

1 A bill to be entitled
2 An act relating to child support; amending s.
3 61.046, F.S.; redefining the term "support
4 order" for purposes of ch. 61, F.S., to include
5 an order of an administrative agency; amending
6 s. 61.13, F.S.; deleting the requirement that a
7 child support order include the minor's social
8 security number; amending s. 61.181, F.S.;
9 requiring the clerk of the court to establish
10 an account for interstate cases; providing for
11 the continuation of a fee; amending s. 120.80,
12 F.S.; providing for the location of an
13 administrative hearing; amending ss. 382.013
14 and 382.016, F.S.; permitting voluntary
15 acknowledgments of paternity which are
16 witnessed; amending s. 409.2558, F.S.;
17 providing for a notice to the noncustodial
18 parent in applying an undistributable support
19 collection to another support order; amending
20 s. 409.2561, F.S.; providing for the Department
21 of Revenue to establish the obligation of
22 support; amending s. 409.2563, F.S.; providing
23 for the noncustodial parent to request that the
24 Department of Revenue proceed in circuit court
25 to determine the support obligation; revising
26 the requirements under which a noncustodial
27 parent may petition the circuit court to
28 determine the support obligation; providing
29 that the Department of Revenue is a party to
30 court action only with respect to issues of
31 support; amending s. 409.25656, F.S.; providing

1 for the recovery of fees in liquidating
2 securities for the support owed; amending s.
3 409.257, F.S.; permitting the use of any means
4 of service of process under ch. 48, F.S.;
5 amending s. 409.2572, F.S.; revising the
6 definition of noncooperation or failure to
7 cooperate as applied to an applicant for or a
8 recipient of public assistance; amending s.
9 409.259, F.S.; revising the manner of
10 reimbursement to the clerk of the court for
11 court filings in Title IV-D cases; amending s.
12 742.10, F.S.; permitting voluntary
13 acknowledgments of paternity which are
14 witnessed; providing effective dates.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Subsection (19) of section 61.046, Florida
19 Statutes, is amended to read:

20 61.046 Definitions.--As used in this chapter:

21 (19) "Support order" means a judgment, decree, or
22 order, whether temporary or final, issued by a court of
23 competent jurisdiction or administrative agency for the
24 support and maintenance of a child which provides for monetary
25 support, health care, arrearages, or past support. When the
26 child support obligation is being enforced by the Department
27 of Revenue, the term "support order" also means a judgment,
28 decree, or order, whether temporary or final, issued by a
29 court of competent jurisdiction for the support and
30 maintenance of a child and the spouse or former spouse of the
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1 obligor with whom the child is living which provides for
2 monetary support, health care, arrearages, or past support.

3 Section 2. Paragraph (d) of subsection (1) of section
4 61.13, Florida Statutes, is amended to read:

5 61.13 Custody and support of children; visitation
6 rights; power of court in making orders.--

7 (1)

8 (d)1. Unless the provisions of subparagraph 3. apply,
9 all child support orders entered on or after January 1, 1985,
10 shall direct that the payments of child support be made as
11 provided in s. 61.181 through the depository in the county
12 where the court is located. All child support orders shall
13 provide the full name and, ~~date of birth, and social security~~
14 ~~number~~ of each minor child who is the subject of the child
15 support order.

16 2. Unless the provisions of subparagraph 3. apply, all
17 child support orders entered before January 1, 1985, shall be
18 modified by the court to direct that payments of child support
19 shall be made through the depository in the county where the
20 court is located upon the subsequent appearance of either or
21 both parents to modify or enforce the order, or in any related
22 proceeding.

23 3. If both parties request and the court finds that it
24 is in the best interest of the child, support payments need
25 not be directed through the depository. The order of support
26 shall provide, or shall be deemed to provide, that either
27 party may subsequently apply to the depository to require
28 direction of the payments through the depository. The court
29 shall provide a copy of the order to the depository.

30 4. If the parties elect not to require that support
31 payments be made through the depository, any party may

1 subsequently file an affidavit with the depository alleging a
2 default in payment of child support and stating that the party
3 wishes to require that payments be made through the
4 depository. The party shall provide copies of the affidavit to
5 the court and to each other party. Fifteen days after receipt
6 of the affidavit, the depository shall notify both parties
7 that future payments shall be paid through the depository.

8 5. In IV-D cases, the IV-D agency shall have the same
9 rights as the obligee in requesting that payments be made
10 through the depository.

11 Section 3. Effective July 1, 2003, subsections (1) and
12 (2) of section 61.181, Florida Statutes, are amended to read:

13 61.181 Depository for alimony transactions, support,
14 maintenance, and support payments; fees.--

15 (1)(a) The office of the clerk of the court shall
16 operate a depository unless the depository is otherwise
17 created by special act of the Legislature or unless, prior to
18 June 1, 1985, a different entity was established to perform
19 such functions. The department shall, no later than July 1,
20 1998, extend participation in the federal child support cost
21 reimbursement program to the central depository in each
22 county, to the maximum extent possible under existing federal
23 law. The depository shall receive reimbursement for services
24 provided under a cooperative agreement with the department
25 pursuant to s. 61.1826. Each depository shall participate in
26 the State Disbursement Unit and shall implement all statutory
27 and contractual duties imposed on the State Disbursement Unit.
28 Each depository shall receive from and transmit to the State
29 Disbursement Unit required data through the Clerk of Court
30 Child Support Enforcement Collection System. Payments on
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1 non-Title IV-D cases without income deduction orders shall not
2 be sent to the State Disbursement Unit.

3 (b) Upon request by the Title IV-D agency, the
4 depository created pursuant to paragraph (a) shall establish
5 an account for the receipt and disbursement of support
6 payments for Title IV-D interstate cases. The Title IV-D
7 agency shall provide a copy of the other state's order with
8 the request, and the depository shall advise the Title IV-D
9 agency of the account number in writing within 4 business days
10 after receipt of the request.

11 (2)(a) For payments not required to be processed
12 through the State Disbursement Unit, the depository shall
13 impose and collect a fee on each payment made for receiving,
14 recording, reporting, disbursing, monitoring, or handling
15 alimony or child support payments as required under this
16 section. For non-Title IV-D cases required to be processed by
17 the State Disbursement Unit pursuant to this chapter, the
18 State Disbursement Unit shall, on each payment received,
19 collect a fee, and shall transmit to the depository in which
20 the case is located 40 percent of such service charge for the
21 depository's administration, management, and maintenance of
22 such case. If a payment is made to the State Disbursement Unit
23 which is not accompanied by the required fee, the State
24 Disbursement Unit shall not deduct any moneys from the support
25 payment for payment of the fee. The fee shall be a flat fee
26 based, to the extent practicable, upon estimated reasonable
27 costs of operation. The fee shall be reduced in any case in
28 which the fixed fee results in a charge to any party of an
29 amount greater than 3 percent of the amount of any support
30 payment made in satisfaction of the amount which the party is
31 obligated to pay, except that no fee shall be less than \$1 nor

1 more than \$5 per payment made. The fee shall be considered by
2 the court in determining the amount of support that the
3 obligor is, or may be, required to pay.

4 (b)1. ~~For the period of July 1, 1992, through June 30,~~
5 ~~2003,~~The fee imposed in paragraph (a) shall be increased to 4
6 percent of the support payments which the party is obligated
7 to pay, except that no fee shall be more than \$5.25. The fee
8 shall be considered by the court in determining the amount of
9 support that the obligor is, or may be, required to pay.

10 Notwithstanding the provisions of s. 145.022, 75 percent of
11 the additional revenues generated by this paragraph shall be
12 remitted monthly to the Clerk of the Court Child Support
13 Enforcement Collection System Trust Fund administered by the
14 department as provided in subparagraph 2. These funds shall
15 be used exclusively for the development, implementation, and
16 operation of the Clerk of the Court Child Support Enforcement
17 Collection System to be operated by the depositories,
18 including the automation of civil case information necessary
19 for the State Case Registry. The department shall contract
20 with the Florida Association of Court Clerks and the
21 depositories to design, establish, operate, upgrade, and
22 maintain the automation of the depositories to include, but
23 not be limited to, the provision of on-line electronic
24 transfer of information to the IV-D agency as otherwise
25 required by this chapter. The department's obligation to fund
26 the automation of the depositories is limited to the state
27 share of funds available in the Clerk of the Court Child
28 Support Enforcement Collection System Trust Fund. Each
29 depository created under this section shall fully participate
30 in the Clerk of the Court Child Support Enforcement Collection
31 System and transmit data in a readable format as required by

1 the contract between the Florida Association of Court Clerks
2 and the department.

3 2. Moneys to be remitted to the department by the
4 depository shall be done daily by electronic funds transfer
5 and calculated as follows:

6 a. For each support payment of less than \$33, 18.75
7 cents.

8 b. For each support payment between \$33 and \$140, an
9 amount equal to 18.75 percent of the fee charged.

10 c. For each support payment in excess of \$140, 18.75
11 cents.

12 3. The fees established by this section shall be set
13 forth and included in every order of support entered by a
14 court of this state which requires payment to be made into the
15 depository.

16 Section 4. Paragraph (c) of subsection (14) of section
17 120.80, Florida Statutes, is amended to read:

18 120.80 Exceptions and special requirements;
19 agencies.--

20 (14) DEPARTMENT OF REVENUE.--

21 (c) Proceedings for administrative support orders.--In
22 proceedings for the establishment of administrative support
23 orders pursuant to s. 409.2563, final orders in cases referred
24 by the Department of Revenue to the Division of Administrative
25 Hearings shall be entered by the division's administrative law
26 judge and transmitted to the Department of Revenue for filing
27 and rendering. The Department of Revenue has the right to seek
28 judicial review under s. 120.68 of a final order entered by an
29 administrative law judge. Administrative support orders
30 rendered pursuant to s. 409.2563 may be enforced pursuant to
31 s. 120.69 or, alternatively, by any method prescribed by law

1 for the enforcement of judicial support orders, except
2 contempt. Hearings held by the Division of Administrative
3 Hearings pursuant to s. 409.2563 shall be held in the judicial
4 circuit where the person receiving services under Title IV-D
5 resides or, if the person receiving services under Title IV-D
6 does not reside in this state, in the judicial circuit where
7 the respondent resides. If the department and the respondent
8 agree, the hearing may be held in another location.

9 Section 5. Effective July 1, 2003, paragraph (c) of
10 subsection (2) of section 382.013, Florida Statutes, is
11 amended to read:

12 382.013 Birth registration.--A certificate for each
13 live birth that occurs in this state shall be filed within 5
14 days after such birth with the local registrar of the district
15 in which the birth occurred and shall be registered by the
16 local registrar if the certificate has been completed and
17 filed in accordance with this chapter and adopted rules. The
18 information regarding registered births shall be used for
19 comparison with information in the state case registry, as
20 defined in chapter 61.

21 (2) PATERNITY.--

22 (c) If the mother is not married at the time of the
23 birth, the name of the father may not be entered on the birth
24 certificate without the execution of an affidavit signed by
25 both the mother and the person to be named as the father. The
26 facility shall give notice orally or through the use of video
27 or audio equipment, and in writing, of the alternatives to,
28 the legal consequences of, and the rights, including, if one
29 parent is a minor, any rights afforded due to minority status,
30 and responsibilities that arise from signing an acknowledgment
31 of paternity, as well as information provided by the Title

1 IV-D agency established pursuant to s. 409.2557, regarding the
2 benefits of voluntary establishment of paternity. Upon request
3 of the mother and the person to be named as the father, the
4 facility shall assist in the execution of the affidavit or a
5 notarized voluntary acknowledgment of paternity or a voluntary
6 acknowledgement of paternity that is witnessed by two
7 individuals and signed under penalty of perjury as specified
8 by s. 92.525(2).

9 Section 6. Effective July 1, 2003, paragraph (b) of
10 subsection (1) of section 382.016, Florida Statutes, is
11 amended to read:

12 382.016 Amendment of records.--The department, upon
13 receipt of the fee prescribed in s. 382.0255; documentary
14 evidence, as specified by rule, of any misstatement, error, or
15 omission occurring in any birth, death, or fetal death record;
16 and an affidavit setting forth the changes to be made, shall
17 amend or replace the original certificate as necessary.

18 (1) CERTIFICATE OF LIVE BIRTH AMENDMENT.--

19 (b) Upon written request and receipt of an affidavit
20 or notarized voluntary acknowledgment of paternity signed by
21 the mother and father acknowledging the paternity of a
22 registrant born out of wedlock, or a voluntary acknowledgement
23 of paternity that is witnessed by two individuals and signed
24 under penalty of perjury as specified by s. 92.525(2),
25 together with sufficient information to identify the original
26 certificate of live birth, the department shall prepare a new
27 birth certificate, which shall bear the same file number as
28 the original birth certificate. The names and identifying
29 information of the parents shall be entered as of the date of
30 the registrant's birth. The surname of the registrant may be
31 changed from that shown on the original birth certificate at

1 the request of the mother and father of the registrant, or the
2 registrant if of legal age. If the mother and father marry
3 each other at any time after the registrant's birth, the
4 department shall, upon the request of the mother and father or
5 registrant if of legal age and proof of the marriage, amend
6 the certificate with regard to the parents' marital status as
7 though the parents were married at the time of birth. The
8 department shall substitute the new certificate of birth for
9 the original certificate on file. All copies of the original
10 certificate of live birth in the custody of a local registrar
11 or other state custodian of vital records shall be forwarded
12 to the State Registrar. Thereafter, when a certified copy of
13 the certificate of birth or portion thereof is issued, it
14 shall be a copy of the new certificate of birth or portion
15 thereof, except when a court order requires issuance of a
16 certified copy of the original certificate of birth. The
17 department shall place the original certificate of birth and
18 all papers pertaining thereto under seal, not to be broken
19 except by order of a court of competent jurisdiction or as
20 otherwise provided by law.

21 Section 7. Paragraph (b) of subsection (2) of section
22 409.2558, Florida Statutes, is amended to read:

23 409.2558 Support distribution and disbursement.--

24 (2) UNDISTRIBUTABLE COLLECTIONS--

25 (b) Collections that are determined to be
26 undistributable shall be processed in the following order of
27 priority:

28 1. Apply the payment to any assigned arrears on the
29 custodial parent's case; then

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1 2. Apply the payment to any administrative costs
2 ordered by the court pursuant to s. 409.2567 associated with
3 the custodial parent's case; then

4 3. When the noncustodial parent is subject to a valid
5 order to support another child ~~other children~~ in a another
6 case with a different custodial parent and the obligation is
7 being enforced by the department, the department shall send by
8 certified mail, return receipt requested, to the noncustodial
9 parent at the most recent address provided by the noncustodial
10 parent to the tribunal that issued the order, a notice stating
11 the department's intention to apply the payment pursuant to
12 this subparagraph, and advising the noncustodial parent of the
13 right to contest the department's proposed action in the
14 circuit court by filing and serving a petition on the
15 department within 20 days after receipt of the notice. If the
16 noncustodial parent does not file and serve a petition within
17 20 days after receipt of the notice, or upon a disposition of
18 the judicial action favorable to the department, the
19 department shall,~~with the noncustodial parent's permission,~~
20 apply the payment towards his or her other support obligation.
21 If there is more than one such other case, the department
22 shall allocate the remaining undistributable amount as
23 specified by s. 61.1301(4)(c); then

24 4. Return the payment to the noncustodial parent; then

25 5. If the noncustodial parent cannot be located after
26 diligent efforts by the department, the federal share of the
27 payment shall be credited to the Federal Government and the
28 state share shall be transferred to the General Revenue Fund.

29 Section 8. Subsection (1) of section 409.2561, Florida
30 Statutes, is amended to read:

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1 409.2561 Support obligations when public assistance is
2 paid; assignment of rights; subrogation; medical and health
3 insurance information.--

4 (1) Any payment of temporary cash or Title IV-E
5 assistance made to, or for the benefit of, any dependent child
6 creates an obligation in an amount determined pursuant to the
7 child support guidelines. In accordance with 42 U.S.C. s. 657,
8 the state shall retain amounts collected only to the extent
9 necessary to reimburse amounts paid to the family as
10 assistance by the state. Such amounts collected shall be
11 deposited into the General Revenue Fund up to the level
12 specified in s. 61.1812. If there has been a prior support
13 ~~court~~ order or final judgment of dissolution of marriage
14 establishing an obligation of support, the obligation is
15 limited to the amount provided by such support court order or
16 decree. The extraordinary remedy of contempt is applicable in
17 child support enforcement cases because of the public
18 necessity for ensuring that dependent children be maintained
19 from the resources of their parents, thereby relieving, at
20 least in part, the burden presently borne by the general
21 citizenry through the public assistance program. If there is
22 no prior support court order ~~establishing an obligation of~~
23 ~~support~~, the court, or the department as provided by s.
24 409.2563, shall establish the liability of the obligor, if
25 any, by applying the child support guidelines. The department
26 may apply for modification of a support court order on the
27 same grounds as either party to the cause and shall have the
28 right to settle and compromise actions brought pursuant to
29 law.

30 Section 9. Subsection (4) of section 409.2563, Florida
31 Statutes, is amended to read:

1 409.2563 Administrative establishment of child support
2 obligations.--

3 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE
4 SUPPORT ORDER.--To commence a proceeding under this section,
5 the department shall provide to the custodial parent and serve
6 the noncustodial parent with a notice of proceeding to
7 establish administrative support order and a blank financial
8 affidavit form. The notice must state:

9 (a) The names of both parents, the name of the
10 caretaker relative, if any, and the name and date of birth of
11 the child or children;

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

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

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

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

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

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1 (g) That the department will send by regular mail to
2 both parents, or parent and caretaker relative if applicable,
3 a copy of the proposed administrative support order, the
4 department's child support worksheet, and any financial
5 affidavits submitted by a parent or prepared by the
6 department;

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

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

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

22 (k) That after an administrative support order is
23 rendered, the department may enforce the administrative
24 support order by any lawful means;

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

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1 (m) That, neither the department nor the Division of
2 Administrative Hearings has jurisdiction to award or change
3 child custody or rights of parental contact and these issues
4 may only be addressed in circuit court.

5 1. The noncustodial parent may request in writing that
6 the department proceed in circuit court to determine his or
7 her support obligations.

8 2. The noncustodial parent may state in writing to the
9 department his or her intention to address issues concerning
10 custody or rights to parental contact in circuit court.

11 3. If the noncustodial parent submits the request
12 authorized in subparagraph 1., or the statement authorized in
13 subparagraph 2. to the department within 20 days after the
14 receipt of the initial notice, the department shall file a
15 petition in circuit court for the determination of the
16 noncustodial parent's child support obligations, and shall
17 send to the noncustodial parent a copy of its petition, a
18 notice of commencement of action, and a request for waiver of
19 service of process provided in the Rules of Civil Procedure.

20 4. If, within 10 days after receipt of the
21 department's petition and waiver of service, the noncustodial
22 parent signs and returns the waiver of service form to the
23 department, the department shall terminate the administrative
24 proceeding without prejudice and proceed in circuit court.

25 5. In any circuit court action brought by the
26 department pursuant to this paragraph or brought by a
27 noncustodial parent or other person pursuant to paragraph (l)
28 or paragraph (n), the department shall be a party only with
29 respect to those issues of support allowed and reimbursable
30 under Title IV-D of the Social Security Act. It is the
31 responsibility of the noncustodial parent or other person to

1 take the necessary steps to present other issues for the court
2 to consider;~~That if the noncustodial parent has issues~~
3 ~~regarding child custody or right of parental contact or~~
4 ~~requests to proceed in circuit court, the noncustodial parent~~
5 ~~may request in writing that the department proceed in circuit~~
6 ~~court to determine support. That the noncustodial parent must~~
7 ~~make such request in writing within 20 days after receipt of~~
8 ~~the initial notice. That upon such request, the department~~
9 ~~shall send the noncustodial parent by regular mail a copy of~~
10 ~~the department's petition and waiver of service form. That the~~
11 ~~noncustodial parent must sign and return the waiver of service~~
12 ~~form, within 10 days of receipt of the petition, at which time~~
13 ~~the department shall terminate the administrative proceeding~~
14 ~~and file an action in circuit court to determine support;~~

15 (n) That if the noncustodial parent files an action in
16 circuit court and serves the department with a copy of the
17 petition within 20 days after being served notice under this
18 subsection, the administrative process ends without prejudice
19 and the action must proceed in circuit court;

20 (o) Information provided by the Office of State Courts
21 Administrator concerning the availability and location of
22 self-help programs for those who wish to file an action in
23 circuit court but who cannot afford an attorney.

24
25 The department may serve the notice of proceeding to establish
26 administrative support order by certified mail, restricted
27 delivery, return receipt requested. Alternatively, the
28 department may serve the notice by any means permitted for
29 service of process in a civil action. For purposes of this
30 section, an authorized employee of the department may serve
31 the notice and execute an affidavit of service. Service by

1 certified mail is completed when the certified mail is
2 received or refused by the addressee or by an authorized agent
3 as designated by the addressee in writing. If a person other
4 than the addressee signs the return receipt, the department
5 shall attempt to reach the addressee by telephone to confirm
6 whether the notice was received, and the department shall
7 document any telephonic communications. If someone other than
8 the addressee signs the return receipt, the addressee does not
9 respond to the notice, and the department is unable to confirm
10 that the addressee has received the notice, service is not
11 completed and the department shall attempt to have the
12 addressee served personally. The department shall provide the
13 custodial parent or caretaker relative with a copy of the
14 notice by regular mail to the last known address of the
15 custodial parent or caretaker.

16 Section 10. Subsection (3) of section 409.25656,
17 Florida Statutes, is amended to read:

18 409.25656 Garnishment.--

19 (3) During the last 30 days of the 60-day period set
20 forth in subsection (1), the executive director or his or her
21 designee may levy upon such credits, personal property, or
22 debts. The levy must be accomplished by delivery of a notice
23 of levy by registered mail, upon receipt of which the person
24 possessing the credits, other personal property, or debts
25 shall transfer them to the department or pay to the department
26 the amount owed by the obligor. If the department levies upon
27 securities and the value of the securities is less than the
28 total amount of past due or overdue support, the person who
29 possesses or controls the securities shall liquidate the
30 securities in a commercially reasonable manner. After
31 liquidation, the person shall transfer to the department the

1 proceeds, less any applicable commissions or fees, or both,
2 which are charged in the normal course of business. If the
3 value of the securities exceeds the total amount of past due
4 or overdue support, the obligor may, within 7 days after
5 receipt of the department's notice of levy, instruct the
6 person who possesses or controls the securities which
7 securities are to be sold to satisfy the obligation for past
8 due or overdue support. If the obligor does not provide
9 instructions for liquidation, the person who possesses or
10 controls the securities shall liquidate the securities in a
11 commercially reasonable manner ~~and~~ in an amount sufficient to
12 cover the obligation for past due or overdue support and, ~~less~~
13 any applicable commissions or fees, or both, which are charged
14 in the normal course of business, beginning with the
15 securities purchased most recently. After liquidation, the
16 person who possesses or controls the securities shall transfer
17 to the department the total amount of past due or overdue
18 support.

19 Section 11. Effective July 1, 2003, section 409.257,
20 Florida Statutes, is amended to read:

21 409.257 Service of process.--The service of initial
22 process and orders in lawsuits filed by the department, under
23 this act, shall be served by the sheriff in the county where
24 the person to be served may be found or, if determined more
25 effective by the department, by any means permitted under
26 chapter 48 for service of process in a civil action. The
27 sheriff shall be reimbursed at the prevailing rate of federal
28 financial participation for service of process and orders as
29 allowed by law. The sheriff shall bill the department monthly
30 as provided for in s. 30.51(2). In addition, process and
31 orders may be served or executed by authorized agents of the

1 department at the department's discretion; provided that the
2 agent of the department does not take any action against
3 personal property, real property, or persons. Notices and
4 other intermediate process, except witness subpoenas, shall be
5 served by the department as provided for in the Florida Rules
6 of Civil Procedure. Witness subpoenas shall be served by the
7 department by certified mail as provided for in s. 48.031(3).

8 Section 12. Subsections (1) and (2) of section
9 409.2572, Florida Statutes, are amended to read:

10 409.2572 Cooperation.--

11 (1) An applicant for, or recipient of, public
12 assistance for a dependent child shall cooperate in good faith
13 with the department or a program attorney in:

14 (a) Identifying and helping to locate the alleged
15 parent or obligor.

16 (b) Assisting in establishing the paternity of a child
17 born out of wedlock.

18 (c) Assisting in obtaining support payments from the
19 obligor.

20 (d) Assisting in obtaining any other payments or
21 property due from the obligor.

22 (e) Identifying another putative father when an
23 earlier named putative father has been excluded by DNA, Human
24 Leukocyte Antigen, or other scientific test.

25 (f) Appearing at an office of the department, or
26 another designated office, as necessary to provide verbal or
27 written information, or documentary or physical evidence,
28 known to, possessed by, or reasonably obtainable by the
29 applicant or recipient.

30 (g) Appearing as a witness at judicial or other
31 hearings or proceedings.

1 (h) Providing information under oath regarding the
2 identity or location of the alleged father of the child or
3 attesting to the lack of information.

4 (i) Paying to the department any support received from
5 the obligor after the assignment is effective.

6 (2) Noncooperation, or failure to cooperate in good
7 faith, is defined to include, but is not limited to, the
8 following conduct:

9 (a) ~~Failing or~~ Refusing to identify the father of the
10 child, or where more than one man could be the father of the
11 child, refusing to identify all such persons. ~~If the mother~~
12 ~~identifies one or more persons as the possible father of the~~
13 ~~child and asserts that there are no others who could be the~~
14 ~~father of the child, but the DNA test, Human Leukocyte Antigen~~
15 ~~test, or other scientific test indicates that none of the~~
16 ~~persons identified could in fact have been the father of the~~
17 ~~child, the mother shall be deemed noncooperative. If she~~
18 ~~subsequently identifies another person as the possible father~~
19 ~~of the child, she shall still be deemed noncooperative until~~
20 ~~that person has been given the DNA test, Human Leukocyte~~
21 ~~Antigen test, or other scientific test and is not excluded as~~
22 ~~the father by the test.~~

23 (b) Failing to appear for two appointments at the
24 department or other designated office without justification
25 and notice.

26 (c) Providing false information regarding the
27 paternity of the child or the obligation of the obligor.

28 (d) All actions of the obligee which interfere with
29 the state's efforts to proceed to establish paternity, the
30 obligation of support, or to enforce or collect support.

31

1 (e) Failure to appear at the laboratory for drawing of
2 blood samples, or leaving the laboratory prior to the drawing
3 of blood samples without compelling reasons.

4 (f) Failure to assist in the recovery of third-party
5 payment for medical services.

6 Section 13. Section 409.259, Florida Statutes, is
7 amended to read:

8 409.259 ~~Partial payment of Filing fees in Title IV-D~~
9 cases.--

10 (1) Notwithstanding s. 28.241, each clerk of the
11 circuit court shall accept petitions, complaints, and motions
12 in Title IV-D cases submitted for filing by the department
13 without billing separately for each such filing, since the
14 clerk is being reimbursed in a different manner for expenses
15 incurred in such filings under the cooperative agreement with
16 the department pursuant to ss. 61.181(1) and 61.1826(2) and
17 ~~(4) only be reimbursed at the prevailing rate of federal~~
18 ~~financial participation on the amount of \$40 for each civil~~
19 ~~action, suit, or proceeding for support instituted in the~~
20 ~~circuit court in which the parent is not receiving temporary~~
21 ~~cash assistance. The prevailing rate of the state match shall~~
22 ~~be paid by the local government in the form of a certified~~
23 ~~public expenditure. The clerk of the circuit court shall bill~~
24 ~~the department monthly. The clerk of the circuit court and~~
25 ~~the department shall maintain a monthly log of the number of~~
26 ~~civil actions, suits, or proceedings filed in which the parent~~
27 ~~does not receive temporary assistance. These monthly logs~~
28 ~~will be used to determine the number of \$40 filings the clerk~~
29 ~~of court may submit for reimbursement at the prevailing rate~~
30 ~~of federal financial participation.~~

31

1 (2) Notwithstanding subsection (1), the department
2 shall continue to be entitled to the other necessary services
3 of the clerk of court in any proceedings under the IV-D
4 program as authorized under s. 409.2571.

5 Section 14. Effective July 1, 2003, subsection (1) of
6 section 742.10, Florida Statutes, is amended to read:

7 742.10 Establishment of paternity for children born
8 out of wedlock.--

9 (1) This chapter provides the primary jurisdiction and
10 procedures for the determination of paternity for children
11 born out of wedlock. When the establishment of paternity has
12 been raised and determined within an adjudicatory hearing
13 brought under the statutes governing inheritance, or
14 dependency under workers' compensation or similar compensation
15 programs, or when an affidavit acknowledging paternity or a
16 stipulation of paternity is executed by both parties and filed
17 with the clerk of the court, or when an affidavit, a or
18 notarized voluntary acknowledgment of paternity, or a
19 voluntary acknowledgement of paternity that is witnessed by
20 two individuals and signed under penalty of perjury as
21 provided for in s. 382.013 or s. 382.016 is executed by both
22 parties, it shall constitute the establishment of paternity
23 for purposes of this chapter. If no adjudicatory proceeding
24 was held, a notarized voluntary acknowledgment of paternity or
25 voluntary acknowledgement of paternity that is witnessed by
26 two individuals and signed under penalty of perjury as
27 specified by s. 92.525(2) shall create a rebuttable
28 presumption, as defined by s. 90.304, of paternity and is
29 subject to the right of any signatory to rescind the
30 acknowledgment within 60 days after ~~of~~ the date the
31 acknowledgment was signed or the date of an administrative or

1 judicial proceeding relating to the child, including a
2 proceeding to establish a support order, in which the
3 signatory is a party, whichever is earlier. Both parents are
4 required to provide their social security numbers on any
5 acknowledgment of paternity, consent affidavit, or stipulation
6 of paternity. Except for affidavits under seal pursuant to ss.
7 382.015 and 382.016, the Office of Vital Statistics shall
8 provide certified copies of affidavits to the Title IV-D
9 agency upon request.

10 Section 15. Except as otherwise expressly provided in
11 this act, this act shall take effect upon becoming a law.