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1                                   A bill to be entitled  
2           An act relating to support of dependent adult  
3           children; creating s. 61.1255, F.S.; defining the term  
4           "dependent adult child"; specifying that the parent of  
5           a dependent adult child is responsible for supporting  
6           the dependent adult child; specifying persons who may  
7           file an action to establish support of a dependent  
8           adult child; specifying a timeframe in which such  
9           actions may be filed; providing an exception;  
10          providing procedures for establishing such support;  
11          specifying persons to whom such support must be paid;  
12          authorizing the court to assign support to certain  
13          trusts on behalf of the dependent adult child;  
14          prohibiting the Department of Revenue from filing  
15          certain petitions; providing applicability; amending  
16          s. 61.13, F.S.; prohibiting child support from  
17          terminating on a child's 18th birthday under certain  
18          circumstances; revising the timeframe in which a court  
19          may modify child support orders; authorizing either  
20          parent to consent to mental health treatment of his or  
21          her child unless otherwise specified in the parenting  
22          plan; amending s. 61.29, F.S.; prohibiting child  
23          support guidelines from applying to certain cases;  
24          amending s. 61.30, F.S.; specifying persons for whom a  
25          court may order child support; creating s. 61.31,

26 F.S.; requiring a court to consider specified factors  
27 when determining the amount of support for a dependent  
28 adult child; authorizing the court to assign support  
29 to certain trusts on behalf of the dependent adult  
30 child; amending s. 393.12, F.S.; providing an  
31 additional circumstance under which a guardian  
32 advocate must be represented by an attorney in  
33 guardianship proceedings; authorizing a certain  
34 petition to include a specified request; amending ss.  
35 742.031 and 744.3021, F.S.; conforming provisions to  
36 changes made by the act; amending s. 742.06, F.S.;  
37 providing requirements for determining modifications  
38 of child support and time-sharing; creating s.  
39 744.1013, F.S.; providing guardianship courts with  
40 jurisdiction over claims for support of a dependent  
41 adult child; specifying persons to whom such support  
42 must be paid; authorizing the court to assign support  
43 to certain trusts on behalf of the dependent adult  
44 child; specifying that certain support orders take  
45 precedence; creating s. 744.422, F.S.; authorizing  
46 guardians of dependent adult children to petition the  
47 court for certain support payments under certain  
48 circumstances; providing requirements for determining  
49 the amount of such support; providing an effective  
50 date.

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

Section 1. Section 61.1255, Florida Statutes, is created to read:

61.1255 Support of dependent adult children; powers of court.-

(1) For purposes of this section, the term "dependent adult child" means an unmarried adult, as defined in s. 39.01, who is incapable of self-support as a result of a physical or mental incapacity that began before the person attained the age of 18.

(2) The parent of a dependent adult child is responsible for supporting that child.

(3) An action to establish support of a dependent adult child may only be filed by:

(a) The dependent adult child or his or her agent under a durable power of attorney, if the dependent adult child's right to sue or defend lawsuits has not been removed by the court, in the circuit court in the county in which the dependent adult child resides;

(b) A parent or other person on behalf of the dependent adult child under chapter 393 or chapter 744; or

(c) The dependent adult child's guardian advocate appointed under chapter 393 or guardian appointed under chapter

76 744.

77 (4) An action to establish support of a dependent adult  
 78 child may be filed at any time after he or she reaches the age  
 79 of 17 years and 6 months unless a court order for support was  
 80 established during the child's minority.

81 (5) If a court has continuing jurisdiction over the  
 82 parties based on a child support order, the parties may agree to  
 83 extend support in the existing case if they file a written  
 84 agreement, signed by both parties, with the court for approval  
 85 before the dependent adult child reaches the age of 18.

86 Otherwise, the amount of support to be paid to the dependent  
 87 adult child must be established in a guardianship proceeding or  
 88 in a separate support proceeding. This subsection does not  
 89 prohibit a court from establishing support, ordering continued  
 90 support, or enforcing or modifying a support order established  
 91 under this chapter absent an agreement by the parties.

92 (6) The payments for a support order entered after the  
 93 dependent adult child reaches the age of 18 must be paid to the  
 94 dependent adult child or his or her court-appointed guardian  
 95 advocate, guardian, or attorney in fact. However, the court may  
 96 irrevocably assign an amount of support to a special needs trust  
 97 as described in 42 U.S.C. s. 1396p(d)(4) or to a pooled trust as  
 98 described in 42 U.S.C. s. 1396p(d)(4)(C) that was established  
 99 for the dependent adult child by the dependent adult child, his  
 100 or her agent under a durable power of attorney, the court, a

101 parent or grandparent, a guardian, or a court-appointed guardian  
 102 advocate in order to maintain the dependent adult child's means-  
 103 based government benefits.

104 (7) The Department of Revenue may not file a petition to  
 105 establish, modify, or enforce a support order under this  
 106 section.

107 (8) This section only applies to a support order, as  
 108 defined in s. 61.046, for a dependent adult child. Other  
 109 decisions to be made on behalf of a dependent adult child,  
 110 including where the dependent adult child will live, must be  
 111 established in a guardianship proceeding brought under chapter  
 112 393 or chapter 744.

113 Section 2. Paragraph (a) of subsection (1) and paragraph  
 114 (b) of subsection (2) of section 61.13, Florida Statutes, are  
 115 amended to read:

116 61.13 Support of children; parenting and time-sharing;  
 117 powers of court.—

118 (1)(a) In a proceeding under this chapter, the court may  
 119 at any time order either or both parents who owe a duty of  
 120 support to a child to pay support to the other parent or, ~~in the~~  
 121 ~~ease of both parents,~~ to a third party who has custody in  
 122 accordance with the child support guidelines schedule in s.  
 123 61.30.

124 1. All child support orders and income deduction orders  
 125 entered on or after October 1, 2010, must include all of the

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126 following provide:

127 a. For child support to terminate on a child's 18th  
 128 birthday unless the court finds or previously found that the  
 129 minor child, or the child who is dependent in fact and 18 years  
 130 of age, is still in high school, and is performing in good faith  
 131 with a reasonable expectation of graduation before he or she  
 132 reaches the age of 19 ~~s. 743.07(2) applies,~~ or the continued  
 133 support is otherwise agreed to by the parties. ~~;~~

134 b. A schedule, based on the record existing at the time of  
 135 the order, stating the amount of the monthly child support  
 136 obligation for all the minor children at the time of the order  
 137 and the amount of child support that will be owed for any  
 138 remaining children after one or more of the children are no  
 139 longer entitled to receive child support. ~~;~~ ~~and~~

140 c. The month, day, and year that the reduction or  
 141 termination of child support becomes effective.

142 2. The court initially entering an order requiring one or  
 143 both parents to make child support payments has continuing  
 144 jurisdiction after the entry of the initial order to modify the  
 145 amount and terms and conditions of the child support payments if  
 146 the modification is found by the court to be in the best  
 147 interests of the child and; ~~when the child reaches majority;~~ if  
 148 there is a substantial change in the circumstances of the  
 149 parties; if the minor child, or the child who is dependent in  
 150 fact and 18 years of age, is still in high school, and is

151 performing in good faith with a reasonable expectation of  
 152 graduation before he or she reaches the age of 19 ~~s. 743.07(2)~~  
 153 ~~applies~~; or when a child is emancipated, marries, joins the  
 154 armed services, or dies. The court initially entering a child  
 155 support order has continuing jurisdiction to require the obligee  
 156 to report to the court on terms prescribed by the court  
 157 regarding the disposition of the child support payments.

158 (2)

159 (b) A parenting plan approved by the court must, at a  
 160 minimum:

161 1. Describe in adequate detail how the parents will share  
 162 and be responsible for the daily tasks associated with the  
 163 upbringing of the child. †

164 2. Include the time-sharing schedule arrangements that  
 165 specify the time that the minor child will spend with each  
 166 parent. †

167 3. Designate who will be responsible for:

168 a. Any and all forms of health care. If the court orders  
 169 shared parental responsibility over health care decisions, ~~the~~  
 170 ~~parenting plan must provide that~~ either parent may consent to  
 171 mental health treatment for the child unless otherwise stated in  
 172 the parenting plan.

173 b. School-related matters, including the address to be  
 174 used for school-boundary determination and registration.

175 c. Other activities. ~~† and~~

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176 4. Describe in adequate detail the methods and  
 177 technologies that the parents will use to communicate with the  
 178 child.

179 Section 3. Section 61.29, Florida Statutes, is amended to  
 180 read:

181 61.29 Child support guidelines; principles;  
 182 applicability.—

183 (1) The following principles establish the public policy  
 184 of the state ~~of Florida~~ in the creation of the child support  
 185 guidelines:

186 (a)~~(1)~~ Each parent has a fundamental obligation to support  
 187 his or her minor or legally dependent child.

188 (b)~~(2)~~ The guidelines schedule is based on the parent's  
 189 combined net income estimated to have been allocated to the  
 190 child as if the parents and children were living in an intact  
 191 household.

192 (c)~~(3)~~ The guidelines encourage fair and efficient  
 193 settlement of support issues between parents and minimizes the  
 194 need for litigation.

195 (2) The child support guidelines do not apply to the  
 196 amount of support for a dependent adult child as defined in s.  
 197 61.1255(1). The amount of support for a dependent adult child is  
 198 determined under s. 61.31.

199 Section 4. Paragraph (a) of subsection (1) of section  
 200 61.30, Florida Statutes, is amended to read:



201           61.30 Child support guidelines; retroactive child  
 202 support.—  
 203           (1)(a) The child support guideline amount as determined by  
 204 this section presumptively establishes the amount the trier of  
 205 fact shall order for a minor child or a child who is dependent  
 206 in fact and 18 years of age, still in high school, and is  
 207 performing in good faith with a reasonable expectation of  
 208 graduation before he or she reaches the age of 19 as child  
 209 support in an initial proceeding for such support or in a  
 210 proceeding for modification of an existing order for such  
 211 support, whether the proceeding arises under this or another  
 212 chapter. The trier of fact may order payment of child support  
 213 which varies, plus or minus 5 percent, from the guideline  
 214 amount, after considering all relevant factors, including the  
 215 needs of the child or children, age, station in life, standard  
 216 of living, and the financial status and ability of each parent.  
 217 The trier of fact may order payment of child support in an  
 218 amount which varies more than 5 percent from such guideline  
 219 amount only upon a written finding explaining why ordering  
 220 payment of such guideline amount would be unjust or  
 221 inappropriate. Notwithstanding the variance limitations of this  
 222 section, the trier of fact shall order payment of child support  
 223 which varies from the guideline amount as provided in paragraph  
 224 (11)(b) whenever any of the children are required by court order  
 225 or mediation agreement to spend a substantial amount of time

226 | with either parent. This requirement applies to any living  
 227 | arrangement, whether temporary or permanent.

228 | Section 5. Section 61.31, Florida Statutes, is created to  
 229 | read:

230 | 61.31 Amount of support for a dependent adult child.—

231 | (1) In determining the amount of support to be paid after  
 232 | a dependent adult child as defined in s. 61.1255(1) reaches 18  
 233 | years of age, the specific terms and conditions of such support,  
 234 | and the rights and duties of both parents with respect to the  
 235 | support, the court must determine and give special consideration  
 236 | to all of the following:

237 | (a) The dependent adult child's income and assets.

238 | (b) Any existing or future needs of the dependent adult  
 239 | child which are directly related to his or her mental or  
 240 | physical incapacity and the substantial care and personal  
 241 | supervision directly required by or related to that incapacity.

242 | (c) Whether a parent pays for or will pay for the care or  
 243 | supervision of the dependent adult child or provides or will  
 244 | provide substantial care or personal supervision to the  
 245 | dependent adult child himself or herself.

246 | (d) The financial resources available to each parent for  
 247 | the support, care, and supervision of the dependent adult child.

248 | (e) Any other financial resources or other resources or  
 249 | programs available for the support, care, and supervision of the  
 250 | dependent adult child.

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251       (2) The court may irrevocably assign an amount of support  
252 to a special needs trust as described in 42 U.S.C. s.  
253 1396p(d)(4) or to a pooled trust as described in 42 U.S.C. s.  
254 1396p(d)(4)(C) that was established for the dependent adult  
255 child by the dependent adult child, his or her agent under a  
256 durable power of attorney, the court, a parent or grandparent, a  
257 guardian, or a court-appointed guardian advocate in order to  
258 maintain the dependent adult child's means-based government  
259 benefits.

260       (3) The court must take into consideration any state or  
261 federal programs and benefits that the dependent adult child is  
262 receiving and the effect that ordering support would have on the  
263 dependent adult child's continued eligibility for such programs  
264 and benefits.

265       Section 6. Paragraph (b) of subsection (2) and subsection  
266 (3) of section 393.12, Florida Statutes, are amended to read:

267       393.12 Capacity; appointment of guardian advocate.—

268       (2) APPOINTMENT OF A GUARDIAN ADVOCATE.—

269       (b) A person who is being considered for appointment or is  
270 appointed as a guardian advocate does need ~~need~~ not need to be  
271 represented by an attorney unless required by the court or if  
272 the guardian advocate is delegated any rights regarding property  
273 other than the right to be the representative payee for  
274 government benefits or to receive periodic payments for the  
275 support, care, maintenance, education, or other needs of the

276 person with a developmental disability. This paragraph applies  
 277 only to proceedings relating to the appointment of a guardian  
 278 advocate and the court's supervision of a guardian advocate and  
 279 is not an exercise of the Legislature's authority under ~~pursuant~~  
 280 ~~to~~ s. 2(a), Art. V of the State Constitution.

281 (3) PETITION.—

282 (a) A petition to appoint a guardian advocate for a person  
 283 with a developmental disability may be executed by an adult  
 284 person who is a resident of this state. The petition must be  
 285 verified and must include all of the following information:

286 1.(a) ~~State~~ The name, age, and present address of the  
 287 petitioner and his or her relationship to the person with a  
 288 developmental disability.‡

289 2.(b) ~~State~~ The name, age, county of residence, and  
 290 present address of the person with a developmental disability.‡

291 3.(c) ~~Allege~~ that the petitioner believes that the person  
 292 needs a guardian advocate and specify the factual information on  
 293 which such belief is based.‡

294 4.(d) ~~Specify~~ the exact areas in which the person lacks  
 295 the decisionmaking ability to make informed decisions about his  
 296 or her care and treatment services or to meet the essential  
 297 requirements for his or her physical health or safety.‡

298 5.(e) ~~Specify~~ the legal disabilities to which the person  
 299 is subject.‡ ~~and~~

300 6.(f) ~~State~~ The name of the proposed guardian advocate,

301 the relationship of that person to the person with a  
 302 developmental disability; the relationship that the proposed  
 303 guardian advocate had or has with a provider of health care  
 304 services, residential services, or other services to the person  
 305 with a developmental disability; and the reason why this person  
 306 should be appointed.

307 7. If a willing and qualified guardian advocate cannot be  
 308 located, ~~the petition shall so state.~~

309 (b) A petition to appoint a guardian advocate may include  
 310 a request for periodic payments to be made by either or both  
 311 parents of the person with a developmental disability for the  
 312 support, care, maintenance, education, or other needs of the  
 313 person with a developmental disability.

314 Section 7. Subsection (1) of section 742.031, Florida  
 315 Statutes, is amended to read:

316 742.031 Hearings; court orders for support, hospital  
 317 expenses, and attorney fees ~~attorney's fee.~~

318 (1) Hearings for the purpose of establishing or refuting  
 319 the allegations of the complaint and answer must ~~shall~~ be held  
 320 in the chambers and may be restricted to persons, in addition to  
 321 the parties involved and their counsel, as the judge in his or  
 322 her discretion may direct. The court shall determine the issues  
 323 of paternity of the child and the ability of the parents to  
 324 support the child. Each party's social security number must  
 325 ~~shall~~ be recorded in the file containing the adjudication of

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326 paternity. If the court finds that the alleged father is the  
327 father of the child, it shall so order. If appropriate, the  
328 court shall order the father to pay the complainant, her  
329 guardian, or any other person assuming responsibility for the  
330 child moneys sufficient to pay reasonable attorney ~~attorney's~~  
331 fees, hospital or medical expenses, cost of confinement, and any  
332 other expenses incident to the birth of the child and to pay all  
333 costs of the proceeding. Bills for pregnancy, childbirth, and  
334 scientific testing are admissible as evidence without requiring  
335 third-party foundation testimony, and ~~shall~~ constitute prima  
336 facie evidence of amounts incurred for such services or for  
337 testing on behalf of the child. The court shall order either or  
338 both parents owing a duty of support to the child to pay support  
339 pursuant to chapter 61 ~~s. 61.30~~. The court shall issue, upon  
340 motion by a party, a temporary order requiring child support for  
341 a minor under ~~pursuant to~~ s. 61.30 pending an administrative or  
342 judicial determination of parentage, if there is clear and  
343 convincing evidence of paternity on the basis of genetic tests  
344 or other evidence. The court may also make a determination of an  
345 appropriate parenting plan, including a time-sharing schedule,  
346 in accordance with chapter 61.

347 Section 8. Section 742.06, Florida Statutes, is amended to  
348 read:

349 742.06 Jurisdiction retained for future orders.—The court  
350 shall retain jurisdiction of the cause for the purpose of

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351 entering such other and further orders as changing circumstances  
352 of the parties may in justice and equity require. Modifications  
353 of child support and time-sharing must be determined in  
354 accordance with chapter 61.

355 Section 9. Section 744.1013, Florida Statutes, is created  
356 to read:

357 744.1013 Jurisdiction.—The court has jurisdiction over  
358 claims for support of a dependent adult child as defined in s.  
359 61.1255(1) and shall adjudicate the financial obligation,  
360 including health insurance, of the dependent adult child's  
361 parents and enforce the financial obligation as provided under  
362 chapter 61. All support required to be paid in relation to a  
363 dependent adult child over the age of 18 must be paid to the  
364 dependent adult child or his or her court-appointed guardian  
365 advocate, guardian, or attorney in fact. However, the court may  
366 irrevocably assign the amount of support to a special needs  
367 trust as described in 42 U.S.C. s. 1396p(d)(4) or to a pooled  
368 trust as described in 42 U.S.C. s. 1396p(d)(4)(C) that was  
369 established for the dependent adult child by the dependent adult  
370 child, his or her agent under a durable power of attorney, the  
371 court, a parent or grandparent, a guardian, or a court-appointed  
372 guardian advocate in order to maintain the dependent adult  
373 child's means-based government benefits. Any order for support  
374 entered in a proceeding under this chapter or chapter 393 takes  
375 precedence over any support order entered pursuant to chapter

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376 61.

377 Section 10. Subsection (4) of section 744.3021, Florida  
378 Statutes, is amended to read:

379 744.3021 Guardians of minors.—

380 (4) If a petition is filed under ~~pursuant to~~ this section  
381 requesting appointment of a guardian for a minor who is the  
382 subject of any proceeding under chapter 39 or chapter 61 and who  
383 is aged 17 years and 6 months or older, the court division with  
384 jurisdiction over guardianship matters has jurisdiction over the  
385 proceedings under s. 744.331. The alleged incapacitated minor  
386 under this subsection shall be provided all the due process  
387 rights conferred upon an alleged incapacitated adult under  
388 ~~pursuant to~~ this chapter and applicable court rules. The order  
389 of adjudication under s. 744.331 and the letters of limited or  
390 plenary guardianship may issue upon the minor's 18th birthday or  
391 as soon thereafter as possible. Any proceeding under ~~pursuant to~~  
392 this subsection must ~~shall~~ be conducted separately from any  
393 other proceeding.

394 Section 11. Section 744.422, Florida Statutes, is created  
395 to read:

396 744.422 Petition for support of a dependent adult child.—  
397 Pursuant to s. 61.1255, the guardian of a dependent adult child  
398 may petition the court for an order requiring either or both  
399 parents of the dependent adult child to pay periodic amounts for  
400 the support, care, maintenance, education, and any other needs



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401 of the dependent adult child, if not otherwise provided for in  
402 the guardianship plan. The amount of support for the dependent  
403 adult child is determined pursuant to s. 61.31.

404       Section 12. This act shall take effect July 1, 2023.