

## CHAPTER 2023-209

### Committee Substitute for Committee Substitute for House Bill No. 775

An act relating to shared parental responsibility after the establishment of paternity; amending s. 742.011, F.S.; authorizing a parent to request certain determinations and the creation of a parenting plan and time-sharing schedule; amending s. 742.10, F.S.; requiring the determination of parental responsibility and child support and the creation of a parenting plan and time-sharing schedule to be done through a certain action; providing construction; amending s. 744.301, F.S.; specifying that a mother of a child born out of wedlock and a father who has established paternity of such child are the natural guardians of the child and subject to the rights and responsibilities of being parents; specifying that the mother of a child born out of wedlock is the natural guardian if a father has not established paternity; providing an effective date.

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

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

742.011 Proceedings for determination of paternity, rights, and responsibilities proceedings; jurisdiction.—Any woman who is pregnant or has a child, any man who has reason to believe that he is the father of a child, or any child may bring proceedings in the circuit court, in chancery, to determine the paternity of the child when paternity has not been established by law or otherwise. After the birth of the child, a parent may request a determination of parental responsibility and child support and for the creation of a parenting plan and time-sharing schedule pursuant to chapter 61.

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

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

(5) Regardless of whether paternity is established in an action under s. 742.011 or this section, the determination of parental responsibility and child support and the creation of a parenting plan and time-sharing schedule must be established in an action brought under s. 742.011. Judicial or administrative proceedings are not required or permitted to ratify an unchallenged acknowledgment of paternity. This section may not be construed to prevent the Department of Revenue from establishing child support by an administrative order pursuant to s. 409.2563.

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

## 744.301 Natural guardians.—

(1) The parents jointly are the natural guardians of their own children and of their adopted children, during minority, unless the parents' parental rights have been terminated pursuant to chapter 39. If a child is the subject of any proceeding under chapter 39, the parents may act as natural guardians under this section unless the court division with jurisdiction over guardianship matters finds that it is not in the child's best interests. If one parent dies, the surviving parent remains the sole natural guardian even if he or she remarries. If the marriage between the parents is dissolved, the natural guardianship belongs to the parent to whom sole parental responsibility has been granted, or if the parents have been granted shared parental responsibility, both continue as natural guardians. If the marriage is dissolved and neither parent is given parental responsibility for the child, neither may act as natural guardian of the child. The mother of a child born out of wedlock and a father who has established paternity under s. 742.011 or s. 742.10 are the natural guardians of the child and are entitled and subject to the rights and responsibilities of parents. If a father has not established paternity under s. 742.011 or s. 742.10(1), the mother of a child born out of wedlock is the natural guardian of the child and is entitled to primary residential care and custody of the child unless the court enters an order stating otherwise.

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

Approved by the Governor June 9, 2023.

Filed in Office Secretary of State June 9, 2023.