

CHAMBER ACTION

1 The Health & Families Council 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;

HB 1283 CS

2005  
CS

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

Page 2 of 93

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1283-02-c2

HB 1283 CS

2005  
CS

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

Page 3 of 93

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1283-02-c2

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 in compliance  
 110 | with certain requirements; 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

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

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 refuses services after notice; providing an application  
 177 fee for child support services provided by the Department  
 178 of Revenue, waiver of the fee, and payment by the  
 179 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 clerks of the circuit court,  
 205 chief judges through the Office of the State Courts  
 206 Administrator, sheriffs, Office of the Attorney General,  
 207 and Department of Revenue to work cooperatively to  
 208 implement electronic filing of pleadings, returns of  
 209 service, and other papers by October 1, 2009; amending s.  
 210 409.821, F.S.; requiring the Agency for Health Care  
 211 Administration to disclose information identifying Florida  
 212 KidCare applicants or enrollees to the Department of  
 213 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

HB 1283 CS

2005  
CS

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

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

HB 1283 CS

2005  
CS

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

HB 1283 CS

2005  
CS

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

HB 1283 CS

2005  
CS

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:

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

HB 1283 CS

2005  
CS

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

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

HB 1283 CS

2005  
CS

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:

HB 1283 CS

2005  
CS

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

HB 1283 CS

2005  
CS

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

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~~

HB 1283 CS

2005  
CS

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:

HB 1283 CS

2005  
CS

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.

HB 1283 CS

2005  
CS

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

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

HB 1283 CS

2005  
CS

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

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

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.

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

HB 1283 CS

2005  
CS

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.--

HB 1283 CS

2005  
CS

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

HB 1283 CS

2005  
CS

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

HB 1283 CS

2005  
CS

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.--

HB 1283 CS

2005  
CS

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

HB 1283 CS

2005  
CS

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

HB 1283 CS

2005  
CS

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

HB 1283 CS

2005  
CS

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

HB 1283 CS

2005  
CS

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

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 in compliance with  
 1166 | the requirements of s. 119.01(2)(a).

1167 | Section 24. Effective January 1, 2006, section 409.256,  
 1168 | Florida Statutes, is created to read:

1169 | 409.256 Administrative proceeding to establish paternity  
 1170 | or paternity and child support; order to appear for genetic  
 1171 | testing.--

1172 | (1) DEFINITIONS.--As used in this section, the term:

1173 | (a) "Another state" or "other state" means a state of the  
 1174 | United States, the District of Columbia, Puerto Rico, the United  
 1175 | States Virgin Islands, or any territory or insular possession  
 1176 | subject to the jurisdiction of the United States. The term  
 1177 | includes:

1178 | 1. An Indian tribe.

1179 | 2. A foreign jurisdiction that has enacted a law or  
 1180 | established procedures for issuance and enforcement of support  
 1181 | orders which are substantially similar to the procedures under  
 1182 | this act, the Uniform Reciprocal Enforcement of Support Act, or  
 1183 | the Revised Uniform Reciprocal Enforcement of Support Act, as  
 1184 | determined by the Attorney General.

1185 | (b) "Custodian" means a person, other than the mother or a  
 1186 | putative father, who has physical custody of a child or with  
 1187 | whom the child primarily resides. References in this section to  
 1188 | the obligation of a custodian to submit to genetic testing mean  
 1189 | that the custodian is obligated to submit the child for genetic  
 1190 | testing, not that the custodian must submit to genetic testing.

1191        (c) "Filed" means a document has been received and  
 1192 accepted for filing at the offices of the Department of Revenue  
 1193 by the clerk or an authorized deputy clerk designated by the  
 1194 department.

1195        (d) "Genetic testing" means a scientific analysis of  
 1196 genetic markers that is performed by a qualified technical  
 1197 laboratory only to exclude an individual as the parent of a  
 1198 child or to show a probability of paternity.

1199        (e) "Paternity and child support proceeding" means an  
 1200 administrative action commenced by the Department of Revenue to  
 1201 order genetic testing, establish paternity, and establish an  
 1202 administrative support order pursuant to this section.

1203        (f) "Paternity proceeding" means an administrative action  
 1204 commenced by the Department of Revenue to order genetic testing  
 1205 and establish paternity pursuant to this section.

1206        (g) "Putative father" means an individual who is or may be  
 1207 the biological father of a child whose paternity has not been  
 1208 established and whose mother was unmarried when the child was  
 1209 conceived and born.

1210        (h) "Qualified technical laboratory" means a genetic-  
 1211 testing laboratory that may be under contract with the  
 1212 Department of Revenue, that uses tests and methods of a type  
 1213 generally acknowledged as reliable by accreditation  
 1214 organizations recognized by the United States Department of  
 1215 Health and Human Services, and that is approved by such an  
 1216 accreditation organization. The term includes a genetic-testing  
 1217 laboratory used by another state, if the laboratory has  
 1218 comparable qualifications.

HB 1283 CS

2005  
CS

1219        (i) "Rendered" means that a signed written order is filed  
 1220 with the clerk or a deputy clerk of the Department of Revenue  
 1221 and served on the respondent. The date of filing must be  
 1222 indicated on the face of the order at the time of rendition.

1223        (j) "Respondent" means the person or persons served by the  
 1224 Department of Revenue with a notice of proceeding pursuant to  
 1225 subsection (4). The term includes the putative father and may  
 1226 include the mother or the custodian of the child.

1227        (k) "This state" or "the state" means the State of  
 1228 Florida.

1229        (2) JURISDICTION; LOCATION OF HEARINGS; RIGHT OF ACCESS TO  
 1230 THE COURTS.--

1231        (a) The Department of Revenue may commence a paternity  
 1232 proceeding or a paternity and child support proceeding as  
 1233 provided in subsection (4) if:

1234        1. The child's paternity has not been established.

1235        2. No one is named as the father on the child's birth  
 1236 certificate or the person named as the father is the putative  
 1237 father named in an affidavit or a written declaration as  
 1238 provided in subparagraph 5.

1239        3. The child's mother was unmarried when the child was  
 1240 conceived and born.

1241        4. The Department of Revenue is providing services under  
 1242 Title IV-D.

1243        5. The child's mother or a putative father has stated in  
 1244 an affidavit, or in a written declaration as provided in s.  
 1245 92.525(2) that the putative father is or may be the child's  
 1246 biological father. The affidavit or written declaration must set

1247 forth the factual basis for the allegation of paternity as  
 1248 provided in s. 742.12(2).

1249 (b) If the Department of Revenue receives a request from  
 1250 another state to assist in the establishment of paternity, the  
 1251 department may serve an order to appear for genetic testing on a  
 1252 person who resides in this state and transmit the test results  
 1253 to the other state without commencing a paternity proceeding in  
 1254 this state.

1255 (c) The Department of Revenue may use the procedures  
 1256 authorized by this section against a nonresident over whom this  
 1257 state may assert personal jurisdiction under chapter 48 or  
 1258 chapter 88.

1259 (d) If a putative father, mother, or custodian in a Title  
 1260 IV-D case voluntarily submits to genetic testing, the Department  
 1261 of Revenue may schedule that individual or the child for genetic  
 1262 testing without serving that individual with an order to appear  
 1263 for genetic testing. A respondent or other person who is subject  
 1264 to an order to appear for genetic testing may waive, in writing  
 1265 or on the record at an administrative hearing, formal service of  
 1266 notices or orders or waive any other rights or time periods  
 1267 prescribed by this section.

1268 (e) Whenever practicable, hearings held by the Division of  
 1269 Administrative Hearings pursuant to this section shall be held  
 1270 in the judicial circuit where the person receiving services  
 1271 under Title IV-D resides or, if the person receiving services  
 1272 under Title IV-D does not reside in this state, in the judicial  
 1273 circuit where the respondent resides. If the Department of  
 1274 Revenue and the respondent agree, the hearing may be held in

1275 another location. If ordered by the administrative law judge,  
 1276 the hearing may be conducted telephonically or by  
 1277 videoconference.

1278 (f) The Legislature does not intend to limit the  
 1279 jurisdiction of the circuit courts to hear and determine issues  
 1280 regarding establishment of paternity. This section is intended  
 1281 to provide the Department of Revenue with an alternative  
 1282 procedure for establishing paternity and child support  
 1283 obligations in Title IV-D cases. This section does not prohibit  
 1284 a person who has standing from filing a civil action in circuit  
 1285 court for a determination of paternity or of child support  
 1286 obligations.

1287 (g) Section 409.2563(2)(e), (f), and (g) apply to a  
 1288 proceeding under this section.

1289 (3) MULTIPLE PUTATIVE FATHERS; MULTIPLE CHILDREN.--If more  
 1290 than one putative father has been named, the Department of  
 1291 Revenue may proceed under this section against a single putative  
 1292 father or may proceed simultaneously against more than one  
 1293 putative father. If a putative father has been named as a  
 1294 possible father of more than one child born to the same mother,  
 1295 the department may proceed to establish the paternity of each  
 1296 child in the same proceeding.

1297 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR  
 1298 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC  
 1299 TESTING; MANNER OF SERVICE; CONTENTS.--The Department of Revenue  
 1300 shall commence a proceeding to determine paternity, or a  
 1301 proceeding to determine both paternity and child support, by  
 1302 -serving the respondent with a notice as provided in this

1303 section. An order to appear for genetic testing may be served at  
 1304 the same time as a notice of the proceeding or may be served  
 1305 separately. A copy of the affidavit or written declaration upon  
 1306 which the proceeding is based shall be provided to the  
 1307 respondent when notice is served. A notice or order to appear  
 1308 for genetic testing shall be served by certified mail,  
 1309 restricted delivery, return receipt requested, or in accordance  
 1310 with the requirements for service of process in a civil action.  
 1311 Service by certified mail is completed when the certified mail  
 1312 is received or refused by the addressee or by an authorized  
 1313 agent as designated by the addressee in writing. If a person  
 1314 other than the addressee signs the return receipt, the  
 1315 department shall attempt to reach the addressee by telephone to  
 1316 confirm whether the notice was received, and the department  
 1317 shall document any telephonic communications. If someone other  
 1318 than the addressee signs the return receipt, the addressee does  
 1319 not respond to the notice, and the department is unable to  
 1320 confirm that the addressee has received the notice, service is  
 1321 not completed and the department shall attempt to have the  
 1322 addressee served personally. For purposes of this section, an  
 1323 employee or an authorized agent of the department may serve the  
 1324 notice or order to appear for genetic testing and execute an  
 1325 affidavit of service. The department may serve an order to  
 1326 appear for genetic testing on a custodian. The department shall  
 1327 provide a copy of the notice or order to appear by regular mail  
 1328 to the mother and custodian, if they are not respondents.  
 1329 (a) A notice of proceeding to establish paternity must  
 1330 state:

- 1331        1. That the department has commenced an administrative  
 1332 proceeding to establish whether the putative father is the  
 1333 biological father of the child named in the notice.
- 1334        2. The name and date of birth of the child and the name of  
 1335 the child's mother.
- 1336        3. That the putative father has been named in an affidavit  
 1337 or written declaration that states the putative father is or may  
 1338 be the child's biological father.
- 1339        4. That the respondent is required to submit to genetic  
 1340 testing.
- 1341        5. That genetic testing will establish either a high  
 1342 degree of probability that the putative father is the biological  
 1343 father of the child or that the putative father cannot be the  
 1344 biological father of the child.
- 1345        6. That if the results of the genetic test do not indicate  
 1346 a statistical probability of paternity that equals or exceeds 99  
 1347 percent, the paternity proceeding in connection with that child  
 1348 shall cease unless a second or subsequent test is required.
- 1349        7. That if the results of the genetic test indicate a  
 1350 statistical probability of paternity that equals or exceeds 99  
 1351 percent, the department may:
- 1352            a. Issue a proposed order of paternity that the respondent  
 1353 may consent to or contest at an administrative hearing; or
- 1354            b. Commence a proceeding, as provided in s. 409.2563, to  
 1355 establish an administrative support order for the child. Notice  
 1356 of the proceeding shall be provided to the respondent by regular  
 1357 mail.

1358       8. That, if the genetic test results indicate a  
 1359 statistical probability of paternity that equals or exceeds 99  
 1360 percent and a proceeding to establish an administrative support  
 1361 order is commenced, the department shall issue a proposed order  
 1362 that addresses paternity and child support. The respondent may  
 1363 consent to or contest the proposed order at an administrative  
 1364 hearing.

1365       9. That if a proposed order of paternity or proposed order  
 1366 of both paternity and child support is not contested, the  
 1367 department shall adopt the proposed order and render a final  
 1368 order that establishes paternity and, if appropriate, an  
 1369 administrative support order for the child.

1370       10. That, until the proceeding is ended, the respondent  
 1371 shall notify the department in writing of any change in the  
 1372 respondent's mailing address and that the respondent shall be  
 1373 deemed to have received any subsequent order, notice, or other  
 1374 paper mailed to the most recent address provided or, if a more  
 1375 recent address is not provided, to the address at which the  
 1376 respondent was served, and that this requirement continues if  
 1377 the department renders a final order that establishes paternity  
 1378 and a support order for the child.

1379       11. That the respondent may file an action in circuit  
 1380 court for a determination of paternity, child support  
 1381 obligations, or both.

1382       12. That if the respondent files an action in circuit  
 1383 court and serves the department with a copy of the petition or  
 1384 complaint within 20 days after being served notice under this

1385 subsection, the administrative process ends without prejudice  
 1386 and the action must proceed in circuit court.

1387 13. That, if paternity is established, the putative father  
 1388 may file a petition in circuit court for a determination of  
 1389 matters relating to custody and rights of parental contact.

1390  
 1391 A notice under this paragraph must also notify the respondent of  
 1392 the provisions in s. 409.2563(4)(m) and (o).

1393 (b) A notice of proceeding to establish paternity and  
 1394 child support must state the requirements of paragraph (a),  
 1395 except for subparagraph (a)7., and must state the requirements  
 1396 of s. 409.2563(4), to the extent that the requirements of s.  
 1397 409.2563(4) are not already required by and do not conflict with  
 1398 this subsection. This section and s. 409.2563 apply to a  
 1399 proceeding commenced under this subsection.

1400 (c) The order to appear for genetic testing shall inform  
 1401 the person ordered to appear:

1402 1. That the department has commenced an administrative  
 1403 proceeding to establish whether the putative father is the  
 1404 biological father of the child.

1405 2. The name and date of birth of the child and the name of  
 1406 the child's mother.

1407 3. That the putative father has been named in an affidavit  
 1408 or written declaration that states the putative father is or may  
 1409 be the child's biological father.

1410 4. The date, time, and place that the person ordered to  
 1411 appear must appear to provide a sample for genetic testing.

1412        5. That if the person has custody of the child whose  
 1413 paternity is the subject of the proceeding, the person must  
 1414 submit the child for genetic testing.

1415        6. That when the samples are provided, the person ordered  
 1416 to appear shall verify his or her identity and the identity of  
 1417 the child, if applicable, by presenting a form of identification  
 1418 as prescribed by s. 117.05(5)(b)2. that bears the photograph of  
 1419 the person who is providing the sample or other form of  
 1420 verification approved by the department.

1421        7. That if the person ordered to appear submits to genetic  
 1422 testing, the department shall pay the cost of the genetic  
 1423 testing and shall provide the person ordered to appear with a  
 1424 copy of any test results obtained.

1425        8. That if the person ordered to appear does not appear as  
 1426 ordered or refuses to submit to genetic testing without good  
 1427 cause, the department may take one or more of the following  
 1428 actions:

1429            a. Commence proceedings to suspend the driver's license  
 1430 and motor vehicle registration of the person ordered to appear,  
 1431 as provided in s. 61.13016;

1432            b. Impose an administrative fine against the person  
 1433 ordered to appear in the amount of \$500; or

1434            c. File a petition in circuit court to establish paternity  
 1435 and obtain a support order for the child and an order for costs  
 1436 against the person ordered to appear, including costs for  
 1437 genetic testing.

1438        9. That the person ordered to appear may contest the order  
 1439 by filing a written request for informal review within 15 days

HB 1283 CS

2005  
CS

1440 after the date of service of the order, with further rights to  
 1441 an administrative hearing following the informal review.

1442 (5) RIGHT TO CONTEST ORDER TO APPEAR FOR GENETIC  
 1443 TESTING.--

1444 (a) The person ordered to appear may contest an order to  
 1445 appear for genetic testing by filing a written request for  
 1446 informal review with the Department of Revenue within 15 days  
 1447 after the date of service of the order. The purpose of the  
 1448 informal review is to provide the person ordered to appear with  
 1449 an opportunity to discuss the proceedings and the basis of the  
 1450 order. At the conclusion of the informal review, the department  
 1451 shall notify the person ordered to appear, in writing, whether  
 1452 it intends to proceed with the order to appear. If the  
 1453 department notifies the person ordered to appear of its intent  
 1454 to proceed, the notice must inform the person ordered to appear  
 1455 of the right to contest the order at an administrative hearing.

1456 (b) Following an informal review, within 15 days after the  
 1457 mailing date of the Department of Revenue's notification that  
 1458 the department shall proceed with an order to appear for genetic  
 1459 testing, the person ordered to appear may file a request for an  
 1460 administrative hearing to contest whether the person should be  
 1461 required to submit to genetic testing. A request for an  
 1462 administrative hearing must state the specific reasons why the  
 1463 person ordered to appear believes he or she should not be  
 1464 required to submit to genetic testing as ordered. If the person  
 1465 ordered to appear files a timely request for a hearing, the  
 1466 department shall refer the hearing request to the Division of  
 1467 Administrative Hearings. Unless otherwise provided in this

1468 section, administrative hearings are governed by chapter 120 and  
 1469 the uniform rules of procedure. The administrative law judge  
 1470 assigned to the case shall issue an order as to whether the  
 1471 person must submit to genetic testing in accordance with the  
 1472 order to appear. The department or the person ordered to appear  
 1473 may seek immediate judicial review under s. 120.68 of an order  
 1474 issued by an administrative law judge pursuant to this  
 1475 paragraph.

1476 (c) If a timely request for an informal review or an  
 1477 administrative hearing is filed, the department may not proceed  
 1478 under the order to appear for genetic testing and may not impose  
 1479 sanctions for failure or refusal to submit to genetic testing  
 1480 until:

1481 1. The department has notified the person of its intent to  
 1482 proceed after informal review, and a timely request for hearing  
 1483 is not filed;

1484 2. The person ordered to appear withdraws the request for  
 1485 hearing or informal review; or

1486 3. The Division of Administrative Hearings issues an order  
 1487 that the person must submit to genetic testing, or issues an  
 1488 order closing the division's file, and that an order has become  
 1489 final.

1490 (d) If a request for an informal review or administrative  
 1491 hearing is not timely filed, the person ordered to appear is  
 1492 deemed to have waived the right to a hearing and the department  
 1493 may proceed under the order to appear for genetic testing.

1494 (6) SCHEDULING OF GENETIC TESTING.--

HB 1283 CS

2005  
CS

1495        (a) The Department of Revenue shall notify, in writing,  
1496 the person ordered to appear of the date, time, and location of  
1497 the appointment for genetic testing and of the requirement to  
1498 verify his or her identity and the identity of the child, if  
1499 applicable, when the samples are provided by presenting a form  
1500 of identification as prescribed in s. 117.05(5)(b)2. that bears  
1501 the photograph of the person who is providing the sample or  
1502 other form of verification approved by the department. If the  
1503 person ordered to appear is the putative father or the mother,  
1504 that person shall appear and submit to genetic testing. If the  
1505 person ordered to appear is a custodian, or if the putative  
1506 father or the mother has custody of the child, that person must  
1507 submit the child for genetic testing.

1508        (b) The department shall reschedule genetic testing:  
1509        1. One time without cause if, in advance of the initial  
1510 test date, the person ordered to appear requests the department  
1511 to reschedule the test.

1512        2. One time if the person ordered to appear shows good  
1513 cause for failure to appear for a scheduled test.

1514        3. One time upon request of a person ordered to appear  
1515 against whom sanctions have been imposed as provided in  
1516 subsection (7).

1517  
1518 A claim of good cause for failure to appear shall be filed with  
1519 the department within 10 days after the scheduled test date and  
1520 must state the facts and circumstances supporting the claim. The  
1521 department shall notify the person ordered to appear, in  
1522 writing, whether it accepts or rejects the person's claim of

Page 55 of 93

1523 good cause. There is not a separate right to a hearing on the  
 1524 department's decision to accept or reject the claim of good  
 1525 cause because the person ordered to appear may raise good cause  
 1526 as a defense to any proceeding initiated by the department under  
 1527 subsection (7).

1528 (c) A person ordered to appear may obtain a second genetic  
 1529 test by filing a written request for a second test with the  
 1530 department within 15 days after the date of mailing of the  
 1531 initial genetic testing results and by paying the department in  
 1532 advance for the full cost of the second test.

1533 (d) The department may schedule and require a subsequent  
 1534 genetic test if it has reason to believe the results of the  
 1535 preceding genetic test may not be reliable.

1536 (e) Except as provided in paragraph (c) and subsection  
 1537 (7), the department shall pay for the cost of genetic testing  
 1538 ordered under this section.

1539 (7) FAILURE OR REFUSAL TO SUBMIT TO GENETIC TESTING.--If a  
 1540 person who is served with an order to appear for genetic testing  
 1541 fails to appear without good cause or refuses to submit to  
 1542 testing without good cause, the department may take one or more  
 1543 of the following actions:

1544 (a) Commence a proceeding to suspend the driver's license  
 1545 and motor vehicle registration of the person ordered to appear,  
 1546 as provided in s. 61.13016;

1547 (b) Impose an administrative fine against the person  
 1548 ordered to appear in the amount of \$500; or

1549 (c) File a petition in circuit court to establish  
 1550 paternity, obtain a support order for the child, and seek

1551 reimbursement from the person ordered to appear for the full  
 1552 cost of genetic testing incurred by the department.

1553  
 1554 As provided in s. 322.058(2), a suspended driver's license and  
 1555 motor vehicle registration may be reinstated when the person  
 1556 ordered to appear complies with the order to appear for genetic  
 1557 testing. The department may collect an administrative fine  
 1558 imposed under this subsection by using civil remedies or other  
 1559 statutory means available to the department for collecting  
 1560 support.

1561 (8) GENETIC-TESTING RESULTS.--The department shall send a  
 1562 copy of the genetic-testing results to the putative father, to  
 1563 the mother, to the custodian, and to the other state, if  
 1564 applicable. If the genetic-testing results, including second or  
 1565 subsequent genetic-testing results, do not indicate a  
 1566 statistical probability of paternity that equals or exceeds 99  
 1567 percent, the paternity proceeding in connection with that child  
 1568 shall cease.

1569 (9) PROPOSED ORDER OF PATERNITY; COMMENCEMENT OF  
 1570 PROCEEDING TO ESTABLISH ADMINISTRATIVE SUPPORT ORDER; PROPOSED  
 1571 ORDER OF PATERNITY AND CHILD SUPPORT.--

1572 (a) If a paternity proceeding has been commenced under  
 1573 this section and the results of genetic testing indicate a  
 1574 statistical probability of paternity that equals or exceeds 99  
 1575 percent, the Department of Revenue may:

1576 1. Issue a proposed order of paternity as provided in  
 1577 paragraph (b); or

1578        2. If appropriate, delay issuing a proposed order of  
 1579 paternity and commence, by regular mail, an administrative  
 1580 proceeding to establish a support order for the child pursuant  
 1581 to s. 409.2563 and issue a single proposed order that addresses  
 1582 paternity and child support.

1583        (b) A proposed order of paternity must:

1584        1. State proposed findings of fact and conclusions of law.

1585        2. Include a copy of the results of genetic testing.

1586        3. Include notice of the respondent's right to informal  
 1587 review and to contest the proposed order of paternity at an  
 1588 administrative hearing.

1589        (c) If a paternity and child support proceeding has been  
 1590 commenced under this section and the results of genetic testing  
 1591 indicate a statistical probability of paternity that equals or  
 1592 exceeds 99 percent, the Department of Revenue may issue a single  
 1593 proposed order that addresses paternity as provided in this  
 1594 section and child support as provided in s. 409.2563.

1595        (d) The Department of Revenue shall serve a proposed order  
 1596 issued under this section on the respondent by regular mail and  
 1597 shall provide a copy by regular mail to the mother or custodian  
 1598 if they are not respondents.

1599        (10) INFORMAL REVIEW; ADMINISTRATIVE HEARING; PRESUMPTION  
 1600 OF PATERNITY.--

1601        (a) Within 10 days after the date of mailing or other  
 1602 service of a proposed order, the respondent may contact a  
 1603 representative of the Department of Revenue at the address or  
 1604 telephone number provided to request an informal review of the  
 1605 proposed order. If an informal review is timely requested, the

1606 time for requesting a hearing is extended until 10 days after  
 1607 the department mails notice to the respondent that the informal  
 1608 review has been concluded.

1609 (b) Within 20 days after the mailing date of the proposed  
 1610 order or within 10 days after the mailing date of notice that an  
 1611 informal review has been concluded, whichever is later, the  
 1612 respondent may request an administrative hearing by filing a  
 1613 written request for a hearing with the Department of Revenue. A  
 1614 request for a hearing must state the specific objections to the  
 1615 proposed order, the specific objections to the genetic testing  
 1616 results, or both. A respondent who fails to file a timely  
 1617 request for a hearing is deemed to have waived the right to a  
 1618 hearing.

1619 (c) If the respondent files a timely request for a  
 1620 hearing, the Department of Revenue shall refer the hearing  
 1621 request to the Division of Administrative Hearings. Unless  
 1622 otherwise provided in this section or in s. 409.2563, chapter  
 1623 120 and the uniform rules of procedure govern the conduct of the  
 1624 proceedings.

1625 (d) The genetic-testing results shall be admitted into  
 1626 evidence and made a part of the hearing record. For purposes of  
 1627 this section, a statistical probability of paternity that equals  
 1628 or exceeds 99 percent creates a presumption, as defined in s.  
 1629 90.304, that the putative father is the biological father of the  
 1630 child. The presumption may be overcome only by clear and  
 1631 convincing evidence. The respondent or the Department of Revenue  
 1632 may call an expert witness to refute or support the testing  
 1633 procedure or results or the mathematical theory on which they

1634 are based. Verified documentation of the chain of custody of the  
 1635 samples tested is competent evidence to establish the chain of  
 1636 custody.

1637 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY AND  
 1638 CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL  
 1639 STATISTICS.--

1640 (a) If a hearing is held, the administrative law judge of  
 1641 the Division of Administrative Hearings shall issue a final  
 1642 order that adjudicates paternity or, if appropriate, paternity  
 1643 and child support. A final order of the administrative law judge  
 1644 constitutes final agency action by the Department of Revenue.  
 1645 The Division of Administrative Hearings shall transmit any such  
 1646 order to the department for filing and rendering.

1647 (b) If the respondent does not file a timely request for a  
 1648 hearing or consents in writing to entry of a final order without  
 1649 a hearing, the Department of Revenue may render a final order of  
 1650 paternity or a final order of paternity and child support, as  
 1651 appropriate.

1652 (c) The Department of Revenue shall mail a copy of the  
 1653 final order to the putative father, the mother, and the  
 1654 custodian, if any. The department shall notify the respondent of  
 1655 the right to seek judicial review of a final order in accordance  
 1656 with s. 120.68.

1657 (d) Upon rendering a final order of paternity or a final  
 1658 order of paternity and child support, the Department of Revenue  
 1659 shall notify the Division of Vital Statistics of the Department  
 1660 of Health that the paternity of the child has been established.

1661       (e) A final order rendered pursuant to this section has  
 1662 the same effect as a judgment entered by the court pursuant to  
 1663 chapter 742.

1664       (f) The provisions of s. 409.2563 that apply to a final  
 1665 administrative support order rendered under that section apply  
 1666 to a final order rendered under this section when a child  
 1667 support obligation is established.

1668       (12) RIGHT TO JUDICIAL REVIEW.--A respondent has the right  
 1669 to seek judicial review, in accordance with s. 120.68, of a  
 1670 final order rendered under subsection (11) and an order issued  
 1671 under paragraph (5)(b). The Department of Revenue has the right  
 1672 to seek judicial review, in accordance with s. 120.68, of a  
 1673 final order issued by an administrative law judge under  
 1674 subsection (11) and an order issued by an administrative law  
 1675 judge under paragraph (5)(b).

1676       (13) DUTY TO PROVIDE AND MAINTAIN CURRENT MAILING  
 1677 ADDRESS.--Until a proceeding that has been commenced under this  
 1678 section has ended, a respondent who is served with a notice of  
 1679 proceeding must inform the Department of Revenue in writing of  
 1680 any change in the respondent's mailing address and is deemed to  
 1681 have received any subsequent order, notice, or other paper  
 1682 mailed to that address, or the address at which the respondent  
 1683 was served, if the respondent has not provided a more recent  
 1684 address.

1685       (14) PROCEEDINGS IN CIRCUIT COURT.--The results of genetic  
 1686 testing performed pursuant to this section are admissible as  
 1687 evidence to the same extent as scientific testing ordered by the  
 1688 court pursuant to chapter 742.

HB 1283 CS

2005  
CS

1689           (15) GENDER NEUTRAL.--This section shall be construed  
 1690 impartially, regardless of a person's gender, and applies with  
 1691 equal force to the mother of a child whose paternity has not  
 1692 been established and is not presumed by law.

1693           (16) REMEDIES SUPPLEMENTAL.--The remedies provided in this  
 1694 section are supplemental and in addition to other remedies  
 1695 available to the department for the establishment of paternity  
 1696 and child support obligations.

1697           (17) RULEMAKING AUTHORITY.--The department may adopt rules  
 1698 to implement this section.

1699           Section 25. Effective July 1, 2005, subsection (4) of  
 1700 section 409.2561, Florida Statutes, is amended to read:

1701           409.2561 Support obligations when public assistance is  
 1702 paid; assignment of rights; subrogation; medical and health  
 1703 insurance information.--

1704           (4) No obligation of support under this section shall be  
 1705 incurred by any person who is the recipient of supplemental  
 1706 security income or temporary cash assistance ~~public assistance~~  
 1707 ~~moneys~~ for the benefit of a dependent child or who is  
 1708 incapacitated and financially unable to pay as determined by the  
 1709 department.

1710           Section 26. Effective January 1, 2006, paragraphs (b) and  
 1711 (c) of subsection (2) of section 409.2563, Florida Statutes, are  
 1712 amended to read:

1713           409.2563 Administrative establishment of child support  
 1714 obligations.--

1715           (2) PURPOSE AND SCOPE.--

HB 1283 CS

2005  
CS

1716 (b) The administrative procedure set forth in this section  
 1717 concerns only the establishment of child support obligations.  
 1718 This section does not grant jurisdiction to the department or  
 1719 the Division of Administrative Hearings to hear or determine  
 1720 issues of dissolution of marriage, separation, alimony or  
 1721 spousal support, termination of parental rights, dependency,  
 1722 disputed paternity, except for a determination of paternity as  
 1723 provided in s. 409.256, award of or change of custody, or  
 1724 visitation. This paragraph notwithstanding, the department and  
 1725 the Division of Administrative Hearings may make findings of  
 1726 fact that are necessary for a proper determination of a  
 1727 noncustodial parent's support obligation as authorized by this  
 1728 section.

1729 (c) If there is no support order for a child in a Title  
 1730 IV-D case whose paternity has been established or is presumed by  
 1731 law, or whose paternity is the subject of a proceeding under s.  
 1732 409.256, the department may establish the noncustodial parent's  
 1733 child support obligation pursuant to this section, s. 61.30, and  
 1734 other relevant provisions of state law. The noncustodial  
 1735 parent's obligation determined by the department may include any  
 1736 obligation to pay retroactive support and any obligation to  
 1737 provide for health care for a child, whether through insurance  
 1738 coverage, reimbursement of expenses, or both. The department may  
 1739 proceed on behalf of:

1740 1. An applicant or recipient of public assistance, as  
 1741 provided by ss. 409.2561 and 409.2567;

1742 2. A former recipient of public assistance, as provided by  
 1743 s. 409.2569;

HB 1283 CS

2005  
CS

1744 3. An individual who has applied for services as provided  
1745 by s. 409.2567;

1746 4. Itself or the child, as provided by s. 409.2561; or

1747 5. A state or local government of another state, as  
1748 provided by chapter 88.

1749 Section 27. Effective October 1, 2006, section 409.25635,  
1750 Florida Statutes, is created to read:

1751 409.25635 Determination and collection of noncovered  
1752 medical expenses.--

1753 (1) DEFINITION.--As used in this section, "noncovered  
1754 medical expenses" means uninsured medical, dental, or  
1755 prescription medication expenses that are ordered to be paid on  
1756 behalf of a child as provided in s. 61.13(1)(b) or a similar law  
1757 of another state.

1758 (2) PROCEEDING TO DETERMINE AMOUNT OWED FOR NONCOVERED  
1759 MEDICAL EXPENSES.--In a Title IV-D case, the Department of  
1760 Revenue may proceed under this section to determine the amount  
1761 owed by an obligor for noncovered medical expenses if:

1762 (a) The obligor is subject to a support order that  
1763 requires the obligor to pay all or part of a child's noncovered  
1764 medical expenses.

1765 (b) The obligee provides the department with a written  
1766 declaration under penalty of perjury that states:

1767 1. Noncovered medical expenses have been incurred on  
1768 behalf of the dependent child whom the obligor has been ordered  
1769 to support.

1770 2. The obligee has paid for noncovered medical expenses  
1771 that have been incurred on behalf of the child.

1772        3. The obligor has not paid all or part of the child's  
 1773 noncovered medical expenses as ordered.

1774        4. The amount paid by the obligee for noncovered medical  
 1775 expenses and the amount the obligor allegedly owes to the  
 1776 obligee.

1777        (c) The obligee provides documentation in support of the  
 1778 written declaration.

1779        (3) NOTICE OF PROCEEDING.--

1780        (a) To proceed under this section, the Department of  
 1781 Revenue shall serve a notice on the obligor that states:

1782        1. That the department has commenced a proceeding to  
 1783 determine the amount the obligor owes for noncovered medical  
 1784 expenses.

1785        2. The name of the court or other tribunal that issued the  
 1786 support order that requires the obligor to pay noncovered  
 1787 medical expenses and the date of the order.

1788        3. That the proceeding is based on the requirements of the  
 1789 support order, the obligee's written sworn statement, and the  
 1790 supporting documentation provided to the department by the  
 1791 obligee.

1792        4. The amount of noncovered medical expenses that the  
 1793 obligee alleges the obligor owes.

1794        5. If the support order was entered by a court of this  
 1795 state or a tribunal of another state, that the obligor may file  
 1796 a motion in the circuit court to contest the amount of  
 1797 noncovered medical expenses owed within 25 days after the date  
 1798 of mailing of the notice or, if the support order was entered by  
 1799 the department, that the obligor may file with the department a

1800 petition to contest within 25 days after the date of mailing of  
 1801 the notice.

1802 6. If the support order was entered by a court of this  
 1803 state or a tribunal of another state, that the court shall  
 1804 determine the amount owed by the obligor and enter judgment as  
 1805 appropriate if the obligor timely files a motion in the circuit  
 1806 court to contest the amount of noncovered medical expenses owed  
 1807 or, if the support order was entered by the department, the  
 1808 department shall determine the amount owed by the obligor and  
 1809 render a final order as appropriate if the obligor timely files  
 1810 with the department a petition to contest the amount of  
 1811 noncovered medical expenses owed.

1812 7. If the obligor does not timely file a motion or  
 1813 petition to contest the amount alleged to be owed, that the  
 1814 obligor shall owe the amount alleged in the notice.

1815 8. If an amount owed is determined after a hearing or  
 1816 becomes final because the obligor does not file a timely motion  
 1817 or petition to contest, the department shall begin collection  
 1818 action.

1819 (b) The notice shall be served on the obligor by regular  
 1820 mail that is sent to the obligor's address of record according  
 1821 to the clerk of the court or according to the Department of  
 1822 Revenue if the support order was entered by the department or to  
 1823 a more recent address if known. A copy of the obligee's written  
 1824 declaration and supporting documentation must be served on the  
 1825 obligor with the notice. The department shall provide the  
 1826 obligee with a copy of the notice and with any subsequent notice  
 1827 of hearing.

HB 1283 CS

2005  
CS

1828       (4) RIGHT TO HEARING; DETERMINATION AFTER HEARING; WAIVER  
1829 OF HEARING.--

1830       (a) Within 25 days after the date the notice required by  
1831 subsection (3) is mailed, if the support order was entered by a  
1832 court of this state or a tribunal of another state, the obligor  
1833 may file a motion in the circuit court to contest the amount of  
1834 noncovered medical expenses owed. If a timely motion is filed,  
1835 the court shall determine after a hearing whether the obligor  
1836 owes the obligee the amount alleged for noncovered medical  
1837 expenses and enter a judgment, as appropriate.

1838       (b) Within 25 days after the date the notice required by  
1839 subsection (3) is mailed, if the support order was entered by  
1840 the Department of Revenue, the obligor may file with the  
1841 department a petition to contest the amount of noncovered  
1842 medical expenses owed. If a timely petition is filed, the  
1843 department shall determine after a hearing pursuant to chapter  
1844 120 whether the obligor owes the obligee for the amount alleged  
1845 for noncovered medical expenses and render a final order, as  
1846 appropriate.

1847       (c) If the obligor does not timely file a motion or  
1848 petition to contest, the amount owed as alleged in the notice  
1849 becomes final and is legally enforceable.

1850       (5) EFFECT OF DETERMINATION BY THE DEPARTMENT OF REVENUE  
1851 AND UNCONTESTED PROCEEDINGS.--The amount owed for noncovered  
1852 medical expenses that is determined by the Department of Revenue  
1853 as provided in paragraph (4)(b) or that becomes final as  
1854 provided in paragraph (4)(c) has the same effect as a judgment  
1855 entered by a court.

1856           (6) FILING WITH THE DEPOSITORY; RECORDING; MAINTENANCE OF  
 1857 ACCOUNTS.--When an amount owed for noncovered medical expenses  
 1858 is determined, the department shall file a certified copy of the  
 1859 final order or uncontested notice with the depository. Upon  
 1860 receipt of a final order or uncontested notice, the depository  
 1861 shall record the final order or uncontested notice in the same  
 1862 manner as a final judgment. The depository shall maintain  
 1863 necessary accounts to reflect obligations and payments for  
 1864 noncovered medical expenses.

1865           (7) COLLECTION ACTION; ADMINISTRATIVE REMEDIES.--Any  
 1866 administrative remedy available for collection of support may be  
 1867 used to collect noncovered medical expenses that are determined  
 1868 or established under this section.

1869           (8) SUPPLEMENTAL REMEDY.--This section provides a  
 1870 supplemental remedy for determining and enforcing noncovered  
 1871 medical expenses. As an alternative, the department or any other  
 1872 party may petition the circuit court for enforcement of  
 1873 noncovered medical expenses.

1874           (9) RULEMAKING AUTHORITY.--The department may adopt rules  
 1875 to implement this section.

1876           Section 28. Subsections (8) through (14) of section  
 1877 409.2564, Florida Statutes, are renumbered as subsections (7)  
 1878 through (13), respectively, and present subsection (7) is  
 1879 amended to read:

1880           409.2564 Actions for support.--

1881           ~~(7) In a judicial circuit with a work experience and job~~  
 1882 ~~training pilot project, if the obligor is a noncustodial parent~~  
 1883 ~~of a child receiving public assistance as defined in this~~

HB 1283 CS

2005  
CS

1884 ~~chapter, is unemployed or underemployed or has no income, then~~  
 1885 ~~the court shall order the obligor to seek employment, if the~~  
 1886 ~~obligor is able to engage in employment, and to immediately~~  
 1887 ~~notify the court upon obtaining employment, upon obtaining any~~  
 1888 ~~income, or upon obtaining any ownership of any asset with a~~  
 1889 ~~value of \$500 or more. If the obligor is still unemployed 30~~  
 1890 ~~days after any order for support, the court shall order the~~  
 1891 ~~obligor to enroll in a work experience, job placement, and job~~  
 1892 ~~training program.~~

1893 Section 29. Effective January 1, 2006, subsection (4) of  
 1894 section 409.2564, Florida Statutes, is amended to read:

1895 409.2564 Actions for support.--

1896 (4) Whenever the Department of Revenue has undertaken an  
 1897 action for enforcement of support, the Department of Revenue may  
 1898 enter into an agreement with the obligor for the entry of a  
 1899 judgment determining paternity, if applicable, and for periodic  
 1900 child support payments based on the child support guidelines in  
 1901 s. 61.30 ~~obligor's reasonable ability to pay~~. Prior to entering  
 1902 into this agreement, the obligor shall be informed that a  
 1903 judgment will be entered based on the agreement. The clerk of  
 1904 the court shall file the agreement without the payment of any  
 1905 fees or charges, and the court, upon entry of the judgment,  
 1906 shall forward a copy of the judgment to the parties to the  
 1907 action. To encourage out-of-court settlement and promote support  
 1908 order compliance, if the obligor and the Department of Revenue  
 1909 agree on entry of a support order and its terms, the guideline  
 1910 amount owed for retroactive support that is permanently assigned  
 1911 to the state shall be reduced by 25 percent. ~~In making a~~

HB 1283 CS

2005  
CS

1912 ~~determination of the obligor's reasonable ability to pay and~~  
 1913 ~~until guidelines are established for determining child support~~  
 1914 ~~award amounts, the following criteria shall be considered:~~

1915 ~~(a) All earnings, income, and resources of the obligor.~~

1916 ~~(b) The ability of the obligor to earn.~~

1917 ~~(c) The reasonable necessities of the obligor.~~

1918 ~~(d) The needs of the dependent child for whom support is~~  
 1919 ~~sought.~~

1920 Section 30. Effective October 1, 2005, section 409.25645,  
 1921 Florida Statutes, is amended to read:

1922 409.25645 Administrative orders for genetic testing.--

1923 (1) The Department of Revenue is authorized to use  
 1924 administrative orders to require genetic testing in Title IV-D  
 1925 cases. In such cases the department or an authorized agent may  
 1926 issue an administrative order to a putative father who has not  
 1927 voluntarily submitted to genetic testing, directing him to  
 1928 appear for a genetic test to determine the paternity of a child,  
 1929 provided that the department shall have no authority to issue  
 1930 such an order in the absence of an affidavit or written  
 1931 declaration as provided in s. 92.525(2) of the child's mother  
 1932 stating that the putative father is or may be a parent of the  
 1933 child. The administrative order shall state:

1934 (a)(1) The type of genetic test that will be used.

1935 (b)(2) The date, time, and place to appear for the genetic  
 1936 test, except as provided in subsection (3).

1937 (c)(3) That upon failure to appear for the genetic test,  
 1938 or refusal to be tested, the department shall file a petition in  
 1939 circuit court to establish paternity and child support.

1940           (2) A copy of the affidavit or written declaration which  
 1941 is the basis for the issuance of the administrative order shall  
 1942 be attached to the order. The administrative order is exempt  
 1943 from the hearing provisions in chapter 120, because the person  
 1944 to whom it is directed shall have an opportunity to object in  
 1945 circuit court in the event the Department of Revenue pursues the  
 1946 matter by filing a petition in circuit court. The department may  
 1947 serve the administrative order to appear for a genetic test by  
 1948 regular mail. In any case in which more than one putative father  
 1949 has been identified, the department may proceed under this  
 1950 section with respect to all putative fathers. If the department  
 1951 receives a request from another state Title IV-D agency to  
 1952 assist in the establishment of paternity, the department may  
 1953 cause an administrative order to appear for a genetic test to be  
 1954 served on a putative father who resides in Florida.

1955           (3) If the putative father is incarcerated, the  
 1956 correctional facility shall assist the putative father in  
 1957 complying with the administrative order, whether issued under  
 1958 this section or s. 409.256.

1959           (4) An administrative order for genetic testing has the  
 1960 same force and effect as a court order.

1961           Section 31. Effective upon this act becoming a law,  
 1962 section 409.2567, Florida Statutes, is amended to read:

1963           409.2567 Services to individuals not otherwise  
 1964 eligible.--All support services provided by the department shall  
 1965 be made available on behalf of all dependent children. Services  
 1966 shall be provided upon acceptance of public assistance or upon  
 1967 proper application filed with the department. The department

HB 1283 CS

2005  
CS

1968 | shall adopt rules to provide for the payment of a \$25  
 1969 | application fee from each applicant who is not a public  
 1970 | assistance recipient. The application fee shall be deposited in  
 1971 | the Child Support Enforcement Application and Program Revenue  
 1972 | Trust Fund within the Department of Revenue to be used for the  
 1973 | Child Support Enforcement Program. The obligor is responsible  
 1974 | for all administrative costs, as defined in s. 409.2554. The  
 1975 | court shall order payment of administrative costs without  
 1976 | requiring the department to have a member of the bar testify or  
 1977 | submit an affidavit as to the reasonableness of the costs. An  
 1978 | attorney-client relationship exists only between the department  
 1979 | and the legal services providers in Title IV-D cases. The  
 1980 | attorney shall advise the obligee in Title IV-D cases that the  
 1981 | attorney represents the agency and not the obligee. In Title IV-  
 1982 | D cases, any costs, including filing fees, recording fees,  
 1983 | mediation costs, service of process fees, and other expenses  
 1984 | incurred by the clerk of the circuit court, shall be assessed  
 1985 | only against the nonprevailing obligor after the court makes a  
 1986 | determination of the nonprevailing obligor's ability to pay such  
 1987 | costs and fees. In any case where the court does not award all  
 1988 | costs, the court shall state in the record its reasons for not  
 1989 | awarding the costs. The Department of Revenue shall not be  
 1990 | considered a party for purposes of this section; however, fees  
 1991 | may be assessed against the department pursuant to s. 57.105(1).  
 1992 | The department shall submit a monthly report to the Governor and  
 1993 | the chairs of the Health and Human Services Fiscal Committee of  
 1994 | the House of Representatives and the Ways and Means Committee of  
 1995 | the Senate specifying the funds identified for collection from

HB 1283 CS

2005  
CS

1996 | the noncustodial parents of children receiving temporary  
 1997 | assistance and the amounts actually collected. The Department of  
 1998 | Revenue shall seek a waiver from the Secretary of the United  
 1999 | States Department of Health and Human Services to authorize the  
 2000 | Department of Revenue to provide services in accordance with  
 2001 | Title IV-D of the Social Security Act to individuals who are  
 2002 | owed support without need of an application. If the waiver is  
 2003 | granted, the department shall adopt rules to implement the  
 2004 | waiver and begin providing Title IV-D services if support  
 2005 | payments are not being paid as ordered, except that the  
 2006 | individual first must be given written notice of the right to  
 2007 | refuse Title IV-D services and a reasonable opportunity to  
 2008 | refuse. The department may not provide services if services are  
 2009 | refused.

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~~

HB 1283 CS

2005  
CS

2024 | ~~the Department of Revenue to be used for the Child Support~~  
 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

HB 1283 CS

2005  
CS

2052 Department of Revenue to provide services in accordance with  
 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  
 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  
 2109 30 days after the mailing of the notice of noncompliance and  
 2110 -serving 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

HB 1283 CS

2005  
CS

2135 shall reinstate the obligor's license at no additional charge to  
2136 the obligor.

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;

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~~

HB 1283 CS

2005  
CS

2190 ~~a delinquent support obligation or who fails, after receiving~~  
2191 ~~appropriate notice, to comply with subpoenas, orders to appear,~~  
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~~

HB 1283 CS

2005  
CS

2218 ~~delinquency or reach an agreement to pay the delinquency with~~  
 2219 ~~the Title IV-D agency or comply with the subpoena, order to~~  
 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~~  
 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.~~

HB 1283 CS

2005  
CS

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 clerks of the circuit court, chief judges through  
 2293 the Office of the State Courts Administrator, sheriffs, Office  
 2294 of the Attorney General, 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

HB 1283 CS

2005  
CS

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.--

HB 1283 CS

2005  
CS

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,

HB 1283 CS

2005  
CS

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

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

HB 1283 CS

2005  
CS

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

HB 1283 CS

2005  
CS

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,

HB 1283 CS

2005  
CS

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.

HB 1283 CS

2005  
CS

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

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

HB 1283 CS

2005  
CS

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.