

1 A bill to be entitled

2 An act relating to child support; amending s. 61.13, F.S.;
3 providing a civil penalty and attorney's fees and costs
4 for noncompliance with a requirement to enroll a child in
5 health care coverage; providing for enforcement by the
6 Department of Revenue; repealing a provision relating to a
7 judicial circuit with a work experience and job training
8 pilot project; amending s. 61.1301, F.S.; providing for
9 the repayment of a support delinquency through income
10 deduction; providing for application to support orders or
11 income deduction orders entered before July 1, 2006;
12 requiring an obligor contesting an income deduction order
13 rendered by a Title IV-D agency to file the petition with
14 the Title IV-D agency; requiring the department to provide
15 payors with Internet access to income deduction and
16 national medical support notices issued by the department
17 on or after July 1, 2006; amending s. 61.13016, F.S.;
18 providing for suspension of a driver's license to enforce
19 compliance with an order to appear for genetic testing;
20 amending s. 61.1354, F.S.; requiring a Title IV-D agency
21 to provide information relating to the amount of current
22 support owed by an obligor; amending s. 61.14, F.S.;
23 authorizing the circuit court to enforce a support order
24 by ordering the obligor to seek employment, file periodic
25 reports with the court or the department, notify the court
26 or department upon obtaining employment, income, or
27 property, and participate in jobs programs; providing for
28 contempt of court; repealing provisions related to a

29 | judicial circuit with a work experience and job training
30 | pilot project; correcting a cross reference; providing for
31 | recovery of support arrearages from workers' compensation
32 | lump-sum settlements; requiring the Office of the Judges
33 | of Compensation Claims to adopt procedural rules;
34 | requiring local depositories to electronically provide the
35 | department with certain data; amending s. 61.1814, F.S.;
36 | providing for fines for failure or refusal to submit to
37 | genetic testing to be deposited in the Child Support
38 | Enforcement Application and Program Revenue Trust Fund;
39 | correcting a cross reference; amending s. 61.1824, F.S.;
40 | requiring the State Disbursement Unit to provide for
41 | electronic disbursement of support payments to obligees,
42 | notify obligees of electronic disbursement options, and
43 | encourage use of such options; requiring electronic
44 | remittance of support payments by certain employers;
45 | providing for waivers; amending s. 61.30, F.S.; correcting
46 | a cross reference; amending s. 120.80, F.S.; providing for
47 | entry of final orders by the Division of Administrative
48 | Hearings in proceedings to establish paternity or
49 | paternity and child support; providing for the right to
50 | immediate judicial review to contest an administrative
51 | order for genetic testing; providing for judicial
52 | enforcement of agency final orders; providing for venue of
53 | administrative hearings in paternity proceedings and
54 | determinations of noncovered medical expenses; amending s.
55 | 322.142, F.S.; authorizing the department to obtain
56 | digital photographs and signatures from the Department of

57 Highway Safety and Motor Vehicles for use in establishing
58 paternity and establishing, modifying, or enforcing
59 support obligations; amending s. 382.013, F.S.; requiring
60 the Department of Health to amend a child's birth
61 certificate when paternity is established by the
62 Department of Revenue; amending s. 382.015, F.S.;
63 requiring the clerk of the court to ensure that all
64 judicial determinations of paternity are reported to the
65 Department of Health; requiring the Department of Health
66 to monitor compliance and report data to the clerks of the
67 court; amending s. 382.016, F.S.; providing for the
68 Department of Health to leave birth certificates and
69 related papers unsealed when a father is listed pursuant
70 to an acknowledgment of paternity; providing for the
71 Department of Health to amend the birth certificate of a
72 child born in the state whose paternity is established in
73 another state; providing for the Department of Revenue to
74 develop written educational materials concerning
75 establishment of paternity for use and distribution by
76 Department of Children and Family Services, Department of
77 Corrections, Department of Education, Department of
78 Health, and Department of Juvenile Justice; creating s.
79 382.357, F.S.; providing for the Department of Health,
80 Department of Revenue, Florida Hospital Association,
81 Florida Association of Court Clerks, and one or more local
82 registrars to study the feasibility of and report on the
83 filing of original and new or amended birth certificates
84 with the Department of Health; requiring a report to the

85 | Legislature; amending s. 395.003, F.S.; requiring a
86 | hospital providing birthing services to comply with s.
87 | 382.013(2)(c), F.S., when applying for certain licenses;
88 | amending s. 409.2557, F.S.; authorizing the Department of
89 | Revenue to adopt rules relating to administrative
90 | proceedings to establish paternity, paternity and child
91 | support orders, and orders to appear for genetic testing;
92 | amending s. 409.2558, F.S.; providing for a determination
93 | by the Department of Revenue that a collection or refund
94 | is undistributable; requiring the Department of Revenue to
95 | make reasonable efforts to locate persons to whom
96 | collections or refunds are owed; providing for location
97 | efforts to include disclosure through a searchable
98 | database of the names of obligees, obligors, and
99 | depository account numbers on the Internet with
100 | appropriate privacy safeguards; creating s. 409.256, F.S.;
101 | providing definitions; authorizing the Department of
102 | Revenue to administratively establish paternity based on
103 | the results of genetic testing; providing for notice,
104 | opportunity for administrative hearing, and right to
105 | judicial review; authorizing the Department of Revenue to
106 | combine a paternity proceeding with an administrative
107 | proceeding under s. 409.2563, F.S.; providing for
108 | administrative orders to appear for genetic testing and
109 | right to contest; providing for scheduling of genetic
110 | testing and rescheduling for good cause; providing
111 | sanctions for failure or refusal to submit to genetic
112 | testing; providing for a presumption of paternity based on

113 specified genetic testing results; providing for
 114 admissibility of genetic testing results at administrative
 115 hearings; providing for hearings to be conducted by the
 116 Division of Administrative Hearings in accordance with ch.
 117 120, F.S.; providing that a final order issued by an
 118 administrative law judge constitutes final agency action
 119 by the Department of Revenue; providing that a final order
 120 establishing paternity has the same effect as a judgment
 121 entered by a court pursuant to ch. 742, F.S.; requiring a
 122 respondent to notify the Department of Revenue of changes
 123 of address and that subsequent notice by mail is deemed to
 124 have been received; providing that the administrative
 125 procedure is a supplemental remedy; authorizing the
 126 Department of Revenue to adopt rules; amending s.
 127 409.2561, F.S.; providing that no obligation of support
 128 shall be incurred by a recipient of supplemental security
 129 income or temporary cash assistance for the benefit of a
 130 dependent child; amending s. 409.2563, F.S.; authorizing
 131 the Department of Revenue to establish an administrative
 132 support order when paternity is determined pursuant to s.
 133 409.256, F.S.; creating s. 409.25635, F.S.; authorizing
 134 the Department of Revenue to determine the amount owed by
 135 an obligor for noncovered medical expenses in Title IV-D
 136 cases; defining "noncovered medical expenses"; providing
 137 for notice, opportunity for administrative hearing, and
 138 right to judicial review; requiring a written declaration
 139 under penalty of perjury by the obligee and documentation
 140 of claims; providing that a determination by the

141 Department of Revenue has the same effect as a judgment
142 entered by a court; providing for filing an uncontested
143 notice or final order with the local depository;
144 authorizing the Department of Revenue to collect
145 noncovered medical expenses by using the same remedies
146 available for collection of support; providing that the
147 administrative procedure is a supplemental remedy;
148 authorizing the Department of Revenue to adopt rules;
149 amending s. 409.2564, F.S.; repealing provision relating
150 to judicial circuits with a work experience and job
151 training pilot project; providing for a reduction in the
152 amount of retroactive support permanently assigned to the
153 state when the obligor and the Department of Revenue agree
154 to entry of a support order based on the child support
155 guidelines; amending s. 409.25645, F.S.; providing for
156 correctional facilities to assist putative fathers in
157 complying with administrative orders for genetic testing;
158 providing that an administrative order for genetic testing
159 has the same force and effect as a court order; amending
160 s. 409.2567, F.S.; authorizing the Department of Revenue
161 to seek a federal waiver from the requirement that an
162 individual must apply for Title IV-D services; providing
163 for the Department of Revenue to adopt rules if a waiver
164 is granted and provide Title IV-D services if support
165 payments are not paid as ordered unless the individual
166 elects not to receive services after notice; providing an
167 application fee for child support services provided by the
168 Department of Revenue, waiver of the fee, and payment by

169 the department; removing rulemaking authority of the
170 Department of Children and Family Services relating to the
171 application fee and deposit thereof; amending s. 409.2598,
172 F.S.; revising provisions relating to license suspension
173 to enforce support orders; authorizing the Department of
174 Revenue to commence a proceeding to suspend an obligor's
175 occupational, business, trade, professional, or
176 recreational license for noncompliance with a support
177 order; providing for notice by regular mail, opportunity
178 to contest in circuit court, grounds for contesting, and
179 stay of proceedings if a timely petition to contest is
180 filed; providing for written agreement with the Department
181 of Revenue to avoid suspension, reinstatement notice upon
182 compliance, and suspension if the obligor does not comply
183 after notice, does not contest, or does not comply with a
184 written agreement unless the obligor notifies the
185 department of inability to comply with the written
186 agreement; providing for full disclosure by obligor of
187 income, assets, and employment; providing for
188 reinstatement upon court order; providing for license
189 suspension to enforce subpoenas, orders to appear, or
190 similar orders; providing for combining a proceeding to
191 enforce a support order with a proceeding to suspend a
192 driver's license, under certain circumstances; authorizing
193 the Department of Revenue to adopt rules; amending s.
194 409.259, F.S.; requiring the Supreme Court, clerks of the
195 circuit court, chief judges, sheriffs, Office of the
196 Attorney General, Office of the State Courts

197 Administrator, and Department of Revenue to work
198 cooperatively to implement electronic filing of pleadings,
199 returns of service, and other papers by October 1, 2009;
200 amending s. 409.821, F.S.; requiring the Agency for Health
201 Care Administration to disclose information identifying
202 Florida KidCare applicants or enrollees to the Department
203 of Revenue for purposes of administering the state's Title
204 IV-D program; amending s. 414.065, F.S.; providing that a
205 court may order a noncustodial parent who is delinquent
206 pursuant to the terms of a support order to participate in
207 work activities under ch. 414, F.S., or as provided in s.
208 61.14(5)(b), F.S.; amending s. 443.051, F.S.; revising
209 provisions relating to interception of child support
210 benefits; providing and revising definitions; requiring
211 the Agency for Workforce Innovation to deduct and withhold
212 a specified percentage of unemployment compensation
213 otherwise payable to an individual who owes a support
214 obligation, under certain circumstances; providing for the
215 Department of Revenue to promptly refund any excess
216 deduction to the obligor; amending s. 455.203, F.S.;
217 repealing authority to screen license applicants for
218 compliance with support obligations; requiring the
219 Department of Business and Professional Regulation to
220 cooperate with the Department of Revenue to implement an
221 automated method for current license disclosure; requiring
222 the Department of Revenue to suspend or deny licenses for
223 noncompliance with a support order; providing for issuance
224 or restatement upon proof of compliance; amending s.

225 742.10, F.S.; providing that when paternity is adjudicated
 226 by the Department of Revenue pursuant to s. 409.256, F.S.,
 227 such adjudication constitutes the establishment of
 228 paternity for purposes of ch. 742, F.S.; amending s.
 229 760.40, F.S.; providing for genetic testing in paternity
 230 cases and disclosure of test results as authorized by s.
 231 409.256, F.S.; amending s. 827.06, F.S.; repealing
 232 provisions that require exhaustion of civil remedies
 233 before a criminal prosecution for nonsupport of dependents
 234 is commenced, a prior adjudication of contempt for failure
 235 to comply with a support order, notice by the state
 236 attorney prior to prosecution, and mandatory minimum fines
 237 and imprisonment; providing for the state attorneys, the
 238 Florida Prosecuting Attorneys Association, and the
 239 Department of Revenue to identify strategies for pursuing
 240 criminal prosecution in certain cases and to submit a
 241 report to the Governor and Legislature; providing
 242 effective dates.

243

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

245

246 Section 1. Effective October 1, 2005, paragraphs (b) and
 247 (e) of subsection (1) of section 61.13, Florida Statutes, are
 248 amended to read:

249 61.13 Custody and support of children; visitation rights;
 250 power of court in making orders.--

251 (1)

252 (b) Each order for support shall contain a provision for
 253 health care coverage for the minor child when the coverage is
 254 reasonably available. Coverage is reasonably available if either
 255 the obligor or obligee has access at a reasonable rate to a
 256 group health plan. The court may require the obligor either to
 257 provide health care coverage or to reimburse the obligee for the
 258 cost of health care coverage for the minor child when coverage
 259 is provided by the obligee. In either event, the court shall
 260 apportion the cost of coverage, and any noncovered medical,
 261 dental, and prescription medication expenses of the child, to
 262 both parties by adding the cost to the basic obligation
 263 determined pursuant to s. 61.30(6). The court may order that
 264 payment of uncovered medical, dental, and prescription
 265 medication expenses of the minor child be made directly to the
 266 obligee on a percentage basis.

267 1. In a non-Title IV-D case, a copy of the court order for
 268 health care coverage shall be served on the obligor's union or
 269 employer by the obligee when the following conditions are met:

270 a. The obligor fails to provide written proof to the
 271 obligee within 30 days after receiving effective notice of the
 272 court order, that the health care coverage has been obtained or
 273 that application for coverage has been made;

274 b. The obligee serves written notice of intent to enforce
 275 an order for health care coverage on the obligor by mail at the
 276 obligor's last known address; and

277 c. The obligor fails within 15 days after the mailing of
 278 the notice to provide written proof to the obligee that the
 279 health care coverage existed as of the date of mailing.

280 2.a. A support order enforced under Title IV-D of the
281 Social Security Act which requires that the obligor provide
282 health care coverage is enforceable by the department through
283 the use of the national medical support notice, and an amendment
284 to the support order is not required. The department shall
285 transfer the national medical support notice to the obligor's
286 union or employer. The department shall notify the obligor in
287 writing that the notice has been sent to the obligor's union or
288 employer, and the written notification must include the
289 obligor's rights and duties under the national medical support
290 notice. The obligor may contest the withholding required by the
291 national medical support notice based on a mistake of fact. To
292 contest the withholding, the obligor must file a written notice
293 of contest with the department within 15 business days after the
294 date the obligor receives written notification of the national
295 medical support notice from the department. Filing with the
296 department is complete when the notice is received by the person
297 designated by the department in the written notification. The
298 notice of contest must be in the form prescribed by the
299 department. Upon the timely filing of a notice of contest, the
300 department shall, within 5 business days, schedule an informal
301 conference with the obligor to discuss the obligor's factual
302 dispute. If the informal conference resolves the dispute to the
303 obligor's satisfaction or if the obligor fails to attend the
304 informal conference, the notice of contest is deemed withdrawn.
305 If the informal conference does not resolve the dispute, the
306 obligor may request an administrative hearing under chapter 120
307 within 5 business days after the termination of the informal

308 conference, in a form and manner prescribed by the department.
 309 However, the filing of a notice of contest by the obligor does
 310 not delay the withholding of premium payments by the union,
 311 employer, or health plan administrator. The union, employer, or
 312 health plan administrator must implement the withholding as
 313 directed by the national medical support notice unless notified
 314 by the department that the national medical support notice is
 315 terminated.

316 b. In a Title IV-D case, the department shall notify an
 317 obligor's union or employer if the obligation to provide health
 318 care coverage through that union or employer is terminated.

319 3. In a non-Title IV-D case, upon receipt of the order
 320 pursuant to subparagraph 1., or upon application of the obligor
 321 pursuant to the order, the union or employer shall enroll the
 322 minor child as a beneficiary in the group health plan regardless
 323 of any restrictions on the enrollment period and withhold any
 324 required premium from the obligor's income. If more than one
 325 plan is offered by the union or employer, the child shall be
 326 enrolled in the group health plan in which the obligor is
 327 enrolled.

328 4.a. Upon receipt of the national medical support notice
 329 under subparagraph 2. in a Title IV-D case, the union or
 330 employer shall transfer the notice to the appropriate group
 331 health plan administrator within 20 business days after the date
 332 on the notice. The plan administrator must enroll the child as a
 333 beneficiary in the group health plan regardless of any
 334 restrictions on the enrollment period, and the union or employer
 335 must withhold any required premium from the obligor's income

336 upon notification by the plan administrator that the child is
 337 enrolled. The child shall be enrolled in the group health plan
 338 in which the obligor is enrolled. If the group health plan in
 339 which the obligor is enrolled is not available where the child
 340 resides or if the obligor is not enrolled in group coverage, the
 341 child shall be enrolled in the lowest cost group health plan
 342 that is available where the child resides.

343 b. If health care coverage or the obligor's employment is
 344 terminated in a Title IV-D case, the union or employer that is
 345 withholding premiums for health care coverage under a national
 346 medical support notice must notify the department within 20 days
 347 after the termination and provide the obligor's last known
 348 address and the name and address of the obligor's new employer,
 349 if known.

350 5.a. The amount withheld by a union or employer in
 351 compliance with a support order may not exceed the amount
 352 allowed under s. 303(b) of the Consumer Credit Protection Act,
 353 15 U.S.C. s. 1673(b), as amended. The union or employer shall
 354 withhold the maximum allowed by the Consumer Credit Protection
 355 Act in the following order:

356 (I) Current support, as ordered.

357 (II) Premium payments for health care coverage, as
 358 ordered.

359 (III) Past due support, as ordered.

360 (IV) Other medical support or coverage, as ordered.

361 b. If the combined amount to be withheld for current
 362 support plus the premium payment for health care coverage exceed
 363 the amount allowed under the Consumer Credit Protection Act, and

364 the health care coverage cannot be obtained unless the full
 365 amount of the premium is paid, the union or employer may not
 366 withhold the premium payment. However, the union or employer
 367 shall withhold the maximum allowed in the following order:

- 368 (I) Current support, as ordered.
- 369 (II) Past due support, as ordered.
- 370 (III) Other medical support or coverage, as ordered.

371 6. An employer, union, or plan administrator who does not
 372 comply with the requirements in sub-subparagraph 4.a. is subject
 373 to a civil penalty not to exceed \$250 for the first violation
 374 and \$500 for subsequent violations, plus attorney's fees and
 375 costs. The department may file a petition in circuit court to
 376 enforce the requirements of this subsection.

377 ~~7.6.~~ The department of Revenue may adopt rules to
 378 administer the child support enforcement provisions of this
 379 section ~~that~~ ~~which~~ affect Title IV-D cases.

380 ~~(e) In a judicial circuit with a work experience and job~~
 381 ~~training pilot project, if the obligor is unemployed or has no~~
 382 ~~income and does not have an account at a financial institution,~~
 383 ~~then the court shall order the obligor to seek employment, if~~
 384 ~~the obligor is able to engage in employment, and to immediately~~
 385 ~~notify the court upon obtaining employment, upon obtaining any~~
 386 ~~income, or upon obtaining any ownership of any asset with a~~
 387 ~~value of \$500 or more. If the obligor is still unemployed 30~~
 388 ~~days after any order for support, the court may order the~~
 389 ~~obligor to enroll in the work experience, job placement, and job~~
 390 ~~training pilot program for noncustodial parents as established~~

391 ~~in s. 409.2565, if the obligor is eligible for entrance into the~~
 392 ~~pilot program.~~

393 Section 2. Effective July 1, 2006, paragraphs (b), (e),
 394 and (f) of subsection (1) of section 61.1301, Florida Statutes,
 395 are amended, paragraph (c) is added to subsection (3), and
 396 subsection (5) is added to said section, to read:

397 61.1301 Income deduction orders.--

398 (1) ISSUANCE IN CONJUNCTION WITH AN ORDER ESTABLISHING,
 399 ENFORCING, OR MODIFYING AN OBLIGATION FOR ALIMONY OR CHILD
 400 SUPPORT.--

401 (b) The income deduction order shall:

402 1. Direct a payor to deduct from all income due and
 403 payable to an obligor the amount required by the court to meet
 404 the obligor's support obligation including any attorney's fees
 405 or costs owed and forward the deducted amount pursuant to the
 406 order.

407 2. State the amount of arrearage owed, if any, and direct
 408 a payor to withhold an additional 20 percent or more of the
 409 periodic amount specified in the order establishing, enforcing,
 410 or modifying the obligation, until full payment is made of any
 411 arrearage, attorney's fees and costs owed, provided no deduction
 412 shall be applied to attorney's fees and costs until the full
 413 amount of any arrearage is paid.÷

414 3. Provide that if a delinquency accrues after the order
 415 establishing, modifying, or enforcing the obligation has been
 416 entered and there is no order for repayment of the delinquency
 417 or a preexisting arrearage, a payor shall deduct an additional
 418 20 percent of the current support obligation or other amount

419 agreed to by the parties until the delinquency and any
 420 attorney's fees and costs are paid in full. No deduction may be
 421 applied to attorney's fees and costs until the delinquency is
 422 paid in full.

423 ~~4.3.~~ Direct a payor not to deduct in excess of the amounts
 424 allowed under s. 303(b) of the Consumer Credit Protection Act,
 425 15 U.S.C. s. 1673(b), as amended.†

426 ~~5.4.~~ Direct whether a payor shall deduct all, a specified
 427 portion, or no income which is paid in the form of a bonus or
 428 other similar one-time payment, up to the amount of arrearage
 429 reported in the income deduction notice or the remaining balance
 430 thereof, and forward the payment to the governmental depository.
 431 For purposes of this subparagraph, "bonus" means a payment in
 432 addition to an obligor's usual compensation and which is in
 433 addition to any amounts contracted for or otherwise legally due
 434 and shall not include any commission payments due an obligor.†

435 ~~6.5.~~ In Title IV-D cases, direct a payor to provide to the
 436 court depository the date on which each deduction is made.†

437 ~~7.6.~~ In Title IV-D cases, if an obligation to pay current
 438 support is reduced or terminated due to emancipation of a child
 439 and the obligor owes an arrearage, retroactive support,
 440 delinquency, or costs, direct the payor to continue the income
 441 deduction at the rate in effect immediately prior to
 442 emancipation until all arrearages, retroactive support,
 443 delinquencies, and costs are paid in full or until the amount of
 444 withholding is modified.† ~~and~~

445 ~~8.7.~~ Direct that, at such time as the State Disbursement
 446 Unit becomes operational, all payments in those cases in which

447 the obligee is receiving Title IV-D services and in those cases
 448 in which the obligee is not receiving Title IV-D services in
 449 which the initial support order was issued in this state on or
 450 after January 1, 1994, and in which the obligor's child support
 451 obligation is being paid through income deduction, be made
 452 payable to and delivered to the State Disbursement Unit.
 453 Notwithstanding any other statutory provision to the contrary,
 454 funds received by the State Disbursement Unit shall be held,
 455 administered, and disbursed by the State Disbursement Unit
 456 pursuant to the provisions of this chapter.

457 (e) ~~Statement of obligor's rights.~~ When the court orders
 458 the income deduction to be effective immediately, the court
 459 shall furnish to the obligor a statement of his or her rights,
 460 remedies, and duties in regard to the income deduction order.
 461 The statement shall state:

- 462 1. All fees or interest which shall be imposed.
- 463 2. The total amount of income to be deducted for each pay
 464 period until the arrearage, if any, is paid in full and shall
 465 state the total amount of income to be deducted for each pay
 466 period thereafter. The amounts deducted may not be in excess of
 467 that allowed under s. 303(b) of the Consumer Credit Protection
 468 Act, 15 U.S.C. s. 1673(b), as amended.
- 469 3. That the income deduction order applies to current and
 470 subsequent payors and periods of employment.
- 471 4. That a copy of the income deduction order or, in Title
 472 IV-D cases, the income deduction notice will be served on the
 473 obligor's payor or payors.

474 5. That enforcement of the income deduction order may only
 475 be contested on the ground of mistake of fact regarding the
 476 amount owed pursuant to the order establishing, enforcing, or
 477 modifying the obligation, the arrearages, or the identity of the
 478 obligor, the payor, or the obligee.

479 6. That the obligor is required to notify the obligee and,
 480 when the obligee is receiving IV-D services, the IV-D agency
 481 within 7 days of changes in the obligor's address, payors, and
 482 the addresses of his or her payors.

483 7. That in a Title IV-D case, if an obligation to pay
 484 current support is reduced or terminated due to emancipation of
 485 a child and the obligor owes an arrearage, retroactive support,
 486 delinquency, or costs, income deduction continues at the rate in
 487 effect immediately prior to emancipation until all arrearages,
 488 retroactive support, delinquencies, and costs are paid in full
 489 or until the amount of withholding is modified.

490 (f) ~~Notice of delinquency.~~ If a support order was entered
 491 before January 1, 1994, ~~or~~ the court orders the income deduction
 492 to be effective upon a delinquency as provided in paragraph (c),
 493 or a delinquency has accrued under an order entered before July
 494 1, 2006, that established, modified, or enforced the obligation
 495 and there is no order for repayment of the delinquency or a
 496 preexisting arrearage, the obligee or, in Title IV-D cases, the
 497 Title IV-D agency may enforce the income deduction by serving a
 498 notice of delinquency on the obligor under this paragraph
 499 ~~subsection.~~

500 1. The notice of delinquency shall state:

- 501 a. The terms of the order establishing, enforcing, or
 502 modifying the obligation.
- 503 b. The period of delinquency and the total amount of the
 504 delinquency as of the date the notice is mailed.
- 505 c. All fees or interest which may be imposed.
- 506 d. The total amount of income to be deducted for each pay
 507 period until the arrearage, and all applicable fees and
 508 interest, is paid in full and shall state the total amount of
 509 income to be deducted for each pay period thereafter. The
 510 amounts deducted may not be in excess of that allowed under s.
 511 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s.
 512 1673(b), as amended.
- 513 e. That the income deduction order applies to current and
 514 subsequent payors and periods of employment.
- 515 f. That a copy of the notice of delinquency will be served
 516 on the obligor's payor or payors, together with a copy of the
 517 income deduction order or, in Title IV-D cases, the income
 518 deduction notice, unless the obligor applies to the court to
 519 contest enforcement of the income deduction. If the income
 520 deduction order being enforced was rendered by the Title IV-D
 521 agency pursuant to s. 409.2563 and the obligor contests the
 522 deduction, the obligor shall file a petition for an
 523 administrative hearing with the Title IV-D agency. The
 524 application or petition shall be filed within 15 days after the
 525 date the notice of delinquency was served.
- 526 g. That enforcement of the income deduction order may only
 527 be contested on the ground of mistake of fact regarding the
 528 amount owed pursuant to the order establishing, enforcing, or

529 modifying the obligation, the amount of arrearages, or the
 530 identity of the obligor, the payor, or the obligee.

531 h. That the obligor is required to notify the obligee of
 532 the obligor's current address and current payors and of the
 533 address of current payors. All changes shall be reported by the
 534 obligor within 7 days. If the IV-D agency is enforcing the
 535 order, the obligor shall make these notifications to the agency
 536 instead of to the obligee.

537 2. The failure of the obligor to receive the notice of
 538 delinquency does not preclude subsequent service of the income
 539 deduction order or, in Title IV-D cases, the income deduction
 540 notice on the obligor's payor. A notice of delinquency which
 541 fails to state an arrearage does not mean that an arrearage is
 542 not owed.

543 (3)

544 (c) If a delinquency accrues after an order establishing,
 545 modifying, or enforcing a support obligation has been entered,
 546 an income deduction order entered after July 1, 2006, is in
 547 effect, and there is no order for repayment of the delinquency
 548 or a preexisting arrearage, a payor who is served with an income
 549 deduction order or, in a Title IV-D case, an income deduction
 550 notice shall deduct an additional 20 percent of the current
 551 support obligation or other amount agreed to by the parties
 552 until the delinquency and any attorney's fees and costs are paid
 553 in full. No deduction may be applied to attorney's fees and
 554 costs until the delinquency is paid in full.

555 (5) By July 1, 2006, the department shall provide a payor
 556 with Internet access to income deduction and national medical

557 support notices issued by the department on or after July 1,
558 2006, concerning an obligor to whom the payor pays income. The
559 department shall provide a payor who requests Internet access
560 with a user code and password to allow the payor to receive
561 notices electronically and to download the information necessary
562 to begin income deduction and health care coverage enrollment.
563 If a participating payor does not respond to electronic notice
564 by accessing the data posted by the department within 48 hours,
565 the department shall mail the income deduction or medical
566 support notice to the payor.

567 Section 3. Effective January 1, 2006, subsection (4) is
568 added to section 61.13016, Florida Statutes, to read:

569 61.13016 Suspension of driver's licenses and motor vehicle
570 registrations.--

571 (4) The procedures prescribed in this section and s.
572 322.058 may be used to enforce compliance with an order to
573 appear for genetic testing.

574 Section 4. Effective July 1, 2006, subsections (1) and (2)
575 of section 61.1354, Florida Statutes, are amended to read:

576 61.1354 Sharing of information between consumer reporting
577 agencies and the IV-D agency.--

578 (1) Upon receipt of a request from a consumer reporting
579 agency as defined in s. 603(f) of the Fair Credit Reporting Act,
580 the IV-D agency or the depository in non-Title-IV-D cases shall
581 make available information relating to the amount of current and
582 overdue support owed by an obligor. The IV-D agency or the
583 depository in non-Title-IV-D cases shall give the obligor
584 written notice, at least 15 days prior to the release of

585 information, of the IV-D agency's or depository's authority to
586 release information to consumer reporting agencies relating to
587 the amount of current and overdue support owed by the obligor.
588 The obligor shall be informed of his or her right to request a
589 hearing with the IV-D agency or the court in non-Title-IV-D
590 cases to contest the accuracy of the information.

591 (2) The IV-D agency shall report periodically to
592 appropriate consumer reporting agencies, as identified by the
593 IV-D agency, the name and social security number of any
594 delinquent obligor, ~~and~~ the amount of overdue support owed by
595 the obligor, and the amount of the obligor's current support
596 obligation when the overdue support is paid. The IV-D agency, or
597 its designee, shall provide the obligor with written notice, at
598 least 15 days prior to the initial release of information, of
599 the IV-D agency's authority to release the information
600 periodically to the consumer reporting agencies. The notice
601 shall state the amount of overdue support owed and shall inform
602 the obligor of the right to request a hearing with the IV-D
603 agency within 15 days after receipt of the notice to contest the
604 accuracy of the information. After the initial notice is given,
605 no further notice or opportunity for a hearing need be given
606 when updated information concerning the same obligor is
607 periodically released to the consumer reporting agencies.

608 Section 5. Effective October 1, 2005, subsection (5) of
609 section 61.14, Florida Statutes, is amended to read:

610 61.14 Enforcement and modification of support,
611 maintenance, or alimony agreements or orders.--

612 (5)(a) When a court of competent jurisdiction enters an
 613 order for the payment of alimony or child support or both, the
 614 court shall make a finding of the obligor's imputed or actual
 615 present ability to comply with the order. If the obligor
 616 subsequently fails to pay alimony or support and a contempt
 617 hearing is held, the original order of the court creates a
 618 presumption that the obligor has the present ability to pay the
 619 alimony or support and to purge himself or herself from the
 620 contempt. At the contempt hearing, the obligor shall have the
 621 burden of proof to show that he or she lacks the ability to
 622 purge himself or herself from the contempt. This presumption is
 623 adopted as a presumption under s. 90.302(2) to implement the
 624 public policy of this state that children shall be maintained
 625 from the resources of their parents and as provided for in s.
 626 409.2551, and that spouses be maintained as provided for in s.
 627 61.08. The court shall state in its order the reasons for
 628 granting or denying the contempt.

629 (b) In a proceeding in circuit court to enforce a support
 630 order under this chapter, chapter 88, chapter 409, or chapter
 631 742, or any other provision of law, if the court finds that
 632 payments due under the support order are delinquent or overdue
 633 and that the obligor is unemployed, underemployed, or has no
 634 income but is able to work or participate in job training, the
 635 court may order the obligor to:

- 636 1. Seek employment.
- 637 2. File periodic reports with the court, or with the
- 638 department if the department is providing Title IV-D services,

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639 detailing the obligor's efforts to seek and obtain employment
640 during the reporting period.

641 3. Notify the court or the department, as appropriate,
642 upon obtaining employment, income, or property.

643 4. Participate in job training, job placement, work
644 experience, or other work programs that may be available
645 pursuant to chapter 445, chapter 446, or any other source.

646

647 An obligor who willfully fails to comply with a court order to
648 seek work or participate in other work-related activities may be
649 held in contempt of court. This paragraph is in furtherance of
650 the public policy of the state of ensuring that children are
651 maintained from the resources of their parents to the extent
652 possible. ~~In a judicial circuit with a work experience and job~~
653 ~~training pilot project, if at the time of the contempt hearing~~
654 ~~the obligor is unemployed or has no income, then the court shall~~
655 ~~order the obligor to seek employment, if the obligor is able to~~
656 ~~engage in employment, and to immediately notify the court upon~~
657 ~~obtaining employment, upon obtaining any income, or upon~~
658 ~~obtaining any ownership of any asset with a value of \$500 or~~
659 ~~more. If the obligor is still unemployed 30 days after any order~~
660 ~~for support, the court may order the obligor to enroll in a work~~
661 ~~experience, job placement, and job training program for~~
662 ~~noncustodial parents as established in s. 409.2565, if the~~
663 ~~obligor is eligible for entrance into the pilot program.~~

664 Section 6. Paragraph (b) of subsection (1) of section
665 61.14, Florida Statutes, is amended to read:

666 61.14 Enforcement and modification of support,
667 maintenance, or alimony agreements or orders.--

668 (1)

669 (b) For each support order reviewed by the department as
670 required by s. 409.2564~~(11)~~(12), if the amount of the child
671 support award under the order differs by at least 10 percent but
672 not less than \$25 from the amount that would be awarded under s.
673 61.30, the department shall seek to have the order modified and
674 any modification shall be made without a requirement for proof
675 or showing of a change in circumstances.

676 Section 7. Effective December 1, 2005, paragraph (a) of
677 subsection (8) of section 61.14, Florida Statutes, is amended to
678 read:

679 61.14 Enforcement and modification of support,
680 maintenance, or alimony agreements or orders.--

681 (8)(a) When an employee and an employer reach agreement
682 for a lump-sum settlement under s. 440.20(11), no proceeds of
683 the settlement shall be disbursed to the employee, nor shall any
684 attorney's fees be disbursed, until after a judge of
685 compensation claims reviews the proposed disbursement and enters
686 an order finding the settlement provides for appropriate
687 recovery of any support arrearage. The employee, or the
688 employee's attorney if the employee is represented, shall submit
689 a written statement from the department that indicates whether
690 the worker owes unpaid support and, if so, the amount owed. In
691 addition, the judge of compensation claims may require the
692 employee to submit a similar statement from a local depository
693 established under s. 61.181. A sworn statement by the employee

694 that all existing support obligations have been disclosed is
 695 also required. If the judge finds the proposed allocation of
 696 support recovery insufficient, the parties may amend the
 697 settlement agreement's allocation of proceeds to make the
 698 allocation sufficient. The Office of the Judges of Compensation
 699 Claims shall adopt procedural rules to implement this paragraph
 700 ~~When reviewing and approving any lump-sum settlement under s.~~
 701 ~~440.20(11)(a) and (b), a judge of compensation claims must~~
 702 ~~consider whether the settlement serves the interests of the~~
 703 ~~worker and the worker's family, including, but not limited to,~~
 704 ~~whether the settlement provides for appropriate recovery of any~~
 705 ~~child support arrearage.~~

706 Section 8. Effective January 1, 2006, paragraph (g) is
 707 added to subsection (6) of section 61.14, Florida Statutes, to
 708 read:

709 61.14 Enforcement and modification of support,
 710 maintenance, or alimony agreements or orders.--

711 (6)

712 (g) The local depository shall send the department monthly
 713 by electronic means a list of all Title IV-D and non-Title IV-D
 714 cases in which a judgment by operation of law has been recorded
 715 during the month for which the data is provided. At a minimum,
 716 the depository shall provide the names of the obligor and
 717 obligee, social security numbers of the obligor and obligee, if
 718 available, and depository number.

719 Section 9. Paragraph (e) of subsection (2) of section
 720 61.1814, Florida Statutes, is amended to read:

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721 61.1814 Child Support Enforcement Application and Program
722 Revenue Trust Fund.--

723 (2) With the exception of fees required to be deposited in
724 the Clerk of the Court Child Support Enforcement Collection
725 System Trust Fund under s. 61.181(2)(b) and collections
726 determined to be undistributable or unidentifiable under s.
727 409.2558, the fund shall be used for the deposit of Title IV-D
728 program income received by the department. Each type of program
729 income received shall be accounted for separately. Program
730 income received by the department includes, but is not limited
731 to:

732 (e) Fines imposed under ss. 409.256(7)(b), 409.2564(7), ~~(8)~~
733 and 409.2578.

734 Section 10. Effective upon this act becoming a law,
735 paragraph (d) of subsection (3) and subsection (6) of section
736 61.1824, Florida Statutes, are amended to read:

737 61.1824 State Disbursement Unit.--

738 (3) The State Disbursement Unit shall perform the
739 following functions:

740 (d) To the extent feasible, use automated procedures for
741 the collection and disbursement of support payments, including,
742 but not limited to, having procedures for:

743 1. Receipt of payments from obligors, employers, other
744 states and jurisdictions, and other entities.

745 2. Timely disbursement of payments to obligees, the
746 department, and other state Title IV-D agencies.

747 3. Accurate identification of payment source and amount.

748 4. Furnishing any parent, upon request, timely information
 749 on the current status of support payments under an order
 750 requiring payments to be made by or to the parent, except that
 751 in cases described in paragraph (1)(b), prior to the date the
 752 State Disbursement Unit becomes fully operational, the State
 753 Disbursement Unit shall not be required to convert and maintain
 754 in automated form records of payments kept pursuant to s.
 755 61.181.

756 5. Electronic disbursement of support payments to
 757 obligees. The State Disbursement Unit shall notify obligees of
 758 electronic disbursement options and encourage their use through
 759 promotional material.

760 (6) ~~Effective October 1, 1999, or such earlier date as the~~
 761 ~~State Disbursement Unit becomes operational,~~ all support
 762 payments for cases to which the requirements of this section
 763 apply shall be made payable to and delivered to the State
 764 Disbursement Unit. Effective October 1, 2006, an employer who
 765 employed 10 or more employees in any quarter during the
 766 preceding state fiscal year or who was subject to and paid tax
 767 to the department in an amount of \$30,000 or more shall remit
 768 support payments deducted pursuant to an income deduction order
 769 or income deduction notice and provide associated case data to
 770 the State Disbursement Unit by electronic means approved by the
 771 department. The department shall adopt by rule standards for
 772 electronic remittance and data transfer that to the extent
 773 feasible are consistent with the department's rules for
 774 electronic filing and remittance of taxes under ss. 213.755 and
 775 443.163. A waiver granted by the department from the requirement

776 to file and remit electronically under s. 213.755 or s. 443.163
 777 constitutes a waiver from the requirement under this subsection.
 778 Notwithstanding any other statutory provision to the contrary,
 779 funds received by the State Disbursement Unit shall be held,
 780 administered, and disbursed by the State Disbursement Unit
 781 pursuant to the provisions of this chapter.

782 Section 11. Paragraph (c) of subsection (1) of section
 783 61.30, Florida Statutes, is amended to read:

784 61.30 Child support guidelines; retroactive child
 785 support.--

786 (1)

787 (c) For each support order reviewed by the department as
 788 required by s. 409.2564~~(11)~~~~(12)~~, if the amount of the child
 789 support award under the order differs by at least 10 percent but
 790 not less than \$25 from the amount that would be awarded under s.
 791 61.30, the department shall seek to have the order modified and
 792 any modification shall be made without a requirement for proof
 793 or showing of a change in circumstances.

794 Section 12. Effective January 1, 2006, paragraph (c) of
 795 subsection (14) of section 120.80, Florida Statutes, is amended
 796 to read:

797 120.80 Exceptions and special requirements; agencies.--

798 (14) DEPARTMENT OF REVENUE.--

799 (c) Proceedings to establish paternity or paternity and
 800 child support; orders to appear for genetic testing; proceedings
 801 for administrative support orders.--In proceedings to establish
 802 paternity or paternity and child support pursuant to s. 409.256
 803 and proceedings for the establishment of administrative support

804 orders pursuant to s. 409.2563, final orders in cases referred
 805 by the Department of Revenue to the Division of Administrative
 806 Hearings shall be entered by the division's administrative law
 807 judge and transmitted to the Department of Revenue for filing
 808 and rendering. The Department of Revenue has the right to seek
 809 judicial review under s. 120.68 of a final order entered by an
 810 administrative law judge. The Department of Revenue or the
 811 person ordered to appear for genetic testing may seek immediate
 812 judicial review under s. 120.68 of an order issued by an
 813 administrative law judge pursuant to s. 409.256(5)(b). Final
 814 orders that adjudicate paternity or paternity and child support
 815 pursuant to s. 409.256 and administrative support orders
 816 rendered pursuant to s. 409.2563 may be enforced pursuant to s.
 817 120.69 or, alternatively, by any method prescribed by law for
 818 the enforcement of judicial support orders, except contempt.
 819 Hearings held by the Division of Administrative Hearings
 820 pursuant to ss. 409.256 and ~~s.~~ 409.2563 shall be held in the
 821 judicial circuit where the person receiving services under Title
 822 IV-D resides or, if the person receiving services under Title
 823 IV-D does not reside in this state, in the judicial circuit
 824 where the respondent resides. If the department and the
 825 respondent agree, the hearing may be held in another location.
 826 If ordered by the administrative law judge, the hearing may be
 827 conducted telephonically or by videoconference.

828 Section 13. Effective October 1, 2006, paragraph (c) of
 829 subsection (14) of section 120.80, Florida Statutes, as amended
 830 by this act, is amended to read:

831 120.80 Exceptions and special requirements; agencies.--

832 (14) DEPARTMENT OF REVENUE.--

833 (c) Proceedings to establish paternity or paternity and

834 child support; orders to appear for genetic testing; proceedings

835 for administrative support orders.--In proceedings to establish

836 paternity or paternity and child support pursuant to s. 409.256

837 and proceedings for the establishment of administrative support

838 orders pursuant to s. 409.2563, final orders in cases referred

839 by the Department of Revenue to the Division of Administrative

840 Hearings shall be entered by the division's administrative law

841 judge and transmitted to the Department of Revenue for filing

842 and rendering. The Department of Revenue has the right to seek

843 judicial review under s. 120.68 of a final order entered by an

844 administrative law judge. The Department of Revenue or the

845 person ordered to appear for genetic testing may seek immediate

846 judicial review under s. 120.68 of an order issued by an

847 administrative law judge pursuant to s. 409.256(5)(b). Final

848 orders that adjudicate paternity or paternity and child support

849 pursuant to s. 409.256 and administrative support orders

850 rendered pursuant to s. 409.2563 may be enforced pursuant to s.

851 120.69 or, alternatively, by any method prescribed by law for

852 the enforcement of judicial support orders, except contempt.

853 Hearings held by the Division of Administrative Hearings

854 pursuant to ss. 409.256, ~~and 409.2563~~, and 409.25635 shall be

855 held in the judicial circuit where the person receiving services

856 under Title IV-D resides or, if the person receiving services

857 under Title IV-D does not reside in this state, in the judicial

858 circuit where the respondent resides. If the department and the

859 respondent agree, the hearing may be held in another location.

860 If ordered by the administrative law judge, the hearing may be
 861 conducted telephonically or by videoconference.

862 Section 14. Effective December 1, 2005, subsection (4) of
 863 section 322.142, Florida Statutes, is amended to read:

864 322.142 Color photographic or digital imaged licenses.--

865 (4) The department may maintain a film negative or print
 866 file. The department shall maintain a record of the digital
 867 image and signature of the licensees, together with other data
 868 required by the department for identification and retrieval.
 869 Reproductions from the file or digital record shall be made and
 870 issued only for departmental administrative purposes; for the
 871 issuance of duplicate licenses; in response to law enforcement
 872 agency requests; to the Department of Revenue pursuant to an
 873 interagency agreement for use in establishing paternity and
 874 establishing, modifying, or enforcing support obligations ~~to~~
 875 ~~facilitate service of process~~ in Title IV-D cases; or to the
 876 Department of Financial Services pursuant to an interagency
 877 agreement to facilitate the location of owners of unclaimed
 878 property, the validation of unclaimed property claims, and the
 879 identification of fraudulent or false claims, and are exempt
 880 from the provisions of s. 119.07(1).

881 Section 15. Effective January 1, 2006, paragraph (e) of
 882 subsection (2) of section 382.013, Florida Statutes, is
 883 redesignated as paragraph (f) and a new paragraph (e) is added
 884 to said subsection to read:

885 382.013 Birth registration.--A certificate for each live
 886 birth that occurs in this state shall be filed within 5 days
 887 after such birth with the local registrar of the district in

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888 which the birth occurred and shall be registered by the local
889 registrar if the certificate has been completed and filed in
890 accordance with this chapter and adopted rules. The information
891 regarding registered births shall be used for comparison with
892 information in the state case registry, as defined in chapter
893 61.

894 (2) PATERNITY.--

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

899 Section 16. Effective December 1, 2005, section 382.015,
900 Florida Statutes, is amended to read:

901 382.015 New certificates of live birth; duty of clerks of
902 court and department.--The clerk of the court in which any
903 proceeding for adoption, annulment of an adoption, affirmation
904 of parental status, or determination of paternity is to be
905 registered, shall within 30 days after the final disposition,
906 forward to the department a certified copy of the court order,
907 or a report of the proceedings upon a form to be furnished by
908 the department, together with sufficient information to identify
909 the original birth certificate and to enable the preparation of
910 a new birth certificate. The clerk of the court shall implement
911 a monitoring and quality control plan to ensure that all
912 judicial determinations of paternity are reported to the
913 department in compliance with this section. The department shall
914 track paternity determinations reported monthly by county,

915 monitor compliance with the 30-day timeframe, and report the
 916 data to the clerks of the court quarterly.

917 (1) ADOPTION AND ANNULMENT OF ADOPTION.--

918 (a) Upon receipt of the report or certified copy of an
 919 adoption decree, together with the information necessary to
 920 identify the original certificate of live birth, and establish a
 921 new certificate, the department shall prepare and file a new
 922 birth certificate, absent objection by the court decreeing the
 923 adoption, the adoptive parents, or the adoptee if of legal age.
 924 The certificate shall bear the same file number as the original
 925 birth certificate. All names and identifying information
 926 relating to the adoptive parents entered on the new certificate
 927 shall refer to the adoptive parents, but nothing in the
 928 certificate shall refer to or designate the parents as being
 929 adoptive. All other items not affected by adoption shall be
 930 copied as on the original certificate, including the date of
 931 registration and filing.

932 (b) Upon receipt of the report or certified copy of an
 933 annulment-of-adoption decree, together with the sufficient
 934 information to identify the original certificate of live birth,
 935 the department shall, if a new certificate of birth was filed
 936 following an adoption report or decree, remove the new
 937 certificate and restore the original certificate to its original
 938 place in the files, and the certificate so removed shall be
 939 sealed by the department.

940 (c) Upon receipt of a report or certified copy of an
 941 adoption decree or annulment-of-adoption decree for a person
 942 born in another state, the department shall forward the report

943 or decree to the state of the registrant's birth. If the adoptee
944 was born in Canada, the department shall send a copy of the
945 report or decree to the appropriate birth registration authority
946 in Canada.

947 (2) DETERMINATION OF PATERNITY.--Upon receipt of the
948 report or a certified copy of a final decree of determination of
949 paternity, together with sufficient information to identify the
950 original certificate of live birth, the department shall prepare
951 and file a new birth certificate which shall bear the same file
952 number as the original birth certificate. The registrant's name
953 shall be entered as decreed by the court. The names and
954 identifying information of the parents shall be entered as of
955 the date of the registrant's birth.

956 (3) AFFIRMATION OF PARENTAL STATUS.--Upon receipt of an
957 order of affirmation of parental status issued pursuant to s.
958 742.16, together with sufficient information to identify the
959 original certificate of live birth, the department shall prepare
960 and file a new birth certificate which shall bear the same file
961 number as the original birth certificate. The names and
962 identifying information of the registrant's parents entered on
963 the new certificate shall be the commissioning couple, but the
964 new certificate may not make reference to or designate the
965 parents as the commissioning couple.

966 (4) SUBSTITUTION OF NEW CERTIFICATE OF BIRTH FOR
967 ORIGINAL.--When a new certificate of birth is prepared, the
968 department shall substitute the new certificate of birth for the
969 original certificate on file. All copies of the original
970 certificate of live birth in the custody of a local registrar or

971 other state custodian of vital records shall be forwarded to the
 972 State Registrar. Thereafter, when a certified copy of the
 973 certificate of birth or portion thereof is issued, it shall be a
 974 copy of the new certificate of birth or portion thereof, except
 975 when a court order requires issuance of a certified copy of the
 976 original certificate of birth. In an adoption, change in
 977 paternity, affirmation of parental status, undetermined
 978 parentage, or court-ordered substitution, the department shall
 979 place the original certificate of birth and all papers
 980 pertaining thereto under seal, not to be broken except by order
 981 of a court of competent jurisdiction or as otherwise provided by
 982 law.

983 (5) FORM.--Except for certificates of foreign birth which
 984 are registered as provided in s. 382.017, and delayed
 985 certificates of birth which are registered as provided in ss.
 986 382.019 and 382.0195, all original, new, or amended certificates
 987 of live birth shall be identical in form, regardless of the
 988 marital status of the parents or the fact that the registrant is
 989 adopted or of undetermined parentage.

990 (6) RULES.--The department shall adopt and enforce all
 991 rules necessary for carrying out the provisions of this section.

992 Section 17. Paragraph (b) of subsection (1) of section
 993 382.016, Florida Statutes, is amended to read:

994 382.016 Amendment of records.--The department, upon
 995 receipt of the fee prescribed in s. 382.0255; documentary
 996 evidence, as specified by rule, of any misstatement, error, or
 997 omission occurring in any birth, death, or fetal death record;

998 and an affidavit setting forth the changes to be made, shall
 999 amend or replace the original certificate as necessary.

1000 (1) CERTIFICATE OF LIVE BIRTH AMENDMENT.--

1001 (b) Upon written request and receipt of an affidavit, a
 1002 notarized voluntary acknowledgment of paternity signed by the
 1003 mother and father acknowledging the paternity of a registrant
 1004 born out of wedlock, or a voluntary acknowledgment of paternity
 1005 that is witnessed by two individuals and signed under penalty of
 1006 perjury as specified by s. 92.525(2), together with sufficient
 1007 information to identify the original certificate of live birth,
 1008 the department shall prepare a new birth certificate, which
 1009 shall bear the same file number as the original birth
 1010 certificate. The names and identifying information of the
 1011 parents shall be entered as of the date of the registrant's
 1012 birth. The surname of the registrant may be changed from that
 1013 shown on the original birth certificate at the request of the
 1014 mother and father of the registrant, or the registrant if of
 1015 legal age. If the mother and father marry each other at any time
 1016 after the registrant's birth, the department shall, upon the
 1017 request of the mother and father or registrant if of legal age
 1018 and proof of the marriage, amend the certificate with regard to
 1019 the parents' marital status as though the parents were married
 1020 at the time of birth. The department shall substitute the new
 1021 certificate of birth for the original certificate on file. All
 1022 copies of the original certificate of live birth in the custody
 1023 of a local registrar or other state custodian of vital records
 1024 shall be forwarded to the State Registrar. Thereafter, when a
 1025 certified copy of the certificate of birth or portion thereof is

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1026 issued, it shall be a copy of the new certificate of birth or
 1027 portion thereof, except when a court order requires issuance of
 1028 a certified copy of the original certificate of birth. Except
 1029 for a birth certificate on which a father is listed pursuant to
 1030 an affidavit or notarized voluntary acknowledgment of paternity
 1031 signed by the mother and the father or a voluntary
 1032 acknowledgment of paternity that is witnessed by two individuals
 1033 and signed under penalty of perjury as specified by s.
 1034 92.525(2), the department shall place the original certificate
 1035 of birth and all papers pertaining thereto under seal, not to be
 1036 broken except by order of a court of competent jurisdiction or
 1037 as otherwise provided by law.

1038 Section 18. Effective October 1, 2005, paragraph (d) is
 1039 added to subsection (1) of section 382.016, Florida Statutes, to
 1040 read:

1041 382.016 Amendment of records.--The department, upon
 1042 receipt of the fee prescribed in s. 382.0255; documentary
 1043 evidence, as specified by rule, of any misstatement, error, or
 1044 omission occurring in any birth, death, or fetal death record;
 1045 and an affidavit setting forth the changes to be made, shall
 1046 amend or replace the original certificate as necessary.

1047 (1) CERTIFICATE OF LIVE BIRTH AMENDMENT.--

1048 (d) For a child born in this state whose paternity is
 1049 established in another state, the department shall amend the
 1050 child's birth certificate to include the name of the father upon
 1051 receipt of:

1052 1. A certified copy of an acknowledgment of paternity,
 1053 final judgment, or judicial or administrative order from another
 1054 state that determines the child's paternity; or

1055 2. A noncertified copy of an acknowledgment of paternity,
 1056 final judgment, or judicial or administrative order from another
 1057 state that determines the child's paternity when provided with
 1058 an affidavit or written declaration from the Department of
 1059 Revenue that states the document was provided by or obtained
 1060 from another state's Title IV-D program.

1061
 1062 The department may not amend a child's birth certificate to
 1063 include the name of the child's father if paternity was
 1064 established by adoption and the father would not be eligible to
 1065 adopt under the laws of this state.

1066 Section 19. Effective December 1, 2005, paragraph (e) is
 1067 added to subsection (1) of section 382.016, Florida Statutes, as
 1068 amended by this act, to read:

1069 382.016 Amendment of records.--The department, upon
 1070 receipt of the fee prescribed in s. 382.0255; documentary
 1071 evidence, as specified by rule, of any misstatement, error, or
 1072 omission occurring in any birth, death, or fetal death record;
 1073 and an affidavit setting forth the changes to be made, shall
 1074 amend or replace the original certificate as necessary.

1075 (1) CERTIFICATE OF LIVE BIRTH AMENDMENT.--

1076 (e) The Department of Revenue shall develop written
 1077 educational materials for use and distribution by the Department
 1078 of Children and Family Services, Department of Corrections,
 1079 Department of Education, Department of Health, and Department of

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1080 Juvenile Justice that describe how paternity is established and
 1081 the benefits of establishing paternity. The Department of
 1082 Children and Family Services, Department of Corrections,
 1083 Department of Education, Department of Health, and Department of
 1084 Juvenile Justice shall make the materials available to
 1085 individuals to whom services are provided and are encouraged to
 1086 provide additional education on how paternity is established and
 1087 the benefits of establishing paternity.

1088 Section 20. Section 382.357, Florida Statutes, is created
 1089 to read:

1090 382.357 Electronic filing of birth certificate
 1091 information.--The Department of Health, Department of Revenue,
 1092 Florida Hospital Association, Florida Association of Court
 1093 Clerks, and one or more local registrars shall study the
 1094 feasibility of electronically filing original and new or amended
 1095 birth certificates, documentation of paternity determinations,
 1096 and adoptions with the department. The Department of Health
 1097 shall submit a report to the Governor, Cabinet, President of the
 1098 Senate, and Speaker of the House of Representatives by July 1,
 1099 2006. The report shall include the estimated cost to develop and
 1100 implement electronic filing, cost savings resulting from
 1101 electronic filing, and potential funding sources for electronic
 1102 filing.

1103 Section 21. Effective July 1, 2007, paragraph (c) is added
 1104 to subsection (5) of section 395.003, Florida Statutes, to read:

1105 395.003 Licensure; issuance, renewal, denial,
 1106 modification, suspension, and revocation.--

1107 (5)

1108 (c) A hospital that provides birthing services shall
 1109 affirm in writing as part of the application for a new,
 1110 provisional, or renewal license that the hospital shall comply
 1111 with s. 382.013(2)(c), which includes assisting unmarried
 1112 parents who request assistance in executing a voluntary
 1113 acknowledgment of paternity.

1114 Section 22. Effective January 1, 2006, paragraph (p) of
 1115 subsection (3) of section 409.2557, Florida Statutes, is amended
 1116 to read:

1117 409.2557 State agency for administering child support
 1118 enforcement program.--

1119 (3) SPECIFIC RULEMAKING AUTHORITY.--The department has the
 1120 authority to adopt rules pursuant to ss. 120.536(1) and 120.54
 1121 to implement all laws administered by the department in its
 1122 capacity as the Title IV-D agency for this state including, but
 1123 not limited to, the following:

1124 (p) Administrative proceedings to establish paternity or
 1125 establish paternity and child support, orders to appear for
 1126 genetic testing, and administrative proceedings to establish
 1127 child support obligations; and

1128 Section 23. Effective October 1, 2005, paragraph (a) of
 1129 subsection (2) of section 409.2558, Florida Statutes, is amended
 1130 to read:

1131 409.2558 Support distribution and disbursement.--

1132 (2) UNDISTRIBUTABLE COLLECTIONS.--

1133 (a) The department shall establish by rule the method for
 1134 determining a collection or refund ~~to a noneustodial parent~~ to
 1135 be undistributable to the final intended recipient. Before

1136 determining a collection or refund to be undistributable, the
 1137 department shall make reasonable efforts to locate persons to
 1138 whom collections or refunds are owed so that payment can be
 1139 made. Location efforts may include disclosure through a
 1140 searchable database of the names of obligees, obligors, and
 1141 depository account numbers on the Internet with appropriate
 1142 safeguards to protect the privacy of the persons named in the
 1143 database.

1144 Section 24. Section 409.256, Florida Statutes, is created
 1145 to read:

1146 409.256 Administrative proceeding to establish paternity
 1147 or paternity and child support; order to appear for genetic
 1148 testing.--

1149 (1) DEFINITIONS.--As used in this section, the term:

1150 (a) "Another state" or "other state" means a state of the
 1151 United States, the District of Columbia, Puerto Rico, the United
 1152 States Virgin Islands, or any territory or insular possession
 1153 subject to the jurisdiction of the United States. The term
 1154 includes:

1155 1. An Indian tribe.

1156 2. A foreign jurisdiction that has enacted a law or
 1157 established procedures for issuance and enforcement of support
 1158 orders which are substantially similar to the procedures under
 1159 this act, the Uniform Reciprocal Enforcement of Support Act, or
 1160 the Revised Uniform Reciprocal Enforcement of Support Act, as
 1161 determined by the Attorney General.

1162 (b) "Custodian" means a person, other than the mother or a
 1163 putative father, who has physical custody of a child or with

1164 whom the child primarily resides. References in this section to
 1165 the obligation of a custodian to submit to genetic testing mean
 1166 that the custodian is obligated to submit the child for genetic
 1167 testing, not that the custodian must submit to genetic testing.

1168 (c) "Filed" means a document has been received and
 1169 accepted for filing at the offices of the Department of Revenue
 1170 by the clerk or an authorized deputy clerk designated by the
 1171 department.

1172 (d) "Genetic testing" means a scientific analysis of
 1173 genetic markers that is performed by a qualified technical
 1174 laboratory only to exclude an individual as the parent of a
 1175 child or to show a probability of paternity.

1176 (e) "Paternity and child support proceeding" means an
 1177 administrative action commenced by the Department of Revenue to
 1178 order genetic testing, establish paternity, and establish an
 1179 administrative support order pursuant to this section.

1180 (f) "Paternity proceeding" means an administrative action
 1181 commenced by the Department of Revenue to order genetic testing
 1182 and establish paternity pursuant to this section.

1183 (g) "Putative father" means an individual who is or may be
 1184 the biological father of a child whose paternity has not been
 1185 established and whose mother was unmarried when the child was
 1186 conceived and born.

1187 (h) "Qualified technical laboratory" means a genetic-
 1188 testing laboratory that may be under contract with the
 1189 Department of Revenue, that uses tests and methods of a type
 1190 generally acknowledged as reliable by accreditation
 1191 organizations recognized by the United States Department of

1192 Health and Human Services, and that is approved by such an
 1193 accreditation organization. The term includes a genetic-testing
 1194 laboratory used by another state, if the laboratory has
 1195 comparable qualifications.

1196 (i) "Rendered" means that a signed written order is filed
 1197 with the clerk or a deputy clerk of the Department of Revenue
 1198 and served on the respondent. The date of filing must be
 1199 indicated on the face of the order at the time of rendition.

1200 (j) "Respondent" means the person or persons served by the
 1201 Department of Revenue with a notice of proceeding pursuant to
 1202 subsection (4). The term includes the putative father and may
 1203 include the mother or the custodian of the child.

1204 (k) "This state" or "the state" means the State of
 1205 Florida.

1206 (2) JURISDICTION; LOCATION OF HEARINGS; RIGHT OF ACCESS TO
 1207 THE COURTS.--

1208 (a) The Department of Revenue may commence a paternity
 1209 proceeding or a paternity and child support proceeding as
 1210 provided in subsection (4) if:

1211 1. The child's paternity has not been established.

1212 2. No one is named as the father on the child's birth
 1213 certificate or the person named as the father is the putative
 1214 father named in an affidavit or a written declaration as
 1215 provided in subparagraph 5.

1216 3. The child's mother was unmarried when the child was
 1217 conceived and born.

1218 4. The Department of Revenue is providing services under
 1219 Title IV-D.

1220 5. The child's mother or a putative father has stated in
 1221 an affidavit, or in a written declaration as provided in s.
 1222 92.525(2) that the putative father is or may be the child's
 1223 biological father. The affidavit or written declaration must set
 1224 forth the factual basis for the allegation of paternity as
 1225 provided in s. 742.12(2).

1226 (b) If the Department of Revenue receives a request from
 1227 another state to assist in the establishment of paternity, the
 1228 department may serve an order to appear for genetic testing on a
 1229 person who resides in this state and transmit the test results
 1230 to the other state without commencing a paternity proceeding in
 1231 this state.

1232 (c) The Department of Revenue may use the procedures
 1233 authorized by this section against a nonresident over whom this
 1234 state may assert personal jurisdiction under chapter 48 or
 1235 chapter 88.

1236 (d) If a putative father, mother, or custodian in a Title
 1237 IV-D case voluntarily submits to genetic testing, the Department
 1238 of Revenue may schedule that individual or the child for genetic
 1239 testing without serving that individual with an order to appear
 1240 for genetic testing. A respondent or other person who is subject
 1241 to an order to appear for genetic testing may waive, in writing
 1242 or on the record at an administrative hearing, formal service of
 1243 notices or orders or waive any other rights or time periods
 1244 prescribed by this section.

1245 (e) Whenever practicable, hearings held by the Division of
 1246 Administrative Hearings pursuant to this section shall be held
 1247 in the judicial circuit where the person receiving services

1248 under Title IV-D resides or, if the person receiving services
 1249 under Title IV-D does not reside in this state, in the judicial
 1250 circuit where the respondent resides. If the Department of
 1251 Revenue and the respondent agree, the hearing may be held in
 1252 another location. If ordered by the administrative law judge,
 1253 the hearing may be conducted telephonically or by
 1254 videoconference.

1255 (f) The Legislature does not intend to limit the
 1256 jurisdiction of the circuit courts to hear and determine issues
 1257 regarding establishment of paternity. This section is intended
 1258 to provide the Department of Revenue with an alternative
 1259 procedure for establishing paternity and child support
 1260 obligations in Title IV-D cases. This section does not prohibit
 1261 a person who has standing from filing a civil action in circuit
 1262 court for a determination of paternity or of child support
 1263 obligations.

1264 (g) Section 409.2563(2)(e), (f), and (g) apply to a
 1265 proceeding under this section.

1266 (3) MULTIPLE PUTATIVE FATHERS; MULTIPLE CHILDREN.--If more
 1267 than one putative father has been named, the Department of
 1268 Revenue may proceed under this section against a single putative
 1269 father or may proceed simultaneously against more than one
 1270 putative father. If a putative father has been named as a
 1271 possible father of more than one child born to the same mother,
 1272 the department may proceed to establish the paternity of each
 1273 child in the same proceeding.

1274 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR
 1275 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC

1276 TESTING; MANNER OF SERVICE; CONTENTS.--The Department of Revenue
 1277 shall commence a proceeding to determine paternity, or a
 1278 proceeding to determine both paternity and child support, by
 1279 serving the respondent with a notice as provided in this
 1280 section. An order to appear for genetic testing may be served at
 1281 the same time as a notice of the proceeding or may be served
 1282 separately. A copy of the affidavit or written declaration upon
 1283 which the proceeding is based shall be provided to the
 1284 respondent when notice is served. A notice or order to appear
 1285 for genetic testing shall be served by certified mail,
 1286 restricted delivery, return receipt requested, or in accordance
 1287 with the requirements for service of process in a civil action.
 1288 Service by certified mail is completed when the certified mail
 1289 is received or refused by the addressee or by an authorized
 1290 agent as designated by the addressee in writing. If a person
 1291 other than the addressee signs the return receipt, the
 1292 department shall attempt to reach the addressee by telephone to
 1293 confirm whether the notice was received, and the department
 1294 shall document any telephonic communications. If someone other
 1295 than the addressee signs the return receipt, the addressee does
 1296 not respond to the notice, and the department is unable to
 1297 confirm that the addressee has received the notice, service is
 1298 not completed and the department shall attempt to have the
 1299 addressee served personally. For purposes of this section, an
 1300 employee or an authorized agent of the department may serve the
 1301 notice or order to appear for genetic testing and execute an
 1302 affidavit of service. The department may serve an order to
 1303 appear for genetic testing on a custodian. The department shall

1304 provide a copy of the notice or order to appear by regular mail
 1305 to the mother and custodian, if they are not respondents.

1306 (a) A notice of proceeding to establish paternity must
 1307 state:

1308 1. That the department has commenced an administrative
 1309 proceeding to establish whether the putative father is the
 1310 biological father of the child named in the notice.

1311 2. The name and date of birth of the child and the name of
 1312 the child's mother.

1313 3. That the putative father has been named in an affidavit
 1314 or written declaration that states the putative father is or may
 1315 be the child's biological father.

1316 4. That the respondent is required to submit to genetic
 1317 testing.

1318 5. That genetic testing will establish either a high
 1319 degree of probability that the putative father is the biological
 1320 father of the child or that the putative father cannot be the
 1321 biological father of the child.

1322 6. That if the results of the genetic test do not indicate
 1323 a statistical probability of paternity that equals or exceeds 99
 1324 percent, the paternity proceeding in connection with that child
 1325 shall cease unless a second or subsequent test is required.

1326 7. That if the results of the genetic test indicate a
 1327 statistical probability of paternity that equals or exceeds 99
 1328 percent, the department may:

1329 a. Issue a proposed order of paternity that the respondent
 1330 may consent to or contest at an administrative hearing; or

1331 b. Commence a proceeding, as provided in s. 409.2563, to
 1332 establish an administrative support order for the child. Notice
 1333 of the proceeding shall be provided to the respondent by regular
 1334 mail.

1335 8. That, if the genetic test results indicate a
 1336 statistical probability of paternity that equals or exceeds 99
 1337 percent and a proceeding to establish an administrative support
 1338 order is commenced, the department shall issue a proposed order
 1339 that addresses paternity and child support. The respondent may
 1340 consent to or contest the proposed order at an administrative
 1341 hearing.

1342 9. That if a proposed order of paternity or proposed order
 1343 of both paternity and child support is not contested, the
 1344 department shall adopt the proposed order and render a final
 1345 order that establishes paternity and, if appropriate, an
 1346 administrative support order for the child.

1347 10. That, until the proceeding is ended, the respondent
 1348 shall notify the department in writing of any change in the
 1349 respondent's mailing address and that the respondent shall be
 1350 deemed to have received any subsequent order, notice, or other
 1351 paper mailed to the most recent address provided or, if a more
 1352 recent address is not provided, to the address at which the
 1353 respondent was served, and that this requirement continues if
 1354 the department renders a final order that establishes paternity
 1355 and a support order for the child.

1356 11. That the respondent may file an action in circuit
 1357 court for a determination of paternity, child support
 1358 obligations, or both.

1359 12. That if the respondent files an action in circuit
 1360 court and serves the department with a copy of the petition or
 1361 complaint within 20 days after being served notice under this
 1362 subsection, the administrative process ends without prejudice
 1363 and the action must proceed in circuit court.

1364 13. That, if paternity is established, the putative father
 1365 may file a petition in circuit court for a determination of
 1366 matters relating to custody and rights of parental contact.

1367
 1368 A notice under this paragraph must also notify the respondent of
 1369 the provisions in s. 409.2563(4)(m) and (o).

1370 (b) A notice of proceeding to establish paternity and
 1371 child support must state the requirements of paragraph (a),
 1372 except for subparagraph (a)7., and must state the requirements
 1373 of s. 409.2563(4), to the extent that the requirements of s.
 1374 409.2563(4) are not already required by and do not conflict with
 1375 this subsection. This section and s. 409.2563 apply to a
 1376 proceeding commenced under this subsection.

1377 (c) The order to appear for genetic testing shall inform
 1378 the person ordered to appear:

1379 1. That the department has commenced an administrative
 1380 proceeding to establish whether the putative father is the
 1381 biological father of the child.

1382 2. The name and date of birth of the child and the name of
 1383 the child's mother.

1384 3. That the putative father has been named in an affidavit
 1385 or written declaration that states the putative father is or may
 1386 be the child's biological father.

1387 4. The date, time, and place that the person ordered to
 1388 appear must appear to provide a sample for genetic testing.

1389 5. That if the person has custody of the child whose
 1390 paternity is the subject of the proceeding, the person must
 1391 submit the child for genetic testing.

1392 6. That when the samples are provided, the person ordered
 1393 to appear shall verify his or her identity and the identity of
 1394 the child, if applicable, by presenting a form of identification
 1395 as prescribed by s. 117.05(5)(b)2. that bears the photograph of
 1396 the person who is providing the sample or other form of
 1397 verification approved by the department.

1398 7. That if the person ordered to appear submits to genetic
 1399 testing, the department shall pay the cost of the genetic
 1400 testing and shall provide the person ordered to appear with a
 1401 copy of any test results obtained.

1402 8. That if the person ordered to appear does not appear as
 1403 ordered or refuses to submit to genetic testing without good
 1404 cause, the department may take one or more of the following
 1405 actions:

1406 a. Commence proceedings to suspend the driver's license
 1407 and motor vehicle registration of the person ordered to appear,
 1408 as provided in s. 61.13016;

1409 b. Impose an administrative fine against the person
 1410 ordered to appear in the amount of \$500; or

1411 c. File a petition in circuit court to establish paternity
 1412 and obtain a support order for the child and an order for costs
 1413 against the person ordered to appear, including costs for
 1414 genetic testing.

1415 9. That the person ordered to appear may contest the order
 1416 by filing a written request for informal review within 15 days
 1417 after the date of service of the order, with further rights to
 1418 an administrative hearing following the informal review.

1419 (5) RIGHT TO CONTEST ORDER TO APPEAR FOR GENETIC
 1420 TESTING.--

1421 (a) The person ordered to appear may contest an order to
 1422 appear for genetic testing by filing a written request for
 1423 informal review with the Department of Revenue within 15 days
 1424 after the date of service of the order. The purpose of the
 1425 informal review is to provide the person ordered to appear with
 1426 an opportunity to discuss the proceedings and the basis of the
 1427 order. At the conclusion of the informal review, the department
 1428 shall notify the person ordered to appear, in writing, whether
 1429 it intends to proceed with the order to appear. If the
 1430 department notifies the person ordered to appear of its intent
 1431 to proceed, the notice must inform the person ordered to appear
 1432 of the right to contest the order at an administrative hearing.

1433 (b) Following an informal review, within 15 days after the
 1434 mailing date of the Department of Revenue's notification that
 1435 the department shall proceed with an order to appear for genetic
 1436 testing, the person ordered to appear may file a request for an
 1437 administrative hearing to contest whether the person should be
 1438 required to submit to genetic testing. A request for an
 1439 administrative hearing must state the specific reasons why the
 1440 person ordered to appear believes he or she should not be
 1441 required to submit to genetic testing as ordered. If the person
 1442 ordered to appear files a timely request for a hearing, the

1443 department shall refer the hearing request to the Division of
1444 Administrative Hearings. Unless otherwise provided in this
1445 section, administrative hearings are governed by chapter 120 and
1446 the uniform rules of procedure. The administrative law judge
1447 assigned to the case shall issue an order as to whether the
1448 person must submit to genetic testing in accordance with the
1449 order to appear. The department or the person ordered to appear
1450 may seek immediate judicial review under s. 120.68 of an order
1451 issued by an administrative law judge pursuant to this
1452 paragraph.

1453 (c) If a timely request for an informal review or an
1454 administrative hearing is filed, the department may not proceed
1455 under the order to appear for genetic testing and may not impose
1456 sanctions for failure or refusal to submit to genetic testing
1457 until:

1458 1. The department has notified the person of its intent to
1459 proceed after informal review, and a timely request for hearing
1460 is not filed;

1461 2. The person ordered to appear withdraws the request for
1462 hearing or informal review; or

1463 3. The Division of Administrative Hearings issues an order
1464 that the person must submit to genetic testing, or issues an
1465 order closing the division's file, and that an order has become
1466 final.

1467 (d) If a request for an informal review or administrative
1468 hearing is not timely filed, the person ordered to appear is
1469 deemed to have waived the right to a hearing and the department
1470 may proceed under the order to appear for genetic testing.

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1471 (6) SCHEDULING OF GENETIC TESTING.--

1472 (a) The Department of Revenue shall notify, in writing,
1473 the person ordered to appear of the date, time, and location of
1474 the appointment for genetic testing and of the requirement to
1475 verify his or her identity and the identity of the child, if
1476 applicable, when the samples are provided by presenting a form
1477 of identification as prescribed in s. 117.05(5)(b)2. that bears
1478 the photograph of the person who is providing the sample or
1479 other form of verification approved by the department. If the
1480 person ordered to appear is the putative father or the mother,
1481 that person shall appear and submit to genetic testing. If the
1482 person ordered to appear is a custodian, or if the putative
1483 father or the mother has custody of the child, that person must
1484 submit the child for genetic testing.

1485 (b) The department shall reschedule genetic testing:

1486 1. One time without cause if, in advance of the initial
1487 test date, the person ordered to appear requests the department
1488 to reschedule the test.

1489 2. One time if the person ordered to appear shows good
1490 cause for failure to appear for a scheduled test.

1491 3. One time upon request of a person ordered to appear
1492 against whom sanctions have been imposed as provided in
1493 subsection (7).

1494

1495 A claim of good cause for failure to appear shall be filed with
1496 the department within 10 days after the scheduled test date and
1497 must state the facts and circumstances supporting the claim. The
1498 department shall notify the person ordered to appear, in

1499 writing, whether it accepts or rejects the person's claim of
 1500 good cause. There is not a separate right to a hearing on the
 1501 department's decision to accept or reject the claim of good
 1502 cause because the person ordered to appear may raise good cause
 1503 as a defense to any proceeding initiated by the department under
 1504 subsection (7).

1505 (c) A person ordered to appear may obtain a second genetic
 1506 test by filing a written request for a second test with the
 1507 department within 15 days after the date of mailing of the
 1508 initial genetic testing results and by paying the department in
 1509 advance for the full cost of the second test.

1510 (d) The department may schedule and require a subsequent
 1511 genetic test if it has reason to believe the results of the
 1512 preceding genetic test may not be reliable.

1513 (e) Except as provided in paragraph (c) and subsection
 1514 (7), the department shall pay for the cost of genetic testing
 1515 ordered under this section.

1516 (7) FAILURE OR REFUSAL TO SUBMIT TO GENETIC TESTING.--If a
 1517 person who is served with an order to appear for genetic testing
 1518 fails to appear without good cause or refuses to submit to
 1519 testing without good cause, the department may take one or more
 1520 of the following actions:

1521 (a) Commence a proceeding to suspend the driver's license
 1522 and motor vehicle registration of the person ordered to appear,
 1523 as provided in s. 61.13016;

1524 (b) Impose an administrative fine against the person
 1525 ordered to appear in the amount of \$500; or

1526 (c) File a petition in circuit court to establish
 1527 paternity, obtain a support order for the child, and seek
 1528 reimbursement from the person ordered to appear for the full
 1529 cost of genetic testing incurred by the department.

1530
 1531 As provided in s. 322.058(2), a suspended driver's license and
 1532 motor vehicle registration may be reinstated when the person
 1533 ordered to appear complies with the order to appear for genetic
 1534 testing. The department may collect an administrative fine
 1535 imposed under this subsection by using civil remedies or other
 1536 statutory means available to the department for collecting
 1537 support.

1538 (8) GENETIC-TESTING RESULTS.--The department shall send a
 1539 copy of the genetic-testing results to the putative father, to
 1540 the mother, to the custodian, and to the other state, if
 1541 applicable. If the genetic-testing results, including second or
 1542 subsequent genetic-testing results, do not indicate a
 1543 statistical probability of paternity that equals or exceeds 99
 1544 percent, the paternity proceeding in connection with that child
 1545 shall cease.

1546 (9) PROPOSED ORDER OF PATERNITY; COMMENCEMENT OF
 1547 PROCEEDING TO ESTABLISH ADMINISTRATIVE SUPPORT ORDER; PROPOSED
 1548 ORDER OF PATERNITY AND CHILD SUPPORT.--

1549 (a) If a paternity proceeding has been commenced under
 1550 this section and the results of genetic testing indicate a
 1551 statistical probability of paternity that equals or exceeds 99
 1552 percent, the Department of Revenue may:

1553 1. Issue a proposed order of paternity as provided in
 1554 paragraph (b); or

1555 2. If appropriate, delay issuing a proposed order of
 1556 paternity and commence, by regular mail, an administrative
 1557 proceeding to establish a support order for the child pursuant
 1558 to s. 409.2563 and issue a single proposed order that addresses
 1559 paternity and child support.

1560 (b) A proposed order of paternity must:

1561 1. State proposed findings of fact and conclusions of law.

1562 2. Include a copy of the results of genetic testing.

1563 3. Include notice of the respondent's right to informal
 1564 review and to contest the proposed order of paternity at an
 1565 administrative hearing.

1566 (c) If a paternity and child support proceeding has been
 1567 commenced under this section and the results of genetic testing
 1568 indicate a statistical probability of paternity that equals or
 1569 exceeds 99 percent, the Department of Revenue may issue a single
 1570 proposed order that addresses paternity as provided in this
 1571 section and child support as provided in s. 409.2563.

1572 (d) The Department of Revenue shall serve a proposed order
 1573 issued under this section on the respondent by regular mail and
 1574 shall provide a copy by regular mail to the mother or custodian
 1575 if they are not respondents.

1576 (10) INFORMAL REVIEW; ADMINISTRATIVE HEARING; PRESUMPTION
 1577 OF PATERNITY.--

1578 (a) Within 10 days after the date of mailing or other
 1579 service of a proposed order, the respondent may contact a
 1580 representative of the Department of Revenue at the address or

1581 telephone number provided to request an informal review of the
1582 proposed order. If an informal review is timely requested, the
1583 time for requesting a hearing is extended until 10 days after
1584 the department mails notice to the respondent that the informal
1585 review has been concluded.

1586 (b) Within 20 days after the mailing date of the proposed
1587 order or within 10 days after the mailing date of notice that an
1588 informal review has been concluded, whichever is later, the
1589 respondent may request an administrative hearing by filing a
1590 written request for a hearing with the Department of Revenue. A
1591 request for a hearing must state the specific objections to the
1592 proposed order, the specific objections to the genetic testing
1593 results, or both. A respondent who fails to file a timely
1594 request for a hearing is deemed to have waived the right to a
1595 hearing.

1596 (c) If the respondent files a timely request for a
1597 hearing, the Department of Revenue shall refer the hearing
1598 request to the Division of Administrative Hearings. Unless
1599 otherwise provided in this section or in s. 409.2563, chapter
1600 120 and the uniform rules of procedure govern the conduct of the
1601 proceedings.

1602 (d) The genetic-testing results shall be admitted into
1603 evidence and made a part of the hearing record. For purposes of
1604 this section, a statistical probability of paternity that equals
1605 or exceeds 99 percent creates a presumption, as defined in s.
1606 90.304, that the putative father is the biological father of the
1607 child. The presumption may be overcome only by clear and
1608 convincing evidence. The respondent or the Department of Revenue

1609 may call an expert witness to refute or support the testing
 1610 procedure or results or the mathematical theory on which they
 1611 are based. Verified documentation of the chain of custody of the
 1612 samples tested is competent evidence to establish the chain of
 1613 custody.

1614 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY AND
 1615 CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL
 1616 STATISTICS.--

1617 (a) If a hearing is held, the administrative law judge of
 1618 the Division of Administrative Hearings shall issue a final
 1619 order that adjudicates paternity or, if appropriate, paternity
 1620 and child support. A final order of the administrative law judge
 1621 constitutes final agency action by the Department of Revenue.
 1622 The Division of Administrative Hearings shall transmit any such
 1623 order to the department for filing and rendering.

1624 (b) If the respondent does not file a timely request for a
 1625 hearing or consents in writing to entry of a final order without
 1626 a hearing, the Department of Revenue may render a final order of
 1627 paternity or a final order of paternity and child support, as
 1628 appropriate.

1629 (c) The Department of Revenue shall mail a copy of the
 1630 final order to the putative father, the mother, and the
 1631 custodian, if any. The department shall notify the respondent of
 1632 the right to seek judicial review of a final order in accordance
 1633 with s. 120.68.

1634 (d) Upon rendering a final order of paternity or a final
 1635 order of paternity and child support, the Department of Revenue

1636 shall notify the Division of Vital Statistics of the Department
 1637 of Health that the paternity of the child has been established.

1638 (e) A final order rendered pursuant to this section has
 1639 the same effect as a judgment entered by the court pursuant to
 1640 chapter 742.

1641 (f) The provisions of s. 409.2563 that apply to a final
 1642 administrative support order rendered under that section apply
 1643 to a final order rendered under this section when a child
 1644 support obligation is established.

1645 (12) RIGHT TO JUDICIAL REVIEW.--A respondent has the right
 1646 to seek judicial review, in accordance with s. 120.68, of a
 1647 final order rendered under subsection (11) and an order issued
 1648 under paragraph (5)(b). The Department of Revenue has the right
 1649 to seek judicial review, in accordance with s. 120.68, of a
 1650 final order issued by an administrative law judge under
 1651 subsection (11) and an order issued by an administrative law
 1652 judge under paragraph (5)(b).

1653 (13) DUTY TO PROVIDE AND MAINTAIN CURRENT MAILING
 1654 ADDRESS.--Until a proceeding that has been commenced under this
 1655 section has ended, a respondent who is served with a notice of
 1656 proceeding must inform the Department of Revenue in writing of
 1657 any change in the respondent's mailing address and is deemed to
 1658 have received any subsequent order, notice, or other paper
 1659 mailed to that address, or the address at which the respondent
 1660 was served, if the respondent has not provided a more recent
 1661 address.

1662 (14) PROCEEDINGS IN CIRCUIT COURT.--The results of genetic
 1663 testing performed pursuant to this section are admissible as

1664 evidence to the same extent as scientific testing ordered by the
 1665 court pursuant to chapter 742.

1666 (15) GENDER NEUTRAL.--This section shall be construed
 1667 impartially, regardless of a person's gender, and applies with
 1668 equal force to the mother of a child whose paternity has not
 1669 been established and is not presumed by law.

1670 (16) REMEDIES SUPPLEMENTAL.--The remedies provided in this
 1671 section are supplemental and in addition to other remedies
 1672 available to the department for the establishment of paternity
 1673 and child support obligations.

1674 (17) RULEMAKING AUTHORITY.--The department may adopt rules
 1675 to implement this section.

1676 Section 25. Effective July 1, 2005, subsection (4) of
 1677 section 409.2561, Florida Statutes, is amended to read:

1678 409.2561 Support obligations when public assistance is
 1679 paid; assignment of rights; subrogation; medical and health
 1680 insurance information.--

1681 (4) No obligation of support under this section shall be
 1682 incurred by any person who is the recipient of supplemental
 1683 security income or temporary cash assistance ~~public assistance~~
 1684 ~~moneys~~ for the benefit of a dependent child or who is
 1685 incapacitated and financially unable to pay as determined by the
 1686 department.

1687 Section 26. Effective January 1, 2006, paragraphs (b) and
 1688 (c) of subsection (2) of section 409.2563, Florida Statutes, are
 1689 amended to read:

1690 409.2563 Administrative establishment of child support
 1691 obligations.--

1692 (2) PURPOSE AND SCOPE.--

1693 (b) The administrative procedure set forth in this section
 1694 concerns only the establishment of child support obligations.
 1695 This section does not grant jurisdiction to the department or
 1696 the Division of Administrative Hearings to hear or determine
 1697 issues of dissolution of marriage, separation, alimony or
 1698 spousal support, termination of parental rights, dependency,
 1699 disputed paternity, except for a determination of paternity as
 1700 provided in s. 409.256, award of or change of custody, or
 1701 visitation. This paragraph notwithstanding, the department and
 1702 the Division of Administrative Hearings may make findings of
 1703 fact that are necessary for a proper determination of a
 1704 noncustodial parent's support obligation as authorized by this
 1705 section.

1706 (c) If there is no support order for a child in a Title
 1707 IV-D case whose paternity has been established or is presumed by
 1708 law, or whose paternity is the subject of a proceeding under s.
 1709 409.256, the department may establish the noncustodial parent's
 1710 child support obligation pursuant to this section, s. 61.30, and
 1711 other relevant provisions of state law. The noncustodial
 1712 parent's obligation determined by the department may include any
 1713 obligation to pay retroactive support and any obligation to
 1714 provide for health care for a child, whether through insurance
 1715 coverage, reimbursement of expenses, or both. The department may
 1716 proceed on behalf of:

- 1717 1. An applicant or recipient of public assistance, as
- 1718 provided by ss. 409.2561 and 409.2567;

1719 2. A former recipient of public assistance, as provided by
1720 s. 409.2569;

1721 3. An individual who has applied for services as provided
1722 by s. 409.2567;

1723 4. Itself or the child, as provided by s. 409.2561; or

1724 5. A state or local government of another state, as
1725 provided by chapter 88.

1726 Section 27. Section 409.25635, Florida Statutes, is
1727 created to read:

1728 409.25635 Determination and collection of noncovered
1729 medical expenses.--

1730 (1) DEFINITION.--As used in this section, "noncovered
1731 medical expenses" means uninsured medical, dental, or
1732 prescription medication expenses that are ordered to be paid on
1733 behalf of a child as provided in s. 61.13(1)(b) or a similar law
1734 of another state.

1735 (2) PROCEEDING TO DETERMINE AMOUNT OWED FOR NONCOVERED
1736 MEDICAL EXPENSES.--In a Title IV-D case, the Department of
1737 Revenue may proceed under this section to determine the amount
1738 owed by an obligor for noncovered medical expenses if:

1739 (a) The obligor is subject to a support order that
1740 requires the obligor to pay all or part of a child's noncovered
1741 medical expenses.

1742 (b) The obligee provides the department with a written
1743 declaration under penalty of perjury that states:

1744 1. Noncovered medical expenses have been incurred on
1745 behalf of the dependent child whom the obligor has been ordered
1746 to support.

1747 2. The obligee has paid for noncovered medical expenses
 1748 that have been incurred on behalf of the child.

1749 3. The obligor has not paid all or part of the child's
 1750 noncovered medical expenses as ordered.

1751 4. The amount paid by the obligee for noncovered medical
 1752 expenses and the amount the obligor allegedly owes to the
 1753 obligee.

1754 (c) The obligee provides documentation in support of the
 1755 written declaration.

1756 (3) NOTICE OF PROCEEDING.--

1757 (a) To proceed under this section, the Department of
 1758 Revenue shall serve a notice on the obligor that states:

1759 1. That the department has commenced a proceeding to
 1760 determine the amount the obligor owes for noncovered medical
 1761 expenses.

1762 2. The name of the court or other tribunal that issued the
 1763 support order that requires the obligor to pay noncovered
 1764 medical expenses and the date of the order.

1765 3. That the proceeding is based on the requirements of the
 1766 support order, the obligee's written sworn statement, and the
 1767 supporting documentation provided to the department by the
 1768 obligee.

1769 4. The amount of noncovered medical expenses that the
 1770 obligee alleges the obligor owes.

1771 5. If the support order was entered by a court of this
 1772 state or a tribunal of another state, that the obligor may file
 1773 a motion in the circuit court to contest the amount of
 1774 noncovered medical expenses owed within 25 days after the date

1775 of mailing of the notice or, if the support order was entered by
 1776 the department, that the obligor may file with the department a
 1777 petition to contest within 25 days after the date of mailing of
 1778 the notice.

1779 6. If the support order was entered by a court of this
 1780 state or a tribunal of another state, that the court shall
 1781 determine the amount owed by the obligor and enter judgment as
 1782 appropriate if the obligor timely files a motion in the circuit
 1783 court to contest the amount of noncovered medical expenses owed
 1784 or, if the support order was entered by the department, the
 1785 department shall determine the amount owed by the obligor and
 1786 render a final order as appropriate if the obligor timely files
 1787 with the department a petition to contest the amount of
 1788 noncovered medical expenses owed.

1789 7. If the obligor does not timely file a motion or
 1790 petition to contest the amount alleged to be owed, that the
 1791 obligor shall owe the amount alleged in the notice.

1792 8. If an amount owed is determined after a hearing or
 1793 becomes final because the obligor does not file a timely motion
 1794 or petition to contest, the department shall begin collection
 1795 action.

1796 (b) The notice shall be served on the obligor by regular
 1797 mail that is sent to the obligor's address of record according
 1798 to the clerk of the court or according to the Department of
 1799 Revenue if the support order was entered by the department or to
 1800 a more recent address if known. A copy of the obligee's written
 1801 declaration and supporting documentation must be served on the
 1802 obligor with the notice. The department shall provide the

1803 obligee with a copy of the notice and with any subsequent notice
 1804 of hearing.

1805 (4) RIGHT TO HEARING; DETERMINATION AFTER HEARING; WAIVER
 1806 OF HEARING.--

1807 (a) Within 25 days after the date the notice required by
 1808 subsection (3) is mailed, if the support order was entered by a
 1809 court of this state or a tribunal of another state, the obligor
 1810 may file a motion in the circuit court to contest the amount of
 1811 noncovered medical expenses owed. If a timely motion is filed,
 1812 the court shall determine after a hearing whether the obligor
 1813 owes the obligee the amount alleged for noncovered medical
 1814 expenses and enter a judgment, as appropriate.

1815 (b) Within 25 days after the date the notice required by
 1816 subsection (3) is mailed, if the support order was entered by
 1817 the Department of Revenue, the obligor may file with the
 1818 department a petition to contest the amount of noncovered
 1819 medical expenses owed. If a timely petition is filed, the
 1820 department shall determine after a hearing pursuant to chapter
 1821 120 whether the obligor owes the obligee for the amount alleged
 1822 for noncovered medical expenses and render a final order, as
 1823 appropriate.

1824 (c) If the obligor does not timely file a motion or
 1825 petition to contest, the amount owed as alleged in the notice
 1826 becomes final and is legally enforceable.

1827 (5) EFFECT OF DETERMINATION BY THE DEPARTMENT OF REVENUE
 1828 AND UNCONTESTED PROCEEDINGS.--The amount owed for noncovered
 1829 medical expenses that is determined by the Department of Revenue
 1830 as provided in paragraph (4)(b) or that becomes final as

1831 provided in paragraph (4)(c) has the same effect as a judgment
1832 entered by a court.

1833 (6) FILING WITH THE DEPOSITORY; RECORDING; MAINTENANCE OF
1834 ACCOUNTS.--When an amount owed for noncovered medical expenses
1835 is determined, the department shall file a certified copy of the
1836 final order or uncontested notice with the depository. Upon
1837 receipt of a final order or uncontested notice, the depository
1838 shall record the final order or uncontested notice in the same
1839 manner as a final judgment. The depository shall maintain
1840 necessary accounts to reflect obligations and payments for
1841 noncovered medical expenses.

1842 (7) COLLECTION ACTION; ADMINISTRATIVE REMEDIES.--Any
1843 administrative remedy available for collection of support may be
1844 used to collect noncovered medical expenses that are determined
1845 or established under this section.

1846 (8) SUPPLEMENTAL REMEDY.--This section provides a
1847 supplemental remedy for determining and enforcing noncovered
1848 medical expenses. As an alternative, the department or any other
1849 party may petition the circuit court for enforcement of
1850 noncovered medical expenses.

1851 (9) RULEMAKING AUTHORITY.--The department may adopt rules
1852 to implement this section.

1853 Section 28. Subsections (8) through (14) of section
1854 409.2564, Florida Statutes, are renumbered as subsections (7)
1855 through (13), respectively, and present subsection (7) is
1856 amended to read:

1857 409.2564 Actions for support.--

1858 ~~(7) In a judicial circuit with a work experience and job~~
1859 ~~training pilot project, if the obligor is a noncustodial parent~~
1860 ~~of a child receiving public assistance as defined in this~~
1861 ~~chapter, is unemployed or underemployed or has no income, then~~
1862 ~~the court shall order the obligor to seek employment, if the~~
1863 ~~obligor is able to engage in employment, and to immediately~~
1864 ~~notify the court upon obtaining employment, upon obtaining any~~
1865 ~~income, or upon obtaining any ownership of any asset with a~~
1866 ~~value of \$500 or more. If the obligor is still unemployed 30~~
1867 ~~days after any order for support, the court shall order the~~
1868 ~~obligor to enroll in a work experience, job placement, and job~~
1869 ~~training program.~~

1870 Section 29. Effective January 1, 2006, subsection (4) of
1871 section 409.2564, Florida Statutes, is amended to read:

1872 409.2564 Actions for support.--

1873 (4) Whenever the Department of Revenue has undertaken an
1874 action for enforcement of support, the Department of Revenue may
1875 enter into an agreement with the obligor for the entry of a
1876 judgment determining paternity, if applicable, and for periodic
1877 child support payments based on the child support guidelines in
1878 s. 61.30 obligor's reasonable ability to pay. Prior to entering
1879 into this agreement, the obligor shall be informed that a
1880 judgment will be entered based on the agreement. The clerk of
1881 the court shall file the agreement without the payment of any
1882 fees or charges, and the court, upon entry of the judgment,
1883 shall forward a copy of the judgment to the parties to the
1884 action. To encourage out-of-court settlement and promote support
1885 order compliance, if the obligor and the Department of Revenue

1886 agree on entry of a support order and its terms, the guideline
 1887 amount owed for retroactive support that is permanently assigned
 1888 to the state shall be reduced by 25 percent. In making a
 1889 determination of the obligor's reasonable ability to pay and
 1890 until guidelines are established for determining child support
 1891 award amounts, the following criteria shall be considered:
 1892 (a) All earnings, income, and resources of the obligor.
 1893 (b) The ability of the obligor to earn.
 1894 (c) The reasonable necessities of the obligor.
 1895 (d) The needs of the dependent child for whom support is
 1896 sought.

1897 Section 30. Effective October 1, 2005, section 409.25645,
 1898 Florida Statutes, is amended to read:

1899 409.25645 Administrative orders for genetic testing.--

1900 (1) The Department of Revenue is authorized to use
 1901 administrative orders to require genetic testing in Title IV-D
 1902 cases. In such cases the department or an authorized agent may
 1903 issue an administrative order to a putative father who has not
 1904 voluntarily submitted to genetic testing, directing him to
 1905 appear for a genetic test to determine the paternity of a child,
 1906 provided that the department shall have no authority to issue
 1907 such an order in the absence of an affidavit or written
 1908 declaration as provided in s. 92.525(2) of the child's mother
 1909 stating that the putative father is or may be a parent of the
 1910 child. The administrative order shall state:

- 1911 (a)(1) The type of genetic test that will be used.
- 1912 (b)(2) The date, time, and place to appear for the genetic
- 1913 test, except as provided in subsection (3).

1914 ~~(c)(3)~~ That upon failure to appear for the genetic test,
 1915 or refusal to be tested, the department shall file a petition in
 1916 circuit court to establish paternity and child support.

1917 (2) A copy of the affidavit or written declaration which
 1918 is the basis for the issuance of the administrative order shall
 1919 be attached to the order. The administrative order is exempt
 1920 from the hearing provisions in chapter 120, because the person
 1921 to whom it is directed shall have an opportunity to object in
 1922 circuit court in the event the Department of Revenue pursues the
 1923 matter by filing a petition in circuit court. The department may
 1924 serve the administrative order to appear for a genetic test by
 1925 regular mail. In any case in which more than one putative father
 1926 has been identified, the department may proceed under this
 1927 section with respect to all putative fathers. If the department
 1928 receives a request from another state Title IV-D agency to
 1929 assist in the establishment of paternity, the department may
 1930 cause an administrative order to appear for a genetic test to be
 1931 served on a putative father who resides in Florida.

1932 (3) If the putative father is incarcerated, the
 1933 correctional facility shall assist the putative father in
 1934 complying with the administrative order, whether issued under
 1935 this section or s. 409.256.

1936 (4) An administrative order for genetic testing has the
 1937 same force and effect as a court order.

1938 Section 31. Effective upon this act becoming a law,
 1939 section 409.2567, Florida Statutes, is amended to read:

1940 409.2567 Services to individuals not otherwise
 1941 eligible.--All support services provided by the department shall

1942 be made available on behalf of all dependent children. Services
 1943 shall be provided upon acceptance of public assistance or upon
 1944 proper application filed with the department. The department
 1945 shall adopt rules to provide for the payment of a \$25
 1946 application fee from each applicant who is not a public
 1947 assistance recipient. The application fee shall be deposited in
 1948 the Child Support Enforcement Application and Program Revenue
 1949 Trust Fund within the Department of Revenue to be used for the
 1950 Child Support Enforcement Program. The obligor is responsible
 1951 for all administrative costs, as defined in s. 409.2554. The
 1952 court shall order payment of administrative costs without
 1953 requiring the department to have a member of the bar testify or
 1954 submit an affidavit as to the reasonableness of the costs. An
 1955 attorney-client relationship exists only between the department
 1956 and the legal services providers in Title IV-D cases. The
 1957 attorney shall advise the obligee in Title IV-D cases that the
 1958 attorney represents the agency and not the obligee. In Title IV-
 1959 D cases, any costs, including filing fees, recording fees,
 1960 mediation costs, service of process fees, and other expenses
 1961 incurred by the clerk of the circuit court, shall be assessed
 1962 only against the nonprevailing obligor after the court makes a
 1963 determination of the nonprevailing obligor's ability to pay such
 1964 costs and fees. In any case where the court does not award all
 1965 costs, the court shall state in the record its reasons for not
 1966 awarding the costs. The Department of Revenue shall not be
 1967 considered a party for purposes of this section; however, fees
 1968 may be assessed against the department pursuant to s. 57.105(1).
 1969 The department shall submit a monthly report to the Governor and

1970 the chairs of the Health and Human Services Fiscal Committee of
 1971 the House of Representatives and the Ways and Means Committee of
 1972 the Senate specifying the funds identified for collection from
 1973 the noncustodial parents of children receiving temporary
 1974 assistance and the amounts actually collected. The Department of
 1975 Revenue shall seek a waiver from the Secretary of the United
 1976 States Department of Health and Human Services to authorize the
 1977 Department of Revenue to provide services in accordance with
 1978 Title IV-D of the Social Security Act to individuals who are
 1979 owed support without need of an application. If the waiver is
 1980 granted, the department shall adopt rules to implement the
 1981 waiver and begin providing Title IV-D services if support
 1982 payments are not being paid as ordered, except that the
 1983 individual first must be given written notice of the right to
 1984 refuse Title IV-D services and a reasonable opportunity to
 1985 respond.

1986 Section 32. Effective October 1, 2005, section 409.2567,
 1987 Florida Statutes, as amended by this act, is amended to read:

1988 409.2567 Services to individuals not otherwise
 1989 eligible.--All support services provided by the department shall
 1990 be made available on behalf of all dependent children. Services
 1991 shall be provided upon acceptance of public assistance or upon
 1992 proper application filed with the department. The federally
 1993 required application fee for individuals who do not receive
 1994 public assistance is \$1, which shall be waived for all
 1995 applicants and paid by the department ~~The department shall adopt~~
 1996 ~~rules to provide for the payment of a \$25 application fee from~~
 1997 ~~each applicant who is not a public assistance recipient. The~~

1998 ~~application fee shall be deposited in the Child Support~~
 1999 ~~Enforcement Application and Program Revenue Trust Fund within~~
 2000 ~~the Department of Revenue to be used for the Child Support~~
 2001 ~~Enforcement Program.~~ The obligor is responsible for all
 2002 administrative costs, as defined in s. 409.2554. The court shall
 2003 order payment of administrative costs without requiring the
 2004 department to have a member of the bar testify or submit an
 2005 affidavit as to the reasonableness of the costs. An attorney-
 2006 client relationship exists only between the department and the
 2007 legal services providers in Title IV-D cases. The attorney shall
 2008 advise the obligee in Title IV-D cases that the attorney
 2009 represents the agency and not the obligee. In Title IV-D cases,
 2010 any costs, including filing fees, recording fees, mediation
 2011 costs, service of process fees, and other expenses incurred by
 2012 the clerk of the circuit court, shall be assessed only against
 2013 the nonprevailing obligor after the court makes a determination
 2014 of the nonprevailing obligor's ability to pay such costs and
 2015 fees. In any case where the court does not award all costs, the
 2016 court shall state in the record its reasons for not awarding the
 2017 costs. The Department of Revenue shall not be considered a party
 2018 for purposes of this section; however, fees may be assessed
 2019 against the department pursuant to s. 57.105(1). The department
 2020 shall submit a monthly report to the Governor and the chairs of
 2021 the Health and Human Services Fiscal Committee of the House of
 2022 Representatives and the Ways and Means Committee of the Senate
 2023 specifying the funds identified for collection from the
 2024 noncustodial parents of children receiving temporary assistance
 2025 and the amounts actually collected. The Department of Revenue

2026 shall seek a waiver from the Secretary of the United States
 2027 Department of Health and Human Services to authorize the
 2028 Department of Revenue to provide services in accordance with
 2029 Title IV-D of the Social Security Act to individuals who are
 2030 owed support without need of an application. If the waiver is
 2031 granted, the Department of Revenue shall adopt rules to
 2032 implement the waiver and begin providing Title IV-D services if
 2033 support payments are not being paid as ordered, except that the
 2034 individual first must be given written notice of the right to
 2035 refuse Title IV-D services and a reasonable opportunity to
 2036 respond.

2037 Section 33. Section 409.2598, Florida Statutes, is amended
 2038 to read:

2039 409.2598 License suspension proceeding to enforce support
 2040 order ~~Suspension or denial of new or renewal licenses;~~
 2041 ~~registrations; certifications.--~~

2042 (1) DEFINITIONS.--As used in this section, the term:

2043 (a) "License" means a license, permit, certificate,
 2044 registration, franchise, or other form of written permission
 2045 issued by a licensing agency to an individual which authorizes
 2046 the individual to engage in an occupation, business, trade, or
 2047 profession or to engage in a recreational activity, including
 2048 hunting or fishing. Where the context permits, the term also
 2049 includes an application for a new or renewal license.

2050 (b) "Licensee" means an individual who has a license.

2051 (c) "Licensing agency" means a department, commission,
 2052 agency, district, county, municipality, or other subdivision of
 2053 state or local government which issues licenses.

2054 (2) NOTICE OF NONCOMPLIANCE AND INTENT TO SUSPEND
 2055 LICENSE.--If a support order has not been complied with for at
 2056 least 30 days, the Department of Revenue may commence a license
 2057 suspension proceeding to enforce compliance with the support
 2058 order by providing written notice to the obligor that states:
 2059 (a) That the obligor is not in compliance with the support
 2060 order and whether the noncompliance is due to the obligor's
 2061 nonpayment of current support, delinquencies or arrears, or the
 2062 failure to provide health care coverage or medical support.
 2063 (b) The kind of license that is subject to suspension.
 2064 (c) That the obligor may avoid license suspension by
 2065 complying with the support order or entering into a written
 2066 agreement with the department within 30 days after the mailing
 2067 of the notice.
 2068 (d) If the obligor timely complies with the support order
 2069 or a written agreement entered into with the department, the
 2070 proceeding ends and the obligor's license is not suspended.
 2071 (e) That the obligor may contest license suspension by
 2072 filing a petition in circuit court within 30 days after the
 2073 mailing of the notice of noncompliance.
 2074 (f) If the obligor timely files a petition in circuit
 2075 court, that the license suspension proceeding is stayed pending
 2076 a ruling by the court.
 2077
 2078 The notice shall be served on the obligor by regular mail sent
 2079 to the obligor's last address of record with the local
 2080 depository or a more recent address if known, which may include

2081 the obligor's mailing address as reflected by the records of the
 2082 licensing agency.

2083 (3) HEARING; STAY OF PROCEEDING.--The obligor may contest
 2084 license suspension by filing a petition in circuit court within
 2085 30 days after the mailing of the notice of noncompliance and
 2086 -serving a copy of the petition on the Department of Revenue. If
 2087 the obligor timely files a petition in circuit court, the
 2088 license suspension proceeding is stayed pending a ruling by the
 2089 court. The obligor may contest on the basis of a mistake of fact
 2090 concerning the obligor's compliance with the support order, the
 2091 reasonableness of a payment agreement offered by the department,
 2092 or the identity of the obligor. A timely petition to contest
 2093 must be heard by the court within 15 days after the petition is
 2094 filed. The court must enter an order ruling on the matter within
 2095 10 days after the hearing and a copy of the order must be served
 2096 on the parties.

2097 (4) COMPLIANCE; REINSTATEMENT.--

2098 (a) If the obligor complies with the support order or a
 2099 written agreement entered into with the department after a
 2100 proceeding is commenced but before the obligor's license is
 2101 suspended, the proceeding shall cease and the obligor's license
 2102 may not be suspended. If the obligor subsequently does not
 2103 comply with the support order, the department may commence a new
 2104 proceeding or proceed as provided in paragraph (c) if the
 2105 obligor enters into a written agreement and does not comply with
 2106 the agreement.

2107 (b) If the obligor complies with the support order or a
 2108 written agreement entered into with the department after the

2109 obligor's license is suspended, the department shall provide the
 2110 obligor with a reinstatement notice and the licensing agency
 2111 shall reinstate the obligor's license at no additional charge to
 2112 the obligor.

2113 (c) If the obligor enters into a written agreement with
 2114 the department and does not comply with the agreement, the
 2115 department shall notify the licensing agency to suspend the
 2116 obligor's license unless the obligor notifies the department
 2117 that the obligor can no longer comply with the written
 2118 agreement. If the obligor notifies the department of the
 2119 inability to comply with the written agreement, the obligor
 2120 shall provide full disclosure to the department of the obligor's
 2121 income, assets, and employment. If after full disclosure the
 2122 written agreement cannot be renegotiated, the department or the
 2123 obligor may file a petition in circuit court to determine the
 2124 matter.

2125 (d) A licensing agency shall promptly reinstate the
 2126 obligor's license upon receipt of a court order for
 2127 reinstatement.

2128 (e) Notwithstanding any other statutory provision, a
 2129 notice from the court or the department shall reinstate to the
 2130 obligor all licenses established in chapters 370 and 372 that
 2131 were valid at the time of suspension.

2132 (5) NOTICE TO LICENSING AGENCY; SUSPENSION.--

2133 (a) The Department of Revenue shall notify the licensing
 2134 agency to suspend the obligor's license when:

2135 1. Thirty or more days have elapsed after a proceeding has
 2136 been commenced and the obligor has not complied with the support

2137 order or a written agreement entered into with the department or
 2138 filed a timely petition to contest license suspension in circuit
 2139 court;

2140 2. The obligor enters into a written agreement with the
 2141 department and does not comply with the agreement, unless the
 2142 obligor notifies the department that the obligor can no longer
 2143 comply with the agreement; or

2144 3. The department is ordered to do so by the circuit
 2145 court.

2146 (b) Upon notice by the department or the circuit court,
 2147 the licensing agency shall suspend the obligor's license and may
 2148 only reinstate the license upon further notice by the department
 2149 or the court.

2150 (6) ENFORCEMENT OF SUBPOENAS.--A license may be suspended
 2151 under this section to enforce compliance with a subpoena, order
 2152 to appear, order to show cause, or similar order in a child
 2153 support or paternity proceeding by using the same procedures as
 2154 those used for enforcing compliance with a support order.

2155 (7) MULTIPLE LICENSES.--The Department of Revenue may
 2156 combine a proceeding under this section with a proceeding to
 2157 suspend a driver's license under s. 61.13016. A proceeding to
 2158 suspend a license under this section may apply to one or more of
 2159 the obligor's licenses.

2160 (8) RULEMAKING AUTHORITY.--The Department of Revenue may
 2161 adopt rules to implement and enforce the requirements of this
 2162 section.

2163 ~~(2) The Title IV-D agency may petition the court that~~
 2164 ~~entered the support order or the court that is enforcing the~~

2165 ~~support order to deny or suspend the license of any obligor with~~
2166 ~~a delinquent support obligation or who fails, after receiving~~
2167 ~~appropriate notice, to comply with subpoenas, orders to appear,~~
2168 ~~orders to show cause, or similar orders relating to paternity or~~
2169 ~~support proceedings. However, a petition may not be filed until~~
2170 ~~the Title IV-D agency has exhausted all other available~~
2171 ~~remedies. The purpose of this section is to promote the public~~
2172 ~~policy of the state as established in s. 409.2551.~~

2173 ~~(3) The Title IV-D agency shall give notice to any obligor~~
2174 ~~who is an applicant for a new or renewal license or the holder~~
2175 ~~of a current license when a delinquency exists in the support~~
2176 ~~obligation or when an obligor has failed to comply with a~~
2177 ~~subpoena, order to appear, order to show cause, or similar order~~
2178 ~~relating to paternity or support proceeding. The notice shall~~
2179 ~~specify that the obligor has 30 days from the date of mailing of~~
2180 ~~the notice to pay the delinquency or to reach an agreement to~~
2181 ~~pay the delinquency with the Title IV-D agency or comply with~~
2182 ~~the subpoena, order to appear, order to show cause, or similar~~
2183 ~~order. The notice shall specify that, if payment is not made or~~
2184 ~~an agreement cannot be reached, or if the subpoena, order to~~
2185 ~~appear, order to show cause, or similar order is not complied~~
2186 ~~with, the application may be denied or the license may be~~
2187 ~~suspended pursuant to a court order.~~

2188 ~~(4) If the obligor fails to pay the delinquency or enter~~
2189 ~~into a repayment agreement with the department or comply with~~
2190 ~~the subpoena, order to appear, order to show cause, or similar~~
2191 ~~order within 30 days following completion of service of the~~
2192 ~~notice, the Title IV-D agency shall send a second notice to the~~

2193 ~~obligor stating that the obligor has 30 days to pay the~~
 2194 ~~delinquency or reach an agreement to pay the delinquency with~~
 2195 ~~the Title IV-D agency or comply with the subpoena, order to~~
 2196 ~~appear, order to show cause, or similar order. If the obligor~~
 2197 ~~fails to respond to either notice from the Title IV-D agency or~~
 2198 ~~if the obligor fails to pay the delinquency or reach an~~
 2199 ~~agreement to pay the delinquency or comply with the subpoena,~~
 2200 ~~order to appear, order to show cause, or similar order after the~~
 2201 ~~second notice, the Title IV-D agency may petition the court~~
 2202 ~~which entered the support order or the court which is enforcing~~
 2203 ~~the support order to deny the application for the license or to~~
 2204 ~~suspend the license of the obligor. However, no petition may be~~
 2205 ~~filed until the Title IV-D agency has exhausted all other~~
 2206 ~~available remedies. The court may find that it would be~~
 2207 ~~inappropriate to deny a license or suspend a license if:~~

- 2208 ~~(a) Denial or suspension would result in irreparable harm~~
- 2209 ~~to the obligor or employees of the obligor or would not~~
- 2210 ~~accomplish the objective of collecting the delinquency; or~~
- 2211 ~~(b) The obligor demonstrates that he or she has made a~~
- 2212 ~~good faith effort to reach an agreement with the Title IV-D~~
- 2213 ~~agency.~~

2214

2215 ~~The court may not deny or suspend a license if the court~~
 2216 ~~determines that an alternative remedy is available to the Title~~
 2217 ~~IV-D agency which is likely to accomplish the objective of~~
 2218 ~~collecting the delinquency or obtaining compliance with the~~
 2219 ~~subpoena, order to appear, order to show cause, or similar~~
 2220 ~~order. If the obligor fails in the defense of a petition for~~

2221 ~~denial or suspension, the court which entered the support order~~
 2222 ~~or the court which is enforcing the support order shall enter an~~
 2223 ~~order to deny the application for the license or to suspend the~~
 2224 ~~license of the obligor. The court shall order the obligor to~~
 2225 ~~surrender the license to the Title IV-D agency, which will~~
 2226 ~~return the license and a copy of the order of suspension to the~~
 2227 ~~appropriate licensing agency.~~

2228 ~~(5) If the court denies or suspends a license and the~~
 2229 ~~obligor subsequently pays the delinquency or reaches an~~
 2230 ~~agreement with the Title IV-D agency to settle the delinquency~~
 2231 ~~and makes the first payment required by the agreement, or~~
 2232 ~~complies with the subpoena, order to appear, order to show~~
 2233 ~~cause, or similar order, the license shall be issued or~~
 2234 ~~reinstated upon written proof to the court that the obligor has~~
 2235 ~~complied with the terms of the court order, subpoena, order to~~
 2236 ~~appear, order to show cause, or similar order. Proof of payment~~
 2237 ~~shall consist of a certified copy of the payment record issued~~
 2238 ~~by the depository. The court shall order the appropriate~~
 2239 ~~licensing agency to issue or reinstate the license without~~
 2240 ~~additional charge to the obligor.~~

2241 ~~(6) The licensing agency shall, when directed by the~~
 2242 ~~court, suspend or deny the license of any licensee under its~~
 2243 ~~jurisdiction found to have a delinquent support obligation or~~
 2244 ~~not to be in compliance with a subpoena, order to appear, order~~
 2245 ~~to show cause, or similar order. The licensing agency shall~~
 2246 ~~issue or reinstate the license without additional charge to the~~
 2247 ~~licensee when notified by the court that the licensee has~~

2248 ~~complied with the terms of the court order, or subpoena, order~~
 2249 ~~to appear, order to show cause, or similar order.~~

2250 ~~(7) Notice shall be served under this section by regular~~
 2251 ~~mail to the obligor at his or her last address of record with~~
 2252 ~~the local depository or a more recent address if known.~~

2253 Section 34. Effective upon this act becoming a law,
 2254 section 409.259, Florida Statutes, is amended to read:

2255 409.259 Filing fees in Title IV-D cases; electronic filing
 2256 of pleadings, returns of service, and other papers.--

2257 (1) Notwithstanding s. 28.241, each clerk of the circuit
 2258 court shall accept petitions, complaints, and motions filed by
 2259 the department in Title IV-D cases without billing the
 2260 department separately for each filing, as long as the clerk is
 2261 being reimbursed in a different manner for expenses incurred in
 2262 such filings under the cooperative agreement with the department
 2263 pursuant to ss. 61.181(1) and 61.1826(2) and (4).

2264 (2) Notwithstanding subsection (1), the department shall
 2265 continue to be entitled to the other necessary services of the
 2266 clerk of court in any proceedings under the IV-D program as
 2267 authorized under s. 409.2571.

2268 (3) The Supreme Court, clerks of the circuit court, chief
 2269 judges, sheriffs, Office of the Attorney General, Office of the
 2270 State Courts Administrator, and Department of Revenue shall work
 2271 cooperatively to implement electronic filing of pleadings,
 2272 returns of service, and other papers with the clerks of the
 2273 circuit court in Title IV-D cases by October 1, 2009.

2274 Section 35. Effective October 1, 2005, section 409.821,
 2275 Florida Statutes, is amended to read:

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2276 409.821 Florida Kidcare program public records
2277 exemption.--Notwithstanding any other law to the contrary, any
2278 information identifying a Florida Kidcare program applicant or
2279 enrollee, as defined in s. 409.811, held by the Agency for
2280 Health Care Administration, the Department of Children and
2281 Family Services, the Department of Health, or the Florida
2282 Healthy Kids Corporation is confidential and exempt from s.
2283 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
2284 information may be disclosed to another governmental entity only
2285 if disclosure is necessary for the entity to perform its duties
2286 and responsibilities under the Florida Kidcare program and shall
2287 be disclosed to the Department of Revenue for purposes of
2288 administering the state Title IV-D program. The receiving
2289 governmental entity must maintain the confidential and exempt
2290 status of such information. Furthermore, such information may
2291 not be released to any person without the written consent of the
2292 program applicant. This exemption applies to any information
2293 identifying a Florida Kidcare program applicant or enrollee held
2294 by the Agency for Health Care Administration, the Department of
2295 Children and Family Services, the Department of Health, or the
2296 Florida Healthy Kids Corporation before, on, or after the
2297 effective date of this exemption. A violation of this section is
2298 a misdemeanor of the second degree, punishable as provided in s.
2299 775.082 or s. 775.083.

2300 Section 36. Effective October 1, 2005, paragraph (a) of
2301 subsection (5) of section 414.065, Florida Statutes, is amended
2302 to read:

2303 414.065 Noncompliance with work requirements.--

2304 (5) WORK ACTIVITY REQUIREMENTS FOR NONCUSTODIAL PARENTS.--

2305 (a) The court may order a noncustodial parent who is
 2306 delinquent in support payments, pursuant to the terms of a
 2307 support order as defined in s. 61.046, to participate in work
 2308 activities under this chapter, or as provided in s. 61.14(5)(b),
 2309 so that the parent may obtain employment and fulfill the
 2310 obligation to provide support payments. A noncustodial parent
 2311 who fails to satisfactorily engage in court-ordered work
 2312 activities may be held in contempt.

2313 Section 37. Effective July 1, 2006, subsections (1) and
 2314 (3) of section 443.051, Florida Statutes, are amended to read:

2315 443.051 Benefits not alienable; exception, child support
 2316 intercept.--

2317 (1) DEFINITIONS.--As used in this section:

2318 (a) "Unemployment compensation" means any compensation
 2319 payable under state law, including amounts payable pursuant to
 2320 an agreement under any federal law providing for compensation,
 2321 assistance, or allowances for unemployment.

2322 (b) "Support obligations" includes only those obligations
 2323 that are being enforced under a plan described in s. 454 of the
 2324 Social Security Act which has been approved by the Secretary of
 2325 Health and Human Services under Part D of Title IV of the Social
 2326 Security Act. Support obligations include any legally required
 2327 payments to reduce delinquencies, arrearages, or retroactive
 2328 support.

2329 (c) "Support order" means a judgment, decree, or order,
 2330 whether temporary or final, issued by a court of competent
 2331 jurisdiction or administrative agency for the support and

2332 maintenance of a child that provides for monetary support,
 2333 health care, arrearages, or past support. When the child support
 2334 obligation is being enforced by the Department of Revenue, the
 2335 term "support order" also means a judgment, decree, or order,
 2336 whether temporary or final, issued by a court of competent
 2337 jurisdiction for the support and maintenance of a child and the
 2338 spouse or former spouse of the obligor with whom the child is
 2339 living that provides for monetary support, health care,
 2340 arrearages, or past support.

2341 (3) EXCEPTION, SUPPORT INTERCEPT.--

2342 (a) ~~Each individual filing a new claim for unemployment~~
 2343 ~~compensation must disclose at the time of filing the claim~~
 2344 ~~whether she or he owes support obligations that are being~~
 2345 ~~enforced by the Department of Revenue. If an applicant discloses~~
 2346 ~~that she or he owes support obligations and she or he is~~
 2347 ~~determined to be eligible for unemployment compensation~~
 2348 ~~benefits, the Agency for Workforce Innovation shall notify the~~
 2349 ~~Department of Revenue if the department is enforcing the support~~
 2350 ~~obligation. The Department of Revenue shall, at least biweekly,~~
 2351 ~~provide the Agency for Workforce Innovation with a magnetic tape~~
 2352 ~~or other electronic data file disclosing the individuals who owe~~
 2353 ~~support obligations and the amount of any legally required~~
 2354 ~~deductions.~~

2355 (b) For support obligations established on or after July
 2356 1, 2006, and for support obligations established before July 1,
 2357 2006, when the support order does not address the withholding of
 2358 unemployment compensation, the Agency for Workforce Innovation
 2359 shall deduct and withhold 40 percent of the unemployment

2360 compensation otherwise payable to an individual disclosed under
 2361 paragraph (a). If delinquencies, arrearages, or retroactive
 2362 support are owed and repayment has not been ordered, the unpaid
 2363 amounts are included in the support obligation and are subject
 2364 to withholding. If the amount deducted exceeds the support
 2365 obligation, the Department of Revenue shall promptly refund the
 2366 amount of the excess deduction to the obligor. For support
 2367 obligations in effect before July 1, 2006, if the support order
 2368 addresses the withholding of unemployment compensation, the
 2369 Agency for Workforce Innovation shall deduct and withhold the
 2370 amount ordered by the court or administrative agency that issued
 2371 the support order as disclosed by the Department of Revenue. The
 2372 ~~Agency for Workforce Innovation shall deduct and withhold from~~
 2373 ~~any unemployment compensation otherwise payable to an individual~~
 2374 ~~disclosed under paragraph (a) who owes support obligations:~~

- 2375 ~~1. The amount determined under an agreement submitted to~~
 2376 ~~the Agency for Workforce Innovation under s. 454(19)(B)(i) of~~
 2377 ~~the Social Security Act by the Department of Revenue;~~
- 2378 ~~2. The amount required to be deducted and withheld from~~
 2379 ~~unemployment compensation through legal process as defined in s.~~
 2380 ~~459 of the Social Security Act; or~~
- 2381 ~~3. The amount otherwise specified by the individual to the~~
 2382 ~~Agency for Workforce Innovation to be deducted and withheld~~
 2383 ~~under this section.~~

2384 (c) The Agency for Workforce Innovation shall pay any
 2385 amount deducted and withheld under paragraph (b) to the
 2386 Department of Revenue.

2387 (d) Any amount deducted and withheld under this subsection
 2388 shall for all purposes be treated as if it were paid to the
 2389 individual as unemployment compensation and paid by the
 2390 individual to the Department of Revenue for support obligations.

2391 (e) The Department of Revenue shall reimburse the Agency
 2392 for Workforce Innovation for the administrative costs incurred
 2393 by the agency under this subsection which are attributable to
 2394 support obligations being enforced by the department.

2395 Section 38. Effective July 1, 2006, subsection (9) of
 2396 section 455.203, Florida Statutes, is amended to read:

2397 455.203 Department; powers and duties.--The department,
 2398 for the boards under its jurisdiction, shall:

2399 (9) Work cooperatively with the Department of Revenue to
 2400 implement an automated method for periodically disclosing
 2401 information relating to current licensees to the Department of
 2402 Revenue. Allow applicants for new or renewal licenses and
 2403 ~~current licensees to be screened by the Title IV-D child support~~
 2404 ~~agency pursuant to s. 409.2598 to assure compliance with a~~
 2405 ~~support obligation.~~ The purpose of this subsection is to promote
 2406 the public policy of this state as established in s. 409.2551.
 2407 The department shall, when directed by the court or the
 2408 Department of Revenue pursuant to s. 409.2598, suspend or deny
 2409 the license of any licensee found not to be in compliance with a
 2410 support order, subpoena, order to show cause, or written
 2411 agreement entered into by the licensee with the Department of
 2412 Revenue to have a delinquent support obligation, as defined in
 2413 ~~s. 409.2554.~~ The department shall issue or reinstate the license
 2414 without additional charge to the licensee when notified by the

2415 | court or the Department of Revenue that the licensee has
 2416 | complied with the terms of the support ~~court~~ order. The
 2417 | department shall not be held liable for any license denial or
 2418 | suspension resulting from the discharge of its duties under this
 2419 | subsection.

2420 | Section 39. Effective January 1, 2006, subsection (1) of
 2421 | section 742.10, Florida Statutes, is amended to read:

2422 | 742.10 Establishment of paternity for children born out of
 2423 | wedlock.--

2424 | (1) This chapter provides the primary jurisdiction and
 2425 | procedures for the determination of paternity for children born
 2426 | out of wedlock. When the establishment of paternity has been
 2427 | raised and determined within an adjudicatory hearing brought
 2428 | under the statutes governing inheritance, or dependency under
 2429 | workers' compensation or similar compensation programs, or when
 2430 | an affidavit acknowledging paternity or a stipulation of
 2431 | paternity is executed by both parties and filed with the clerk
 2432 | of the court, or when an affidavit, a notarized voluntary
 2433 | acknowledgment of paternity, or a voluntary acknowledgment of
 2434 | paternity that is witnessed by two individuals and signed under
 2435 | penalty of perjury as provided for in s. 382.013 or s. 382.016
 2436 | is executed by both parties, or when paternity is adjudicated by
 2437 | the Department of Revenue as provided in s. 409.256, such
 2438 | adjudication, affidavit, or acknowledgment constitutes ~~it shall~~
 2439 | ~~constitute~~ the establishment of paternity for purposes of this
 2440 | chapter. If no adjudicatory proceeding was held, a notarized
 2441 | voluntary acknowledgment of paternity or voluntary
 2442 | acknowledgment of paternity that is witnessed by two individuals

2443 and signed under penalty of perjury as specified by s. 92.525(2)
 2444 shall create a rebuttable presumption, as defined by s. 90.304,
 2445 of paternity and is subject to the right of any signatory to
 2446 rescind the acknowledgment within 60 days after the date the
 2447 acknowledgment was signed or the date of an administrative or
 2448 judicial proceeding relating to the child, including a
 2449 proceeding to establish a support order, in which the signatory
 2450 is a party, whichever is earlier. Both parents must provide
 2451 their social security numbers on any acknowledgment of
 2452 paternity, consent affidavit, or stipulation of paternity.
 2453 Except for affidavits under seal pursuant to ss. 382.015 and
 2454 382.016, the Office of Vital Statistics shall provide certified
 2455 copies of affidavits to the Title IV-D agency upon request.

2456 Section 40. Effective January 1, 2006, paragraph (a) of
 2457 subsection (2) of section 760.40, Florida Statutes, is amended
 2458 to read:

2459 760.40 Genetic testing; informed consent; confidentiality;
 2460 penalties; notice of use of results.--

2461 (2)(a) Except for purposes of criminal prosecution, except
 2462 for purposes of determining paternity as provided in s. 409.256
 2463 or s. 742.12(1), and except for purposes of acquiring specimens
 2464 from persons convicted of certain offenses or as otherwise
 2465 provided in s. 943.325, DNA analysis may be performed only with
 2466 the informed consent of the person to be tested, and the results
 2467 of such DNA analysis, whether held by a public or private
 2468 entity, are the exclusive property of the person tested, are
 2469 confidential, and may not be disclosed without the consent of
 2470 the person tested. Such information held by a public entity is

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2471 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
 2472 of the State Constitution.

2473 Section 41. Effective October 1, 2005, subsections (1),
 2474 (2), and (6) of section 827.06, Florida Statutes, are amended to
 2475 read:

2476 827.06 Nonsupport of dependents.--

2477 (1) The Legislature finds that most noncustodial parents
 2478 want to support their children and remain connected to their
 2479 families. The Legislature also finds that while many
 2480 noncustodial parents lack the financial resources and other
 2481 skills necessary to provide that support, some ~~a small~~
 2482 ~~percentage of such~~ parents willfully fail to provide support to
 2483 their children even when they are aware of the obligation and
 2484 have the ability to do so ~~pursuant to s. 61.30~~. The Legislature
 2485 further finds that existing statutory provisions for civil
 2486 enforcement of support have not proven sufficiently effective or
 2487 efficient in gaining adequate support for all children.
 2488 Recognizing that it is the public policy of this state that
 2489 children shall be maintained primarily from the resources of
 2490 their parents, thereby relieving, at least in part, the burden
 2491 presently borne by the general citizenry through public
 2492 assistance programs, it is the intent of the Legislature that
 2493 the criminal penalties provided for in this section are to be
 2494 pursued in all appropriate cases where ~~exhaustion of appropriate~~
 2495 civil enforcement has not resulted in payment.

2496 (2) Any person who, ~~after notice as specified in~~
 2497 ~~subsection (6), and who has been previously adjudged in contempt~~
 2498 ~~for failure to comply with a support order,~~ willfully fails to

2499 provide support which he or she has the ability to provide to a
 2500 child or a spouse whom the person knows he or she is legally
 2501 obligated to support commits a misdemeanor of the first degree,
 2502 punishable as provided in s. 775.082 or s. 775.083. ~~In lieu of~~
 2503 ~~any punishment imposed pursuant to s. 775.082 or s. 775.083, any~~
 2504 ~~person who is convicted of a violation of this subsection shall~~
 2505 ~~be punished:~~

2506 ~~(a) By a fine to be paid after restitution for:~~

2507 ~~1. Not less than \$250 nor more than \$500 for a first~~
 2508 ~~conviction.~~

2509 ~~2. Not less than \$500 nor more than \$750 for a second~~
 2510 ~~conviction.~~

2511 ~~3. Not less than \$750 nor more than \$1,000 for a third~~
 2512 ~~conviction; and~~

2513 ~~(b) By imprisonment for:~~

2514 ~~1. Not less than 15 days nor more than 1 month for a first~~
 2515 ~~conviction.~~

2516 ~~2. Not less than 1 month nor more than 3 months for a~~
 2517 ~~second conviction.~~

2518 ~~3. Not less than 3 months nor more than 6 months for a~~
 2519 ~~third conviction.~~

2520 (6) It is the intent of the Legislature for the state
 2521 attorneys, the Florida Prosecuting Attorneys Association, and
 2522 the Department of Revenue to work collaboratively to identify
 2523 strategies that allow the criminal penalties provided for in
 2524 this section to be pursued in all appropriate cases, including,
 2525 but not limited to, strategies that would assist the state
 2526 attorneys in obtaining additional resources from available

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2527 federal Title IV-D funds to initiate prosecution pursuant to
2528 this section. The Florida Prosecuting Attorneys Association and
2529 the Department of Revenue shall submit a joint report to the
2530 Governor, the President of the Senate, and the Speaker of the
2531 House of Representatives by December 31, 2005, that includes
2532 identified strategies and recommendations for implementing such
2533 strategies. ~~Prior to commencing prosecution under this section,~~
2534 ~~the state attorney must notify the person responsible for~~
2535 ~~support by certified mail, return receipt requested, or by using~~
2536 ~~any other means permitted for service of process in a civil~~
2537 ~~action, that a prosecution under this section will be commenced~~
2538 ~~against him or her unless the person pays the total unpaid~~
2539 ~~support obligation or provides a satisfactory explanation as to~~
2540 ~~why he or she has not made such payments.~~

2541 Section 42. Except as otherwise proved herein, this act
2542 shall take effect July 1, 2005.