

By the Committee on Children and Families; and Senator Peaden

300-2037-02

1 A bill to be entitled
2 An act relating to the establishment of
3 paternity and child support; amending s.
4 61.13016, F.S.; authorizing the suspension of a
5 person's driver's license and motor vehicle
6 registration to enforce compliance with an
7 order to appear for genetic testing; amending
8 s. 61.1814, F.S.; providing for the deposit of
9 administration fines imposed under s. 409.256,
10 F.S., in the Child Support Enforcement
11 Application and Program Revenue Trust Fund;
12 amending s. 120.80, F.S.; providing procedures
13 for the Division of Administrative Hearings
14 with respect to entering orders under a
15 proceeding to establish paternity, to establish
16 paternity and child support, or to appear for
17 genetic testing; providing for immediate
18 judicial review of any such order; providing
19 for enforcement; amending s. 382.013, F.S.;
20 requiring that the paternity of a child
21 determined under s. 409.256, F.S., be entered
22 on the child's birth certificate; amending s.
23 409.2557, F.S.; authorizing the Department of
24 Revenue to adopt rules for administrative
25 proceedings to establish paternity, to
26 establish paternity and child support, to
27 appear for genetic testing, and to establish
28 child-support obligations; creating s. 409.256,
29 F.S.; providing definitions; authorizing the
30 Department of Revenue to commence a proceeding
31 to determine paternity or determine paternity

1 and child support under specified
2 circumstances; authorizing the department to
3 proceed against more than one putative father;
4 providing requirements for the notice of a
5 proceeding to establish paternity or paternity
6 and child support; providing for an order to
7 appear for genetic testing; providing
8 procedures under which a person ordered to
9 appear for genetic testing may contest the
10 order; providing requirements for the
11 department in scheduling genetic testing;
12 providing procedures for the department if a
13 person refuses to submit to genetic testing;
14 specifying those persons to whom the department
15 must send genetic test results; authorizing the
16 department to issue a proposed order of
17 paternity and a proposed order of paternity and
18 child support; providing for review and an
19 administrative hearing on the proposed order;
20 providing for an administrative law judge to
21 issue a final order establishing paternity or
22 paternity and child support; requiring the
23 department to notify the Office of Vital
24 Statistics that a child's paternity has been
25 established; providing for judicial review of a
26 final administrative order; providing that a
27 respondent has a duty to provide and maintain a
28 current mailing address; providing for
29 proceedings in circuit court; providing for
30 interpretation of the act regardless of a
31 person's gender; providing that the act is

1 supplemental and in addition to other remedies;
2 authorizing the Department of Revenue to adopt
3 rules; amending s. 409.2563, F.S.; revising the
4 pilot program for administrative establishment
5 of child-support obligations; providing for
6 statewide application of the procedures
7 established under the pilot program; providing
8 for the withholding of a specified portion of a
9 noncustodial parent's unemployment
10 compensation; authorizing the Division of
11 Administrative Hearings to render an income
12 deduction order; providing for the use of a
13 financial affidavit as prescribed by the
14 department; requiring an evaluation of the
15 administrative process for establishing
16 child-support obligations; requiring the Office
17 of Program Policy Analysis and Government
18 Accountability to conduct an evaluation of the
19 statewide implementation of the administrative
20 processes for establishing paternity and child
21 support; requiring a report by January 31,
22 2005; amending s. 742.10, F.S.; providing that
23 an establishment of paternity by the Department
24 of Revenue applies to ch. 742, F.S., relating
25 to determination of parentage; amending s.
26 760.40, F.S.; providing that the procedures
27 under s. 409.256, F.S., are an exception to a
28 prohibition against performing a DNA analysis
29 without a person's informed consent; providing
30 an effective date.
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Subsection (4) is added to section
4 61.13016, Florida Statutes, to read:

5 61.13016 Suspension of driver's licenses and motor
6 vehicle registrations.--

7 (4) The procedures prescribed in this section may be
8 used to enforce compliance with an order to appear for genetic
9 testing.

10 Section 2. Section 61.1814, Florida Statutes, is
11 amended to read:

12 61.1814 Child Support Enforcement Application and
13 Program Revenue Trust Fund.--The Child Support Enforcement
14 Application and Program Revenue Trust Fund is ~~hereby~~ created,
15 to be administered by the Department of Revenue. The fund
16 shall be used for the deposit of application fees of nonpublic
17 assistance applicants for child support enforcement services
18 and fines imposed under ss. 409.256(7)(b), 409.2564(8), and
19 409.2578. Moneys deposited from fines imposed under ss.
20 409.256(7)(b), 409.2564(8), and 409.2578 shall be maintained
21 separately from moneys deposited from application fees.

22 Section 3. Paragraph (c) of subsection (14) of section
23 120.80, Florida Statutes, is amended to read:

24 120.80 Exceptions and special requirements;
25 agencies.--

26 (14) DEPARTMENT OF REVENUE.--

27 (c) Proceedings to establish paternity or paternity
28 and child support; orders to appear for genetic testing;
29 proceedings for administrative ~~child~~ support
30 orders.--Notwithstanding the provisions of s. 120.569 or s.
31 120.57 to the contrary, in proceedings to establish paternity

1 or paternity and child support pursuant to s. 409.256 and
2 proceedings for the establishment of administrative support
3 orders pursuant to s. 409.2563, final orders in cases referred
4 by the Department of Revenue to the Division of Administrative
5 Hearings shall be entered by the division's administrative law
6 judge and transmitted to the Department of Revenue for filing
7 and rendering ~~indexing~~. The Department of Revenue has the
8 right to seek judicial review under s. 120.68 of a final order
9 entered by an administrative law judge. The Department of
10 Revenue and the person ordered to appear for genetic testing
11 may seek immediate judicial review under s. 120.68 of an order
12 issued by an administrative law judge pursuant to s.
13 409.256(5)(b). Final orders that adjudicate paternity or
14 paternity and child support pursuant to s. 409.256 and
15 administrative support orders rendered pursuant to s. 409.2563
16 may be enforced pursuant to s. 120.69 or, alternatively, by
17 any method prescribed by law for the enforcement of judicial
18 support orders, except contempt.

19 Section 4. Present paragraph (e) of subsection (2) of
20 section 382.013, Florida Statutes, is redesignated as
21 paragraph (f), and a new paragraph (e) is added to that
22 section to read:

23 382.013 Birth registration.--A certificate for each
24 live birth that occurs in this state shall be filed within 5
25 days after such birth with the local registrar of the district
26 in which the birth occurred and shall be registered by the
27 local registrar if the certificate has been completed and
28 filed in accordance with this chapter and adopted rules. The
29 information regarding registered births shall be used for
30 comparison with information in the state case registry, as
31 defined in chapter 61.

1 (2) PATERNITY.--

2 (e) If the paternity of the child is determined
3 pursuant to s. 409.256, the name of the father and the surname
4 of the child shall be entered on the certificate in accordance
5 with the finding and order of the Department of Revenue.

6 Section 5. Subsection (3) of section 409.2557, Florida
7 Statutes, is amended to read:

8 409.2557 State agency for administering child support
9 enforcement program.--

10 (3) SPECIFIC RULEMAKING AUTHORITY.--The department has
11 the authority to adopt rules pursuant to ss. 120.536(1) and
12 120.54 to implement all laws administered by the department in
13 its capacity as the Title IV-D agency for this state
14 including, but not limited to, the following:

15 (a) Background screening of department employees and
16 applicants, including criminal records checks;

17 (b) Confidentiality and retention of department
18 records; access to records; record requests;

19 (c) Department trust funds;

20 (d) Federal funding procedures;

21 (e) Agreements with law enforcement and other state
22 agencies; National Crime Information Center (NCIC) access;
23 Parent Locator Service access;

24 (f) Written agreements entered into between the
25 department and support obligors in establishment, enforcement,
26 and modification proceedings;

27 (g) Procurement of services by the department, pilot
28 programs, and demonstration projects;

29 (h) Management of cases by the department involving
30 any documentation or procedures required by federal or state
31 law, including but not limited to, cooperation; review and

1 adjustment; audits; interstate actions; diligent efforts for
2 service of process;
3 (i) Department procedures for orders for genetic
4 testing; subpoenas to establish, enforce, or modify orders;
5 increasing the amount of monthly obligations to secure
6 delinquent support; suspending or denying driver's and
7 professional licenses and certificates; fishing and hunting
8 license suspensions; suspending vehicle and vessel
9 registrations; screening applicants for new or renewal
10 licenses, registrations, or certificates; income deduction;
11 credit reporting and accessing; tax refund intercepts;
12 passport denials; liens; financial institution data matches;
13 expedited procedures; medical support; and all other
14 responsibilities of the department as required by state or
15 federal law;
16 (j) Collection and disbursement of support and alimony
17 payments by the department as required by federal law;
18 collection of genetic testing costs and other costs awarded by
19 the court;
20 (k) Report information to and receive information from
21 other agencies and entities;
22 (l) Provide location services, including accessing
23 from and reporting to federal and state agencies;
24 (m) Privatizing location, establishment, enforcement,
25 modification, and other functions;
26 (n) State case registry;
27 (o) State disbursement unit; ~~and~~
28 (p) Administrative proceedings to establish paternity
29 or establish paternity and child support, orders to appear for
30 genetic testing, and administrative proceedings to establish
31 child-support obligations; and

1 ~~(q)(p)~~ All other responsibilities of the department as
2 required by state or federal law.

3 Section 6. Section 409.256, Florida Statutes, is
4 created to read:

5 409.256 Administrative proceeding to establish
6 paternity or paternity and child support; order to appear for
7 genetic testing.--

8 (1) DEFINITIONS.--As used in this section, the term:

9 (a) "Custodian" means a person, other than the mother
10 or a putative father, who has physical custody of a child, or
11 with whom the child primarily resides. References in this
12 section to the obligation of a custodian to submit to genetic
13 testing mean that the custodian is obligated to submit the
14 child for genetic testing, not that the custodian must submit
15 to genetic testing.

16 (b) "Filed" means a document has been received and
17 accepted for filing at the offices of the department by the
18 clerk or an authorized deputy clerk designated by the
19 department.

20 (c) "Genetic testing" means a scientific analysis of
21 genetic markers which is performed by a qualified technical
22 laboratory only to exclude an individual as the parent of a
23 child or to show a probability of paternity.

24 (d) "Paternity proceeding" means an administrative
25 action commenced by the department to order genetic testing
26 and establish paternity pursuant to this section.

27 (e) "Paternity and child-support proceeding" means an
28 administrative action commenced by the department to order
29 genetic testing, to establish paternity, and to establish an
30 administrative support order pursuant to this section.

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1 (f) "Putative father" means an individual who is or
2 may be the biological father of a child whose paternity has
3 not been established and whose mother was unmarried when the
4 child was conceived and born.

5 (g) "Qualified technical laboratory" means a
6 genetic-testing laboratory that may be under contract with the
7 department, that uses tests and methods of a type generally
8 acknowledged as reliable by accreditation bodies designated by
9 the United States Department of Health and Human Services, and
10 that is approved by such an accreditation body. The term also
11 includes a genetic-testing laboratory used by another state,
12 if the laboratory has comparable qualifications.

13 (h) "Rendered" means that a signed written order is
14 filed with the clerk or a deputy clerk of the department and
15 served on the respondent. The date of filing must be indicated
16 on the face of the order at the time of rendition.

17 (i) "Respondent" means the person or persons served by
18 the department with a notice of proceeding pursuant to
19 subsection (4), which includes the putative father and which
20 may include the mother or the custodian of the child.

21 (j) "State" or "other state" has the meaning ascribed
22 in s. 88.1011(19).

23 (2) JURISDICTION; LOCATION OF HEARINGS; RIGHT OF
24 ACCESS TO THE COURTS.--

25 (a) The department may commence a paternity proceeding
26 or a paternity and child-support proceeding as provided by
27 subsection (4) if:

- 28 1. The child's paternity has not been established;
29 2. No one is named as the father on the child's birth
30 certificate or the person named as the father is the putative
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1 father named in an affidavit or written declaration as
2 provided by subparagraph 5.;

3 3. The child's mother was unmarried when the child was
4 conceived and born;

5 4. The department is providing services under Title
6 IV-D; and

7 5. The child's mother or a putative father has stated
8 in an affidavit or written declaration as provided by s.
9 92.525(2) that the putative father is or may be the child's
10 biological father. The affidavit or written declaration must
11 set forth the factual basis for the allegation of paternity as
12 provided by s. 742.12(2).

13 (b) If the department receives a request from another
14 state to assist in the establishment of paternity, the
15 department may serve an order to appear for genetic testing on
16 a person who resides in Florida and transmit the test results
17 to the other state without commencing a paternity proceeding
18 in this state.

19 (c) The department may use the procedures authorized
20 by this section against a nonresident over whom this state may
21 assert personal jurisdiction under chapter 48 or chapter 88.

22 (d) If a putative father, mother, or custodian in a
23 Title IV-D case voluntarily submits, the department may
24 schedule that individual or the child for genetic testing
25 without serving that individual with an order to appear for
26 genetic testing. A respondent, or other person who is subject
27 to an order to appear for genetic testing, may waive, in
28 writing or on the record at an administrative hearing, formal
29 service of notices or orders, or waive any other rights or
30 time periods prescribed by this section.

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1 (e) Whenever practicable, hearings held by the
2 Division of Administrative Hearings pursuant to this section
3 shall be held in the judicial circuit where the person
4 receiving services under Title IV-D resides or, if the person
5 receiving services under Title IV-D does not reside in this
6 state, in the judicial circuit where the respondent resides.
7 If the department and the respondent agree, the hearing may be
8 held in another location.

9 (f) The Legislature does not intend to limit the
10 jurisdiction of the circuit courts to hear and determine
11 issues regarding establishment of paternity. This section is
12 intended to provide the department with an alternative
13 procedure for establishing paternity and child-support
14 obligations in Title IV-D cases. This section does not
15 prohibit a person who has standing from filing a civil action
16 in circuit court for a determination of paternity or of
17 child-support obligations.

18 (3) MULTIPLE PUTATIVE FATHERS; MULTIPLE CHILDREN.--If
19 more than one putative father has been named, the department
20 may proceed under this section against a single putative
21 father or may proceed simultaneously against more than one
22 putative father. If a putative father has been named as a
23 possible father of more than one child born to the same
24 mother, the department may proceed to establish the paternity
25 of each child in the same proceeding.

26 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR
27 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC
28 TESTING; MANNER OF SERVICE; CONTENTS.--The department shall
29 commence a proceeding to determine paternity, or a proceeding
30 to determine both paternity and child-support, by serving the
31 respondent with a notice as provided by this section. An order

1 to appear for genetic testing may be served at the same time
2 as a notice of the proceeding or may be served separately. A
3 copy of the affidavit or written declaration upon which the
4 proceeding is based shall be provided to the respondent when
5 notice is served. A notice or order to appear for genetic
6 testing shall be served by certified mail, restricted
7 delivery, return receipt requested, or in accordance with the
8 requirements for service of process in a civil action. Service
9 by certified mail is completed when the certified mail is
10 received or refused by the addressee. For purposes of this
11 section, an employee or an authorized agent of the department
12 may serve the notice or order to appear for genetic testing
13 and execute an affidavit of service. The department may serve
14 an order to appear for genetic testing on a custodian. The
15 department shall provide a copy of the notice or order to
16 appear by regular mail to the mother and custodian, if they
17 are not respondents.

18 (a) A notice of proceeding to establish paternity must
19 state:

20 1. That the department has commenced an administrative
21 proceeding to establish whether the putative father is the
22 biological father of the child named in the notice;

23 2. The name and date of birth of the child and the
24 name of the child's mother;

25 3. That the putative father has been named in an
26 affidavit or written declaration that states the putative
27 father is or may be the child's biological father;

28 4. That the respondent is required to submit to
29 genetic testing;

30 5. That genetic testing will establish either a high
31 degree of probability that the putative father is the

1 biological father of the child or that the putative father
2 cannot be the biological father of the child;

3 6. That if the results of the genetic test do not
4 indicate a statistical probability of paternity which equals
5 or exceeds 99 percent, the paternity proceeding ends as to
6 that child unless a second or subsequent test is required;

7 7. That if the results of the genetic test indicate a
8 statistical probability of paternity which equals or exceeds
9 99 percent, the department may:

10 a. Issue a proposed order of paternity which the
11 respondent may consent to or contest at an administrative
12 hearing; or

13 b. Commence a proceeding, as provided by s. 409.2563,
14 to establish an administrative support order for the child, in
15 which notice of that proceeding will be provided to the
16 respondent by regular mail;

17 8. That, if the genetic test results indicate a
18 statistical probability of paternity which equals or exceeds
19 99 percent and a proceeding to establish an administrative
20 support order is commenced, the department will issue a
21 proposed order that addresses paternity and child support
22 which the respondent may consent to or contest at an
23 administrative hearing;

24 9. That if a proposed order of paternity or proposed
25 order of both paternity and child support is not contested,
26 the department will adopt the proposed order and render a
27 final order that establishes paternity and, if appropriate, an
28 administrative support order for the child;

29 10. That, until the proceeding is ended, the
30 respondent shall notify the department in writing of any
31 change in the respondent's mailing address and that the

1 respondent will be deemed to have received any subsequent
2 order, notice, or other paper mailed to the most recent
3 address provided or, if a more recent address is not provided,
4 to the address at which the respondent was served, and that
5 this requirement continues if the department renders a final
6 order that establishes paternity and a support order for the
7 child;

8 11. That the respondent may file an action in circuit
9 court for a determination of paternity, child-support
10 obligations, or both; and

11 12. That if the respondent files an action in circuit
12 court and serves the department with a copy of the petition or
13 complaint within 20 days after being served notice under this
14 subsection, the administrative process ends without prejudice
15 and the action must proceed in circuit court.

16 13. That, if paternity is established, the putative
17 father may file a petition in circuit court for a
18 determination of matters relating to custody and rights of
19 parental contact.

20 (b) A notice of proceeding to establish paternity and
21 child support must state the matters required by paragraph
22 (a), except for subparagraph (a)7., and must state the matters
23 required by s. 409.2563(4), to the extent that the matters
24 required by s. 409.2563(4) are not already required by and do
25 not conflict with this subsection. This section and s.
26 409.2563 apply to a proceeding commenced under this paragraph.

27 (c) The order to appear for genetic testing must
28 inform the person ordered to appear:

29 1. That the department has commenced an administrative
30 proceeding to establish whether the putative father is the
31 biological father of the child;

1 2. The name and date of birth of the child and the
2 name of the child's mother;

3 3. That the putative father has been named in an
4 affidavit or written declaration that states the putative
5 father is or may be the child's biological father;

6 4. The date, time, and place that the person ordered
7 to appear must appear to provide a sample for genetic testing;

8 5. That if the person has custody of the child whose
9 paternity is the subject of the proceeding, the person must
10 submit the child to genetic testing;

11 6. That when the samples are provided, the person
12 ordered to appear must verify his or her identity and the
13 identity of the child, if applicable, by presenting a form of
14 identification as prescribed by s. 117.05(5)(b)2., which bears
15 the photograph of the person who is providing the sample, or
16 other form of verification approved by the department;

17 7. That if the person ordered to appear submits to
18 genetic testing, the department will pay the cost of the
19 genetic testing and will provide the person ordered to appear
20 with a copy of any test results obtained;

21 8. That if the person ordered to appear does not
22 appear as ordered or refuses to submit to genetic testing
23 without good cause, the department may take one or more of
24 these actions:

25 a. Commence proceedings to suspend the driver's
26 license and motor vehicle registration of the person ordered
27 to appear, as provided by s. 61.13016;

28 b. Impose an administrative fine against the person
29 ordered to appear in the amount of \$500; or

30 c. File a petition in circuit court to establish
31 paternity and obtain a support order for the child and an

1 order for costs against the person ordered to appear,
2 including costs for genetic testing; and

3 9. That the person ordered to appear may contest the
4 order by filing a written request for informal review within
5 15 days after the date of service of the order, with further
6 rights to an administrative hearing following the informal
7 review.

8 (5) RIGHT TO CONTEST ORDER TO APPEAR FOR GENETIC
9 TESTING.--

10 (a) The person ordered to appear may contest an order
11 to appear for genetic testing by filing a written request for
12 informal review with the department within 15 days after the
13 date of service of the order. The purpose of the informal
14 review is to provide the person ordered to appear with an
15 opportunity to discuss the proceedings and the basis of the
16 order. At the conclusion of the informal review, the
17 department shall notify the person ordered to appear, in
18 writing, whether it will proceed with the order to appear. If
19 the department notifies the person ordered to appear of its
20 intent to proceed, the notice must inform the person ordered
21 to appear of the right to contest the order at an
22 administrative hearing.

23 (b) Within 15 days after the mailing date of the
24 department's notification, following an informal review, that
25 the department will proceed with an order to appear for
26 genetic testing, the person ordered to appear may file a
27 request for an administrative hearing to contest whether the
28 person should be required to submit to genetic testing. A
29 request for an administrative hearing must state the specific
30 reasons why the person ordered to appear believes he or she
31 should not be required to submit to genetic testing as

1 ordered. If the person ordered to appear files a timely
2 request for a hearing, the department shall refer the hearing
3 request to the Division of Administrative Hearings. Unless
4 otherwise provided by this section, administrative hearings
5 are governed by ch. 120 and the Uniform Rules of Procedure.
6 The administrative law judge assigned to the case shall issue
7 an order as to whether the person must submit to genetic
8 testing in accordance with the order to appear. The department
9 and the person ordered to appear may seek immediate judicial
10 review under s. 120.68 of an order issued by an administrative
11 law judge pursuant to this paragraph.

12 (c) If a timely request for an informal review or an
13 administrative hearing is filed, the department may not
14 proceed under the order to appear for genetic testing and may
15 not impose sanctions for failure or refusal to submit to
16 genetic testing until:

17 1. The department has notified the person of its
18 intent to proceed after informal review, and a timely request
19 for hearing is not filed;

20 2. The person ordered to appear withdraws the request
21 for hearing or informal review; or

22 3. The Division of Administrative Hearings issues an
23 order that the person must submit to genetic testing, or
24 issues an order closing the division's file, and that order
25 has become final.

26 (d) If a request for an informal review or
27 administrative hearing is not timely filed, the person ordered
28 to appear is deemed to have waived the right to a hearing and
29 the department may proceed under the order to appear for
30 genetic testing.

31 (6) SCHEDULING OF GENETIC TESTING.--

1 (a) The department shall notify the person ordered to
2 appear in writing of the date, time, and place at which the
3 person is required to appear for genetic testing, and of the
4 requirement to verify his or her identity, and the identity of
5 the child, if applicable, when the samples are provided by
6 presenting a form of identification as prescribed by s.
7 117.05(5)(b)2., which bears the photograph of the person who
8 is providing the sample or other form of verification approved
9 by the department. If the person ordered to appear is the
10 putative father or the mother, that person shall appear and
11 submit to genetic testing. If the person ordered to appear is
12 a custodian, or if the putative father or the mother has
13 custody of the child, that person must submit the child for
14 genetic testing.

15 (b) The department shall reschedule a genetic testing:

16 1. One time without cause if, in advance of the
17 initial test date, the person ordered to appear requests the
18 department to reschedule the test;

19 2. One time if the person ordered to appear shows good
20 cause for failure to appear for a scheduled test; and

21 3. One time upon request of a person ordered to appear
22 against whom sanctions have been imposed as provided by
23 subsection (7).

24
25 A claim of good cause for failure to appear must be filed with
26 the department within 10 days after the scheduled test date
27 and must state the facts and circumstances supporting the
28 claim. The department shall notify the person ordered to
29 appear, in writing, whether it accepts or rejects the person's
30 claim of good cause. There is not a separate right to a
31 hearing on the department's decision to accept or reject the

1 claim of good cause because the person ordered to appear may
2 raise good cause as a defense to any proceeding initiated by
3 the department under subsection (7).

4 (c) A person ordered to appear may obtain a second
5 genetic test by filing a written request for a second test
6 with the department within 15 days after the date of mailing
7 of the initial genetic testing results and by paying the
8 department in advance for the full cost of the second test.

9 (d) The department may schedule and require a
10 subsequent genetic test if it has reason to believe the
11 results of the preceding genetic test may not be reliable.

12 (e) Except as provided by paragraph (c) and subsection
13 (7), the department shall pay for the cost of genetic testing
14 ordered under this section.

15 (7) FAILURE OR REFUSAL TO SUBMIT TO GENETIC
16 TESTING.--If a person who is served with an order to appear
17 for genetic testing fails to appear without good cause, or
18 refuses to submit to testing without good cause, the
19 department may take one or more of the following actions:

20 (a) Commence proceedings to suspend the driver's
21 license and motor vehicle registration of the person ordered
22 to appear, as provided by s. 61.13016;

23 (b) Impose an administrative fine against the person
24 ordered to appear in the amount of \$500; or

25 (c) File a petition in circuit court to establish
26 paternity, obtain a support order for the child, and seek
27 reimbursement from the person ordered to appear for the full
28 cost of genetic testing incurred by the department.

29
30 As provided by s. 322.058(2), a suspended driver's license and
31 motor vehicle registration may be reinstated when the person

1 ordered to appear complies with the order to appear for
2 genetic testing. The department may collect an administrative
3 fine imposed under this subsection by using civil remedies or
4 other statutory means available to the department for
5 collecting support.

6 (8) GENETIC-TESTING RESULTS.--The department shall
7 send a copy of the genetic-testing results to the putative
8 father, to the mother, to the custodian, and to the other
9 state, if applicable. If the genetic-testing results,
10 including second or subsequent genetic-testing results, do not
11 indicate a statistical probability of paternity which equals
12 or exceeds 99 percent, the paternity proceeding ends as to
13 that child.

14 (9) PROPOSED ORDER OF PATERNITY; COMMENCEMENT OF
15 PROCEEDING TO ESTABLISH ADMINISTRATIVE SUPPORT ORDER; PROPOSED
16 ORDER OF PATERNITY AND CHILD SUPPORT.--

17 (a) If a paternity proceeding has been commenced under
18 this section and the results of genetic testing indicate a
19 statistical probability of paternity which equals or exceeds
20 99 percent, the department may:

21 1. Issue a proposed order of paternity as provided by
22 paragraph (b); or

23 2. If appropriate, delay issuing a proposed order of
24 paternity, commence, by regular mail, an administrative
25 proceeding to establish a support order for the child pursuant
26 to s. 409.2563, and issue a single proposed order that
27 addresses paternity and child support.

28 (b) A proposed order of paternity must:

29 1. State proposed findings of fact and conclusions of
30 law;

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1 2. Include a copy of the results of genetic testing;
2 and

3 3. Include notice of the respondent's right to
4 informal review and to contest the proposed order of paternity
5 at an administrative hearing.

6 (c) If a paternity and child support proceeding has
7 been commenced under this section and the results of genetic
8 testing indicate a statistical probability of paternity which
9 equals or exceeds 99 percent, the department may issue a
10 single proposed order that addresses paternity as provided by
11 this section and child support as provided by s. 409.2563.

12 (d) The department shall serve a proposed order issued
13 under this section on the respondent by regular mail and shall
14 provide a copy by regular mail to the mother or custodian, if
15 they are not respondents.

16 (10) INFORMAL REVIEW; ADMINISTRATIVE HEARING;
17 PRESUMPTION OF PATERNITY.--

18 (a) Within 10 days after the date of mailing or other
19 service of a proposed order, the respondent may contact a
20 department representative at the address or telephone number
21 provided to request an informal review of the proposed order.
22 If an informal review is timely requested, the time for
23 requesting a hearing is extended until 10 days after the
24 department mails notice to the respondent that the informal
25 review has been concluded.

26 (b) Within 20 days after the mailing date of the
27 proposed order, or within 10 days after the mailing date of
28 notice that an informal review has been concluded, whichever
29 is later, the respondent may request an administrative hearing
30 by filing a written request for a hearing with the department.
31 A request for a hearing must state the specific objections to

1 the proposed order, the specific objections to the genetic
2 testing results, or both. A respondent who fails to file a
3 timely request for a hearing is deemed to have waived the
4 right to a hearing.

5 (c) If the respondent files a timely request for a
6 hearing, the department shall refer the hearing request to the
7 Division of Administrative Hearings. Unless otherwise provided
8 by this section or by s. 409.2563, chapter 120 and the Uniform
9 Rules of Procedure govern the conduct of the proceedings. A
10 designated employee or other representative of the department,
11 who need not be an attorney, may represent the department as a
12 qualified representative at the hearing.

13 (d) The genetic-testing results shall be admitted into
14 evidence and made a part of the hearing record. For purposes
15 of this section, a statistical probability of paternity which
16 equals or exceeds 99 percent creates a presumption, as defined
17 by s. 90.304, that the putative father is the biological
18 father of the child. The presumption may be overcome only by
19 clear and convincing evidence. The respondent or the
20 department may call an expert witness to refute or support the
21 testing procedure or results, or the mathematical theory on
22 which they are based. Verified documentation of the chain of
23 custody of the samples tested is competent evidence to
24 establish the chain of custody.

25 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY
26 AND CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL
27 STATISTICS.--

28 (a) If a hearing is held, notwithstanding ss. 120.569
29 and 120.57, the administrative law judge of the Division of
30 Administrative Hearings shall issue a final order that
31 adjudicates paternity or, if appropriate, paternity and child

1 support. A final order of the administrative law judge
2 constitutes final agency action by the department. The
3 Division of Administrative Hearings shall transmit any such
4 order to the department for filing and rendering.

5 (b) If the respondent does not file a timely request
6 for a hearing or consents in writing to entry of a final order
7 without a hearing, the department may render a final order of
8 paternity or a final order of paternity and child support, as
9 appropriate.

10 (c) The department shall mail a copy of the final
11 order to the putative father, the mother, and the custodian,
12 if any. The department shall notify the respondent of the
13 right to seek judicial review of a final order in accordance
14 with s. 120.68.

15 (d) Upon rendering a final order of paternity or a
16 final order of paternity and child support, the department
17 shall notify the Office of Vital Statistics that the paternity
18 of the child has been established.

19 (e) A final order rendered pursuant to this section
20 has the same binding effect as a judgment entered by the court
21 pursuant to chapter 742.

22 (f) The provisions of s. 409.2563 that apply to a
23 final administrative support order rendered under that section
24 apply to a final order rendered under this section when a
25 child-support obligation is established.

26 (g) The department, or the administrative law judge if
27 appropriate, may issue a corrected final order to correct
28 typographical or clerical errors contained in the original
29 final order.

30 (12) RIGHT TO JUDICIAL REVIEW.--A respondent has the
31 right to seek judicial review, in accordance with s. 120.68,

1 of a final order rendered under subsection (11) and an order
2 issued under paragraph (5)(b). The department has the right to
3 seek judicial review, in accordance with s. 120.68, of a final
4 order issued by an administrative law judge under subsection
5 (11) and an order issued by an administrative law judge under
6 paragraph (5)(b).

7 (13) DUTY TO PROVIDE AND MAINTAIN CURRENT MAILING
8 ADDRESS.--Until a proceeding that has been commenced under
9 this section has ended, a respondent who is served with a
10 notice of proceeding must inform the department in writing of
11 any change in the respondent's mailing address and is deemed
12 to have received any subsequent order, notice, or other paper
13 mailed to that address, or the address at which the respondent
14 was served, if the respondent has not provided a more recent
15 address.

16 (14) PROCEEDINGS IN CIRCUIT COURT.--The results of
17 genetic testing performed pursuant to this section are
18 admissible as evidence to the same extent as scientific
19 testing ordered by the court pursuant to chapter 742.

20 (15) GENDER NEUTRAL.--This section shall be construed
21 impartially, regardless of a person's gender, and applies with
22 equal force to the mother of a child whose paternity has not
23 been established and is not presumed by law.

24 (16) REMEDIES SUPPLEMENTAL.--The remedies provided by
25 this section are supplemental and in addition to other
26 remedies available to the department for the establishment of
27 paternity and child-support obligations.

28 (17) RULEMAKING AUTHORITY.--The department may adopt
29 rules necessary to administer this section.

30 Section 7. Section 409.2563, Florida Statutes, is
31 amended to read:

1 409.2563 ~~Pilot program for~~ Administrative
2 establishment of child support obligations.--

3 (1) DEFINITIONS.--As used in this section, the term:

4 (a) "Administrative support order" means a final order
5 rendered by or on behalf of the department pursuant to this
6 section establishing or modifying the obligation of a
7 noncustodial parent to contribute to the support and
8 maintenance of his or her child or children, which may include
9 provisions for monetary support, retroactive support, health
10 care, and other elements of support pursuant to chapter 61.

11 (b) "Caretaker relative" has the same meaning ascribed
12 in s. 414.0252(11).

13 (c) "Filed" means a document has been received and
14 accepted for filing at the offices of the department by the
15 clerk or any authorized deputy clerk of the department. The
16 date of filing must be indicated on the face of the document
17 by the clerk or deputy clerk.

18 (d) "Financial affidavit" means an affidavit or
19 written declaration as provided by s. 92.525(2) which shows an
20 individual's income, allowable deductions, net income, and
21 other information needed to calculate the child support
22 guideline amount under s. 61.30

23 ~~(e)~~(d) "Rendered" means that a signed written order is
24 filed with the clerk or any deputy clerk of the department and
25 served on the respondent. The date of filing must be indicated
26 on the face of the order at the time of rendition.

27 ~~(f)~~(e) "Title IV-D case" means a case or proceeding in
28 which the department is providing child support services
29 within the scope of Title IV-D of the Social Security Act, 42
30 U.S.C. ss. 651 et seq.

31

1 ~~(g)(f)~~ "Retroactive support" means a child support
2 obligation established pursuant to s. 61.30(17).

3
4 Other terms used in this section have the meanings ascribed in
5 ss. 61.046 and 409.2554.

6 (2) PURPOSE AND SCOPE.--

7 (a) It is not the Legislature's intent to limit the
8 jurisdiction of the circuit courts to hear and determine
9 issues regarding child support. This section is intended to
10 provide the department with an alternative procedure for
11 establishing child support obligations in Title IV-D cases in
12 a fair and expeditious manner when there is no court order of
13 support. The procedures in this section and in s. 409.256 are
14 effective throughout the state and shall be implemented
15 statewide.

16 (b) The administrative procedure set forth in this
17 section concerns only the establishment of child support
18 obligations. This section does not grant jurisdiction to the
19 department or the Division of Administrative Hearings to hear
20 or determine issues of dissolution of marriage, separation,
21 alimony or spousal support, termination of parental rights,
22 dependency, disputed paternity except for a determination of
23 paternity as provided by s. 409.256, award of or change of
24 custody, or visitation. This paragraph notwithstanding, the
25 department and the Division of Administrative Hearings may
26 make findings of fact that ~~which~~ are necessary for a proper
27 determination of a noncustodial parent's support obligation as
28 authorized by this section.

29 (c) If there is no support order for a child in a
30 Title IV-D case whose paternity has been established or is
31 presumed by law, or whose paternity is the subject of a

1 proceeding under s. 409.256, the department may establish the
2 ~~a~~ noncustodial parent's child support obligation pursuant to
3 this section, s. 61.30, and other relevant provisions of state
4 law. The noncustodial parent's obligation determined by the
5 department may include any obligation to pay retroactive
6 support and any obligation to provide for health care for a
7 child, whether through insurance coverage, reimbursement of
8 expenses, or both. The department may proceed on behalf of:

9 1. An applicant or recipient of public assistance, as
10 provided by ss. 409.2561 and 409.2567;

11 2. A former recipient of public assistance, as
12 provided by s. 409.2569;

13 3. An individual who has applied for services as
14 provided by s. 409.2567;

15 4. Itself or the child, as provided by s. 409.2561; or

16 5. A state or local government of another state, as
17 provided by chapter 88.

18 (d) Either parent, or a caretaker relative if
19 applicable, may at any time file a civil action in a circuit
20 court having jurisdiction and proper venue to determine the
21 noncustodial parent's child support obligations, if any. A
22 support order issued by a circuit court prospectively
23 supersedes an administrative support order rendered by the
24 department.

25 (3) JURISDICTION OVER NONRESIDENTS.--The department
26 may use the procedures authorized by this section to establish
27 a child support obligation against a nonresident over whom the
28 state may assert personal jurisdiction under chapter 48 or
29 chapter 88.

30 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE
31 SUPPORT ORDER.--To commence a proceeding under this section,

1 the department shall provide to the custodial parent and serve
2 the noncustodial parent with a notice of proceeding to
3 establish administrative support order and a blank financial
4 affidavit form. The notice must state:

5 (a) The names of both parents, the name of the
6 caretaker relative, if any, and the name and date of birth of
7 the child or children;

8 (b) That the department intends to establish an
9 administrative support order as defined in this section;

10 (c) That both parents must submit a completed
11 financial affidavit to the department within 20 days after
12 receiving the notice, as provided by paragraph (13)(a);

13 (d) That both parents, or parent and caretaker
14 relative if applicable, are required to furnish to the
15 department information regarding their identities and
16 locations, as provided by paragraph (13)(b);

17 (e) That both parents, or parent and caretaker
18 relative if applicable, are required to promptly notify the
19 department of any change in their mailing addresses to ensure
20 receipt of all subsequent pleadings, notices, and orders, as
21 provided by paragraph (13)(c);

22 (f) That the department will calculate support
23 obligations based on the child support guidelines in s. 61.30
24 and using all available information, as provided by paragraph
25 (5)(a), and will incorporate such obligations into a proposed
26 administrative support order;

27 (g) That the department will send by regular mail to
28 both parents, or parent and caretaker relative if applicable,
29 a copy of the proposed administrative support order, the
30 department's child support worksheet, and any financial
31

1 affidavits submitted by a parent or prepared by the
2 department;

3 (h) That the noncustodial parent may file a request
4 for a hearing in writing within 20 days after the date of
5 mailing or other service of the proposed administrative
6 support order or will be deemed to have waived the right to
7 request a hearing;

8 (i) That if the noncustodial parent does not file a
9 timely request for hearing after service of the proposed
10 administrative support order, the department will issue an
11 administrative support order that incorporates the findings of
12 the proposed administrative support order, and will send by
13 regular mail a copy of the administrative support order to
14 both parents, or parent and caretaker relative if applicable;

15 (j) That after an administrative support order is
16 rendered, the department will file a copy of the order with
17 the clerk of the circuit court;

18 (k) That after an administrative support order is
19 rendered, the department may enforce the administrative
20 support order by any lawful means; ~~and~~

21 (l) That either parent, or caretaker relative if
22 applicable, may file at any time a civil action in a circuit
23 court having jurisdiction and proper venue to determine the
24 noncustodial parent's child support obligations, if any, and
25 that a support order issued by a circuit court supersedes an
26 administrative support order rendered by the department; and-

27 (m) That if the respondent files an action in circuit
28 court and serves the department with a copy of the petition or
29 complaint within 20 days after being served notice under this
30 subsection, the administrative process ends without prejudice
31 and the action must proceed in circuit court.

1
2 The department may serve the notice of proceeding to establish
3 administrative support order by certified mail, restricted
4 delivery, return receipt requested. Alternatively, the
5 department may serve the notice by any means permitted for
6 service of process in a civil action. For purposes of this
7 section, an authorized employee of the department may serve
8 the notice and execute an affidavit of service. Service by
9 certified mail is completed when the certified mail is
10 received or refused by the addressee. The department shall
11 provide the custodial parent or caretaker relative with a copy
12 of the notice by regular mail to the last known address of the
13 custodial parent or caretaker.

14 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.--

15 (a) After serving notice upon the noncustodial parent
16 in accordance with subsection (4), the department shall
17 calculate the noncustodial parent's child support obligation
18 under the child support guidelines as provided by s. 61.30,
19 based on any timely financial affidavits received and other
20 information available to the department. If either parent
21 fails to comply with the requirement to furnish a financial
22 affidavit, the department may proceed on the basis of
23 information available from any source, if such information is
24 sufficiently reliable and detailed to allow calculation of
25 guideline amounts under s. 61.30. If the custodial parent
26 receives public assistance and fails to submit a financial
27 affidavit, the department may submit a financial affidavit for
28 the custodial parent pursuant to s. 61.30(15). If there is a
29 lack of sufficient reliable information concerning a parent's
30 actual earnings for a current or past period, it shall be
31 presumed for the purpose of establishing a support obligation

1 that the parent had an earning capacity equal to the federal
2 minimum wage during the applicable period.

3 (b) The department shall send by regular mail to both
4 parents, or to a parent and caretaker relative if applicable,
5 copies of the proposed administrative support order, its
6 completed child support worksheet, and any financial
7 affidavits submitted by a parent or prepared by the
8 department. The proposed administrative support order must
9 contain the same elements as required for an administrative
10 support order under paragraph (7)(e).

11 (c) The department shall provide a notice of rights
12 with the proposed administrative support order, which notice
13 must inform the noncustodial parent that:

14 1. The noncustodial parent may, within 20 days after
15 the date of mailing or other service of the proposed
16 administrative support order, request a hearing by filing a
17 written request for hearing in a form and manner specified by
18 the department;

19 2. If the noncustodial parent files a timely request
20 for a hearing, the case shall be transferred to the Division
21 of Administrative Hearings, which shall conduct further
22 proceedings and may enter an administrative support order;

23 3. A noncustodial parent who fails to file a timely
24 request for a hearing shall be deemed to have waived the right
25 to a hearing, and the department may render an administrative
26 support order pursuant to paragraph (7)(b);

27 4. The noncustodial parent may consent in writing to
28 entry of an administrative support order without a hearing;

29 5. The noncustodial parent may, within 10 days after
30 the date of mailing or other service of the proposed
31 administrative support order, contact a department

1 representative, at the address or telephone number specified
2 in the notice, to informally discuss the proposed
3 administrative support order and, if informal discussions are
4 requested timely ~~and held within a reasonable time~~, the time
5 for requesting a hearing will be extended until 10 days after
6 the department notifies the noncustodial parent that the
7 informal discussions have been concluded; and

8 6. If an administrative support order that establishes
9 a noncustodial parent's support obligation is rendered,
10 whether after a hearing or without a hearing, the department
11 may enforce the administrative support order by any lawful
12 means.

13 (d) If, after serving the proposed administrative
14 support order but before a final administrative support order
15 is rendered, the department receives additional information
16 that makes it necessary to amend the proposed administrative
17 support order, it shall prepare an amended proposed
18 administrative support order, with accompanying amended child
19 support worksheets and other material necessary to explain the
20 changes, and follow the same procedures set forth in
21 paragraphs (b) and (c).

22 (6) HEARING.--If the noncustodial parent files a
23 timely request for hearing, the department shall refer the
24 hearing request to the Division of Administrative Hearings.
25 Unless otherwise provided by this section, chapter 120 and the
26 ~~division's~~ Uniform Rules of Procedure shall govern the conduct
27 of the proceedings. The administrative law judge shall
28 consider all available and admissible information and any
29 presumptions that apply as provided by paragraph (5)(a). A
30 designated employee or other representative of the department,
31

1 who need not be an attorney, may represent the department as a
2 qualified representative at the hearing.

3 (7) ADMINISTRATIVE SUPPORT ORDER.--

4 (a) If a hearing is held, notwithstanding ss. 120.569
5 and 120.57, the administrative law judge of the Division of
6 Administrative Hearings shall issue an administrative support
7 order, or a final order denying an administrative support
8 order, which constitutes final agency action by the
9 department. The Division of Administrative Hearings shall
10 transmit any such order to the department for filing and
11 rendering indexing.

12 (b) If the noncustodial parent does not file a timely
13 request for a hearing, the noncustodial parent will be deemed
14 to have waived the right to request a hearing.

15 (c) If the noncustodial parent waives the right to a
16 hearing, or consents in writing to the entry of an order
17 without a hearing, the department may render an administrative
18 support order.

19 (d) The department shall send by regular mail a copy
20 of the administrative support order, or the final order
21 denying an administrative support order, to both parents, or a
22 parent and caretaker relative if applicable. The noncustodial
23 parent shall be notified of the right to seek judicial review
24 of the administrative support order in accordance with s.
25 120.68.

26 (e) An administrative support order must comply with
27 s. 61.30. The department, ~~after consultation with the Division~~
28 ~~of Administrative Hearings and the chief judge of the circuit~~
29 ~~in which the pilot program is located,~~ shall develop a
30 standard form or forms for administrative support orders. An
31

1 administrative support order must provide and state findings,
2 if applicable, concerning:

- 3 1. The full name and date of birth of the child or
4 children;
- 5 2. The name of the noncustodial parent and the
6 custodial parent or caretaker relative;
- 7 3. The noncustodial parent's duty and ability to
8 provide support;
- 9 4. The amount of the noncustodial parent's monthly
10 support obligation ~~for each child~~;
- 11 5. Any obligation to pay retroactive support;
- 12 6. The noncustodial parent's obligation to provide for
13 the health care needs of each child, whether through insurance
14 coverage, contribution towards the cost of insurance coverage,
15 payment or reimbursement of health care expenses for the
16 child, or any combination thereof;
- 17 7. The beginning date of any required monthly payments
18 and health care coverage;
- 19 8. That all support payments ordered must be paid to
20 the Florida State Disbursement Unit as provided by s. 61.1824;
- 21 9. That the parents, or caretaker relative if
22 applicable, must file with the department when the
23 administrative support order is rendered, if they have not
24 already done so, and update as appropriate the information
25 required pursuant to paragraph (13)(b); ~~and~~
- 26 10. That both parents, or parent and caretaker
27 relative if applicable, are required to promptly notify the
28 department of any change in their mailing addresses pursuant
29 to paragraph (13)(c); ~~and~~
- 30 11. That if the noncustodial parent receives
31 unemployment compensation benefits, the payor shall withhold,

1 and transmit to the department, 40 percent of the benefits for
2 payment of support, not to exceed the amount owed.

3
4 An income deduction order as provided by s. 61.1301 must be
5 incorporated into the administrative support order or, if not
6 incorporated into the administrative support order, the
7 department or the Division of Administrative Hearings shall
8 render a separate income deduction order.

9 (8) FILING WITH THE CLERK OF THE CIRCUIT COURT;
10 OFFICIAL PAYMENT RECORD; JUDGMENT BY OPERATION OF LAW.--The
11 department shall file with the clerk of the circuit court a
12 certified copy of an administrative support order rendered
13 under this section. The depository operated pursuant to s.
14 61.181 for the county where the administrative support order
15 has been filed shall:

16 (a) Act as the official recordkeeper for payments
17 required under the administrative support order;

18 (b) Establish and maintain the necessary payment
19 accounts;

20 (c) Upon a delinquency, initiate the judgment by
21 operation of law procedure as provided by s. 61.14(6); and

22 (d) Perform all other duties required of a depository
23 with respect to a support order entered by a court of this
24 state.

25 (9) COLLECTION ACTION; ENFORCEMENT.--

26 (a) The department may implement an income deduction
27 notice immediately upon rendition of an income deduction
28 order, whether it is incorporated in the administrative
29 support order or rendered separately.

30
31

1 (b) The department may initiate other collection
2 action 15 days after the date an administrative support order
3 is rendered under this section.

4 (c) In a subsequent proceeding to enforce an
5 administrative support order, notice of the proceeding that is
6 sent by regular mail to the person's address of record
7 furnished to the department constitutes adequate notice of the
8 proceeding pursuant to paragraph (13)(c).

9 (d) An administrative support order rendered under
10 this section has the same force and effect as court order and,
11 until modified by the department or superseded by a court
12 order, may be enforced:

13 1. In any manner permitted for enforcement of a
14 support order issued by a court of this state, except for
15 contempt; or

16 2. Pursuant to s. 120.69.

17 (10) JUDICIAL REVIEW, ENFORCEMENT, OR COURT ORDER
18 SUPERSEDING ADMINISTRATIVE SUPPORT ORDER.--

19 (a) A noncustodial parent has the right to seek
20 judicial review of an administrative support order or a final
21 order denying an administrative support order in accordance
22 with s. 120.68. The department has the right to seek judicial
23 review, in accordance with s. 120.68, of an administrative
24 support order or a final order denying an administrative
25 support order entered by an administrative law judge of the
26 Division of Administrative Hearings.

27 (b) An administrative support order rendered under
28 this section has the same force and effect as a court order
29 and may be enforced by any circuit court in the same manner as
30 a support order issued by the court, except for contempt. If
31 the circuit court issues its own order enforcing ~~based on~~ the

1 administrative support order, the circuit court may enforce
2 its own order by contempt. The presumption of ability to pay
3 and purge contempt established in s. 61.14(5)(a) applies to an
4 administrative support order that includes a finding of
5 present ability to pay. Enforcement by the court, without any
6 change by the court in the support obligations established in
7 the administrative support order, does not supersede the
8 administrative support order or affect the department's
9 authority to modify the administrative support order as
10 provided by subsection (12).

11 (c) A circuit court of this state, where venue is
12 proper and the court has jurisdiction of the parties, may
13 enter an order prospectively changing the support obligations
14 established in an administrative support order, in which case
15 the administrative support order is superseded and the court's
16 order shall govern future proceedings in the case. Any unpaid
17 support owed under the superseded administrative support order
18 may not be retroactively modified by the circuit court, except
19 as provided by s. 61.14(1)(a), and remains enforceable by the
20 department, by the obligee, or by the court. In all cases in
21 which an administrative support order is superseded, the court
22 shall determine the amount of any unpaid support owed under
23 the administrative support order and shall include the amount
24 as arrearage in its superseding order.

25 (11) EFFECTIVENESS OF ADMINISTRATIVE SUPPORT
26 ORDER.--An administrative support order rendered under this
27 section has the same force and effect as a court order and
28 remains in effect until modified by the department, vacated on
29 appeal, or superseded by a subsequent court order. If the
30 department closes a Title IV-D case in which an administrative
31 support order has been rendered:

1 (a) The department shall take no further action to
2 enforce or modify the administrative support order;

3 (b) The administrative support order remains effective
4 until superseded by a subsequent court order; and

5 (c) The administrative support order may be enforced
6 by the obligee by any means provided by law.

7 (12) MODIFICATION OF ADMINISTRATIVE SUPPORT ORDER.--If
8 it has not been superseded by a subsequent court order, the
9 department may modify, suspend, or terminate an administrative
10 support order in a Title IV-D case prospectively, subject to
11 the requirements for modifications of judicial support orders
12 established in chapters 61 and 409, by following the same
13 procedures set forth in this section for establishing an
14 administrative support order, as applicable.

15 (13) REQUIRED DISCLOSURES; PRESUMPTIONS; NOTICE SENT
16 TO ADDRESS OF RECORD.--In all proceedings pursuant to this
17 section:

18 (a) The noncustodial parent and custodial parent must
19 execute and furnish to the department, no later than 20 days
20 after receipt of the notice of proceeding to establish
21 administrative support order, a financial affidavit in the
22 form prescribed by the department ~~in the Florida Family Law~~
23 ~~Rules of Procedure~~. An updated financial affidavit must be
24 executed and furnished to the department at the inception of
25 each proceeding to modify an administrative support order.
26 Caretaker relatives are not required to furnish financial
27 affidavits.

28 (b) The noncustodial parent, custodial parent, and
29 caretaker relative if applicable, shall disclose to the
30 department, no later than 20 days after receipt of the notice
31 of proceeding to establish administrative support order, and

1 update as appropriate, information regarding their identity
2 and location, including names they are known by; social
3 security numbers; residential and mailing addresses; telephone
4 numbers; driver's license numbers; and names, addresses, and
5 telephone numbers of employers. Pursuant to the federal
6 Personal Responsibility and Work Opportunity Reconciliation
7 Act of 1996, each person must provide his or her social
8 security number in accordance with this section. Disclosure of
9 social security numbers obtained through this requirement
10 shall be limited to the purpose of administration of the Title
11 IV-D program for child support enforcement.

12 (c) The noncustodial parent, custodial parent, and
13 caretaker relative, if applicable, have a continuing
14 obligation to promptly inform the department in writing of any
15 change in their mailing addresses to ensure receipt of all
16 subsequent pleadings, notices, payments, statements, and
17 orders, and receipt is presumed if sent by regular mail to the
18 most recent address furnished by the person.

19 (14) JUDICIAL PLEADINGS AND MOTIONS.--A party to any
20 subsequent judicial proceeding concerning the support of the
21 same child or children shall affirmatively plead the existence
22 of, and furnish the court with a correct copy of, an
23 administrative support order rendered under this section, and
24 shall provide the department with a copy of the initial
25 pleading. The department may intervene as a matter of right in
26 any such judicial proceeding involving issues within the scope
27 of the Title IV-D case.

28 (15) PROVISIONS SUPPLEMENTAL TO EXISTING LAW.--This
29 section does not limit or negate the department's authority to
30 seek establishment of child support obligations under any
31 other applicable law.

1 (16) RULEMAKING AUTHORITY.--The department may adopt
2 rules to administer this section.

3 (17) EVALUATION ~~PILOT PROGRAM~~.--For the purpose of
4 identifying measurable outcomes and evaluating the
5 administrative process created by this section, a study area,
6 ~~the pilot program~~ shall be established. The study area must be
7 located in a county selected by the Department of Revenue
8 having a population of fewer than 500,000, in which the Title
9 IV-D caseload did not exceed 20,000 cases, and the obligation
10 rate was approximately 65 percent at the end of the 1999-2000
11 fiscal year. The Department of Revenue shall develop
12 measurable outcomes that at a minimum consist of the
13 department's support order establishment performance measures
14 that are applicable to the administrative process ~~this pilot~~
15 ~~program~~, a measure of the effectiveness of the administrative
16 process ~~pilot program~~ in establishing support orders as
17 compared to the judicial process, and a measure of the cost
18 efficiency of the administrative process ~~pilot program~~ as
19 compared to the judicial process. ~~The Department of Revenue~~
20 ~~and the Division of Administrative Hearings shall implement~~
21 ~~the pilot program established by this section on July 1, 2001,~~
22 ~~or as soon thereafter as practicable.~~The department shall use
23 the procedures of this section to establish support
24 obligations in Title IV-D cases on behalf of custodial parents
25 or caretaker relatives residing in the county selected for the
26 study area ~~pilot program~~. By June 30, 2002, the Department of
27 Revenue shall submit a report on the implementation of the
28 administrative process in the study area ~~pilot program~~ to the
29 Governor and Cabinet, the President of the Senate, and the
30 Speaker of the House of Representatives. The Office of Program
31 Policy Analysis and Government Accountability shall conduct an

1 evaluation of the operation and impact of the administrative
2 process in the study area ~~pilot program~~. In evaluating the
3 administrative process ~~pilot program~~, achievement of the
4 measurable outcomes must be considered. The Office of Program
5 Policy Analysis and Government Accountability shall submit an
6 evaluation report on the administrative process in the study
7 area ~~pilot program~~ by June 30, 2003, which must include the
8 findings of the evaluation, ~~the feasibility of a statewide~~
9 ~~program, and any recommendations to improve the administrative~~
10 ~~process established by this section, if any, for establishing~~
11 ~~a statewide program. The pilot program expires June 30, 2004,~~
12 ~~unless continued by action of the Legislature. The department~~
13 ~~shall report to the Governor and Cabinet, the President of the~~
14 ~~Senate, and the Speaker of the House of Representatives by~~
15 ~~June 30, 2004, on the implementation and results of the~~
16 ~~procedures established by this section and s. 409.256. The~~
17 ~~Office of Program Policy Analysis and Government~~
18 ~~Accountability shall conduct an evaluation of the statewide~~
19 ~~implementation of the administrative process for establishing~~
20 ~~paternity provided for in s. 409.256, and the administrative~~
21 ~~process for establishing child support provided for in this~~
22 ~~section. This evaluation shall examine whether these processes~~
23 ~~have been effectively implemented and administered statewide~~
24 ~~and are operating to the benefit of the children, including,~~
25 ~~but not limited to the ability of Title IV-D parents to easily~~
26 ~~access the court system for necessary court action. The Office~~
27 ~~of Program Policy Analysis and Government Accountability shall~~
28 ~~submit an evaluation report on the statewide implementation of~~
29 ~~the administrative processes for establishing paternity and~~
30 ~~establishing child support by January 31, 2005.~~

31

1 Section 8. Subsection (1) of section 742.10, Florida
2 Statutes, is amended to read:

3 742.10 Establishment of paternity for children born
4 out of wedlock.--

5 (1) This chapter provides the primary jurisdiction and
6 procedures for the determination of paternity for children
7 born out of wedlock. When the establishment of paternity has
8 been raised and determined within an adjudicatory hearing
9 brought under the statutes governing inheritance, or
10 dependency under workers' compensation or similar compensation
11 programs, ~~or~~ when an affidavit acknowledging paternity or a
12 stipulation of paternity is executed by both parties and filed
13 with the clerk of the court, ~~or~~ when an affidavit or notarized
14 voluntary acknowledgment of paternity as provided for in s.
15 382.013 or s. 382.016 is executed by both parties, or when
16 paternity is adjudicated by the Department of Revenue as
17 provided by s. 409.256, such adjudication, affidavit, or
18 acknowledgment constitutes it shall constitute the
19 establishment of paternity for purposes of this chapter. If no
20 adjudicatory proceeding was held, a notarized voluntary
21 acknowledgment of paternity shall create a rebuttable
22 presumption, as defined by s. 90.304, of paternity and is
23 subject to the right of any signatory to rescind the
24 acknowledgment within 60 days after ~~of~~ the date the
25 acknowledgment was signed or the date of an administrative or
26 judicial proceeding relating to the child, including a
27 proceeding to establish a support order, in which the
28 signatory is a party, whichever is earlier. Both parents are
29 required to provide their social security numbers on any
30 acknowledgment of paternity, consent affidavit, or stipulation
31 of paternity. Except for affidavits under seal pursuant to ss.

1 382.015 and 382.016, the Office of Vital Statistics shall
2 provide certified copies of affidavits to the Title IV-D
3 agency upon request.

4 Section 9. Paragraph (a) of subsection (2) of section
5 760.40, Florida Statutes, is amended to read:

6 760.40 Genetic testing; informed consent;
7 confidentiality.--

8 (2)(a) Except for purposes of criminal prosecution,
9 except for purposes of determining paternity as provided in s.
10 409.256 or s. 742.12(1), and except for purposes of acquiring
11 specimens from persons convicted of certain offenses or as
12 otherwise provided in s. 943.325, DNA analysis may be
13 performed only with the informed consent of the person to be
14 tested, and the results of such DNA analysis, whether held by
15 a public or private entity, are the exclusive property of the
16 person tested, are confidential, and may not be disclosed
17 without the consent of the person tested. Such information
18 held by a public entity is exempt from the provisions of s.
19 119.07(1) and s. 24(a), Art. I of the State Constitution.

20 Section 10. This act shall take effect upon becoming a
21 law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 2012

4 Requires the Department of Revenue to serve the respondent at
5 the same time as the order is filed in the department.

6 Includes in the criteria to determine the Title IV-D cases
7 that can use the administrative process to establish paternity
8 those cases where the father is not named on the birth
9 certificate or where the father on the birth certificate is
10 the same as the putative father identified on the affidavit.

11 Requires that a respondent's waiving of service of notice or
12 other rights must be done in writing or on the record at an
13 administrative hearing.

14 Clarifies that service by certified mail is complete only if
15 received or refused by the addressee.

16 Clarifies that the administrative support order has the force
17 and effect of a court order.

18 Provides that entering the administrative support order
19 creates a presumption of the obligor's ability to pay when the
20 obligor has later failed to pay the support and the court is
21 considering contempt.

22 Clarifies the distinction between and the source of authority
23 for the administrative process to establish paternity and the
24 administrative process to establish child support.

25 Requires the Department of Revenue to include in its notice to
26 commence the process to establish paternity a provision
27 stating that the father can petition the court for visitation
28 and custody if paternity is established.

29 Directs the Office of Program Policy Analysis and Government
30 Accountability to evaluate the statewide implementation of the
31 administrative processes to establish paternity and establish
 child support with a report to be submitted January 2005.