

CHAMBER ACTION

1 The Civil Justice Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to child support; amending s. 61.13, F.S.;
7 providing a civil penalty and attorney's fees and costs
8 for noncompliance with a requirement to enroll a child in
9 health care coverage; providing for enforcement by the
10 Department of Revenue; repealing a provision relating to a
11 judicial circuit with a work experience and job training
12 pilot project; amending s. 61.1301, F.S.; providing for
13 the repayment of a support delinquency through income
14 deduction; providing for application to support orders or
15 income deduction orders entered before July 1, 2006;
16 requiring an obligor contesting an income deduction order
17 rendered by a Title IV-D agency to file the petition with
18 the Title IV-D agency; requiring the department to provide
19 payors with Internet access to income deduction and
20 national medical support notices issued by the department
21 on or after July 1, 2006; amending s. 61.13016, F.S.;
22 providing for suspension of a driver's license to enforce
23 compliance with an order to appear for genetic testing;

24 | amending s. 61.1354, F.S.; requiring a Title IV-D agency
 25 | to provide information relating to the amount of current
 26 | support owed by an obligor; amending s. 61.14, F.S.;
 27 | authorizing the circuit court to enforce a support order
 28 | by ordering the obligor to seek employment, file periodic
 29 | reports with the court or the department, notify the court
 30 | or department upon obtaining employment, income, or
 31 | property, and participate in jobs programs; providing for
 32 | contempt of court; repealing provisions related to a
 33 | judicial circuit with a work experience and job training
 34 | pilot project; correcting a cross reference; providing for
 35 | recovery of support arrearages from workers' compensation
 36 | lump-sum settlements; requiring the Office of the Judges
 37 | of Compensation Claims to adopt procedural rules;
 38 | requiring local depositories to electronically provide the
 39 | department with certain data; amending s. 61.1814, F.S.;
 40 | providing for fines for failure or refusal to submit to
 41 | genetic testing to be deposited in the Child Support
 42 | Enforcement Application and Program Revenue Trust Fund;
 43 | correcting a cross reference; amending s. 61.1824, F.S.;
 44 | requiring the State Disbursement Unit to provide for
 45 | electronic disbursement of support payments to obligees,
 46 | notify obligees of electronic disbursement options, and
 47 | encourage use of such options; requiring electronic
 48 | remittance of support payments by certain employers;
 49 | providing for waivers; amending s. 61.30, F.S.; correcting
 50 | a cross reference and reenacting s. 61.30(8), F.S.,
 51 | relating to child support guidelines for health insurance

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52 costs and other medical expenses of a child, to
53 incorporate the amendment to s. 61.13, F.S., in a
54 reference thereto; amending s. 120.80, F.S.; providing for
55 entry of final orders by the Division of Administrative
56 Hearings in proceedings to establish paternity or
57 paternity and child support; providing for the right to
58 immediate judicial review to contest an administrative
59 order for genetic testing; providing for judicial
60 enforcement of agency final orders; providing for venue of
61 administrative hearings in paternity proceedings and
62 determinations of noncovered medical expenses; amending s.
63 322.142, F.S.; authorizing the department to obtain
64 digital photographs and signatures from the Department of
65 Highway Safety and Motor Vehicles for use in establishing
66 paternity and establishing, modifying, or enforcing
67 support obligations; amending s. 382.013, F.S.; requiring
68 the Department of Health to amend a child's birth
69 certificate when paternity is established by the
70 Department of Revenue; amending s. 382.015, F.S.;
71 requiring the clerk of the court to ensure that all
72 judicial determinations of paternity are reported to the
73 Department of Health; requiring the Department of Health
74 to monitor compliance and report data to the clerks of the
75 court; amending s. 382.016, F.S.; providing for the
76 Department of Health to leave birth certificates and
77 related papers unsealed when a father is listed pursuant
78 to an acknowledgment of paternity; providing for the
79 Department of Health to amend the birth certificate of a

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80 | child born in the state whose paternity is established in
81 | another state; providing for the Department of Revenue to
82 | develop written educational materials concerning
83 | establishment of paternity for use and distribution by
84 | Department of Children and Family Services, Department of
85 | Corrections, Department of Education, Department of
86 | Health, and Department of Juvenile Justice; creating s.
87 | 382.357, F.S.; providing for the Department of Health,
88 | Department of Revenue, Florida Hospital Association,
89 | Florida Association of Court Clerks, and one or more local
90 | registrars to study the feasibility of and report on the
91 | filing of original and new or amended birth certificates
92 | with the Department of Health; requiring a report to the
93 | Legislature; amending s. 395.003, F.S.; requiring a
94 | hospital providing birthing services to comply with s.
95 | 382.013(2)(c), F.S., when applying for certain licenses;
96 | prohibiting fines and sanctions against hospitals for
97 | noncompliance with s. 382.013(2)(c), F.S.; amending s.
98 | 409.2557, F.S.; authorizing the Department of Revenue to
99 | adopt rules relating to administrative proceedings to
100 | establish paternity, paternity and child support orders,
101 | and orders to appear for genetic testing; amending s.
102 | 409.2558, F.S.; providing for a determination by the
103 | Department of Revenue that a collection or refund is
104 | undistributable; requiring the Department of Revenue to
105 | make reasonable efforts to locate persons to whom
106 | collections or refunds are owed; providing for location
107 | efforts to include disclosure through a searchable

108 database of the names of obligees, obligors, and
109 depository account numbers on the Internet with
110 appropriate privacy safeguards; creating s. 409.256, F.S.;
111 providing definitions; authorizing the Department of
112 Revenue to administratively establish paternity based on
113 the results of genetic testing; providing for notice,
114 opportunity for administrative hearing, and right to
115 judicial review; authorizing the Department of Revenue to
116 combine a paternity proceeding with an administrative
117 proceeding under s. 409.2563, F.S.; providing for
118 administrative orders to appear for genetic testing and
119 right to contest; providing for scheduling of genetic
120 testing and rescheduling for good cause; providing
121 sanctions for failure or refusal to submit to genetic
122 testing; providing for a presumption of paternity based on
123 specified genetic testing results; providing for
124 admissibility of genetic testing results at administrative
125 hearings; providing for hearings to be conducted by the
126 Division of Administrative Hearings in accordance with ch.
127 120, F.S.; providing that a final order issued by an
128 administrative law judge constitutes final agency action
129 by the Department of Revenue; providing that a final order
130 establishing paternity has the same effect as a judgment
131 entered by a court pursuant to ch. 742, F.S.; requiring a
132 respondent to notify the Department of Revenue of changes
133 of address and that subsequent notice by mail is deemed to
134 have been received; providing that the administrative
135 procedure is a supplemental remedy; authorizing the

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136 Department of Revenue to adopt rules; amending s.
137 409.2561, F.S.; providing that no obligation of support
138 shall be incurred by a recipient of supplemental security
139 income or temporary cash assistance for the benefit of a
140 dependent child; amending s. 409.2563, F.S.; authorizing
141 the Department of Revenue to establish an administrative
142 support order when paternity is determined pursuant to s.
143 409.256, F.S.; creating s. 409.25635, F.S.; authorizing
144 the Department of Revenue to determine the amount owed by
145 an obligor for noncovered medical expenses in Title IV-D
146 cases; defining "noncovered medical expenses"; providing
147 for notice, opportunity for administrative hearing, and
148 right to judicial review; requiring a written declaration
149 under penalty of perjury by the obligee and documentation
150 of claims; providing that a determination by the
151 Department of Revenue has the same effect as a judgment
152 entered by a court; providing for filing an uncontested
153 notice or final order with the local depository;
154 authorizing the Department of Revenue to collect
155 noncovered medical expenses by using the same remedies
156 available for collection of support; providing that the
157 administrative procedure is a supplemental remedy;
158 authorizing the Department of Revenue to adopt rules;
159 amending s. 409.2564, F.S.; repealing provision relating
160 to judicial circuits with a work experience and job
161 training pilot project; providing for a reduction in the
162 amount of retroactive support permanently assigned to the
163 state when the obligor and the Department of Revenue agree

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164 to entry of a support order based on the child support
165 guidelines; amending s. 409.25645, F.S.; providing for
166 correctional facilities to assist putative fathers in
167 complying with administrative orders for genetic testing;
168 providing that an administrative order for genetic testing
169 has the same force and effect as a court order; amending
170 s. 409.2567, F.S.; authorizing the Department of Revenue
171 to seek a federal waiver from the requirement that an
172 individual must apply for Title IV-D services; providing
173 for the Department of Revenue to adopt rules if a waiver
174 is granted and provide Title IV-D services if support
175 payments are not paid as ordered unless the individual
176 elects not to receive services after notice; providing an
177 application fee for child support services provided by the
178 Department of Revenue, waiver of the fee, and payment by
179 the department; removing rulemaking authority of the
180 Department of Children and Family Services relating to the
181 application fee and deposit thereof; amending s. 409.2598,
182 F.S.; revising provisions relating to license suspension
183 to enforce support orders; authorizing the Department of
184 Revenue to commence a proceeding to suspend an obligor's
185 occupational, business, trade, professional, or
186 recreational license for noncompliance with a support
187 order; providing for notice by regular mail, opportunity
188 to contest in circuit court, grounds for contesting, and
189 stay of proceedings if a timely petition to contest is
190 filed; providing for written agreement with the Department
191 of Revenue to avoid suspension, reinstatement notice upon

192 compliance, and suspension if the obligor does not comply
 193 after notice, does not contest, or does not comply with a
 194 written agreement unless the obligor notifies the
 195 department of inability to comply with the written
 196 agreement; providing for full disclosure by obligor of
 197 income, assets, and employment; providing for
 198 reinstatement upon court order; providing for license
 199 suspension to enforce subpoenas, orders to appear, or
 200 similar orders; providing for combining a proceeding to
 201 enforce a support order with a proceeding to suspend a
 202 driver's license, under certain circumstances; authorizing
 203 the Department of Revenue to adopt rules; amending s.
 204 409.259, F.S.; requiring the Supreme Court, clerks of the
 205 circuit court, chief judges, sheriffs, Office of the
 206 Attorney General, Office of the State Courts
 207 Administrator, and Department of Revenue to work
 208 cooperatively to implement electronic filing of pleadings,
 209 returns of service, and other papers by October 1, 2009;
 210 amending s. 409.821, F.S.; requiring the Agency for Health
 211 Care Administration to disclose information identifying
 212 Florida KidCare applicants or enrollees to the Department
 213 of Revenue for purposes of administering the state's Title
 214 IV-D program; amending s. 414.065, F.S.; providing that a
 215 court may order a noncustodial parent who is delinquent
 216 pursuant to the terms of a support order to participate in
 217 work activities under ch. 414, F.S., or as provided in s.
 218 61.14(5)(b), F.S.; amending s. 443.051, F.S.; revising
 219 provisions relating to interception of child support

220 | benefits; providing and revising definitions; requiring
 221 | the Agency for Workforce Innovation to deduct and withhold
 222 | a specified percentage of unemployment compensation
 223 | otherwise payable to an individual who owes a support
 224 | obligation, under certain circumstances; providing for the
 225 | Department of Revenue to promptly refund any excess
 226 | deduction to the obligor; amending s. 455.203, F.S.;
 227 | repealing authority to screen license applicants for
 228 | compliance with support obligations; requiring the
 229 | Department of Business and Professional Regulation to
 230 | cooperate with the Department of Revenue to implement an
 231 | automated method for current license disclosure; requiring
 232 | the Department of Revenue to suspend or deny licenses for
 233 | noncompliance with a support order; providing for issuance
 234 | or restatement upon proof of compliance; amending s.
 235 | 742.10, F.S.; providing that when paternity is adjudicated
 236 | by the Department of Revenue pursuant to s. 409.256, F.S.,
 237 | such adjudication constitutes the establishment of
 238 | paternity for purposes of ch. 742, F.S.; amending s.
 239 | 760.40, F.S.; providing for genetic testing in paternity
 240 | cases and disclosure of test results as authorized by s.
 241 | 409.256, F.S.; amending s. 827.06, F.S.; repealing
 242 | provisions that require exhaustion of civil remedies
 243 | before a criminal prosecution for nonsupport of dependents
 244 | is commenced, a prior adjudication of contempt for failure
 245 | to comply with a support order, notice by the state
 246 | attorney prior to prosecution, and mandatory minimum fines
 247 | and imprisonment; providing for the state attorneys, the

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248 Florida Prosecuting Attorneys Association, and the
 249 Department of Revenue to identify strategies for pursuing
 250 criminal prosecution in certain cases and to submit a
 251 report to the Governor and Legislature; providing
 252 effective dates.

253

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

255

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

259 61.13 Custody and support of children; visitation rights;
 260 power of court in making orders.--

261 (1)

262 (b) Each order for support shall contain a provision for
 263 health care coverage for the minor child when the coverage is
 264 reasonably available. Coverage is reasonably available if either
 265 the obligor or obligee has access at a reasonable rate to a
 266 group health plan. The court may require the obligor either to
 267 provide health care coverage or to reimburse the obligee for the
 268 cost of health care coverage for the minor child when coverage
 269 is provided by the obligee. In either event, the court shall
 270 apportion the cost of coverage, and any noncovered medical,
 271 dental, and prescription medication expenses of the child, to
 272 both parties by adding the cost to the basic obligation
 273 determined pursuant to s. 61.30(6). The court may order that
 274 payment of uncovered medical, dental, and prescription

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275 medication expenses of the minor child be made directly to the
276 obligee on a percentage basis.

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

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

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

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

290 2.a. A support order enforced under Title IV-D of the
291 Social Security Act which requires that the obligor provide
292 health care coverage is enforceable by the department through
293 the use of the national medical support notice, and an amendment
294 to the support order is not required. The department shall
295 transfer the national medical support notice to the obligor's
296 union or employer. The department shall notify the obligor in
297 writing that the notice has been sent to the obligor's union or
298 employer, and the written notification must include the
299 obligor's rights and duties under the national medical support
300 notice. The obligor may contest the withholding required by the
301 national medical support notice based on a mistake of fact. To
302 contest the withholding, the obligor must file a written notice

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303 of contest with the department within 15 business days after the
304 date the obligor receives written notification of the national
305 medical support notice from the department. Filing with the
306 department is complete when the notice is received by the person
307 designated by the department in the written notification. The
308 notice of contest must be in the form prescribed by the
309 department. Upon the timely filing of a notice of contest, the
310 department shall, within 5 business days, schedule an informal
311 conference with the obligor to discuss the obligor's factual
312 dispute. If the informal conference resolves the dispute to the
313 obligor's satisfaction or if the obligor fails to attend the
314 informal conference, the notice of contest is deemed withdrawn.
315 If the informal conference does not resolve the dispute, the
316 obligor may request an administrative hearing under chapter 120
317 within 5 business days after the termination of the informal
318 conference, in a form and manner prescribed by the department.
319 However, the filing of a notice of contest by the obligor does
320 not delay the withholding of premium payments by the union,
321 employer, or health plan administrator. The union, employer, or
322 health plan administrator must implement the withholding as
323 directed by the national medical support notice unless notified
324 by the department that the national medical support notice is
325 terminated.

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

329 3. In a non-Title IV-D case, upon receipt of the order
330 pursuant to subparagraph 1., or upon application of the obligor

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331 pursuant to the order, the union or employer shall enroll the
332 minor child as a beneficiary in the group health plan regardless
333 of any restrictions on the enrollment period and withhold any
334 required premium from the obligor's income. If more than one
335 plan is offered by the union or employer, the child shall be
336 enrolled in the group health plan in which the obligor is
337 enrolled.

338 4.a. Upon receipt of the national medical support notice
339 under subparagraph 2. in a Title IV-D case, the union or
340 employer shall transfer the notice to the appropriate group
341 health plan administrator within 20 business days after the date
342 on the notice. The plan administrator must enroll the child as a
343 beneficiary in the group health plan regardless of any
344 restrictions on the enrollment period, and the union or employer
345 must withhold any required premium from the obligor's income
346 upon notification by the plan administrator that the child is
347 enrolled. The child shall be enrolled in the group health plan
348 in which the obligor is enrolled. If the group health plan in
349 which the obligor is enrolled is not available where the child
350 resides or if the obligor is not enrolled in group coverage, the
351 child shall be enrolled in the lowest cost group health plan
352 that is available where the child resides.

353 b. If health care coverage or the obligor's employment is
354 terminated in a Title IV-D case, the union or employer that is
355 withholding premiums for health care coverage under a national
356 medical support notice must notify the department within 20 days
357 after the termination and provide the obligor's last known

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358 address and the name and address of the obligor's new employer,
359 if known.

360 5.a. The amount withheld by a union or employer in
361 compliance with a support order may not exceed the amount
362 allowed under s. 303(b) of the Consumer Credit Protection Act,
363 15 U.S.C. s. 1673(b), as amended. The union or employer shall
364 withhold the maximum allowed by the Consumer Credit Protection
365 Act in the following order:

366 (I) Current support, as ordered.

367 (II) Premium payments for health care coverage, as
368 ordered.

369 (III) Past due support, as ordered.

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

371 b. If the combined amount to be withheld for current
372 support plus the premium payment for health care coverage exceed
373 the amount allowed under the Consumer Credit Protection Act, and
374 the health care coverage cannot be obtained unless the full
375 amount of the premium is paid, the union or employer may not
376 withhold the premium payment. However, the union or employer
377 shall withhold the maximum allowed in the following order:

378 (I) Current support, as ordered.

379 (II) Past due support, as ordered.

380 (III) Other medical support or coverage, as ordered.

381 6. An employer, union, or plan administrator who does not
382 comply with the requirements in sub-subparagraph 4.a. is subject
383 to a civil penalty not to exceed \$250 for the first violation
384 and \$500 for subsequent violations, plus attorney's fees and

385 costs. The department may file a petition in circuit court to
 386 enforce the requirements of this subsection.

387 ~~7.6.~~ The department of Revenue may adopt rules to
 388 administer the child support enforcement provisions of this
 389 section that ~~which~~ affect Title IV-D cases.

390 ~~(e) In a judicial circuit with a work experience and job~~
 391 ~~training pilot project, if the obligor is unemployed or has no~~
 392 ~~income and does not have an account at a financial institution,~~
 393 ~~then the court shall order the obligor to seek employment, if~~
 394 ~~the obligor is able to engage in employment, and to immediately~~
 395 ~~notify the court upon obtaining employment, upon obtaining any~~
 396 ~~income, or upon obtaining any ownership of any asset with a~~
 397 ~~value of \$500 or more. If the obligor is still unemployed 30~~
 398 ~~days after any order for support, the court may order the~~
 399 ~~obligor to enroll in the work experience, job placement, and job~~
 400 ~~training pilot program for noncustodial parents as established~~
 401 ~~in s. 409.2565, if the obligor is eligible for entrance into the~~
 402 ~~pilot program.~~

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

407 61.1301 Income deduction orders.--

408 (1) ISSUANCE IN CONJUNCTION WITH AN ORDER ESTABLISHING,
 409 ENFORCING, OR MODIFYING AN OBLIGATION FOR ALIMONY OR CHILD
 410 SUPPORT.--

411 (b) The income deduction order shall:

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412 1. Direct a payor to deduct from all income due and
413 payable to an obligor the amount required by the court to meet
414 the obligor's support obligation including any attorney's fees
415 or costs owed and forward the deducted amount pursuant to the
416 order.

417 2. State the amount of arrearage owed, if any, and direct
418 a payor to withhold an additional 20 percent or more of the
419 periodic amount specified in the order establishing, enforcing,
420 or modifying the obligation, until full payment is made of any
421 arrearage, attorney's fees and costs owed, provided no deduction
422 shall be applied to attorney's fees and costs until the full
423 amount of any arrearage is paid.~~+~~

424 3. Provide that if a delinquency accrues after the order
425 establishing, modifying, or enforcing the obligation has been
426 entered and there is no order for repayment of the delinquency
427 or a preexisting arrearage, a payor shall deduct an additional
428 20 percent of the current support obligation or other amount
429 agreed to by the parties until the delinquency and any
430 attorney's fees and costs are paid in full. No deduction may be
431 applied to attorney's fees and costs until the delinquency is
432 paid in full.

433 ~~4.3.~~ Direct a payor not to deduct in excess of the amounts
434 allowed under s. 303(b) of the Consumer Credit Protection Act,
435 15 U.S.C. s. 1673(b), as amended.~~+~~

436 ~~5.4.~~ Direct whether a payor shall deduct all, a specified
437 portion, or no income which is paid in the form of a bonus or
438 other similar one-time payment, up to the amount of arrearage
439 reported in the income deduction notice or the remaining balance

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440 thereof, and forward the payment to the governmental depository.
 441 For purposes of this subparagraph, "bonus" means a payment in
 442 addition to an obligor's usual compensation and which is in
 443 addition to any amounts contracted for or otherwise legally due
 444 and shall not include any commission payments due an obligor.~~;~~

445 ~~6.5.~~ In Title IV-D cases, direct a payor to provide to the
 446 court depository the date on which each deduction is made.~~;~~

447 ~~7.6.~~ In Title IV-D cases, if an obligation to pay current
 448 support is reduced or terminated due to emancipation of a child
 449 and the obligor owes an arrearage, retroactive support,
 450 delinquency, or costs, direct the payor to continue the income
 451 deduction at the rate in effect immediately prior to
 452 emancipation until all arrearages, retroactive support,
 453 delinquencies, and costs are paid in full or until the amount of
 454 withholding is modified.~~;~~~~and~~

455 ~~8.7.~~ Direct that, at such time as the State Disbursement
 456 Unit becomes operational, all payments in those cases in which
 457 the obligee is receiving Title IV-D services and in those cases
 458 in which the obligee is not receiving Title IV-D services in
 459 which the initial support order was issued in this state on or
 460 after January 1, 1994, and in which the obligor's child support
 461 obligation is being paid through income deduction, be made
 462 payable to and delivered to the State Disbursement Unit.
 463 Notwithstanding any other statutory provision to the contrary,
 464 funds received by the State Disbursement Unit shall be held,
 465 administered, and disbursed by the State Disbursement Unit
 466 pursuant to the provisions of this chapter.

467 (e) ~~Statement of obligor's rights.~~ When the court orders
 468 the income deduction to be effective immediately, the court
 469 shall furnish to the obligor a statement of his or her rights,
 470 remedies, and duties in regard to the income deduction order.
 471 The statement shall state:

472 1. All fees or interest which shall be imposed.

473 2. The total amount of income to be deducted for each pay
 474 period until the arrearage, if any, is paid in full and shall
 475 state the total amount of income to be deducted for each pay
 476 period thereafter. The amounts deducted may not be in excess of
 477 that allowed under s. 303(b) of the Consumer Credit Protection
 478 Act, 15 U.S.C. s. 1673(b), as amended.

479 3. That the income deduction order applies to current and
 480 subsequent payors and periods of employment.

481 4. That a copy of the income deduction order or, in Title
 482 IV-D cases, the income deduction notice will be served on the
 483 obligor's payor or payors.

484 5. That enforcement of the income deduction order may only
 485 be contested on the ground of mistake of fact regarding the
 486 amount owed pursuant to the order establishing, enforcing, or
 487 modifying the obligation, the arrearages, or the identity of the
 488 obligor, the payor, or the obligee.

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

493 7. That in a Title IV-D case, if an obligation to pay
 494 current support is reduced or terminated due to emancipation of

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495 a child and the obligor owes an arrearage, retroactive support,
496 delinquency, or costs, income deduction continues at the rate in
497 effect immediately prior to emancipation until all arrearages,
498 retroactive support, delinquencies, and costs are paid in full
499 or until the amount of withholding is modified.

500 (f) ~~Notice of delinquency.~~ If a support order was entered
501 before January 1, 1994, ~~or~~ the court orders the income deduction
502 to be effective upon a delinquency as provided in paragraph (c),
503 or a delinquency has accrued under an order entered before July
504 1, 2006, that established, modified, or enforced the obligation
505 and there is no order for repayment of the delinquency or a
506 preexisting arrearage, the obligee or, in Title IV-D cases, the
507 Title IV-D agency may enforce the income deduction by serving a
508 notice of delinquency on the obligor under this paragraph
509 ~~subsection.~~

510 1. The notice of delinquency shall state:

511 a. The terms of the order establishing, enforcing, or
512 modifying the obligation.

513 b. The period of delinquency and the total amount of the
514 delinquency as of the date the notice is mailed.

515 c. All fees or interest which may be imposed.

516 d. The total amount of income to be deducted for each pay
517 period until the arrearage, and all applicable fees and
518 interest, is paid in full and shall state the total amount of
519 income to be deducted for each pay period thereafter. The
520 amounts deducted may not be in excess of that allowed under s.
521 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s.
522 1673(b), as amended.

523 e. That the income deduction order applies to current and
524 subsequent payors and periods of employment.

525 f. That a copy of the notice of delinquency will be served
526 on the obligor's payor or payors, together with a copy of the
527 income deduction order or, in Title IV-D cases, the income
528 deduction notice, unless the obligor applies to the court to
529 contest enforcement of the income deduction. If the income
530 deduction order being enforced was rendered by the Title IV-D
531 agency pursuant to s. 409.2563 and the obligor contests the
532 deduction, the obligor shall file a petition for an
533 administrative hearing with the Title IV-D agency. The
534 application or petition shall be filed within 15 days after the
535 date the notice of delinquency was served.

536 g. That enforcement of the income deduction order may only
537 be contested on the ground of mistake of fact regarding the
538 amount owed pursuant to the order establishing, enforcing, or
539 modifying the obligation, the amount of arrearages, or the
540 identity of the obligor, the payor, or the obligee.

541 h. That the obligor is required to notify the obligee of
542 the obligor's current address and current payors and of the
543 address of current payors. All changes shall be reported by the
544 obligor within 7 days. If the IV-D agency is enforcing the
545 order, the obligor shall make these notifications to the agency
546 instead of to the obligee.

547 2. The failure of the obligor to receive the notice of
548 delinquency does not preclude subsequent service of the income
549 deduction order or, in Title IV-D cases, the income deduction
550 notice on the obligor's payor. A notice of delinquency which

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551 fails to state an arrearage does not mean that an arrearage is
552 not owed.

553 (3)

554 (c) If a delinquency accrues after an order establishing,
555 modifying, or enforcing a support obligation has been entered,
556 an income deduction order entered after July 1, 2006, is in
557 effect, and there is no order for repayment of the delinquency
558 or a preexisting arrearage, a payor who is served with an income
559 deduction order or, in a Title IV-D case, an income deduction
560 notice shall deduct an additional 20 percent of the current
561 support obligation or other amount agreed to by the parties
562 until the delinquency and any attorney's fees and costs are paid
563 in full. No deduction may be applied to attorney's fees and
564 costs until the delinquency is paid in full.

565 (5) By July 1, 2006, the department shall provide a payor
566 with Internet access to income deduction and national medical
567 support notices issued by the department on or after July 1,
568 2006, concerning an obligor to whom the payor pays income. The
569 department shall provide a payor who requests Internet access
570 with a user code and password to allow the payor to receive
571 notices electronically and to download the information necessary
572 to begin income deduction and health care coverage enrollment.
573 If a participating payor does not respond to electronic notice
574 by accessing the data posted by the department within 48 hours,
575 the department shall mail the income deduction or medical
576 support notice to the payor.

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

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579 | 61.13016 Suspension of driver's licenses and motor vehicle
580 | registrations.--

581 | (4) The procedures prescribed in this section and s.
582 | 322.058 may be used to enforce compliance with an order to
583 | appear for genetic testing.

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

586 | 61.1354 Sharing of information between consumer reporting
587 | agencies and the IV-D agency.--

588 | (1) Upon receipt of a request from a consumer reporting
589 | agency as defined in s. 603(f) of the Fair Credit Reporting Act,
590 | the IV-D agency or the depository in non-Title-IV-D cases shall
591 | make available information relating to the amount of current and
592 | overdue support owed by an obligor. The IV-D agency or the
593 | depository in non-Title-IV-D cases shall give the obligor
594 | written notice, at least 15 days prior to the release of
595 | information, of the IV-D agency's or depository's authority to
596 | release information to consumer reporting agencies relating to
597 | the amount of current and overdue support owed by the obligor.
598 | The obligor shall be informed of his or her right to request a
599 | hearing with the IV-D agency or the court in non-Title-IV-D
600 | cases to contest the accuracy of the information.

601 | (2) The IV-D agency shall report periodically to
602 | appropriate consumer reporting agencies, as identified by the
603 | IV-D agency, the name and social security number of any
604 | delinquent obligor, ~~and~~ the amount of overdue support owed by
605 | the obligor, and the amount of the obligor's current support
606 | obligation when the overdue support is paid. The IV-D agency, or

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607 its designee, shall provide the obligor with written notice, at
 608 least 15 days prior to the initial release of information, of
 609 the IV-D agency's authority to release the information
 610 periodically to the consumer reporting agencies. The notice
 611 shall state the amount of overdue support owed and shall inform
 612 the obligor of the right to request a hearing with the IV-D
 613 agency within 15 days after receipt of the notice to contest the
 614 accuracy of the information. After the initial notice is given,
 615 no further notice or opportunity for a hearing need be given
 616 when updated information concerning the same obligor is
 617 periodically released to the consumer reporting agencies.

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

620 61.14 Enforcement and modification of support,
 621 maintenance, or alimony agreements or orders.--

622 (5)(a) When a court of competent jurisdiction enters an
 623 order for the payment of alimony or child support or both, the
 624 court shall make a finding of the obligor's imputed or actual
 625 present ability to comply with the order. If the obligor
 626 subsequently fails to pay alimony or support and a contempt
 627 hearing is held, the original order of the court creates a
 628 presumption that the obligor has the present ability to pay the
 629 alimony or support and to purge himself or herself from the
 630 contempt. At the contempt hearing, the obligor shall have the
 631 burden of proof to show that he or she lacks the ability to
 632 purge himself or herself from the contempt. This presumption is
 633 adopted as a presumption under s. 90.302(2) to implement the
 634 public policy of this state that children shall be maintained

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635 | from the resources of their parents and as provided for in s.
636 | 409.2551, and that spouses be maintained as provided for in s.
637 | 61.08. The court shall state in its order the reasons for
638 | granting or denying the contempt.

639 | (b) In a proceeding in circuit court to enforce a support
640 | order under this chapter, chapter 88, chapter 409, or chapter
641 | 742, or any other provision of law, if the court finds that
642 | payments due under the support order are delinquent or overdue
643 | and that the obligor is unemployed, underemployed, or has no
644 | income but is able to work or participate in job training, the
645 | court may order the obligor to:

646 | 1. Seek employment.

647 | 2. File periodic reports with the court, or with the
648 | department if the department is providing Title IV-D services,
649 | detailing the obligor's efforts to seek and obtain employment
650 | during the reporting period.

651 | 3. Notify the court or the department, as appropriate,
652 | upon obtaining employment, income, or property.

653 | 4. Participate in job training, job placement, work
654 | experience, or other work programs that may be available
655 | pursuant to chapter 445, chapter 446, or any other source.

656 |
657 | An obligor who willfully fails to comply with a court order to
658 | seek work or participate in other work-related activities may be
659 | held in contempt of court. This paragraph is in furtherance of
660 | the public policy of the state of ensuring that children are
661 | maintained from the resources of their parents to the extent
662 | possible. ~~In a judicial circuit with a work experience and job~~

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663 ~~training pilot project, if at the time of the contempt hearing~~
 664 ~~the obligor is unemployed or has no income, then the court shall~~
 665 ~~order the obligor to seek employment, if the obligor is able to~~
 666 ~~engage in employment, and to immediately notify the court upon~~
 667 ~~obtaining employment, upon obtaining any income, or upon~~
 668 ~~obtaining any ownership of any asset with a value of \$500 or~~
 669 ~~more. If the obligor is still unemployed 30 days after any order~~
 670 ~~for support, the court may order the obligor to enroll in a work~~
 671 ~~experience, job placement, and job training program for~~
 672 ~~noncustodial parents as established in s. 409.2565, if the~~
 673 ~~obligor is eligible for entrance into the pilot program.~~

674 Section 6. Paragraph (b) of subsection (1) of section
 675 61.14, Florida Statutes, is amended to read:

676 61.14 Enforcement and modification of support,
 677 maintenance, or alimony agreements or orders.--

678 (1)

679 (b) For each support order reviewed by the department as
 680 required by s. 409.2564(11)(~~12~~), if the amount of the child
 681 support award under the order differs by at least 10 percent but
 682 not less than \$25 from the amount that would be awarded under s.
 683 61.30, the department shall seek to have the order modified and
 684 any modification shall be made without a requirement for proof
 685 or showing of a change in circumstances.

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

689 61.14 Enforcement and modification of support,
 690 maintenance, or alimony agreements or orders.--

691 (8)(a) When an employee and an employer reach agreement
 692 for a lump-sum settlement under s. 440.20(11), no proceeds of
 693 the settlement shall be disbursed to the employee, nor shall any
 694 attorney's fees be disbursed, until after a judge of
 695 compensation claims reviews the proposed disbursement and enters
 696 an order finding the settlement provides for appropriate
 697 recovery of any support arrearage. The employee, or the
 698 employee's attorney if the employee is represented, shall submit
 699 a written statement from the department that indicates whether
 700 the worker owes unpaid support and, if so, the amount owed. In
 701 addition, the judge of compensation claims may require the
 702 employee to submit a similar statement from a local depository
 703 established under s. 61.181. A sworn statement by the employee
 704 that all existing support obligations have been disclosed is
 705 also required. If the judge finds the proposed allocation of
 706 support recovery insufficient, the parties may amend the
 707 allocation of support recovery within the settlement agreement
 708 to make the allocation of proceeds sufficient. The Office of the
 709 Judges of Compensation Claims shall adopt procedural rules to
 710 implement this paragraph ~~When reviewing and approving any lump-~~
 711 ~~sum settlement under s. 440.20(11)(a) and (b), a judge of~~
 712 ~~compensation claims must consider whether the settlement serves~~
 713 ~~the interests of the worker and the worker's family, including,~~
 714 ~~but not limited to, whether the settlement provides for~~
 715 ~~appropriate recovery of any child support arrearage.~~

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

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719 61.14 Enforcement and modification of support,
720 maintenance, or alimony agreements or orders.--

721 (6)

722 (g) The local depository shall send the department monthly
723 by electronic means a list of all Title IV-D and non-Title IV-D
724 cases in which a judgment by operation of law has been recorded
725 during the month for which the data is provided. At a minimum,
726 the depository shall provide the names of the obligor and
727 obligee, social security numbers of the obligor and obligee, if
728 available, and depository number.

729 Section 9. Effective January 1, 2006, paragraph (e) of
730 subsection (2) of section 61.1814, Florida Statutes, is amended
731 to read:

732 61.1814 Child Support Enforcement Application and Program
733 Revenue Trust Fund.--

734 (2) With the exception of fees required to be deposited in
735 the Clerk of the Court Child Support Enforcement Collection
736 System Trust Fund under s. 61.181(2)(b) and collections
737 determined to be undistributable or unidentifiable under s.
738 409.2558, the fund shall be used for the deposit of Title IV-D
739 program income received by the department. Each type of program
740 income received shall be accounted for separately. Program
741 income received by the department includes, but is not limited
742 to:

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

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745 Section 10. Effective upon this act becoming a law,
746 paragraph (d) of subsection (3) and subsection (6) of section
747 61.1824, Florida Statutes, are amended to read:

748 61.1824 State Disbursement Unit.--

749 (3) The State Disbursement Unit shall perform the
750 following functions:

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

754 1. Receipt of payments from obligors, employers, other
755 states and jurisdictions, and other entities.

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

758 3. Accurate identification of payment source and amount.

759 4. Furnishing any parent, upon request, timely information
760 on the current status of support payments under an order
761 requiring payments to be made by or to the parent, except that
762 in cases described in paragraph (1)(b), prior to the date the
763 State Disbursement Unit becomes fully operational, the State
764 Disbursement Unit shall not be required to convert and maintain
765 in automated form records of payments kept pursuant to s.

766 61.181.

767 5. Electronic disbursement of support payments to
768 obligees. The State Disbursement Unit shall notify obligees of
769 electronic disbursement options and encourage their use through
770 promotional material.

771 (6) Effective October 1, 1999, ~~or such earlier date as the~~
772 ~~State Disbursement Unit becomes operational~~, all support

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773 | payments for cases to which the requirements of this section
 774 | apply shall be made payable to and delivered to the State
 775 | Disbursement Unit. Effective October 1, 2006, an employer who
 776 | employed 10 or more employees in any quarter during the
 777 | preceding state fiscal year or who was subject to and paid tax
 778 | to the department in an amount of \$30,000 or more shall remit
 779 | support payments deducted pursuant to an income deduction order
 780 | or income deduction notice and provide associated case data to
 781 | the State Disbursement Unit by electronic means approved by the
 782 | department. The department shall adopt by rule standards for
 783 | electronic remittance and data transfer that to the extent
 784 | feasible are consistent with the department's rules for
 785 | electronic filing and remittance of taxes under ss. 213.755 and
 786 | 443.163. A waiver granted by the department from the requirement
 787 | to file and remit electronically under s. 213.755 or s. 443.163
 788 | constitutes a waiver from the requirement under this subsection.
 789 | Notwithstanding any other statutory provision to the contrary,
 790 | funds received by the State Disbursement Unit shall be held,
 791 | administered, and disbursed by the State Disbursement Unit
 792 | pursuant to the provisions of this chapter.

793 | Section 11. Paragraph (c) of subsection (1) of section
 794 | 61.30, Florida Statutes, is amended, and subsection (8) of said
 795 | section is reenacted, to read:

796 | 61.30 Child support guidelines; retroactive child
 797 | support.--

798 | (1)

799 | (c) For each support order reviewed by the department as
 800 | required by s. 409.2564(11)~~(12)~~, if the amount of the child

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801 support award under the order differs by at least 10 percent but
 802 not less than \$25 from the amount that would be awarded under s.
 803 61.30, the department shall seek to have the order modified and
 804 any modification shall be made without a requirement for proof
 805 or showing of a change in circumstances.

806 (8) Health insurance costs resulting from coverage ordered
 807 pursuant to s. 61.13(1)(b), and any noncovered medical, dental,
 808 and prescription medication expenses of the child, shall be
 809 added to the basic obligation unless these expenses have been
 810 ordered to be separately paid on a percentage basis. After the
 811 health insurance costs are added to the basic obligation, any
 812 moneys prepaid by the noncustodial parent for health-related
 813 costs for the child or children of this action shall be deducted
 814 from that noncustodial parent's child support obligation for
 815 that child or those children.

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

819 120.80 Exceptions and special requirements; agencies.--

820 (14) DEPARTMENT OF REVENUE.--

821 (c) Proceedings to establish paternity or paternity and
 822 child support; orders to appear for genetic testing; proceedings
 823 for administrative support orders.--In proceedings to establish
 824 paternity or paternity and child support pursuant to s. 409.256
 825 and proceedings for the establishment of administrative support
 826 orders pursuant to s. 409.2563, final orders in cases referred
 827 by the Department of Revenue to the Division of Administrative
 828 Hearings shall be entered by the division's administrative law

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829 judge and transmitted to the Department of Revenue for filing
 830 and rendering. The Department of Revenue has the right to seek
 831 judicial review under s. 120.68 of a final order entered by an
 832 administrative law judge. The Department of Revenue or the
 833 person ordered to appear for genetic testing may seek immediate
 834 judicial review under s. 120.68 of an order issued by an
 835 administrative law judge pursuant to s. 409.256(5)(b). Final
 836 orders that adjudicate paternity or paternity and child support
 837 pursuant to s. 409.256 and administrative support orders
 838 rendered pursuant to s. 409.2563 may be enforced pursuant to s.
 839 120.69 or, alternatively, by any method prescribed by law for
 840 the enforcement of judicial support orders, except contempt.
 841 Hearings held by the Division of Administrative Hearings
 842 pursuant to ss. 409.256 and ~~s.~~ 409.2563 shall be held in the
 843 judicial circuit where the person receiving services under Title
 844 IV-D resides or, if the person receiving services under Title
 845 IV-D does not reside in this state, in the judicial circuit
 846 where the respondent resides. If the department and the
 847 respondent agree, the hearing may be held in another location.
 848 If ordered by the administrative law judge, the hearing may be
 849 conducted telephonically or by videoconference.

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

853 120.80 Exceptions and special requirements; agencies.--

854 (14) DEPARTMENT OF REVENUE.--

855 (c) Proceedings to establish paternity or paternity and
 856 child support; orders to appear for genetic testing; proceedings

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857 | for administrative support orders.--In proceedings to establish
858 | paternity or paternity and child support pursuant to s. 409.256
859 | and proceedings for the establishment of administrative support
860 | orders pursuant to s. 409.2563, final orders in cases referred
861 | by the Department of Revenue to the Division of Administrative
862 | Hearings shall be entered by the division's administrative law
863 | judge and transmitted to the Department of Revenue for filing
864 | and rendering. The Department of Revenue has the right to seek
865 | judicial review under s. 120.68 of a final order entered by an
866 | administrative law judge. The Department of Revenue or the
867 | person ordered to appear for genetic testing may seek immediate
868 | judicial review under s. 120.68 of an order issued by an
869 | administrative law judge pursuant to s. 409.256(5)(b). Final
870 | orders that adjudicate paternity or paternity and child support
871 | pursuant to s. 409.256 and administrative support orders
872 | rendered pursuant to s. 409.2563 may be enforced pursuant to s.
873 | 120.69 or, alternatively, by any method prescribed by law for
874 | the enforcement of judicial support orders, except contempt.
875 | Hearings held by the Division of Administrative Hearings
876 | pursuant to ss. 409.256, ~~and 409.2563~~, and 409.25635 shall be
877 | held in the judicial circuit where the person receiving services
878 | under Title IV-D resides or, if the person receiving services
879 | under Title IV-D does not reside in this state, in the judicial
880 | circuit where the respondent resides. If the department and the
881 | respondent agree, the hearing may be held in another location.
882 | If ordered by the administrative law judge, the hearing may be
883 | conducted telephonically or by videoconference.

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

886 322.142 Color photographic or digital imaged licenses.--

887 (4) The department may maintain a film negative or print
888 file. The department shall maintain a record of the digital
889 image and signature of the licensees, together with other data
890 required by the department for identification and retrieval.
891 Reproductions from the file or digital record shall be made and
892 issued only for departmental administrative purposes; for the
893 issuance of duplicate licenses; in response to law enforcement
894 agency requests; to the Department of Revenue pursuant to an
895 interagency agreement for use in establishing paternity and
896 establishing, modifying, or enforcing support obligations ~~to~~
897 ~~facilitate service of process~~ in Title IV-D cases; or to the
898 Department of Financial Services pursuant to an interagency
899 agreement to facilitate the location of owners of unclaimed
900 property, the validation of unclaimed property claims, and the
901 identification of fraudulent or false claims, and are exempt
902 from the provisions of s. 119.07(1).

903 Section 15. Effective January 1, 2006, paragraph (e) of
904 subsection (2) of section 382.013, Florida Statutes, is
905 redesignated as paragraph (f) and a new paragraph (e) is added
906 to said subsection to read:

907 382.013 Birth registration.--A certificate for each live
908 birth that occurs in this state shall be filed within 5 days
909 after such birth with the local registrar of the district in
910 which the birth occurred and shall be registered by the local
911 registrar if the certificate has been completed and filed in

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912 accordance with this chapter and adopted rules. The information
 913 regarding registered births shall be used for comparison with
 914 information in the state case registry, as defined in chapter
 915 61.

916 (2) PATERNITY.--

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

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

923 382.015 New certificates of live birth; duty of clerks of
 924 court and department.--The clerk of the court in which any
 925 proceeding for adoption, annulment of an adoption, affirmation
 926 of parental status, or determination of paternity is to be
 927 registered, shall within 30 days after the final disposition,
 928 forward to the department a certified copy of the court order,
 929 or a report of the proceedings upon a form to be furnished by
 930 the department, together with sufficient information to identify
 931 the original birth certificate and to enable the preparation of
 932 a new birth certificate. The clerk of the court shall implement
 933 a monitoring and quality control plan to ensure that all
 934 judicial determinations of paternity are reported to the
 935 department in compliance with this section. The department shall
 936 track paternity determinations reported monthly by county,
 937 monitor compliance with the 30-day timeframe, and report the
 938 data to the clerks of the court quarterly.

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

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940 (a) Upon receipt of the report or certified copy of an
941 adoption decree, together with the information necessary to
942 identify the original certificate of live birth, and establish a
943 new certificate, the department shall prepare and file a new
944 birth certificate, absent objection by the court decreeing the
945 adoption, the adoptive parents, or the adoptee if of legal age.
946 The certificate shall bear the same file number as the original
947 birth certificate. All names and identifying information
948 relating to the adoptive parents entered on the new certificate
949 shall refer to the adoptive parents, but nothing in the
950 certificate shall refer to or designate the parents as being
951 adoptive. All other items not affected by adoption shall be
952 copied as on the original certificate, including the date of
953 registration and filing.

954 (b) Upon receipt of the report or certified copy of an
955 annulment-of-adoption decree, together with the sufficient
956 information to identify the original certificate of live birth,
957 the department shall, if a new certificate of birth was filed
958 following an adoption report or decree, remove the new
959 certificate and restore the original certificate to its original
960 place in the files, and the certificate so removed shall be
961 sealed by the department.

962 (c) Upon receipt of a report or certified copy of an
963 adoption decree or annulment-of-adoption decree for a person
964 born in another state, the department shall forward the report
965 or decree to the state of the registrant's birth. If the adoptee
966 was born in Canada, the department shall send a copy of the

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967 | report or decree to the appropriate birth registration authority
968 | in Canada.

969 | (2) DETERMINATION OF PATERNITY.--Upon receipt of the
970 | report or a certified copy of a final decree of determination of
971 | paternity, together with sufficient information to identify the
972 | original certificate of live birth, the department shall prepare
973 | and file a new birth certificate which shall bear the same file
974 | number as the original birth certificate. The registrant's name
975 | shall be entered as decreed by the court. The names and
976 | identifying information of the parents shall be entered as of
977 | the date of the registrant's birth.

978 | (3) AFFIRMATION OF PARENTAL STATUS.--Upon receipt of an
979 | order of affirmation of parental status issued pursuant to s.
980 | 742.16, together with sufficient information to identify the
981 | original certificate of live birth, the department shall prepare
982 | and file a new birth certificate which shall bear the same file
983 | number as the original birth certificate. The names and
984 | identifying information of the registrant's parents entered on
985 | the new certificate shall be the commissioning couple, but the
986 | new certificate may not make reference to or designate the
987 | parents as the commissioning couple.

988 | (4) SUBSTITUTION OF NEW CERTIFICATE OF BIRTH FOR
989 | ORIGINAL.--When a new certificate of birth is prepared, the
990 | department shall substitute the new certificate of birth for the
991 | original certificate on file. All copies of the original
992 | certificate of live birth in the custody of a local registrar or
993 | other state custodian of vital records shall be forwarded to the
994 | State Registrar. Thereafter, when a certified copy of the

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995 certificate of birth or portion thereof is issued, it shall be a
 996 copy of the new certificate of birth or portion thereof, except
 997 when a court order requires issuance of a certified copy of the
 998 original certificate of birth. In an adoption, change in
 999 paternity, affirmation of parental status, undetermined
 1000 parentage, or court-ordered substitution, the department shall
 1001 place the original certificate of birth and all papers
 1002 pertaining thereto under seal, not to be broken except by order
 1003 of a court of competent jurisdiction or as otherwise provided by
 1004 law.

1005 (5) FORM.--Except for certificates of foreign birth which
 1006 are registered as provided in s. 382.017, and delayed
 1007 certificates of birth which are registered as provided in ss.
 1008 382.019 and 382.0195, all original, new, or amended certificates
 1009 of live birth shall be identical in form, regardless of the
 1010 marital status of the parents or the fact that the registrant is
 1011 adopted or of undetermined parentage.

1012 (6) RULES.--The department shall adopt and enforce all
 1013 rules necessary for carrying out the provisions of this section.

1014 Section 17. Paragraph (b) of subsection (1) of section
 1015 382.016, Florida Statutes, is amended to read:

1016 382.016 Amendment of records.--The department, upon
 1017 receipt of the fee prescribed in s. 382.0255; documentary
 1018 evidence, as specified by rule, of any misstatement, error, or
 1019 omission occurring in any birth, death, or fetal death record;
 1020 and an affidavit setting forth the changes to be made, shall
 1021 amend or replace the original certificate as necessary.

1022 (1) CERTIFICATE OF LIVE BIRTH AMENDMENT.--

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1023 (b) Upon written request and receipt of an affidavit, a
 1024 notarized voluntary acknowledgment of paternity signed by the
 1025 mother and father acknowledging the paternity of a registrant
 1026 born out of wedlock, or a voluntary acknowledgment of paternity
 1027 that is witnessed by two individuals and signed under penalty of
 1028 perjury as specified by s. 92.525(2), together with sufficient
 1029 information to identify the original certificate of live birth,
 1030 the department shall prepare a new birth certificate, which
 1031 shall bear the same file number as the original birth
 1032 certificate. The names and identifying information of the
 1033 parents shall be entered as of the date of the registrant's
 1034 birth. The surname of the registrant may be changed from that
 1035 shown on the original birth certificate at the request of the
 1036 mother and father of the registrant, or the registrant if of
 1037 legal age. If the mother and father marry each other at any time
 1038 after the registrant's birth, the department shall, upon the
 1039 request of the mother and father or registrant if of legal age
 1040 and proof of the marriage, amend the certificate with regard to
 1041 the parents' marital status as though the parents were married
 1042 at the time of birth. The department shall substitute the new
 1043 certificate of birth for the original certificate on file. All
 1044 copies of the original certificate of live birth in the custody
 1045 of a local registrar or other state custodian of vital records
 1046 shall be forwarded to the State Registrar. Thereafter, when a
 1047 certified copy of the certificate of birth or portion thereof is
 1048 issued, it shall be a copy of the new certificate of birth or
 1049 portion thereof, except when a court order requires issuance of
 1050 a certified copy of the original certificate of birth. Except

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1051 for a birth certificate on which a father is listed pursuant to
 1052 an affidavit or notarized voluntary acknowledgment of paternity
 1053 signed by the mother and the father or a voluntary
 1054 acknowledgment of paternity that is witnessed by two individuals
 1055 and signed under penalty of perjury as specified by s.
 1056 92.525(2), the department shall place the original certificate
 1057 of birth and all papers pertaining thereto under seal, not to be
 1058 broken except by order of a court of competent jurisdiction or
 1059 as otherwise provided by law.

1060 Section 18. Effective October 1, 2005, paragraph (d) is
 1061 added to subsection (1) of section 382.016, Florida Statutes, to
 1062 read:

1063 382.016 Amendment of records.--The department, upon
 1064 receipt of the fee prescribed in s. 382.0255; documentary
 1065 evidence, as specified by rule, of any misstatement, error, or
 1066 omission occurring in any birth, death, or fetal death record;
 1067 and an affidavit setting forth the changes to be made, shall
 1068 amend or replace the original certificate as necessary.

1069 (1) CERTIFICATE OF LIVE BIRTH AMENDMENT.--

1070 (d) For a child born in this state whose paternity is
 1071 established in another state, the department shall amend the
 1072 child's birth certificate to include the name of the father upon
 1073 receipt of:

1074 1. A certified copy of an acknowledgment of paternity,
 1075 final judgment, or judicial or administrative order from another
 1076 state that determines the child's paternity; or

1077 2. A noncertified copy of an acknowledgment of paternity,
 1078 final judgment, or judicial or administrative order from another

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1079 state that determines the child's paternity when provided with
 1080 an affidavit or written declaration from the Department of
 1081 Revenue that states the document was provided by or obtained
 1082 from another state's Title IV-D program.

1083
 1084 The department may not amend a child's birth certificate to
 1085 include the name of the child's father if paternity was
 1086 established by adoption and the father would not be eligible to
 1087 adopt under the laws of this state.

1088 Section 19. Effective December 1, 2005, paragraph (e) is
 1089 added to subsection (1) of section 382.016, Florida Statutes, as
 1090 amended by this act, to read:

1091 382.016 Amendment of records.--The department, upon
 1092 receipt of the fee prescribed in s. 382.0255; documentary
 1093 evidence, as specified by rule, of any misstatement, error, or
 1094 omission occurring in any birth, death, or fetal death record;
 1095 and an affidavit setting forth the changes to be made, shall
 1096 amend or replace the original certificate as necessary.

1097 (1) CERTIFICATE OF LIVE BIRTH AMENDMENT.--

1098 (e) The Department of Revenue shall develop written
 1099 educational materials for use and distribution by the Department
 1100 of Children and Family Services, Department of Corrections,
 1101 Department of Education, Department of Health, and Department of
 1102 Juvenile Justice that describe how paternity is established and
 1103 the benefits of establishing paternity. The Department of
 1104 Children and Family Services, Department of Corrections,
 1105 Department of Education, Department of Health, and Department of
 1106 Juvenile Justice shall make the materials available to

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1107 individuals to whom services are provided and are encouraged to
 1108 provide additional education on how paternity is established and
 1109 the benefits of establishing paternity.

1110 Section 20. Section 382.357, Florida Statutes, is created
 1111 to read:

1112 382.357 Electronic filing of birth certificate
 1113 information.--The Department of Health, Department of Revenue,
 1114 Florida Hospital Association, Florida Association of Court
 1115 Clerks, and one or more local registrars shall study the
 1116 feasibility of electronically filing original and new or amended
 1117 birth certificates, documentation of paternity determinations,
 1118 and adoptions with the department. The Department of Health
 1119 shall submit a report to the Governor, Cabinet, President of the
 1120 Senate, and Speaker of the House of Representatives by July 1,
 1121 2006. The report shall include the estimated cost to develop and
 1122 implement electronic filing, cost savings resulting from
 1123 electronic filing, and potential funding sources for electronic
 1124 filing.

1125 Section 21. Effective July 1, 2007, paragraph (c) is added
 1126 to subsection (5) of section 395.003, Florida Statutes, to read:

1127 395.003 Licensure; issuance, renewal, denial,
 1128 modification, suspension, and revocation.--

1129 (5)

1130 (c) A hospital that provides birthing services shall
 1131 affirm in writing as part of the application for a new,
 1132 provisional, or renewal license that the hospital shall comply
 1133 with s. 382.013(2)(c), which includes assisting unmarried
 1134 parents who request assistance in executing a voluntary

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1135 acknowledgment of paternity. No fine or other sanction under s.
 1136 395.1065 may be imposed on a hospital for noncompliance with s.
 1137 382.013(2)(c).

1138 Section 22. Effective January 1, 2006, paragraph (p) of
 1139 subsection (3) of section 409.2557, Florida Statutes, is amended
 1140 to read:

1141 409.2557 State agency for administering child support
 1142 enforcement program.--

1143 (3) SPECIFIC RULEMAKING AUTHORITY.--The department has the
 1144 authority to adopt rules pursuant to ss. 120.536(1) and 120.54
 1145 to implement all laws administered by the department in its
 1146 capacity as the Title IV-D agency for this state including, but
 1147 not limited to, the following:

1148 (p) Administrative proceedings to establish paternity or
 1149 establish paternity and child support, orders to appear for
 1150 genetic testing, and administrative proceedings to establish
 1151 child support obligations; and

1152 Section 23. Effective October 1, 2005, paragraph (a) of
 1153 subsection (2) of section 409.2558, Florida Statutes, is amended
 1154 to read:

1155 409.2558 Support distribution and disbursement.--

1156 (2) UNDISTRIBUTABLE COLLECTIONS.--

1157 (a) The department shall establish by rule the method for
 1158 determining a collection or refund ~~to a noncustodial parent~~ to
 1159 be undistributable to the final intended recipient. Before
 1160 determining a collection or refund to be undistributable, the
 1161 department shall make reasonable efforts to locate persons to
 1162 whom collections or refunds are owed so that payment can be

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1163 | made. Location efforts may include disclosure through a
 1164 | searchable database of the names of obligees, obligors, and
 1165 | depository account numbers on the Internet with appropriate
 1166 | safeguards to protect the privacy of the persons named in the
 1167 | database.

1168 | Section 24. Effective January 1, 2006, section 409.256,
 1169 | Florida Statutes, is created to read:

1170 | 409.256 Administrative proceeding to establish paternity
 1171 | or paternity and child support; order to appear for genetic
 1172 | testing.--

1173 | (1) DEFINITIONS.--As used in this section, the term:

1174 | (a) "Another state" or "other state" means a state of the
 1175 | United States, the District of Columbia, Puerto Rico, the United
 1176 | States Virgin Islands, or any territory or insular possession
 1177 | subject to the jurisdiction of the United States. The term
 1178 | includes:

1179 | 1. An Indian tribe.

1180 | 2. A foreign jurisdiction that has enacted a law or
 1181 | established procedures for issuance and enforcement of support
 1182 | orders which are substantially similar to the procedures under
 1183 | this act, the Uniform Reciprocal Enforcement of Support Act, or
 1184 | the Revised Uniform Reciprocal Enforcement of Support Act, as
 1185 | determined by the Attorney General.

1186 | (b) "Custodian" means a person, other than the mother or a
 1187 | putative father, who has physical custody of a child or with
 1188 | whom the child primarily resides. References in this section to
 1189 | the obligation of a custodian to submit to genetic testing mean

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1190 that the custodian is obligated to submit the child for genetic
 1191 testing, not that the custodian must submit to genetic testing.

1192 (c) "Filed" means a document has been received and
 1193 accepted for filing at the offices of the Department of Revenue
 1194 by the clerk or an authorized deputy clerk designated by the
 1195 department.

1196 (d) "Genetic testing" means a scientific analysis of
 1197 genetic markers that is performed by a qualified technical
 1198 laboratory only to exclude an individual as the parent of a
 1199 child or to show a probability of paternity.

1200 (e) "Paternity and child support proceeding" means an
 1201 administrative action commenced by the Department of Revenue to
 1202 order genetic testing, establish paternity, and establish an
 1203 administrative support order pursuant to this section.

1204 (f) "Paternity proceeding" means an administrative action
 1205 commenced by the Department of Revenue to order genetic testing
 1206 and establish paternity pursuant to this section.

1207 (g) "Putative father" means an individual who is or may be
 1208 the biological father of a child whose paternity has not been
 1209 established and whose mother was unmarried when the child was
 1210 conceived and born.

1211 (h) "Qualified technical laboratory" means a genetic-
 1212 testing laboratory that may be under contract with the
 1213 Department of Revenue, that uses tests and methods of a type
 1214 generally acknowledged as reliable by accreditation
 1215 organizations recognized by the United States Department of
 1216 Health and Human Services, and that is approved by such an
 1217 accreditation organization. The term includes a genetic-testing

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1218 laboratory used by another state, if the laboratory has
 1219 comparable qualifications.

1220 (i) "Rendered" means that a signed written order is filed
 1221 with the clerk or a deputy clerk of the Department of Revenue
 1222 and served on the respondent. The date of filing must be
 1223 indicated on the face of the order at the time of rendition.

1224 (j) "Respondent" means the person or persons served by the
 1225 Department of Revenue with a notice of proceeding pursuant to
 1226 subsection (4). The term includes the putative father and may
 1227 include the mother or the custodian of the child.

1228 (k) "This state" or "the state" means the State of
 1229 Florida.

1230 (2) JURISDICTION; LOCATION OF HEARINGS; RIGHT OF ACCESS TO
 1231 THE COURTS.--

1232 (a) The Department of Revenue may commence a paternity
 1233 proceeding or a paternity and child support proceeding as
 1234 provided in subsection (4) if:

1235 1. The child's paternity has not been established.

1236 2. No one is named as the father on the child's birth
 1237 certificate or the person named as the father is the putative
 1238 father named in an affidavit or a written declaration as
 1239 provided in subparagraph 5.

1240 3. The child's mother was unmarried when the child was
 1241 conceived and born.

1242 4. The Department of Revenue is providing services under
 1243 Title IV-D.

1244 5. The child's mother or a putative father has stated in
 1245 an affidavit, or in a written declaration as provided in s.

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1246 92.525(2) that the putative father is or may be the child's
 1247 biological father. The affidavit or written declaration must set
 1248 forth the factual basis for the allegation of paternity as
 1249 provided in s. 742.12(2).

1250 (b) If the Department of Revenue receives a request from
 1251 another state to assist in the establishment of paternity, the
 1252 department may serve an order to appear for genetic testing on a
 1253 person who resides in this state and transmit the test results
 1254 to the other state without commencing a paternity proceeding in
 1255 this state.

1256 (c) The Department of Revenue may use the procedures
 1257 authorized by this section against a nonresident over whom this
 1258 state may assert personal jurisdiction under chapter 48 or
 1259 chapter 88.

1260 (d) If a putative father, mother, or custodian in a Title
 1261 IV-D case voluntarily submits to genetic testing, the Department
 1262 of Revenue may schedule that individual or the child for genetic
 1263 testing without serving that individual with an order to appear
 1264 for genetic testing. A respondent or other person who is subject
 1265 to an order to appear for genetic testing may waive, in writing
 1266 or on the record at an administrative hearing, formal service of
 1267 notices or orders or waive any other rights or time periods
 1268 prescribed by this section.

1269 (e) Whenever practicable, hearings held by the Division of
 1270 Administrative Hearings pursuant to this section shall be held
 1271 in the judicial circuit where the person receiving services
 1272 under Title IV-D resides or, if the person receiving services
 1273 under Title IV-D does not reside in this state, in the judicial

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1274 circuit where the respondent resides. If the Department of
 1275 Revenue and the respondent agree, the hearing may be held in
 1276 another location. If ordered by the administrative law judge,
 1277 the hearing may be conducted telephonically or by
 1278 videoconference.

1279 (f) The Legislature does not intend to limit the
 1280 jurisdiction of the circuit courts to hear and determine issues
 1281 regarding establishment of paternity. This section is intended
 1282 to provide the Department of Revenue with an alternative
 1283 procedure for establishing paternity and child support
 1284 obligations in Title IV-D cases. This section does not prohibit
 1285 a person who has standing from filing a civil action in circuit
 1286 court for a determination of paternity or of child support
 1287 obligations.

1288 (g) Section 409.2563(2)(e), (f), and (g) apply to a
 1289 proceeding under this section.

1290 (3) MULTIPLE PUTATIVE FATHERS; MULTIPLE CHILDREN.--If more
 1291 than one putative father has been named, the Department of
 1292 Revenue may proceed under this section against a single putative
 1293 father or may proceed simultaneously against more than one
 1294 putative father. If a putative father has been named as a
 1295 possible father of more than one child born to the same mother,
 1296 the department may proceed to establish the paternity of each
 1297 child in the same proceeding.

1298 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR
 1299 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC
 1300 TESTING; MANNER OF SERVICE; CONTENTS.--The Department of Revenue
 1301 shall commence a proceeding to determine paternity, or a

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1302 proceeding to determine both paternity and child support, by
 1303 -serving the respondent with a notice as provided in this
 1304 section. An order to appear for genetic testing may be served at
 1305 the same time as a notice of the proceeding or may be served
 1306 separately. A copy of the affidavit or written declaration upon
 1307 which the proceeding is based shall be provided to the
 1308 respondent when notice is served. A notice or order to appear
 1309 for genetic testing shall be served by certified mail,
 1310 restricted delivery, return receipt requested, or in accordance
 1311 with the requirements for service of process in a civil action.
 1312 Service by certified mail is completed when the certified mail
 1313 is received or refused by the addressee or by an authorized
 1314 agent as designated by the addressee in writing. If a person
 1315 other than the addressee signs the return receipt, the
 1316 department shall attempt to reach the addressee by telephone to
 1317 confirm whether the notice was received, and the department
 1318 shall document any telephonic communications. If someone other
 1319 than the addressee signs the return receipt, the addressee does
 1320 not respond to the notice, and the department is unable to
 1321 confirm that the addressee has received the notice, service is
 1322 not completed and the department shall attempt to have the
 1323 addressee served personally. For purposes of this section, an
 1324 employee or an authorized agent of the department may serve the
 1325 notice or order to appear for genetic testing and execute an
 1326 affidavit of service. The department may serve an order to
 1327 appear for genetic testing on a custodian. The department shall
 1328 provide a copy of the notice or order to appear by regular mail
 1329 to the mother and custodian, if they are not respondents.

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- 1330 (a) A notice of proceeding to establish paternity must
 1331 state:
- 1332 1. That the department has commenced an administrative
 1333 proceeding to establish whether the putative father is the
 1334 biological father of the child named in the notice.
- 1335 2. The name and date of birth of the child and the name of
 1336 the child's mother.
- 1337 3. That the putative father has been named in an affidavit
 1338 or written declaration that states the putative father is or may
 1339 be the child's biological father.
- 1340 4. That the respondent is required to submit to genetic
 1341 testing.
- 1342 5. That genetic testing will establish either a high
 1343 degree of probability that the putative father is the biological
 1344 father of the child or that the putative father cannot be the
 1345 biological father of the child.
- 1346 6. That if the results of the genetic test do not indicate
 1347 a statistical probability of paternity that equals or exceeds 99
 1348 percent, the paternity proceeding in connection with that child
 1349 shall cease unless a second or subsequent test is required.
- 1350 7. That if the results of the genetic test indicate a
 1351 statistical probability of paternity that equals or exceeds 99
 1352 percent, the department may:
- 1353 a. Issue a proposed order of paternity that the respondent
 1354 may consent to or contest at an administrative hearing; or
- 1355 b. Commence a proceeding, as provided in s. 409.2563, to
 1356 establish an administrative support order for the child. Notice

1357 of the proceeding shall be provided to the respondent by regular
 1358 mail.

1359 8. That, if the genetic test results indicate a
 1360 statistical probability of paternity that equals or exceeds 99
 1361 percent and a proceeding to establish an administrative support
 1362 order is commenced, the department shall issue a proposed order
 1363 that addresses paternity and child support. The respondent may
 1364 consent to or contest the proposed order at an administrative
 1365 hearing.

1366 9. That if a proposed order of paternity or proposed order
 1367 of both paternity and child support is not contested, the
 1368 department shall adopt the proposed order and render a final
 1369 order that establishes paternity and, if appropriate, an
 1370 administrative support order for the child.

1371 10. That, until the proceeding is ended, the respondent
 1372 shall notify the department in writing of any change in the
 1373 respondent's mailing address and that the respondent shall be
 1374 deemed to have received any subsequent order, notice, or other
 1375 paper mailed to the most recent address provided or, if a more
 1376 recent address is not provided, to the address at which the
 1377 respondent was served, and that this requirement continues if
 1378 the department renders a final order that establishes paternity
 1379 and a support order for the child.

1380 11. That the respondent may file an action in circuit
 1381 court for a determination of paternity, child support
 1382 obligations, or both.

1383 12. That if the respondent files an action in circuit
 1384 court and serves the department with a copy of the petition or

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1385 complaint within 20 days after being served notice under this
 1386 subsection, the administrative process ends without prejudice
 1387 and the action must proceed in circuit court.

1388 13. That, if paternity is established, the putative father
 1389 may file a petition in circuit court for a determination of
 1390 matters relating to custody and rights of parental contact.

1391
 1392 A notice under this paragraph must also notify the respondent of
 1393 the provisions in s. 409.2563(4)(m) and (o).

1394 (b) A notice of proceeding to establish paternity and
 1395 child support must state the requirements of paragraph (a),
 1396 except for subparagraph (a)7., and must state the requirements
 1397 of s. 409.2563(4), to the extent that the requirements of s.
 1398 409.2563(4) are not already required by and do not conflict with
 1399 this subsection. This section and s. 409.2563 apply to a
 1400 proceeding commenced under this subsection.

1401 (c) The order to appear for genetic testing shall inform
 1402 the person ordered to appear:

1403 1. That the department has commenced an administrative
 1404 proceeding to establish whether the putative father is the
 1405 biological father of the child.

1406 2. The name and date of birth of the child and the name of
 1407 the child's mother.

1408 3. That the putative father has been named in an affidavit
 1409 or written declaration that states the putative father is or may
 1410 be the child's biological father.

1411 4. The date, time, and place that the person ordered to
 1412 appear must appear to provide a sample for genetic testing.

1413 5. That if the person has custody of the child whose
 1414 paternity is the subject of the proceeding, the person must
 1415 submit the child for genetic testing.

1416 6. That when the samples are provided, the person ordered
 1417 to appear shall verify his or her identity and the identity of
 1418 the child, if applicable, by presenting a form of identification
 1419 as prescribed by s. 117.05(5)(b)2. that bears the photograph of
 1420 the person who is providing the sample or other form of
 1421 verification approved by the department.

1422 7. That if the person ordered to appear submits to genetic
 1423 testing, the department shall pay the cost of the genetic
 1424 testing and shall provide the person ordered to appear with a
 1425 copy of any test results obtained.

1426 8. That if the person ordered to appear does not appear as
 1427 ordered or refuses to submit to genetic testing without good
 1428 cause, the department may take one or more of the following
 1429 actions:

1430 a. Commence proceedings to suspend the driver's license
 1431 and motor vehicle registration of the person ordered to appear,
 1432 as provided in s. 61.13016;

1433 b. Impose an administrative fine against the person
 1434 ordered to appear in the amount of \$500; or

1435 c. File a petition in circuit court to establish paternity
 1436 and obtain a support order for the child and an order for costs
 1437 against the person ordered to appear, including costs for
 1438 genetic testing.

1439 9. That the person ordered to appear may contest the order
 1440 by filing a written request for informal review within 15 days

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1441 after the date of service of the order, with further rights to
 1442 an administrative hearing following the informal review.

1443 (5) RIGHT TO CONTEST ORDER TO APPEAR FOR GENETIC
 1444 TESTING.--

1445 (a) The person ordered to appear may contest an order to
 1446 appear for genetic testing by filing a written request for
 1447 informal review with the Department of Revenue within 15 days
 1448 after the date of service of the order. The purpose of the
 1449 informal review is to provide the person ordered to appear with
 1450 an opportunity to discuss the proceedings and the basis of the
 1451 order. At the conclusion of the informal review, the department
 1452 shall notify the person ordered to appear, in writing, whether
 1453 it intends to proceed with the order to appear. If the
 1454 department notifies the person ordered to appear of its intent
 1455 to proceed, the notice must inform the person ordered to appear
 1456 of the right to contest the order at an administrative hearing.

1457 (b) Following an informal review, within 15 days after the
 1458 mailing date of the Department of Revenue's notification that
 1459 the department shall proceed with an order to appear for genetic
 1460 testing, the person ordered to appear may file a request for an
 1461 administrative hearing to contest whether the person should be
 1462 required to submit to genetic testing. A request for an
 1463 administrative hearing must state the specific reasons why the
 1464 person ordered to appear believes he or she should not be
 1465 required to submit to genetic testing as ordered. If the person
 1466 ordered to appear files a timely request for a hearing, the
 1467 department shall refer the hearing request to the Division of
 1468 Administrative Hearings. Unless otherwise provided in this

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1469 section, administrative hearings are governed by chapter 120 and
 1470 the uniform rules of procedure. The administrative law judge
 1471 assigned to the case shall issue an order as to whether the
 1472 person must submit to genetic testing in accordance with the
 1473 order to appear. The department or the person ordered to appear
 1474 may seek immediate judicial review under s. 120.68 of an order
 1475 issued by an administrative law judge pursuant to this
 1476 paragraph.

1477 (c) If a timely request for an informal review or an
 1478 administrative hearing is filed, the department may not proceed
 1479 under the order to appear for genetic testing and may not impose
 1480 sanctions for failure or refusal to submit to genetic testing
 1481 until:

1482 1. The department has notified the person of its intent to
 1483 proceed after informal review, and a timely request for hearing
 1484 is not filed;

1485 2. The person ordered to appear withdraws the request for
 1486 hearing or informal review; or

1487 3. The Division of Administrative Hearings issues an order
 1488 that the person must submit to genetic testing, or issues an
 1489 order closing the division's file, and that an order has become
 1490 final.

1491 (d) If a request for an informal review or administrative
 1492 hearing is not timely filed, the person ordered to appear is
 1493 deemed to have waived the right to a hearing and the department
 1494 may proceed under the order to appear for genetic testing.

1495 (6) SCHEDULING OF GENETIC TESTING.--

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1496 (a) The Department of Revenue shall notify, in writing,
 1497 the person ordered to appear of the date, time, and location of
 1498 the appointment for genetic testing and of the requirement to
 1499 verify his or her identity and the identity of the child, if
 1500 applicable, when the samples are provided by presenting a form
 1501 of identification as prescribed in s. 117.05(5)(b)2. that bears
 1502 the photograph of the person who is providing the sample or
 1503 other form of verification approved by the department. If the
 1504 person ordered to appear is the putative father or the mother,
 1505 that person shall appear and submit to genetic testing. If the
 1506 person ordered to appear is a custodian, or if the putative
 1507 father or the mother has custody of the child, that person must
 1508 submit the child for genetic testing.

1509 (b) The department shall reschedule genetic testing:
 1510 1. One time without cause if, in advance of the initial
 1511 test date, the person ordered to appear requests the department
 1512 to reschedule the test.

1513 2. One time if the person ordered to appear shows good
 1514 cause for failure to appear for a scheduled test.

1515 3. One time upon request of a person ordered to appear
 1516 against whom sanctions have been imposed as provided in
 1517 subsection (7).

1518
 1519 A claim of good cause for failure to appear shall be filed with
 1520 the department within 10 days after the scheduled test date and
 1521 must state the facts and circumstances supporting the claim. The
 1522 department shall notify the person ordered to appear, in
 1523 writing, whether it accepts or rejects the person's claim of

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1524 good cause. There is not a separate right to a hearing on the
 1525 department's decision to accept or reject the claim of good
 1526 cause because the person ordered to appear may raise good cause
 1527 as a defense to any proceeding initiated by the department under
 1528 subsection (7).

1529 (c) A person ordered to appear may obtain a second genetic
 1530 test by filing a written request for a second test with the
 1531 department within 15 days after the date of mailing of the
 1532 initial genetic testing results and by paying the department in
 1533 advance for the full cost of the second test.

1534 (d) The department may schedule and require a subsequent
 1535 genetic test if it has reason to believe the results of the
 1536 preceding genetic test may not be reliable.

1537 (e) Except as provided in paragraph (c) and subsection
 1538 (7), the department shall pay for the cost of genetic testing
 1539 ordered under this section.

1540 (7) FAILURE OR REFUSAL TO SUBMIT TO GENETIC TESTING.--If a
 1541 person who is served with an order to appear for genetic testing
 1542 fails to appear without good cause or refuses to submit to
 1543 testing without good cause, the department may take one or more
 1544 of the following actions:

1545 (a) Commence a proceeding to suspend the driver's license
 1546 and motor vehicle registration of the person ordered to appear,
 1547 as provided in s. 61.13016;

1548 (b) Impose an administrative fine against the person
 1549 ordered to appear in the amount of \$500; or

1550 (c) File a petition in circuit court to establish
 1551 paternity, obtain a support order for the child, and seek

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1552 reimbursement from the person ordered to appear for the full
 1553 cost of genetic testing incurred by the department.

1554
 1555 As provided in s. 322.058(2), a suspended driver's license and
 1556 motor vehicle registration may be reinstated when the person
 1557 ordered to appear complies with the order to appear for genetic
 1558 testing. The department may collect an administrative fine
 1559 imposed under this subsection by using civil remedies or other
 1560 statutory means available to the department for collecting
 1561 support.

1562 (8) GENETIC-TESTING RESULTS.--The department shall send a
 1563 copy of the genetic-testing results to the putative father, to
 1564 the mother, to the custodian, and to the other state, if
 1565 applicable. If the genetic-testing results, including second or
 1566 subsequent genetic-testing results, do not indicate a
 1567 statistical probability of paternity that equals or exceeds 99
 1568 percent, the paternity proceeding in connection with that child
 1569 shall cease.

1570 (9) PROPOSED ORDER OF PATERNITY; COMMENCEMENT OF
 1571 PROCEEDING TO ESTABLISH ADMINISTRATIVE SUPPORT ORDER; PROPOSED
 1572 ORDER OF PATERNITY AND CHILD SUPPORT.--

1573 (a) If a paternity proceeding has been commenced under
 1574 this section and the results of genetic testing indicate a
 1575 statistical probability of paternity that equals or exceeds 99
 1576 percent, the Department of Revenue may:

1577 1. Issue a proposed order of paternity as provided in
 1578 paragraph (b); or

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1579 2. If appropriate, delay issuing a proposed order of
 1580 paternity and commence, by regular mail, an administrative
 1581 proceeding to establish a support order for the child pursuant
 1582 to s. 409.2563 and issue a single proposed order that addresses
 1583 paternity and child support.

1584 (b) A proposed order of paternity must:

1585 1. State proposed findings of fact and conclusions of law.

1586 2. Include a copy of the results of genetic testing.

1587 3. Include notice of the respondent's right to informal
 1588 review and to contest the proposed order of paternity at an
 1589 administrative hearing.

1590 (c) If a paternity and child support proceeding has been
 1591 commenced under this section and the results of genetic testing
 1592 indicate a statistical probability of paternity that equals or
 1593 exceeds 99 percent, the Department of Revenue may issue a single
 1594 proposed order that addresses paternity as provided in this
 1595 section and child support as provided in s. 409.2563.

1596 (d) The Department of Revenue shall serve a proposed order
 1597 issued under this section on the respondent by regular mail and
 1598 shall provide a copy by regular mail to the mother or custodian
 1599 if they are not respondents.

1600 (10) INFORMAL REVIEW; ADMINISTRATIVE HEARING; PRESUMPTION
 1601 OF PATERNITY.--

1602 (a) Within 10 days after the date of mailing or other
 1603 service of a proposed order, the respondent may contact a
 1604 representative of the Department of Revenue at the address or
 1605 telephone number provided to request an informal review of the
 1606 proposed order. If an informal review is timely requested, the

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1607 time for requesting a hearing is extended until 10 days after
1608 the department mails notice to the respondent that the informal
1609 review has been concluded.

1610 (b) Within 20 days after the mailing date of the proposed
1611 order or within 10 days after the mailing date of notice that an
1612 informal review has been concluded, whichever is later, the
1613 respondent may request an administrative hearing by filing a
1614 written request for a hearing with the Department of Revenue. A
1615 request for a hearing must state the specific objections to the
1616 proposed order, the specific objections to the genetic testing
1617 results, or both. A respondent who fails to file a timely
1618 request for a hearing is deemed to have waived the right to a
1619 hearing.

1620 (c) If the respondent files a timely request for a
1621 hearing, the Department of Revenue shall refer the hearing
1622 request to the Division of Administrative Hearings. Unless
1623 otherwise provided in this section or in s. 409.2563, chapter
1624 120 and the uniform rules of procedure govern the conduct of the
1625 proceedings.

1626 (d) The genetic-testing results shall be admitted into
1627 evidence and made a part of the hearing record. For purposes of
1628 this section, a statistical probability of paternity that equals
1629 or exceeds 99 percent creates a presumption, as defined in s.
1630 90.304, that the putative father is the biological father of the
1631 child. The presumption may be overcome only by clear and
1632 convincing evidence. The respondent or the Department of Revenue
1633 may call an expert witness to refute or support the testing
1634 procedure or results or the mathematical theory on which they

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1635 are based. Verified documentation of the chain of custody of the
 1636 samples tested is competent evidence to establish the chain of
 1637 custody.

1638 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY AND
 1639 CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL
 1640 STATISTICS.--

1641 (a) If a hearing is held, the administrative law judge of
 1642 the Division of Administrative Hearings shall issue a final
 1643 order that adjudicates paternity or, if appropriate, paternity
 1644 and child support. A final order of the administrative law judge
 1645 constitutes final agency action by the Department of Revenue.
 1646 The Division of Administrative Hearings shall transmit any such
 1647 order to the department for filing and rendering.

1648 (b) If the respondent does not file a timely request for a
 1649 hearing or consents in writing to entry of a final order without
 1650 a hearing, the Department of Revenue may render a final order of
 1651 paternity or a final order of paternity and child support, as
 1652 appropriate.

1653 (c) The Department of Revenue shall mail a copy of the
 1654 final order to the putative father, the mother, and the
 1655 custodian, if any. The department shall notify the respondent of
 1656 the right to seek judicial review of a final order in accordance
 1657 with s. 120.68.

1658 (d) Upon rendering a final order of paternity or a final
 1659 order of paternity and child support, the Department of Revenue
 1660 shall notify the Division of Vital Statistics of the Department
 1661 of Health that the paternity of the child has been established.

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1662 (e) A final order rendered pursuant to this section has
 1663 the same effect as a judgment entered by the court pursuant to
 1664 chapter 742.

1665 (f) The provisions of s. 409.2563 that apply to a final
 1666 administrative support order rendered under that section apply
 1667 to a final order rendered under this section when a child
 1668 support obligation is established.

1669 (12) RIGHT TO JUDICIAL REVIEW.--A respondent has the right
 1670 to seek judicial review, in accordance with s. 120.68, of a
 1671 final order rendered under subsection (11) and an order issued
 1672 under paragraph (5)(b). The Department of Revenue has the right
 1673 to seek judicial review, in accordance with s. 120.68, of a
 1674 final order issued by an administrative law judge under
 1675 subsection (11) and an order issued by an administrative law
 1676 judge under paragraph (5)(b).

1677 (13) DUTY TO PROVIDE AND MAINTAIN CURRENT MAILING
 1678 ADDRESS.--Until a proceeding that has been commenced under this
 1679 section has ended, a respondent who is served with a notice of
 1680 proceeding must inform the Department of Revenue in writing of
 1681 any change in the respondent's mailing address and is deemed to
 1682 have received any subsequent order, notice, or other paper
 1683 mailed to that address, or the address at which the respondent
 1684 was served, if the respondent has not provided a more recent
 1685 address.

1686 (14) PROCEEDINGS IN CIRCUIT COURT.--The results of genetic
 1687 testing performed pursuant to this section are admissible as
 1688 evidence to the same extent as scientific testing ordered by the
 1689 court pursuant to chapter 742.

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1690 (15) GENDER NEUTRAL.--This section shall be construed
 1691 impartially, regardless of a person's gender, and applies with
 1692 equal force to the mother of a child whose paternity has not
 1693 been established and is not presumed by law.

1694 (16) REMEDIES SUPPLEMENTAL.--The remedies provided in this
 1695 section are supplemental and in addition to other remedies
 1696 available to the department for the establishment of paternity
 1697 and child support obligations.

1698 (17) RULEMAKING AUTHORITY.--The department may adopt rules
 1699 to implement this section.

1700 Section 25. Effective July 1, 2005, subsection (4) of
 1701 section 409.2561, Florida Statutes, is amended to read:

1702 409.2561 Support obligations when public assistance is
 1703 paid; assignment of rights; subrogation; medical and health
 1704 insurance information.--

1705 (4) No obligation of support under this section shall be
 1706 incurred by any person who is the recipient of supplemental
 1707 security income or temporary cash assistance ~~public assistance~~
 1708 ~~moneys~~ for the benefit of a dependent child or who is
 1709 incapacitated and financially unable to pay as determined by the
 1710 department.

1711 Section 26. Effective January 1, 2006, paragraphs (b) and
 1712 (c) of subsection (2) of section 409.2563, Florida Statutes, are
 1713 amended to read:

1714 409.2563 Administrative establishment of child support
 1715 obligations.--

1716 (2) PURPOSE AND SCOPE.--

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1717 (b) The administrative procedure set forth in this section
 1718 concerns only the establishment of child support obligations.
 1719 This section does not grant jurisdiction to the department or
 1720 the Division of Administrative Hearings to hear or determine
 1721 issues of dissolution of marriage, separation, alimony or
 1722 spousal support, termination of parental rights, dependency,
 1723 disputed paternity, except for a determination of paternity as
 1724 provided in s. 409.256, award of or change of custody, or
 1725 visitation. This paragraph notwithstanding, the department and
 1726 the Division of Administrative Hearings may make findings of
 1727 fact that are necessary for a proper determination of a
 1728 noncustodial parent's support obligation as authorized by this
 1729 section.

1730 (c) If there is no support order for a child in a Title
 1731 IV-D case whose paternity has been established or is presumed by
 1732 law, or whose paternity is the subject of a proceeding under s.
 1733 409.256, the department may establish the noncustodial parent's
 1734 child support obligation pursuant to this section, s. 61.30, and
 1735 other relevant provisions of state law. The noncustodial
 1736 parent's obligation determined by the department may include any
 1737 obligation to pay retroactive support and any obligation to
 1738 provide for health care for a child, whether through insurance
 1739 coverage, reimbursement of expenses, or both. The department may
 1740 proceed on behalf of:

- 1741 1. An applicant or recipient of public assistance, as
 1742 provided by ss. 409.2561 and 409.2567;
- 1743 2. A former recipient of public assistance, as provided by
 1744 s. 409.2569;

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1745 3. An individual who has applied for services as provided
1746 by s. 409.2567;

1747 4. Itself or the child, as provided by s. 409.2561; or

1748 5. A state or local government of another state, as
1749 provided by chapter 88.

1750 Section 27. Effective October 1, 2006, section 409.25635,
1751 Florida Statutes, is created to read:

1752 409.25635 Determination and collection of noncovered
1753 medical expenses.--

1754 (1) DEFINITION.--As used in this section, "noncovered
1755 medical expenses" means uninsured medical, dental, or
1756 prescription medication expenses that are ordered to be paid on
1757 behalf of a child as provided in s. 61.13(1)(b) or a similar law
1758 of another state.

1759 (2) PROCEEDING TO DETERMINE AMOUNT OWED FOR NONCOVERED
1760 MEDICAL EXPENSES.--In a Title IV-D case, the Department of
1761 Revenue may proceed under this section to determine the amount
1762 owed by an obligor for noncovered medical expenses if:

1763 (a) The obligor is subject to a support order that
1764 requires the obligor to pay all or part of a child's noncovered
1765 medical expenses.

1766 (b) The obligee provides the department with a written
1767 declaration under penalty of perjury that states:

1768 1. Noncovered medical expenses have been incurred on
1769 behalf of the dependent child whom the obligor has been ordered
1770 to support.

1771 2. The obligee has paid for noncovered medical expenses
1772 that have been incurred on behalf of the child.

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1773 3. The obligor has not paid all or part of the child's
 1774 noncovered medical expenses as ordered.

1775 4. The amount paid by the obligee for noncovered medical
 1776 expenses and the amount the obligor allegedly owes to the
 1777 obligee.

1778 (c) The obligee provides documentation in support of the
 1779 written declaration.

1780 (3) NOTICE OF PROCEEDING.--

1781 (a) To proceed under this section, the Department of
 1782 Revenue shall serve a notice on the obligor that states:

1783 1. That the department has commenced a proceeding to
 1784 determine the amount the obligor owes for noncovered medical
 1785 expenses.

1786 2. The name of the court or other tribunal that issued the
 1787 support order that requires the obligor to pay noncovered
 1788 medical expenses and the date of the order.

1789 3. That the proceeding is based on the requirements of the
 1790 support order, the obligee's written sworn statement, and the
 1791 supporting documentation provided to the department by the
 1792 obligee.

1793 4. The amount of noncovered medical expenses that the
 1794 obligee alleges the obligor owes.

1795 5. If the support order was entered by a court of this
 1796 state or a tribunal of another state, that the obligor may file
 1797 a motion in the circuit court to contest the amount of
 1798 noncovered medical expenses owed within 25 days after the date
 1799 of mailing of the notice or, if the support order was entered by
 1800 the department, that the obligor may file with the department a

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1801 petition to contest within 25 days after the date of mailing of
1802 the notice.

1803 6. If the support order was entered by a court of this
1804 state or a tribunal of another state, that the court shall
1805 determine the amount owed by the obligor and enter judgment as
1806 appropriate if the obligor timely files a motion in the circuit
1807 court to contest the amount of noncovered medical expenses owed
1808 or, if the support order was entered by the department, the
1809 department shall determine the amount owed by the obligor and
1810 render a final order as appropriate if the obligor timely files
1811 with the department a petition to contest the amount of
1812 noncovered medical expenses owed.

1813 7. If the obligor does not timely file a motion or
1814 petition to contest the amount alleged to be owed, that the
1815 obligor shall owe the amount alleged in the notice.

1816 8. If an amount owed is determined after a hearing or
1817 becomes final because the obligor does not file a timely motion
1818 or petition to contest, the department shall begin collection
1819 action.

1820 (b) The notice shall be served on the obligor by regular
1821 mail that is sent to the obligor's address of record according
1822 to the clerk of the court or according to the Department of
1823 Revenue if the support order was entered by the department or to
1824 a more recent address if known. A copy of the obligee's written
1825 declaration and supporting documentation must be served on the
1826 obligor with the notice. The department shall provide the
1827 obligee with a copy of the notice and with any subsequent notice
1828 of hearing.

1829 (4) RIGHT TO HEARING; DETERMINATION AFTER HEARING; WAIVER
1830 OF HEARING.--

1831 (a) Within 25 days after the date the notice required by
1832 subsection (3) is mailed, if the support order was entered by a
1833 court of this state or a tribunal of another state, the obligor
1834 may file a motion in the circuit court to contest the amount of
1835 noncovered medical expenses owed. If a timely motion is filed,
1836 the court shall determine after a hearing whether the obligor
1837 owes the obligee the amount alleged for noncovered medical
1838 expenses and enter a judgment, as appropriate.

1839 (b) Within 25 days after the date the notice required by
1840 subsection (3) is mailed, if the support order was entered by
1841 the Department of Revenue, the obligor may file with the
1842 department a petition to contest the amount of noncovered
1843 medical expenses owed. If a timely petition is filed, the
1844 department shall determine after a hearing pursuant to chapter
1845 120 whether the obligor owes the obligee for the amount alleged
1846 for noncovered medical expenses and render a final order, as
1847 appropriate.

1848 (c) If the obligor does not timely file a motion or
1849 petition to contest, the amount owed as alleged in the notice
1850 becomes final and is legally enforceable.

1851 (5) EFFECT OF DETERMINATION BY THE DEPARTMENT OF REVENUE
1852 AND UNCONTESTED PROCEEDINGS.--The amount owed for noncovered
1853 medical expenses that is determined by the Department of Revenue
1854 as provided in paragraph (4)(b) or that becomes final as
1855 provided in paragraph (4)(c) has the same effect as a judgment
1856 entered by a court.

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1857 (6) FILING WITH THE DEPOSITORY; RECORDING; MAINTENANCE OF
 1858 ACCOUNTS.--When an amount owed for noncovered medical expenses
 1859 is determined, the department shall file a certified copy of the
 1860 final order or uncontested notice with the depository. Upon
 1861 receipt of a final order or uncontested notice, the depository
 1862 shall record the final order or uncontested notice in the same
 1863 manner as a final judgment. The depository shall maintain
 1864 necessary accounts to reflect obligations and payments for
 1865 noncovered medical expenses.

1866 (7) COLLECTION ACTION; ADMINISTRATIVE REMEDIES.--Any
 1867 administrative remedy available for collection of support may be
 1868 used to collect noncovered medical expenses that are determined
 1869 or established under this section.

1870 (8) SUPPLEMENTAL REMEDY.--This section provides a
 1871 supplemental remedy for determining and enforcing noncovered
 1872 medical expenses. As an alternative, the department or any other
 1873 party may petition the circuit court for enforcement of
 1874 noncovered medical expenses.

1875 (9) RULEMAKING AUTHORITY.--The department may adopt rules
 1876 to implement this section.

1877 Section 28. Subsections (8) through (14) of section
 1878 409.2564, Florida Statutes, are renumbered as subsections (7)
 1879 through (13), respectively, and present subsection (7) is
 1880 amended to read:

1881 409.2564 Actions for support.--

1882 ~~(7) In a judicial circuit with a work experience and job~~
 1883 ~~training pilot project, if the obligor is a noncustodial parent~~
 1884 ~~of a child receiving public assistance as defined in this~~

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1885 ~~chapter, is unemployed or underemployed or has no income, then~~
 1886 ~~the court shall order the obligor to seek employment, if the~~
 1887 ~~obligor is able to engage in employment, and to immediately~~
 1888 ~~notify the court upon obtaining employment, upon obtaining any~~
 1889 ~~income, or upon obtaining any ownership of any asset with a~~
 1890 ~~value of \$500 or more. If the obligor is still unemployed 30~~
 1891 ~~days after any order for support, the court shall order the~~
 1892 ~~obligor to enroll in a work experience, job placement, and job~~
 1893 ~~training program.~~

1894 Section 29. Effective January 1, 2006, subsection (4) of
 1895 section 409.2564, Florida Statutes, is amended to read:

1896 409.2564 Actions for support.--

1897 (4) Whenever the Department of Revenue has undertaken an
 1898 action for enforcement of support, the Department of Revenue may
 1899 enter into an agreement with the obligor for the entry of a
 1900 judgment determining paternity, if applicable, and for periodic
 1901 child support payments based on the child support guidelines in
 1902 s. 61.30 obligor's reasonable ability to pay. Prior to entering
 1903 into this agreement, the obligor shall be informed that a
 1904 judgment will be entered based on the agreement. The clerk of
 1905 the court shall file the agreement without the payment of any
 1906 fees or charges, and the court, upon entry of the judgment,
 1907 shall forward a copy of the judgment to the parties to the
 1908 action. To encourage out-of-court settlement and promote support
 1909 order compliance, if the obligor and the Department of Revenue
 1910 agree on entry of a support order and its terms, the guideline
 1911 amount owed for retroactive support that is permanently assigned
 1912 to the state shall be reduced by 25 percent. ~~In making a~~

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1913 ~~determination of the obligor's reasonable ability to pay and~~
 1914 ~~until guidelines are established for determining child support~~
 1915 ~~award amounts, the following criteria shall be considered:~~

- 1916 ~~(a) All earnings, income, and resources of the obligor.~~
- 1917 ~~(b) The ability of the obligor to earn.~~
- 1918 ~~(c) The reasonable necessities of the obligor.~~
- 1919 ~~(d) The needs of the dependent child for whom support is~~
 1920 ~~sought.~~

1921 Section 30. Effective October 1, 2005, section 409.25645,
 1922 Florida Statutes, is amended to read:

1923 409.25645 Administrative orders for genetic testing.--

1924 (1) The Department of Revenue is authorized to use
 1925 administrative orders to require genetic testing in Title IV-D
 1926 cases. In such cases the department or an authorized agent may
 1927 issue an administrative order to a putative father who has not
 1928 voluntarily submitted to genetic testing, directing him to
 1929 appear for a genetic test to determine the paternity of a child,
 1930 provided that the department shall have no authority to issue
 1931 such an order in the absence of an affidavit or written
 1932 declaration as provided in s. 92.525(2) of the child's mother
 1933 stating that the putative father is or may be a parent of the
 1934 child. The administrative order shall state:

- 1935 (a)(1) The type of genetic test that will be used.
- 1936 (b)(2) The date, time, and place to appear for the genetic
 1937 test, except as provided in subsection (3).
- 1938 (c)(3) That upon failure to appear for the genetic test,
 1939 or refusal to be tested, the department shall file a petition in
 1940 circuit court to establish paternity and child support.

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1941 (2) A copy of the affidavit or written declaration which
 1942 is the basis for the issuance of the administrative order shall
 1943 be attached to the order. The administrative order is exempt
 1944 from the hearing provisions in chapter 120, because the person
 1945 to whom it is directed shall have an opportunity to object in
 1946 circuit court in the event the Department of Revenue pursues the
 1947 matter by filing a petition in circuit court. The department may
 1948 serve the administrative order to appear for a genetic test by
 1949 regular mail. In any case in which more than one putative father
 1950 has been identified, the department may proceed under this
 1951 section with respect to all putative fathers. If the department
 1952 receives a request from another state Title IV-D agency to
 1953 assist in the establishment of paternity, the department may
 1954 cause an administrative order to appear for a genetic test to be
 1955 served on a putative father who resides in Florida.

1956 (3) If the putative father is incarcerated, the
 1957 correctional facility shall assist the putative father in
 1958 complying with the administrative order, whether issued under
 1959 this section or s. 409.256.

1960 (4) An administrative order for genetic testing has the
 1961 same force and effect as a court order.

1962 Section 31. Effective upon this act becoming a law,
 1963 section 409.2567, Florida Statutes, is amended to read:

1964 409.2567 Services to individuals not otherwise
 1965 eligible.--All support services provided by the department shall
 1966 be made available on behalf of all dependent children. Services
 1967 shall be provided upon acceptance of public assistance or upon
 1968 proper application filed with the department. The department

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1969 | shall adopt rules to provide for the payment of a \$25
 1970 | application fee from each applicant who is not a public
 1971 | assistance recipient. The application fee shall be deposited in
 1972 | the Child Support Enforcement Application and Program Revenue
 1973 | Trust Fund within the Department of Revenue to be used for the
 1974 | Child Support Enforcement Program. The obligor is responsible
 1975 | for all administrative costs, as defined in s. 409.2554. The
 1976 | court shall order payment of administrative costs without
 1977 | requiring the department to have a member of the bar testify or
 1978 | submit an affidavit as to the reasonableness of the costs. An
 1979 | attorney-client relationship exists only between the department
 1980 | and the legal services providers in Title IV-D cases. The
 1981 | attorney shall advise the obligee in Title IV-D cases that the
 1982 | attorney represents the agency and not the obligee. In Title IV-
 1983 | D cases, any costs, including filing fees, recording fees,
 1984 | mediation costs, service of process fees, and other expenses
 1985 | incurred by the clerk of the circuit court, shall be assessed
 1986 | only against the nonprevailing obligor after the court makes a
 1987 | determination of the nonprevailing obligor's ability to pay such
 1988 | costs and fees. In any case where the court does not award all
 1989 | costs, the court shall state in the record its reasons for not
 1990 | awarding the costs. The Department of Revenue shall not be
 1991 | considered a party for purposes of this section; however, fees
 1992 | may be assessed against the department pursuant to s. 57.105(1).
 1993 | The department shall submit a monthly report to the Governor and
 1994 | the chairs of the Health and Human Services Fiscal Committee of
 1995 | the House of Representatives and the Ways and Means Committee of
 1996 | the Senate specifying the funds identified for collection from

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1997 | the noncustodial parents of children receiving temporary
 1998 | assistance and the amounts actually collected. The Department of
 1999 | Revenue shall seek a waiver from the Secretary of the United
 2000 | States Department of Health and Human Services to authorize the
 2001 | Department of Revenue to provide services in accordance with
 2002 | Title IV-D of the Social Security Act to individuals who are
 2003 | owed support without need of an application. If the waiver is
 2004 | granted, the department shall adopt rules to implement the
 2005 | waiver and begin providing Title IV-D services if support
 2006 | payments are not being paid as ordered, except that the
 2007 | individual first must be given written notice of the right to
 2008 | refuse Title IV-D services and a reasonable opportunity to
 2009 | respond.

2010 | Section 32. Effective October 1, 2005, section 409.2567,
 2011 | Florida Statutes, as amended by this act, is amended to read:

2012 | 409.2567 Services to individuals not otherwise
 2013 | eligible.--All support services provided by the department shall
 2014 | be made available on behalf of all dependent children. Services
 2015 | shall be provided upon acceptance of public assistance or upon
 2016 | proper application filed with the department. The federally
 2017 | required application fee for individuals who do not receive
 2018 | public assistance is \$1, which shall be waived for all
 2019 | applicants and paid by the department ~~The department shall adopt~~
 2020 | ~~rules to provide for the payment of a \$25 application fee from~~
 2021 | ~~each applicant who is not a public assistance recipient. The~~
 2022 | ~~application fee shall be deposited in the Child Support~~
 2023 | ~~Enforcement Application and Program Revenue Trust Fund within~~
 2024 | ~~the Department of Revenue to be used for the Child Support~~

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2025 | ~~Enforcement Program.~~ The obligor is responsible for all
 2026 | administrative costs, as defined in s. 409.2554. The court shall
 2027 | order payment of administrative costs without requiring the
 2028 | department to have a member of the bar testify or submit an
 2029 | affidavit as to the reasonableness of the costs. An attorney-
 2030 | client relationship exists only between the department and the
 2031 | legal services providers in Title IV-D cases. The attorney shall
 2032 | advise the obligee in Title IV-D cases that the attorney
 2033 | represents the agency and not the obligee. In Title IV-D cases,
 2034 | any costs, including filing fees, recording fees, mediation
 2035 | costs, service of process fees, and other expenses incurred by
 2036 | the clerk of the circuit court, shall be assessed only against
 2037 | the nonprevailing obligor after the court makes a determination
 2038 | of the nonprevailing obligor's ability to pay such costs and
 2039 | fees. In any case where the court does not award all costs, the
 2040 | court shall state in the record its reasons for not awarding the
 2041 | costs. The Department of Revenue shall not be considered a party
 2042 | for purposes of this section; however, fees may be assessed
 2043 | against the department pursuant to s. 57.105(1). The department
 2044 | shall submit a monthly report to the Governor and the chairs of
 2045 | the Health and Human Services Fiscal Committee of the House of
 2046 | Representatives and the Ways and Means Committee of the Senate
 2047 | specifying the funds identified for collection from the
 2048 | noncustodial parents of children receiving temporary assistance
 2049 | and the amounts actually collected. The Department of Revenue
 2050 | shall seek a waiver from the Secretary of the United States
 2051 | Department of Health and Human Services to authorize the
 2052 | Department of Revenue to provide services in accordance with

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2053 Title IV-D of the Social Security Act to individuals who are
 2054 owed support without need of an application. If the waiver is
 2055 granted, the Department of Revenue shall adopt rules to
 2056 implement the waiver and begin providing Title IV-D services if
 2057 support payments are not being paid as ordered, except that the
 2058 individual first must be given written notice of the right to
 2059 refuse Title IV-D services and a reasonable opportunity to
 2060 respond.

2061 Section 33. Effective July 1, 2006, section 409.2598,
 2062 Florida Statutes, is amended to read:

2063 409.2598 License suspension proceeding to enforce support
 2064 order ~~Suspension or denial of new or renewal licenses;~~
 2065 ~~registrations; certifications.--~~

2066 (1) DEFINITIONS.--As used in this section, the term:

2067 (a) "License" means a license, permit, certificate,
 2068 registration, franchise, or other form of written permission
 2069 issued by a licensing agency to an individual which authorizes
 2070 the individual to engage in an occupation, business, trade, or
 2071 profession or to engage in a recreational activity, including
 2072 hunting or fishing. Where the context permits, the term also
 2073 includes an application for a new or renewal license.

2074 (b) "Licensee" means an individual who has a license.

2075 (c) "Licensing agency" means a department, commission,
 2076 agency, district, county, municipality, or other subdivision of
 2077 state or local government which issues licenses.

2078 (2) NOTICE OF NONCOMPLIANCE AND INTENT TO SUSPEND
 2079 LICENSE.--If a support order has not been complied with for at
 2080 least 30 days, the Department of Revenue may commence a license

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2081 suspension proceeding to enforce compliance with the support
 2082 order by providing written notice to the obligor that states:
 2083 (a) That the obligor is not in compliance with the support
 2084 order and whether the noncompliance is due to the obligor's
 2085 nonpayment of current support, delinquencies or arrears, or the
 2086 failure to provide health care coverage or medical support.
 2087 (b) The kind of license that is subject to suspension.
 2088 (c) That the obligor may avoid license suspension by
 2089 complying with the support order or entering into a written
 2090 agreement with the department within 30 days after the mailing
 2091 of the notice.
 2092 (d) If the obligor timely complies with the support order
 2093 or a written agreement entered into with the department, the
 2094 proceeding ends and the obligor's license is not suspended.
 2095 (e) That the obligor may contest license suspension by
 2096 filing a petition in circuit court within 30 days after the
 2097 mailing of the notice of noncompliance.
 2098 (f) If the obligor timely files a petition in circuit
 2099 court, that the license suspension proceeding is stayed pending
 2100 a ruling by the court.
 2101
 2102 The notice shall be served on the obligor by regular mail sent
 2103 to the obligor's last address of record with the local
 2104 depository or a more recent address if known, which may include
 2105 the obligor's mailing address as reflected by the records of the
 2106 licensing agency.
 2107 (3) HEARING; STAY OF PROCEEDING.--The obligor may contest
 2108 license suspension by filing a petition in circuit court within

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2109 30 days after the mailing of the notice of noncompliance and
 2110 servicing a copy of the petition on the Department of Revenue. If
 2111 the obligor timely files a petition in circuit court, the
 2112 license suspension proceeding is stayed pending a ruling by the
 2113 court. The obligor may contest on the basis of a mistake of fact
 2114 concerning the obligor's compliance with the support order, the
 2115 reasonableness of a payment agreement offered by the department,
 2116 or the identity of the obligor. A timely petition to contest
 2117 must be heard by the court within 15 days after the petition is
 2118 filed. The court must enter an order ruling on the matter within
 2119 10 days after the hearing and a copy of the order must be served
 2120 on the parties.

2121 (4) COMPLIANCE; REINSTATEMENT.--

2122 (a) If the obligor complies with the support order or a
 2123 written agreement entered into with the department after a
 2124 proceeding is commenced but before the obligor's license is
 2125 suspended, the proceeding shall cease and the obligor's license
 2126 may not be suspended. If the obligor subsequently does not
 2127 comply with the support order, the department may commence a new
 2128 proceeding or proceed as provided in paragraph (c) if the
 2129 obligor enters into a written agreement and does not comply with
 2130 the agreement.

2131 (b) If the obligor complies with the support order or a
 2132 written agreement entered into with the department after the
 2133 obligor's license is suspended, the department shall provide the
 2134 obligor with a reinstatement notice and the licensing agency
 2135 shall reinstate the obligor's license at no additional charge to
 2136 the obligor.

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2137 (c) If the obligor enters into a written agreement with
 2138 the department and does not comply with the agreement, the
 2139 department shall notify the licensing agency to suspend the
 2140 obligor's license unless the obligor notifies the department
 2141 that the obligor can no longer comply with the written
 2142 agreement. If the obligor notifies the department of the
 2143 inability to comply with the written agreement, the obligor
 2144 shall provide full disclosure to the department of the obligor's
 2145 income, assets, and employment. If after full disclosure the
 2146 written agreement cannot be renegotiated, the department or the
 2147 obligor may file a petition in circuit court to determine the
 2148 matter.

2149 (d) A licensing agency shall promptly reinstate the
 2150 obligor's license upon receipt of a court order for
 2151 reinstatement.

2152 (e) Notwithstanding any other statutory provision, a
 2153 notice from the court or the department shall reinstate to the
 2154 obligor all licenses established in chapters 370 and 372 that
 2155 were valid at the time of suspension.

2156 (5) NOTICE TO LICENSING AGENCY; SUSPENSION.--

2157 (a) The Department of Revenue shall notify the licensing
 2158 agency to suspend the obligor's license when:

2159 1. Thirty or more days have elapsed after a proceeding has
 2160 been commenced and the obligor has not complied with the support
 2161 order or a written agreement entered into with the department or
 2162 filed a timely petition to contest license suspension in circuit
 2163 court;

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2164 2. The obligor enters into a written agreement with the
 2165 department and does not comply with the agreement, unless the
 2166 obligor notifies the department that the obligor can no longer
 2167 comply with the agreement; or

2168 3. The department is ordered to do so by the circuit
 2169 court.

2170 (b) Upon notice by the department or the circuit court,
 2171 the licensing agency shall suspend the obligor's license and may
 2172 only reinstate the license upon further notice by the department
 2173 or the court.

2174 (6) ENFORCEMENT OF SUBPOENAS.--A license may be suspended
 2175 under this section to enforce compliance with a subpoena, order
 2176 to appear, order to show cause, or similar order in a child
 2177 support or paternity proceeding by using the same procedures as
 2178 those used for enforcing compliance with a support order.

2179 (7) MULTIPLE LICENSES.--The Department of Revenue may
 2180 combine a proceeding under this section with a proceeding to
 2181 suspend a driver's license under s. 61.13016. A proceeding to
 2182 suspend a license under this section may apply to one or more of
 2183 the obligor's licenses.

2184 (8) RULEMAKING AUTHORITY.--The Department of Revenue may
 2185 adopt rules to implement and enforce the requirements of this
 2186 section.

2187 ~~(2) The Title IV-D agency may petition the court that~~
 2188 ~~entered the support order or the court that is enforcing the~~
 2189 ~~support order to deny or suspend the license of any obligor with~~
 2190 ~~a delinquent support obligation or who fails, after receiving~~
 2191 ~~appropriate notice, to comply with subpoenas, orders to appear,~~

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2192 ~~orders to show cause, or similar orders relating to paternity or~~
 2193 ~~support proceedings. However, a petition may not be filed until~~
 2194 ~~the Title IV-D agency has exhausted all other available~~
 2195 ~~remedies. The purpose of this section is to promote the public~~
 2196 ~~policy of the state as established in s. 409.2551.~~

2197 ~~(3) The Title IV-D agency shall give notice to any obligor~~
 2198 ~~who is an applicant for a new or renewal license or the holder~~
 2199 ~~of a current license when a delinquency exists in the support~~
 2200 ~~obligation or when an obligor has failed to comply with a~~
 2201 ~~subpoena, order to appear, order to show cause, or similar order~~
 2202 ~~relating to paternity or support proceeding. The notice shall~~
 2203 ~~specify that the obligor has 30 days from the date of mailing of~~
 2204 ~~the notice to pay the delinquency or to reach an agreement to~~
 2205 ~~pay the delinquency with the Title IV-D agency or comply with~~
 2206 ~~the subpoena, order to appear, order to show cause, or similar~~
 2207 ~~order. The notice shall specify that, if payment is not made or~~
 2208 ~~an agreement cannot be reached, or if the subpoena, order to~~
 2209 ~~appear, order to show cause, or similar order is not complied~~
 2210 ~~with, the application may be denied or the license may be~~
 2211 ~~suspended pursuant to a court order.~~

2212 ~~(4) If the obligor fails to pay the delinquency or enter~~
 2213 ~~into a repayment agreement with the department or comply with~~
 2214 ~~the subpoena, order to appear, order to show cause, or similar~~
 2215 ~~order within 30 days following completion of service of the~~
 2216 ~~notice, the Title IV-D agency shall send a second notice to the~~
 2217 ~~obligor stating that the obligor has 30 days to pay the~~
 2218 ~~delinquency or reach an agreement to pay the delinquency with~~
 2219 ~~the Title IV-D agency or comply with the subpoena, order to~~

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2220 ~~appear, order to show cause, or similar order. If the obligor~~
 2221 ~~fails to respond to either notice from the Title IV-D agency or~~
 2222 ~~if the obligor fails to pay the delinquency or reach an~~
 2223 ~~agreement to pay the delinquency or comply with the subpoena,~~
 2224 ~~order to appear, order to show cause, or similar order after the~~
 2225 ~~second notice, the Title IV-D agency may petition the court~~
 2226 ~~which entered the support order or the court which is enforcing~~
 2227 ~~the support order to deny the application for the license or to~~
 2228 ~~suspend the license of the obligor. However, no petition may be~~
 2229 ~~filed until the Title IV-D agency has exhausted all other~~
 2230 ~~available remedies. The court may find that it would be~~
 2231 ~~inappropriate to deny a license or suspend a license if:~~
 2232 ~~(a) Denial or suspension would result in irreparable harm~~
 2233 ~~to the obligor or employees of the obligor or would not~~
 2234 ~~accomplish the objective of collecting the delinquency; or~~
 2235 ~~(b) The obligor demonstrates that he or she has made a~~
 2236 ~~good faith effort to reach an agreement with the Title IV-D~~
 2237 ~~agency.~~
 2238
 2239 ~~The court may not deny or suspend a license if the court~~
 2240 ~~determines that an alternative remedy is available to the Title~~
 2241 ~~IV-D agency which is likely to accomplish the objective of~~
 2242 ~~collecting the delinquency or obtaining compliance with the~~
 2243 ~~subpoena, order to appear, order to show cause, or similar~~
 2244 ~~order. If the obligor fails in the defense of a petition for~~
 2245 ~~denial or suspension, the court which entered the support order~~
 2246 ~~or the court which is enforcing the support order shall enter an~~
 2247 ~~order to deny the application for the license or to suspend the~~

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2248 ~~license of the obligor. The court shall order the obligor to~~
 2249 ~~surrender the license to the Title IV-D agency, which will~~
 2250 ~~return the license and a copy of the order of suspension to the~~
 2251 ~~appropriate licensing agency.~~

2252 ~~(5) If the court denies or suspends a license and the~~
 2253 ~~obligor subsequently pays the delinquency or reaches an~~
 2254 ~~agreement with the Title IV-D agency to settle the delinquency~~
 2255 ~~and makes the first payment required by the agreement, or~~
 2256 ~~complies with the subpoena, order to appear, order to show~~
 2257 ~~cause, or similar order, the license shall be issued or~~
 2258 ~~reinstated upon written proof to the court that the obligor has~~
 2259 ~~complied with the terms of the court order, subpoena, order to~~
 2260 ~~appear, order to show cause, or similar order. Proof of payment~~
 2261 ~~shall consist of a certified copy of the payment record issued~~
 2262 ~~by the depository. The court shall order the appropriate~~
 2263 ~~licensing agency to issue or reinstate the license without~~
 2264 ~~additional charge to the obligor.~~

2265 ~~(6) The licensing agency shall, when directed by the~~
 2266 ~~court, suspend or deny the license of any licensee under its~~
 2267 ~~jurisdiction found to have a delinquent support obligation or~~
 2268 ~~not to be in compliance with a subpoena, order to appear, order~~
 2269 ~~to show cause, or similar order. The licensing agency shall~~
 2270 ~~issue or reinstate the license without additional charge to the~~
 2271 ~~licensee when notified by the court that the licensee has~~
 2272 ~~complied with the terms of the court order, or subpoena, order~~
 2273 ~~to appear, order to show cause, or similar order.~~

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2274 ~~(7) Notice shall be served under this section by regular~~
 2275 ~~mail to the obligor at his or her last address of record with~~
 2276 ~~the local depository or a more recent address if known.~~

2277 Section 34. Effective upon this act becoming a law,
 2278 section 409.259, Florida Statutes, is amended to read:

2279 409.259 Filing fees in Title IV-D cases; electronic filing
 2280 of pleadings, returns of service, and other papers.--

2281 (1) Notwithstanding s. 28.241, each clerk of the circuit
 2282 court shall accept petitions, complaints, and motions filed by
 2283 the department in Title IV-D cases without billing the
 2284 department separately for each filing, as long as the clerk is
 2285 being reimbursed in a different manner for expenses incurred in
 2286 such filings under the cooperative agreement with the department
 2287 pursuant to ss. 61.181(1) and 61.1826(2) and (4).

2288 (2) Notwithstanding subsection (1), the department shall
 2289 continue to be entitled to the other necessary services of the
 2290 clerk of court in any proceedings under the IV-D program as
 2291 authorized under s. 409.2571.

2292 (3) The Supreme Court, clerks of the circuit court, chief
 2293 judges, sheriffs, Office of the Attorney General, Office of the
 2294 State Courts Administrator, and Department of Revenue shall work
 2295 cooperatively to implement electronic filing of pleadings,
 2296 returns of service, and other papers with the clerks of the
 2297 circuit court in Title IV-D cases by October 1, 2009.

2298 Section 35. Effective October 1, 2005, section 409.821,
 2299 Florida Statutes, is amended to read:

2300 409.821 Florida KidCare program public records
 2301 exemption.--Notwithstanding any other law to the contrary, any

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2302 information identifying a Florida KidCare program applicant or
 2303 enrollee, as defined in s. 409.811, held by the Agency for
 2304 Health Care Administration, the Department of Children and
 2305 Family Services, the Department of Health, or the Florida
 2306 Healthy Kids Corporation is confidential and exempt from s.
 2307 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
 2308 information may be disclosed to another governmental entity only
 2309 if disclosure is necessary for the entity to perform its duties
 2310 and responsibilities under the Florida KidCare program and shall
 2311 be disclosed to the Department of Revenue for purposes of
 2312 administering the state Title IV-D program. The receiving
 2313 governmental entity must maintain the confidential and exempt
 2314 status of such information. Furthermore, such information may
 2315 not be released to any person without the written consent of the
 2316 program applicant. This exemption applies to any information
 2317 identifying a Florida KidCare program applicant or enrollee held
 2318 by the Agency for Health Care Administration, the Department of
 2319 Children and Family Services, the Department of Health, or the
 2320 Florida Healthy Kids Corporation before, on, or after the
 2321 effective date of this exemption. A violation of this section is
 2322 a misdemeanor of the second degree, punishable as provided in s.
 2323 775.082 or s. 775.083.

2324 Section 36. Effective October 1, 2005, paragraph (a) of
 2325 subsection (5) of section 414.065, Florida Statutes, is amended
 2326 to read:

2327 414.065 Noncompliance with work requirements.--

2328 (5) WORK ACTIVITY REQUIREMENTS FOR NONCUSTODIAL PARENTS.--

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2329 (a) The court may order a noncustodial parent who is
 2330 delinquent in support payments, pursuant to the terms of a
 2331 support order ~~as defined in s. 61.046~~, to participate in work
 2332 activities under this chapter, or as provided in s. 61.14(5)(b),
 2333 so that the parent may obtain employment and fulfill the
 2334 obligation to provide support payments. A noncustodial parent
 2335 who fails to satisfactorily engage in court-ordered work
 2336 activities may be held in contempt.

2337 Section 37. Effective July 1, 2006, subsections (1) and
 2338 (3) of section 443.051, Florida Statutes, are amended to read:
 2339 443.051 Benefits not alienable; exception, child support
 2340 intercept.--

2341 (1) DEFINITIONS.--As used in this section:

2342 (a) "Unemployment compensation" means any compensation
 2343 payable under state law, including amounts payable pursuant to
 2344 an agreement under any federal law providing for compensation,
 2345 assistance, or allowances for unemployment.

2346 (b) "Support obligations" includes only those obligations
 2347 that are being enforced under a plan described in s. 454 of the
 2348 Social Security Act which has been approved by the Secretary of
 2349 Health and Human Services under Part D of Title IV of the Social
 2350 Security Act. Support obligations include any legally required
 2351 payments to reduce delinquencies, arrearages, or retroactive
 2352 support.

2353 (c) "Support order" means a judgment, decree, or order,
 2354 whether temporary or final, issued by a court of competent
 2355 jurisdiction or administrative agency for the support and
 2356 maintenance of a child that provides for monetary support,

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2357 health care, arrearages, or past support. When the child support
 2358 obligation is being enforced by the Department of Revenue, the
 2359 term "support order" also means a judgment, decree, or order,
 2360 whether temporary or final, issued by a court of competent
 2361 jurisdiction for the support and maintenance of a child and the
 2362 spouse or former spouse of the obligor with whom the child is
 2363 living that provides for monetary support, health care,
 2364 arrearages, or past support.

2365 (3) EXCEPTION, SUPPORT INTERCEPT.--

2366 (a) ~~Each individual filing a new claim for unemployment~~
 2367 ~~compensation must disclose at the time of filing the claim~~
 2368 ~~whether she or he owes support obligations that are being~~
 2369 ~~enforced by the Department of Revenue. If an applicant discloses~~
 2370 ~~that she or he owes support obligations and she or he is~~
 2371 ~~determined to be eligible for unemployment compensation~~
 2372 ~~benefits, the Agency for Workforce Innovation shall notify the~~
 2373 ~~Department of Revenue if the department is enforcing the support~~
 2374 ~~obligation. The Department of Revenue shall, at least biweekly,~~
 2375 ~~provide the Agency for Workforce Innovation with a magnetic tape~~
 2376 ~~or other electronic data file disclosing the individuals who owe~~
 2377 ~~support obligations and the amount of any legally required~~
 2378 ~~deductions.~~

2379 (b) For support obligations established on or after July
 2380 1, 2006, and for support obligations established before July 1,
 2381 2006, when the support order does not address the withholding of
 2382 unemployment compensation, the Agency for Workforce Innovation
 2383 shall deduct and withhold 40 percent of the unemployment
 2384 compensation otherwise payable to an individual disclosed under

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2385 paragraph (a). If delinquencies, arrearages, or retroactive
 2386 support are owed and repayment has not been ordered, the unpaid
 2387 amounts are included in the support obligation and are subject
 2388 to withholding. If the amount deducted exceeds the support
 2389 obligation, the Department of Revenue shall promptly refund the
 2390 amount of the excess deduction to the obligor. For support
 2391 obligations in effect before July 1, 2006, if the support order
 2392 addresses the withholding of unemployment compensation, the
 2393 Agency for Workforce Innovation shall deduct and withhold the
 2394 amount ordered by the court or administrative agency that issued
 2395 the support order as disclosed by the Department of Revenue. The
 2396 ~~Agency for Workforce Innovation shall deduct and withhold from~~
 2397 ~~any unemployment compensation otherwise payable to an individual~~
 2398 ~~disclosed under paragraph (a) who owes support obligations:~~
 2399 ~~1. The amount determined under an agreement submitted to~~
 2400 ~~the Agency for Workforce Innovation under s. 454(19)(B)(i) of~~
 2401 ~~the Social Security Act by the Department of Revenue;~~
 2402 ~~2. The amount required to be deducted and withheld from~~
 2403 ~~unemployment compensation through legal process as defined in s.~~
 2404 ~~459 of the Social Security Act; or~~
 2405 ~~3. The amount otherwise specified by the individual to the~~
 2406 ~~Agency for Workforce Innovation to be deducted and withheld~~
 2407 ~~under this section.~~
 2408 (c) The Agency for Workforce Innovation shall pay any
 2409 amount deducted and withheld under paragraph (b) to the
 2410 Department of Revenue.
 2411 (d) Any amount deducted and withheld under this subsection
 2412 shall for all purposes be treated as if it were paid to the

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2413 individual as unemployment compensation and paid by the
2414 individual to the Department of Revenue for support obligations.

2415 (e) The Department of Revenue shall reimburse the Agency
2416 for Workforce Innovation for the administrative costs incurred
2417 by the agency under this subsection which are attributable to
2418 support obligations being enforced by the department.

2419 Section 38. Effective July 1, 2006, subsection (9) of
2420 section 455.203, Florida Statutes, is amended to read:

2421 455.203 Department; powers and duties.--The department,
2422 for the boards under its jurisdiction, shall:

2423 (9) Work cooperatively with the Department of Revenue to
2424 implement an automated method for periodically disclosing
2425 information relating to current licensees to the Department of
2426 Revenue. Allow applicants for new or renewal licenses and
2427 current licensees to be screened by the Title IV-D child support
2428 agency pursuant to s. 409.2598 to assure compliance with a
2429 support obligation. The purpose of this subsection is to promote
2430 the public policy of this state as established in s. 409.2551.
2431 The department shall, when directed by the court or the
2432 Department of Revenue pursuant to s. 409.2598, suspend or deny
2433 the license of any licensee found not to be in compliance with a
2434 support order, subpoena, order to show cause, or written
2435 agreement entered into by the licensee with the Department of
2436 Revenue to have a delinquent support obligation, as defined in
2437 s. 409.2554. The department shall issue or reinstate the license
2438 without additional charge to the licensee when notified by the
2439 court or the Department of Revenue that the licensee has
2440 complied with the terms of the support ~~court~~ order. The

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2441 department shall not be held liable for any license denial or
 2442 suspension resulting from the discharge of its duties under this
 2443 subsection.

2444 Section 39. Effective January 1, 2006, subsection (1) of
 2445 section 742.10, Florida Statutes, is amended to read:

2446 742.10 Establishment of paternity for children born out of
 2447 wedlock.--

2448 (1) This chapter provides the primary jurisdiction and
 2449 procedures for the determination of paternity for children born
 2450 out of wedlock. When the establishment of paternity has been
 2451 raised and determined within an adjudicatory hearing brought
 2452 under the statutes governing inheritance, or dependency under
 2453 workers' compensation or similar compensation programs, or when
 2454 an affidavit acknowledging paternity or a stipulation of
 2455 paternity is executed by both parties and filed with the clerk
 2456 of the court, or when an affidavit, a notarized voluntary
 2457 acknowledgment of paternity, or a voluntary acknowledgment of
 2458 paternity that is witnessed by two individuals and signed under
 2459 penalty of perjury as provided for in s. 382.013 or s. 382.016
 2460 is executed by both parties, or when paternity is adjudicated by
 2461 the Department of Revenue as provided in s. 409.256, such
 2462 adjudication, affidavit, or acknowledgment constitutes ~~it shall~~
 2463 ~~constitute~~ the establishment of paternity for purposes of this
 2464 chapter. If no adjudicatory proceeding was held, a notarized
 2465 voluntary acknowledgment of paternity or voluntary
 2466 acknowledgment of paternity that is witnessed by two individuals
 2467 and signed under penalty of perjury as specified by s. 92.525(2)
 2468 shall create a rebuttable presumption, as defined by s. 90.304,

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2469 | of paternity and is subject to the right of any signatory to
 2470 | rescind the acknowledgment within 60 days after the date the
 2471 | acknowledgment was signed or the date of an administrative or
 2472 | judicial proceeding relating to the child, including a
 2473 | proceeding to establish a support order, in which the signatory
 2474 | is a party, whichever is earlier. Both parents must provide
 2475 | their social security numbers on any acknowledgment of
 2476 | paternity, consent affidavit, or stipulation of paternity.
 2477 | Except for affidavits under seal pursuant to ss. 382.015 and
 2478 | 382.016, the Office of Vital Statistics shall provide certified
 2479 | copies of affidavits to the Title IV-D agency upon request.

2480 | Section 40. Effective January 1, 2006, paragraph (a) of
 2481 | subsection (2) of section 760.40, Florida Statutes, is amended
 2482 | to read:

2483 | 760.40 Genetic testing; informed consent; confidentiality;
 2484 | penalties; notice of use of results.--

2485 | (2)(a) Except for purposes of criminal prosecution, except
 2486 | for purposes of determining paternity as provided in s. 409.256
 2487 | or s. 742.12(1), and except for purposes of acquiring specimens
 2488 | from persons convicted of certain offenses or as otherwise
 2489 | provided in s. 943.325, DNA analysis may be performed only with
 2490 | the informed consent of the person to be tested, and the results
 2491 | of such DNA analysis, whether held by a public or private
 2492 | entity, are the exclusive property of the person tested, are
 2493 | confidential, and may not be disclosed without the consent of
 2494 | the person tested. Such information held by a public entity is
 2495 | exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
 2496 | of the State Constitution.

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2497 Section 41. Effective October 1, 2005, subsections (1),
2498 (2), and (6) of section 827.06, Florida Statutes, are amended to
2499 read:

2500 827.06 Nonsupport of dependents.--

2501 (1) The Legislature finds that most noncustodial parents
2502 want to support their children and remain connected to their
2503 families. The Legislature also finds that while many
2504 noncustodial parents lack the financial resources and other
2505 skills necessary to provide that support, some ~~a small~~
2506 ~~percentage of such~~ parents willfully fail to provide support to
2507 their children even when they are aware of the obligation and
2508 have the ability to do so ~~pursuant to s. 61.30~~. The Legislature
2509 further finds that existing statutory provisions for civil
2510 enforcement of support have not proven sufficiently effective or
2511 efficient in gaining adequate support for all children.
2512 Recognizing that it is the public policy of this state that
2513 children shall be maintained primarily from the resources of
2514 their parents, thereby relieving, at least in part, the burden
2515 presently borne by the general citizenry through public
2516 assistance programs, it is the intent of the Legislature that
2517 the criminal penalties provided for in this section are to be
2518 pursued in all appropriate cases where ~~exhaustion of appropriate~~
2519 civil enforcement has not resulted in payment.

2520 (2) Any person who, ~~after notice as specified in~~
2521 ~~subsection (6), and who has been previously adjudged in contempt~~
2522 ~~for failure to comply with a support order,~~ willfully fails to
2523 provide support which he or she has the ability to provide to a
2524 child or a spouse whom the person knows he or she is legally

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2525 obligated to support commits a misdemeanor of the first degree,
 2526 punishable as provided in s. 775.082 or s. 775.083. ~~In lieu of~~
 2527 ~~any punishment imposed pursuant to s. 775.082 or s. 775.083, any~~
 2528 ~~person who is convicted of a violation of this subsection shall~~
 2529 ~~be punished:~~

2530 ~~(a) By a fine to be paid after restitution for:~~

2531 ~~1. Not less than \$250 nor more than \$500 for a first~~
 2532 ~~conviction.~~

2533 ~~2. Not less than \$500 nor more than \$750 for a second~~
 2534 ~~conviction.~~

2535 ~~3. Not less than \$750 nor more than \$1,000 for a third~~
 2536 ~~conviction; and~~

2537 ~~(b) By imprisonment for:~~

2538 ~~1. Not less than 15 days nor more than 1 month for a first~~
 2539 ~~conviction.~~

2540 ~~2. Not less than 1 month nor more than 3 months for a~~
 2541 ~~second conviction.~~

2542 ~~3. Not less than 3 months nor more than 6 months for a~~
 2543 ~~third conviction.~~

2544 (6) It is the intent of the Legislature for the state
 2545 attorneys, the Florida Prosecuting Attorneys Association, and
 2546 the Department of Revenue to work collaboratively to identify
 2547 strategies that allow the criminal penalties provided for in
 2548 this section to be pursued in all appropriate cases, including,
 2549 but not limited to, strategies that would assist the state
 2550 attorneys in obtaining additional resources from available
 2551 federal Title IV-D funds to initiate prosecution pursuant to
 2552 this section. The Florida Prosecuting Attorneys Association and

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2553 | the Department of Revenue shall submit a joint report to the
2554 | Governor, the President of the Senate, and the Speaker of the
2555 | House of Representatives by December 31, 2005, that includes
2556 | identified strategies and recommendations for implementing such
2557 | strategies. ~~Prior to commencing prosecution under this section,~~
2558 | ~~the state attorney must notify the person responsible for~~
2559 | ~~support by certified mail, return receipt requested, or by using~~
2560 | ~~any other means permitted for service of process in a civil~~
2561 | ~~action, that a prosecution under this section will be commenced~~
2562 | ~~against him or her unless the person pays the total unpaid~~
2563 | ~~support obligation or provides a satisfactory explanation as to~~
2564 | ~~why he or she has not made such payments.~~

2565 | Section 42. Except as otherwise proved herein, this act
2566 | shall take effect July 1, 2005.