

By Senator Grall

29-01215A-26

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A bill to be entitled

An act relating to family law; amending s. 26.20, F.S.; requiring that at least one judge be available in each judicial circuit on weekends, holidays, and after hours on weekdays to hear motions to enforce certain orders and agreements; requiring a chief judge to assign a circuit judge to be available for certain hearings; amending s. 61.13, F.S.; requiring that certain time-sharing matters be accorded priority on a court's calendar; providing procedural requirements for evidentiary hearings on pleadings seeking temporary parental responsibility and time-sharing schedules and on motions to enforce compliance with existing time-sharing orders or agreements; amending s. 742.031, F.S.; requiring a court to issue upon motion by a party, rather than authorizing the court to make a determination of, appropriate parenting plans in certain proceedings; deleting provisions requiring the obligee parent to receive, or the mother to be presumed to have, all time-sharing and sole parental responsibility under certain circumstances; providing an effective date.

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

Section 1. Section 26.20, Florida Statutes, is amended to read:

26.20 Availability of judge for hearings.—At least one circuit judge in each circuit must be available at all times to

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30 hold and conduct hearings with limited notice. In each circuit,  
31 there must be at least one judge available on Saturdays,  
32 Sundays, holidays, and after hours on weekdays to hear motions  
33 for a temporary injunction ex parte in domestic violence cases  
34 and motions to enforce time-sharing orders issued or agreements  
35 entered into pursuant to s. 61.13 or s. 742.031. The chief judge  
36 shall may assign a judge for this purpose.

37 Section 2. Subsection (10) is added to section 61.13,  
38 Florida Statutes, to read:

39 61.13 Support of children; parenting and time-sharing;  
40 powers of court.—

41 (10) The following time-sharing matters must be accorded  
42 priority on the court's calendar:

43 (a) An evidentiary hearing on an initial pleading seeking  
44 temporary parental responsibility and time-sharing schedule not  
45 agreed to by the parties. Each parent must file a proposed  
46 temporary parenting plan with the clerk of the court as part of  
47 his or her initial pleading seeking temporary affirmative  
48 relief. Portions of the proposed temporary parenting plans which  
49 are in agreement with each other must be adopted as a voluntary  
50 agreed schedule between the parents before an evidentiary  
51 hearing. Absent good cause, the court shall set a hearing on the  
52 contested issues within 30 days after the pleading is filed. The  
53 court may not refer the parties to mediation as a condition  
54 precedent to the court holding a hearing unless the court has  
55 the consent of both parties. The court shall issue an order on  
56 temporary parental responsibility and time-sharing within 30  
57 days after the evidentiary hearing.

58 (b) An evidentiary hearing on a motion to enforce

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59 compliance with an existing time-sharing order or agreement. The  
60 court shall set a hearing on a motion seeking to enforce  
61 compliance with an existing time-sharing order or agreement  
62 within 5 business days after the motion is filed. If the judge  
63 assigned to the case is not able to conduct the hearing within 5  
64 business days, a judge who is available pursuant to s. 26.20  
65 must hold the hearing, which may occur during regular business  
66 hours, on a Saturday, Sunday, or holiday, or after hours on a  
67 weekday.

68       Section 3. Subsections (1) and (2) of section 742.031,  
69 Florida Statutes, are amended to read:

70       742.031 Hearings; court orders for support, hospital  
71 expenses, and attorney fees.—

72       (1) Hearings for the purpose of establishing or refuting  
73 the allegations of the complaint and answer must be held in the  
74 chambers and may be restricted to persons, in addition to the  
75 parties involved and their counsel, as the judge in his or her  
76 discretion may direct. The court shall determine the issues of  
77 paternity of the child and the ability of the parents to support  
78 the child. Each party's social security number must be recorded  
79 in the file containing the adjudication of paternity. If the  
80 court finds that the alleged father is the father of the child,  
81 it must so order. If appropriate, the court may order the father  
82 to pay the complainant, her guardian, or any other person  
83 assuming responsibility for the child moneys sufficient to pay  
84 reasonable attorney fees, hospital or medical expenses, cost of  
85 confinement, and any other expenses incident to the birth of the  
86 child and to pay all costs of the proceeding. Bills for  
87 pregnancy, childbirth, and scientific testing are admissible as

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88 evidence without requiring third-party foundation testimony and  
89 constitute prima facie evidence of amounts incurred for such  
90 services or for testing on behalf of the child. The court shall  
91 order either or both parents owing a duty of support to the  
92 child to pay support under chapter 61. The court must issue,  
93 upon motion by a party, a temporary order requiring child  
94 support for a minor child under s. 61.30 pending an  
95 administrative or judicial determination of parentage if there  
96 is clear and convincing evidence of paternity on the basis of  
97 genetic tests or other evidence. The court shall, upon motion by  
98 a party, issue may also make a determination of an appropriate  
99 parenting plan, including a time-sharing schedule, in accordance  
100 with chapter 61.

101 ~~(2) If a judgment of paternity contains only a child support award with no parenting plan or time-sharing schedule, the obligee parent shall receive all of the time-sharing and sole parental responsibility without prejudice to the obligor parent. If a paternity judgment contains no such provisions, the mother shall be presumed to have all of the time-sharing and sole parental responsibility.~~

108 Section 4. This act shall take effect July 1, 2026.