

By Senator Bernard

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1 A bill to be entitled
2 An act relating to court-appointed social
3 investigators; amending s. 61.20, F.S.; requiring a
4 court-appointed social investigator to submit a
5 written report to the judge; providing requirements
6 for reports; amending s. 61.122, F.S.; requiring that
7 a specified investigation be undertaken before a
8 specified claim may be made against a court-appointed
9 psychologist preparing a parenting plan; requiring
10 that a certificate be filed with the claim; providing
11 for sanctions if such certificate was not made in good
12 faith; providing for an automatic stay of limitations
13 period for such investigation; providing for access to
14 records for the investigation; providing for immunity
15 from liability for compliance with certain disclosure
16 in conjunction with the investigation; creating s.
17 61.123, F.S.; requiring the Department of Children and
18 Families to develop and publish criteria for use by
19 court-appointed social investigators; providing an
20 effective date.

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

23
24 Section 1. Subsection (4) is added to section 61.20,
25 Florida Statutes, to read:

26 61.20 Social investigation and recommendations regarding a
27 parenting plan.—

28 (4) A court-appointed social investigator must submit a
29 written report to the judge, which must be accessible to all

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30 parties to a legal action and must outline the social
31 investigator's recommendations, the reasoning for the
32 recommendations, the factors considered in the recommendations,
33 and an analysis of each factor considered in making the
34 recommendations in a custody dispute, a dissolution of marriage,
35 a case of domestic violence, or a paternity matter involving the
36 relationship of a child and a parent, including time-sharing of
37 children.

38 Section 2. Present subsection (4) of section 61.122,
39 Florida Statutes, is redesignated as subsection (5) and amended,
40 a new subsection (4) is added to that section, and subsection
41 (3) of that section is amended, to read:

42 61.122 Parenting plan recommendation; presumption of
43 psychologist's good faith; prerequisite to parent's filing suit;
44 award of fees, costs, reimbursement.-

45 (3) A parent who desires to file a legal action against a
46 court-appointed psychologist who has acted in good faith in
47 developing a parenting plan recommendation must petition the
48 judge who presided over the dissolution of marriage, case of
49 domestic violence, or paternity matter involving the
50 relationship of a child and a parent, including time-sharing of
51 children, to appoint another psychologist. Upon the parent's
52 showing of good cause, the court shall appoint another
53 psychologist. The court shall determine who is responsible for
54 all court costs and attorney ~~attorney's~~ fees associated with
55 making such an appointment.

56 (4) (a) An action may not be filed, whether it is a civil
57 action, a criminal action, or an administrative proceeding,
58 against a court-appointed psychologist in a dissolution of

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59 marriage, case of domestic violence, or paternity matter
60 involving the relationship of a child and a parent, unless the
61 attorney or other person filing the action has made a reasonable
62 investigation as permitted by the circumstances to determine
63 that there are grounds for a good faith belief that there has
64 been negligence or a lack of good faith by the court-appointed
65 psychologist. The complaint or initial pleading must contain a
66 certificate stating that such reasonable investigation gave rise
67 to a good faith belief that grounds exist for an action against
68 the court-appointed psychologist. For purposes of this section,
69 good faith may be shown to exist if the claimant or his or her
70 counsel has received a written opinion of an expert, as
71 described in s. 766.102, that there appears to be evidence of
72 negligence or a lack of good faith. Such an opinion is not
73 subject to discovery by an opposing party. If the court
74 determines that such certificate was not made in good faith and
75 that no justiciable issue was presented against a court-
76 appointed psychologist who fully cooperated in providing
77 informal discovery, the court must award attorney fees and
78 taxable costs against the claimant's counsel and must submit the
79 matter to The Florida Bar for disciplinary review of the
80 attorney, if any.

81 (b) An automatic 90-day extension of the statute of
82 limitations shall be granted to allow the reasonable
83 investigation required by paragraph (a). This extension shall be
84 in addition to other tolling periods. A court order is not
85 required for the extension to be effective. This paragraph does
86 not revive a cause of action on which the statute of limitations
87 has run.

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88 (c) For purposes of conducting the investigation required
89 by this subsection, and notwithstanding any other provision of
90 law to the contrary, copies of all medical reports and records,
91 including bills, films, and other records, relating to the
92 development of the parenting plan must be made available, upon
93 request, to the plaintiff. A court-appointed psychologist
94 complying in good faith with this paragraph may not be held
95 liable for civil damages attributable to the disclosure of such
96 records or be subject to any disciplinary action based on such
97 disclosure.

98 (5)~~(4)~~ If a legal action, whether it be a civil action, a
99 criminal action, or an administrative proceeding, is filed
100 against a court-appointed psychologist in a dissolution of
101 marriage, case of domestic violence, or paternity matter
102 involving the relationship of a child and a parent, including
103 time-sharing of children, the claimant is responsible for all
104 reasonable costs and reasonable attorney ~~attorney's~~ fees
105 associated with the action for both parties if the psychologist
106 is held not liable. If the psychologist is held liable in civil
107 court, the psychologist must pay all reasonable costs and
108 reasonable attorney ~~attorney's~~ fees for the claimant.

109 Section 3. Section 61.123, Florida Statutes, is created to
110 read:

111 61.123 Criteria to be used by social investigators.—The
112 Department of Children and Families shall develop and publish a
113 set of specific enumerated criteria that court-appointed social
114 investigators may consider and weigh in evaluating the
115 appropriateness of the environment for a child in a custody
116 dispute, dissolution of marriage, case of domestic violence, or

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117 paternity matter involving the relationship of a child and a
118 parent, including time-sharing of children.

119 Section 4. This act shall take effect July 1, 2025.