is the father of a child, or any child may bring proceedings

590-03310-23

20231146c2

30 in the circuit court, in chancery, to determine the paternity of
31 the child when paternity has not been established by law or
32 otherwise. After the birth of a child, a parent may request a
33 determination of parental responsibility and child support and
34 for the creation of a parenting plan and time-sharing schedule
35 pursuant to chapter 61.

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

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

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

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

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

590-03310-23

20231146c2

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 paternity established 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, the mother of a child born out of wedlock
73 is the natural guardian of the child and is entitled to primary
74 residential care and custody of the child unless the court
75 enters an order stating otherwise.

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