

1 A bill to be entitled

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

29 | judicial circuit with a work experience and job training
30 | pilot project; correcting a cross reference; providing for
31 | recovery of support arrearages from workers' compensation
32 | lump-sum settlements; requiring the Office of the Judges
33 | of Compensation Claims to adopt procedural rules;
34 | requiring local depositories to electronically provide the
35 | department with certain data; amending s. 61.1814, F.S.;
36 | providing for fines for failure or refusal to submit to
37 | genetic testing to be deposited in the Child Support
38 | Enforcement Application and Program Revenue Trust Fund;
39 | correcting a cross reference; amending s. 61.1824, F.S.;
40 | requiring the State Disbursement Unit to provide for
41 | electronic disbursement of support payments to obligees,
42 | notify obligees of electronic disbursement options, and
43 | encourage use of such options; requiring electronic
44 | remittance of support payments by certain employers;
45 | providing for waivers; amending s. 61.30, F.S.; correcting
46 | a cross reference and reenacting s. 61.30(8), F.S.,
47 | relating to child support guidelines for health insurance
48 | costs and other medical expenses of a child, to
49 | incorporate the amendment to s. 61.13, F.S., in a
50 | reference thereto; amending s. 120.80, F.S.; providing for
51 | entry of final orders by the Division of Administrative
52 | Hearings in proceedings to establish paternity or
53 | paternity and child support; providing for the right to
54 | immediate judicial review to contest an administrative
55 | order for genetic testing; providing for judicial
56 | enforcement of agency final orders; providing for venue of

57 | administrative hearings in paternity proceedings and
58 | determinations of noncovered medical expenses; amending s.
59 | 322.142, F.S.; authorizing the department to obtain
60 | digital photographs and signatures from the Department of
61 | Highway Safety and Motor Vehicles for use in establishing
62 | paternity and establishing, modifying, or enforcing
63 | support obligations; amending s. 382.013, F.S.; requiring
64 | the Department of Health to amend a child's birth
65 | certificate when paternity is established by the
66 | Department of Revenue; amending s. 382.015, F.S.;
67 | requiring the clerk of the court to ensure that all
68 | judicial determinations of paternity are reported to the
69 | Department of Health; requiring the Department of Health
70 | to monitor compliance and report data to the clerks of the
71 | court; amending s. 382.016, F.S.; providing for the
72 | Department of Health to leave birth certificates and
73 | related papers unsealed when a father is listed pursuant
74 | to an acknowledgment of paternity; providing for the
75 | Department of Health to amend the birth certificate of a
76 | child born in the state whose paternity is established in
77 | another state; providing for the Department of Revenue to
78 | develop written educational materials concerning
79 | establishment of paternity for use and distribution by
80 | Department of Children and Family Services, Department of
81 | Corrections, Department of Education, Department of
82 | Health, and Department of Juvenile Justice; creating s.
83 | 382.357, F.S.; providing for the Department of Health,
84 | Department of Revenue, Florida Hospital Association,

85 Florida Association of Court Clerks, and one or more local
86 registrars to study the feasibility of and report on the
87 filing of original and new or amended birth certificates
88 with the Department of Health; requiring a report to the
89 Legislature; amending s. 395.003, F.S.; requiring a
90 hospital providing birthing services to comply with s.
91 382.013(2)(c), F.S., when applying for certain licenses;
92 prohibiting fines and sanctions against hospitals for
93 noncompliance with s. 382.013(2)(c), F.S.; amending s.
94 409.2557, F.S.; authorizing the Department of Revenue to
95 adopt rules relating to administrative proceedings to
96 establish paternity, paternity and child support orders,
97 and orders to appear for genetic testing; amending s.
98 409.2558, F.S.; providing for a determination by the
99 Department of Revenue that a collection or refund is
100 undistributable; requiring the Department of Revenue to
101 make reasonable efforts to locate persons to whom
102 collections or refunds are owed; providing for location
103 efforts to include disclosure through a searchable
104 database of the names of obligees, obligors, and
105 depository account numbers on the Internet in compliance
106 with certain requirements; creating s. 409.256, F.S.;
107 providing definitions; authorizing the Department of
108 Revenue to administratively establish paternity based on
109 the results of genetic testing; providing for notice,
110 opportunity for administrative hearing, and right to
111 judicial review; authorizing the Department of Revenue to
112 combine a paternity proceeding with an administrative

113 proceeding under s. 409.2563, F.S.; providing for
114 administrative orders to appear for genetic testing and
115 right to contest; providing for scheduling of genetic
116 testing and rescheduling for good cause; providing
117 sanctions for failure or refusal to submit to genetic
118 testing; providing for a presumption of paternity based on
119 specified genetic testing results; providing for
120 admissibility of genetic testing results at administrative
121 hearings; providing for hearings to be conducted by the
122 Division of Administrative Hearings in accordance with ch.
123 120, F.S.; providing that a final order issued by an
124 administrative law judge constitutes final agency action
125 by the Department of Revenue; providing that a final order
126 establishing paternity has the same effect as a judgment
127 entered by a court pursuant to ch. 742, F.S.; requiring a
128 respondent to notify the Department of Revenue of changes
129 of address and that subsequent notice by mail is deemed to
130 have been received; providing that the administrative
131 procedure is a supplemental remedy; authorizing the
132 Department of Revenue to adopt rules; amending s.
133 409.2561, F.S.; providing that no obligation of support
134 shall be incurred by a recipient of supplemental security
135 income or temporary cash assistance for the benefit of a
136 dependent child; amending s. 409.2563, F.S.; authorizing
137 the Department of Revenue to establish an administrative
138 support order when paternity is determined pursuant to s.
139 409.256, F.S.; creating s. 409.25635, F.S.; authorizing
140 the Department of Revenue to determine the amount owed by

141 an obligor for noncovered medical expenses in Title IV-D
142 cases; defining "noncovered medical expenses"; providing
143 for notice, opportunity for administrative hearing, and
144 right to judicial review; requiring a written declaration
145 under penalty of perjury by the obligee and documentation
146 of claims; providing that a determination by the
147 Department of Revenue has the same effect as a judgment
148 entered by a court; providing for filing an uncontested
149 notice or final order with the local depository;
150 authorizing the Department of Revenue to collect
151 noncovered medical expenses by using the same remedies
152 available for collection of support; providing that the
153 administrative procedure is a supplemental remedy;
154 authorizing the Department of Revenue to adopt rules;
155 amending s. 409.2564, F.S.; repealing provision relating
156 to judicial circuits with a work experience and job
157 training pilot project; providing for a reduction in the
158 amount of retroactive support permanently assigned to the
159 state when the obligor and the Department of Revenue agree
160 to entry of a support order based on the child support
161 guidelines; amending s. 409.25645, F.S.; providing for
162 correctional facilities to assist putative fathers in
163 complying with administrative orders for genetic testing;
164 providing that an administrative order for genetic testing
165 has the same force and effect as a court order; amending
166 s. 409.2567, F.S.; authorizing the Department of Revenue
167 to seek a federal waiver from the requirement that an
168 individual must apply for Title IV-D services; providing

169 | for the Department of Revenue to adopt rules if a waiver
170 | is granted and provide Title IV-D services if support
171 | payments are not paid as ordered unless the individual
172 | refuses services after notice; providing an application
173 | fee for child support services provided by the Department
174 | of Revenue, waiver of the fee, and payment by the
175 | department; removing rulemaking authority of the
176 | Department of Children and Family Services relating to the
177 | application fee and deposit thereof; amending s. 409.2598,
178 | F.S.; revising provisions relating to license suspension
179 | to enforce support orders; authorizing the Department of
180 | Revenue to commence a proceeding to suspend an obligor's
181 | occupational, business, trade, professional, or
182 | recreational license for noncompliance with a support
183 | order; providing for notice by regular mail, opportunity
184 | to contest in circuit court, grounds for contesting, and
185 | stay of proceedings if a timely petition to contest is
186 | filed; providing for written agreement with the Department
187 | of Revenue to avoid suspension, reinstatement notice upon
188 | compliance, and suspension if the obligor does not comply
189 | after notice, does not contest, or does not comply with a
190 | written agreement unless the obligor notifies the
191 | department of inability to comply with the written
192 | agreement; providing for full disclosure by obligor of
193 | income, assets, and employment; providing for
194 | reinstatement upon court order; providing for license
195 | suspension to enforce subpoenas, orders to appear, or
196 | similar orders; providing for combining a proceeding to

197 enforce a support order with a proceeding to suspend a
198 driver's license, under certain circumstances; authorizing
199 the Department of Revenue to adopt rules; amending s.
200 409.259, F.S.; requiring the clerks of the circuit court,
201 chief judges through the Office of the State Courts
202 Administrator, sheriffs, Office of the Attorney General,
203 and Department of Revenue to work cooperatively to
204 implement electronic filing of pleadings, returns of
205 service, and other papers by October 1, 2009; amending s.
206 409.821, F.S.; requiring the Agency for Health Care
207 Administration to disclose information identifying Florida
208 KidCare applicants or enrollees to the Department of
209 Revenue for purposes of administering the state's Title
210 IV-D program; amending s. 414.065, F.S.; providing that a
211 court may order a noncustodial parent who is delinquent
212 pursuant to the terms of a support order to participate in
213 work activities under ch. 414, F.S., or as provided in s.
214 61.14(5)(b), F.S.; amending s. 443.051, F.S.; revising
215 provisions relating to interception of child support
216 benefits; providing and revising definitions; requiring
217 the Agency for Workforce Innovation to deduct and withhold
218 a specified percentage of unemployment compensation
219 otherwise payable to an individual who owes a support
220 obligation, under certain circumstances; providing for the
221 Department of Revenue to promptly refund any excess
222 deduction to the obligor; amending s. 455.203, F.S.;
223 repealing authority to screen license applicants for
224 compliance with support obligations; requiring the

225 Department of Business and Professional Regulation to
226 cooperate with the Department of Revenue to implement an
227 automated method for current license disclosure; requiring
228 the Department of Revenue to suspend or deny licenses for
229 noncompliance with a support order; providing for issuance
230 or restatement upon proof of compliance; amending s.
231 742.10, F.S.; providing that when paternity is adjudicated
232 by the Department of Revenue pursuant to s. 409.256, F.S.,
233 such adjudication constitutes the establishment of
234 paternity for purposes of ch. 742, F.S.; amending s.
235 760.40, F.S.; providing for genetic testing in paternity
236 cases and disclosure of test results as authorized by s.
237 409.256, F.S.; amending s. 827.06, F.S.; repealing
238 provisions that require exhaustion of civil remedies
239 before a criminal prosecution for nonsupport of dependents
240 is commenced, a prior adjudication of contempt for failure
241 to comply with a support order, notice by the state
242 attorney prior to prosecution, and mandatory minimum fines
243 and imprisonment; providing for the state attorneys, the
244 Florida Prosecuting Attorneys Association, and the
245 Department of Revenue to identify strategies for pursuing
246 criminal prosecution in certain cases and to submit a
247 report to the Governor and Legislature; providing
248 effective dates.

249
250 Be It Enacted by the Legislature of the State of Florida:
251

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

255 61.13 Custody and support of children; visitation rights;
 256 power of court in making orders.--

257 (1)

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

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

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

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

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

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

308 | dispute. If the informal conference resolves the dispute to the
309 | obligor's satisfaction or if the obligor fails to attend the
310 | informal conference, the notice of contest is deemed withdrawn.
311 | If the informal conference does not resolve the dispute, the
312 | obligor may request an administrative hearing under chapter 120
313 | within 5 business days after the termination of the informal
314 | conference, in a form and manner prescribed by the department.
315 | However, the filing of a notice of contest by the obligor does
316 | not delay the withholding of premium payments by the union,
317 | employer, or health plan administrator. The union, employer, or
318 | health plan administrator must implement the withholding as
319 | directed by the national medical support notice unless notified
320 | by the department that the national medical support notice is
321 | terminated.

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

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

334 | 4.a. Upon receipt of the national medical support notice
335 | under subparagraph 2. in a Title IV-D case, the union or

336 employer shall transfer the notice to the appropriate group
337 health plan administrator within 20 business days after the date
338 on the notice. The plan administrator must enroll the child as a
339 beneficiary in the group health plan regardless of any
340 restrictions on the enrollment period, and the union or employer
341 must withhold any required premium from the obligor's income
342 upon notification by the plan administrator that the child is
343 enrolled. The child shall be enrolled in the group health plan
344 in which the obligor is enrolled. If the group health plan in
345 which the obligor is enrolled is not available where the child
346 resides or if the obligor is not enrolled in group coverage, the
347 child shall be enrolled in the lowest cost group health plan
348 that is available where the child resides.

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

356 5.a. The amount withheld by a union or employer in
357 compliance with a support order may not exceed the amount
358 allowed under s. 303(b) of the Consumer Credit Protection Act,
359 15 U.S.C. s. 1673(b), as amended. The union or employer shall
360 withhold the maximum allowed by the Consumer Credit Protection
361 Act in the following order:

362 (I) Current support, as ordered.

- 363 (II) Premium payments for health care coverage, as
- 364 ordered.
- 365 (III) Past due support, as ordered.
- 366 (IV) Other medical support or coverage, as ordered.

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

- 374 (I) Current support, as ordered.
- 375 (II) Past due support, as ordered.
- 376 (III) Other medical support or coverage, as ordered.

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

383 ~~7.6.~~ The department ~~of Revenue~~ may adopt rules to
 384 administer the child support enforcement provisions of this
 385 section ~~that~~ ~~which~~ affect Title IV-D cases.

386 ~~(c) In a judicial circuit with a work experience and job~~
 387 ~~training pilot project, if the obligor is unemployed or has no~~
 388 ~~income and does not have an account at a financial institution,~~
 389 ~~then the court shall order the obligor to seek employment, if~~
 390 ~~the obligor is able to engage in employment, and to immediately~~

391 ~~notify the court upon obtaining employment, upon obtaining any~~
 392 ~~income, or upon obtaining any ownership of any asset with a~~
 393 ~~value of \$500 or more. If the obligor is still unemployed 30~~
 394 ~~days after any order for support, the court may order the~~
 395 ~~obligor to enroll in the work experience, job placement, and job~~
 396 ~~training pilot program for noncustodial parents as established~~
 397 ~~in s. 409.2565, if the obligor is eligible for entrance into the~~
 398 ~~pilot program.~~

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

403 61.1301 Income deduction orders.--

404 (1) ISSUANCE IN CONJUNCTION WITH AN ORDER ESTABLISHING,
 405 ENFORCING, OR MODIFYING AN OBLIGATION FOR ALIMONY OR CHILD
 406 SUPPORT.--

407 (b) The income deduction order shall:

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

413 2. State the amount of arrearage owed, if any, and direct
 414 a payor to withhold an additional 20 percent or more of the
 415 periodic amount specified in the order establishing, enforcing,
 416 or modifying the obligation, until full payment is made of any
 417 arrearage, attorney's fees and costs owed, provided no deduction

418 shall be applied to attorney's fees and costs until the full
419 amount of any arrearage is paid.†

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

429 ~~4.3.~~ Direct a payor not to deduct in excess of the amounts
430 allowed under s. 303(b) of the Consumer Credit Protection Act,
431 15 U.S.C. s. 1673(b), as amended.†

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

441 ~~6.5.~~ In Title IV-D cases, direct a payor to provide to the
442 court depository the date on which each deduction is made.†

443 ~~7.6.~~ In Title IV-D cases, if an obligation to pay current
444 support is reduced or terminated due to emancipation of a child
445 and the obligor owes an arrearage, retroactive support,

446 delinquency, or costs, direct the payor to continue the income
 447 deduction at the rate in effect immediately prior to
 448 emancipation until all arrearages, retroactive support,
 449 delinquencies, and costs are paid in full or until the amount of
 450 withholding is modified. ~~and~~

451 8.7. Direct that, at such time as the State Disbursement
 452 Unit becomes operational, all payments in those cases in which
 453 the obligee is receiving Title IV-D services and in those cases
 454 in which the obligee is not receiving Title IV-D services in
 455 which the initial support order was issued in this state on or
 456 after January 1, 1994, and in which the obligor's child support
 457 obligation is being paid through income deduction, be made
 458 payable to and delivered to the State Disbursement Unit.
 459 Notwithstanding any other statutory provision to the contrary,
 460 funds received by the State Disbursement Unit shall be held,
 461 administered, and disbursed by the State Disbursement Unit
 462 pursuant to the provisions of this chapter.

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

- 468 1. All fees or interest which shall be imposed.
- 469 2. The total amount of income to be deducted for each pay
 470 period until the arrearage, if any, is paid in full and shall
 471 state the total amount of income to be deducted for each pay
 472 period thereafter. The amounts deducted may not be in excess of

473 that allowed under s. 303(b) of the Consumer Credit Protection
474 Act, 15 U.S.C. s. 1673(b), as amended.

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

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

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

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

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

496 (f) ~~Notice of delinquency.~~ If a support order was entered
497 before January 1, 1994, ~~or~~ the court orders the income deduction
498 to be effective upon a delinquency as provided in paragraph (c),
499 or a delinquency has accrued under an order entered before July
500 1, 2006, that established, modified, or enforced the obligation

501 and there is no order for repayment of the delinquency or a
 502 preexisting arrearage, the obligee or, in Title IV-D cases, the
 503 Title IV-D agency may enforce the income deduction by serving a
 504 notice of delinquency on the obligor under this paragraph
 505 ~~subsection.~~

506 1. The notice of delinquency shall state:

507 a. The terms of the order establishing, enforcing, or
 508 modifying the obligation.

509 b. The period of delinquency and the total amount of the
 510 delinquency as of the date the notice is mailed.

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

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

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

521 f. That a copy of the notice of delinquency will be served
 522 on the obligor's payor or payors, together with a copy of the
 523 income deduction order or, in Title IV-D cases, the income
 524 deduction notice, unless the obligor applies to the court to
 525 contest enforcement of the income deduction. If the income
 526 deduction order being enforced was rendered by the Title IV-D
 527 agency pursuant to s. 409.2563 and the obligor contests the
 528 deduction, the obligor shall file a petition for an

529 administrative hearing with the Title IV-D agency. The
530 application or petition shall be filed within 15 days after the
531 date the notice of delinquency was served.

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

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

543 2. The failure of the obligor to receive the notice of
544 delinquency does not preclude subsequent service of the income
545 deduction order or, in Title IV-D cases, the income deduction
546 notice on the obligor's payor. A notice of delinquency which
547 fails to state an arrearage does not mean that an arrearage is
548 not owed.

549 (3)

550 (c) If a delinquency accrues after an order establishing,
551 modifying, or enforcing a support obligation has been entered,
552 an income deduction order entered after July 1, 2006, is in
553 effect, and there is no order for repayment of the delinquency
554 or a preexisting arrearage, a payor who is served with an income
555 deduction order or, in a Title IV-D case, an income deduction
556 notice shall deduct an additional 20 percent of the current

557 support obligation or other amount agreed to by the parties
558 until the delinquency and any attorney's fees and costs are paid
559 in full. No deduction may be applied to attorney's fees and
560 costs until the delinquency is paid in full.

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

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

575 61.13016 Suspension of driver's licenses and motor vehicle
576 registrations.--

577 (4) The procedures prescribed in this section and s.
578 322.058 may be used to enforce compliance with an order to
579 appear for genetic testing.

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

582 61.1354 Sharing of information between consumer reporting
583 agencies and the IV-D agency.--

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

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

612 when updated information concerning the same obligor is
613 periodically released to the consumer reporting agencies.

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

616 61.14 Enforcement and modification of support,
617 maintenance, or alimony agreements or orders.--

618 (5) (a) When a court of competent jurisdiction enters an
619 order for the payment of alimony or child support or both, the
620 court shall make a finding of the obligor's imputed or actual
621 present ability to comply with the order. If the obligor
622 subsequently fails to pay alimony or support and a contempt
623 hearing is held, the original order of the court creates a
624 presumption that the obligor has the present ability to pay the
625 alimony or support and to purge himself or herself from the
626 contempt. At the contempt hearing, the obligor shall have the
627 burden of proof to show that he or she lacks the ability to
628 purge himself or herself from the contempt. This presumption is
629 adopted as a presumption under s. 90.302(2) to implement the
630 public policy of this state that children shall be maintained
631 from the resources of their parents and as provided for in s.
632 409.2551, and that spouses be maintained as provided for in s.
633 61.08. The court shall state in its order the reasons for
634 granting or denying the contempt.

635 (b) In a proceeding in circuit court to enforce a support
636 order under this chapter, chapter 88, chapter 409, or chapter
637 742, or any other provision of law, if the court finds that
638 payments due under the support order are delinquent or overdue
639 and that the obligor is unemployed, underemployed, or has no

640 income but is able to work or participate in job training, the
641 court may order the obligor to:

642 1. Seek employment.

643 2. File periodic reports with the court, or with the
644 department if the department is providing Title IV-D services,
645 detailing the obligor's efforts to seek and obtain employment
646 during the reporting period.

647 3. Notify the court or the department, as appropriate,
648 upon obtaining employment, income, or property.

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

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

668 ~~noncustodial parents as established in s. 409.2565, if the~~
669 ~~obligor is eligible for entrance into the pilot program.~~

670 Section 6. Paragraph (b) of subsection (1) of section
671 61.14, Florida Statutes, is amended to read:

672 61.14 Enforcement and modification of support,
673 maintenance, or alimony agreements or orders.--

674 (1)

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

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

685 61.14 Enforcement and modification of support,
686 maintenance, or alimony agreements or orders.--

687 (8) (a) When an employee and an employer reach agreement
688 for a lump-sum settlement under s. 440.20(11), no proceeds of
689 the settlement shall be disbursed to the employee, nor shall any
690 attorney's fees be disbursed, until after a judge of
691 compensation claims reviews the proposed disbursement and enters
692 an order finding the settlement provides for appropriate
693 recovery of any support arrearage. The employee, or the
694 employee's attorney if the employee is represented, shall submit
695 a written statement from the department that indicates whether

696 the worker owes unpaid support and, if so, the amount owed. In
 697 addition, the judge of compensation claims may require the
 698 employee to submit a similar statement from a local depository
 699 established under s. 61.181. A sworn statement by the employee
 700 that all existing support obligations have been disclosed is
 701 also required. If the judge finds the proposed allocation of
 702 support recovery insufficient, the parties may amend the
 703 allocation of support recovery within the settlement agreement
 704 to make the allocation of proceeds sufficient. The Office of the
 705 Judges of Compensation Claims shall adopt procedural rules to
 706 implement this paragraph ~~When reviewing and approving any lump-~~
 707 ~~sum settlement under s. 440.20(11)(a) and (b), a judge of~~
 708 ~~compensation claims must consider whether the settlement serves~~
 709 ~~the interests of the worker and the worker's family, including,~~
 710 ~~but not limited to, whether the settlement provides for~~
 711 ~~appropriate recovery of any child support arrearage.~~

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

715 61.14 Enforcement and modification of support,
 716 maintenance, or alimony agreements or orders.--

717 (6)

718 (g) The local depository shall send the department monthly
 719 by electronic means a list of all Title IV-D and non-Title IV-D
 720 cases in which a judgment by operation of law has been recorded
 721 during the month for which the data is provided. At a minimum,
 722 the depository shall provide the names of the obligor and

723 obligee, social security numbers of the obligor and obligee, if
 724 available, and depository number.

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

728 61.1814 Child Support Enforcement Application and Program
 729 Revenue Trust Fund.--

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

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

741 Section 10. Effective upon this act becoming a law,
 742 paragraph (d) of subsection (3) and subsection (6) of section
 743 61.1824, Florida Statutes, are amended to read:

744 61.1824 State Disbursement Unit.--

745 (3) The State Disbursement Unit shall perform the
 746 following functions:

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

- 750 1. Receipt of payments from obligors, employers, other
 751 states and jurisdictions, and other entities.
- 752 2. Timely disbursement of payments to obligees, the
 753 department, and other state Title IV-D agencies.
- 754 3. Accurate identification of payment source and amount.
- 755 4. Furnishing any parent, upon request, timely information
 756 on the current status of support payments under an order
 757 requiring payments to be made by or to the parent, except that
 758 in cases described in paragraph (1)(b), prior to the date the
 759 State Disbursement Unit becomes fully operational, the State
 760 Disbursement Unit shall not be required to convert and maintain
 761 in automated form records of payments kept pursuant to s.
 762 61.181.
- 763 5. Electronic disbursement of support payments to
 764 obligees. The State Disbursement Unit shall notify obligees of
 765 electronic disbursement options and encourage their use through
 766 promotional material.
- 767 (6) ~~Effective October 1, 1999, or such earlier date as the~~
 768 ~~State Disbursement Unit becomes operational,~~ all support
 769 payments for cases to which the requirements of this section
 770 apply shall be made payable to and delivered to the State
 771 Disbursement Unit. Effective October 1, 2006, an employer who
 772 employed 10 or more employees in any quarter during the
 773 preceding state fiscal year or who was subject to and paid tax
 774 to the department in an amount of \$30,000 or more shall remit
 775 support payments deducted pursuant to an income deduction order
 776 or income deduction notice and provide associated case data to
 777 the State Disbursement Unit by electronic means approved by the

778 department. The department shall adopt by rule standards for
779 electronic remittance and data transfer that to the extent
780 feasible are consistent with the department's rules for
781 electronic filing and remittance of taxes under ss. 213.755 and
782 443.163. A waiver granted by the department from the requirement
783 to file and remit electronically under s. 213.755 or s. 443.163
784 constitutes a waiver from the requirement under this subsection.
785 Notwithstanding any other statutory provision to the contrary,
786 funds received by the State Disbursement Unit shall be held,
787 administered, and disbursed by the State Disbursement Unit
788 pursuant to the provisions of this chapter.

789 Section 11. Paragraph (c) of subsection (1) of section
790 61.30, Florida Statutes, is amended, and subsection (8) of said
791 section is reenacted, to read:

792 61.30 Child support guidelines; retroactive child
793 support.--

794 (1)

795 (c) For each support order reviewed by the department as
796 required by s. 409.2564 (11) ~~(12)~~, if the amount of the child
797 support award under the order differs by at least 10 percent but
798 not less than \$25 from the amount that would be awarded under s.
799 61.30, the department shall seek to have the order modified and
800 any modification shall be made without a requirement for proof
801 or showing of a change in circumstances.

802 (8) Health insurance costs resulting from coverage ordered
803 pursuant to s. 61.13(1)(b), and any noncovered medical, dental,
804 and prescription medication expenses of the child, shall be
805 added to the basic obligation unless these expenses have been

806 | ordered to be separately paid on a percentage basis. After the
807 | health insurance costs are added to the basic obligation, any
808 | moneys prepaid by the noncustodial parent for health-related
809 | costs for the child or children of this action shall be deducted
810 | from that noncustodial parent's child support obligation for
811 | that child or those children.

812 | Section 12. Effective January 1, 2006, paragraph (c) of
813 | subsection (14) of section 120.80, Florida Statutes, is amended
814 | to read:

815 | 120.80 Exceptions and special requirements; agencies.--

816 | (14) DEPARTMENT OF REVENUE.--

817 | (c) Proceedings to establish paternity or paternity and
818 | child support; orders to appear for genetic testing; proceedings
819 | for administrative support orders.--In proceedings to establish
820 | paternity or paternity and child support pursuant to s. 409.256
821 | and proceedings for the establishment of administrative support
822 | orders pursuant to s. 409.2563, final orders in cases referred
823 | by the Department of Revenue to the Division of Administrative
824 | Hearings shall be entered by the division's administrative law
825 | judge and transmitted to the Department of Revenue for filing
826 | and rendering. The Department of Revenue has the right to seek
827 | judicial review under s. 120.68 of a final order entered by an
828 | administrative law judge. The Department of Revenue or the
829 | person ordered to appear for genetic testing may seek immediate
830 | judicial review under s. 120.68 of an order issued by an
831 | administrative law judge pursuant to s. 409.256(5)(b). Final
832 | orders that adjudicate paternity or paternity and child support
833 | pursuant to s. 409.256 and administrative support orders

834 rendered pursuant to s. 409.2563 may be enforced pursuant to s.
 835 120.69 or, alternatively, by any method prescribed by law for
 836 the enforcement of judicial support orders, except contempt.
 837 Hearings held by the Division of Administrative Hearings
 838 pursuant to ss. 409.256 and ~~s.~~ 409.2563 shall be held in the
 839 judicial circuit where the person receiving services under Title
 840 IV-D resides or, if the person receiving services under Title
 841 IV-D does not reside in this state, in the judicial circuit
 842 where the respondent resides. If the department and the
 843 respondent agree, the hearing may be held in another location.
 844 If ordered by the administrative law judge, the hearing may be
 845 conducted telephonically or by videoconference.

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

849 120.80 Exceptions and special requirements; agencies.--

850 (14) DEPARTMENT OF REVENUE.--

851 (c) Proceedings to establish paternity or paternity and
 852 child support; orders to appear for genetic testing; proceedings
 853 for administrative support orders.--In proceedings to establish
 854 paternity or paternity and child support pursuant to s. 409.256
 855 and proceedings for the establishment of administrative support
 856 orders pursuant to s. 409.2563, final orders in cases referred
 857 by the Department of Revenue to the Division of Administrative
 858 Hearings shall be entered by the division's administrative law
 859 judge and transmitted to the Department of Revenue for filing
 860 and rendering. The Department of Revenue has the right to seek
 861 judicial review under s. 120.68 of a final order entered by an

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

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

882 322.142 Color photographic or digital imaged licenses.--

883 (4) The department may maintain a film negative or print
884 file. The department shall maintain a record of the digital
885 image and signature of the licensees, together with other data
886 required by the department for identification and retrieval.
887 Reproductions from the file or digital record shall be made and
888 issued only for departmental administrative purposes; for the
889 issuance of duplicate licenses; in response to law enforcement

890 agency requests; to the Department of Revenue pursuant to an
891 interagency agreement for use in establishing paternity and
892 establishing, modifying, or enforcing support obligations to
893 ~~facilitate service of process~~ in Title IV-D cases; or to the
894 Department of Financial Services pursuant to an interagency
895 agreement to facilitate the location of owners of unclaimed
896 property, the validation of unclaimed property claims, and the
897 identification of fraudulent or false claims, and are exempt
898 from the provisions of s. 119.07(1).

899 Section 15. Effective January 1, 2006, paragraph (e) of
900 subsection (2) of section 382.013, Florida Statutes, is
901 redesignated as paragraph (f) and a new paragraph (e) is added
902 to said subsection to read:

903 382.013 Birth registration.--A certificate for each live
904 birth that occurs in this state shall be filed within 5 days
905 after such birth with the local registrar of the district in
906 which the birth occurred and shall be registered by the local
907 registrar if the certificate has been completed and filed in
908 accordance with this chapter and adopted rules. The information
909 regarding registered births shall be used for comparison with
910 information in the state case registry, as defined in chapter
911 61.

912 (2) PATERNITY.--

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

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

919 382.015 New certificates of live birth; duty of clerks of
 920 court and department.--The clerk of the court in which any
 921 proceeding for adoption, annulment of an adoption, affirmation
 922 of parental status, or determination of paternity is to be
 923 registered, shall within 30 days after the final disposition,
 924 forward to the department a certified copy of the court order,
 925 or a report of the proceedings upon a form to be furnished by
 926 the department, together with sufficient information to identify
 927 the original birth certificate and to enable the preparation of
 928 a new birth certificate. The clerk of the court shall implement
 929 a monitoring and quality control plan to ensure that all
 930 judicial determinations of paternity are reported to the
 931 department in compliance with this section. The department shall
 932 track paternity determinations reported monthly by county,
 933 monitor compliance with the 30-day timeframe, and report the
 934 data to the clerks of the court quarterly.

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

936 (a) Upon receipt of the report or certified copy of an
 937 adoption decree, together with the information necessary to
 938 identify the original certificate of live birth, and establish a
 939 new certificate, the department shall prepare and file a new
 940 birth certificate, absent objection by the court decreeing the
 941 adoption, the adoptive parents, or the adoptee if of legal age.
 942 The certificate shall bear the same file number as the original
 943 birth certificate. All names and identifying information
 944 relating to the adoptive parents entered on the new certificate

945 shall refer to the adoptive parents, but nothing in the
946 certificate shall refer to or designate the parents as being
947 adoptive. All other items not affected by adoption shall be
948 copied as on the original certificate, including the date of
949 registration and filing.

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

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

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

972 identifying information of the parents shall be entered as of
973 the date of the registrant's birth.

974 (3) AFFIRMATION OF PARENTAL STATUS.--Upon receipt of an
975 order of affirmation of parental status issued pursuant to s.
976 742.16, together with sufficient information to identify the
977 original certificate of live birth, the department shall prepare
978 and file a new birth certificate which shall bear the same file
979 number as the original birth certificate. The names and
980 identifying information of the registrant's parents entered on
981 the new certificate shall be the commissioning couple, but the
982 new certificate may not make reference to or designate the
983 parents as the commissioning couple.

984 (4) SUBSTITUTION OF NEW CERTIFICATE OF BIRTH FOR
985 ORIGINAL.--When a new certificate of birth is prepared, the
986 department shall substitute the new certificate of birth for the
987 original certificate on file. All copies of the original
988 certificate of live birth in the custody of a local registrar or
989 other state custodian of vital records shall be forwarded to the
990 State Registrar. Thereafter, when a certified copy of the
991 certificate of birth or portion thereof is issued, it shall be a
992 copy of the new certificate of birth or portion thereof, except
993 when a court order requires issuance of a certified copy of the
994 original certificate of birth. In an adoption, change in
995 paternity, affirmation of parental status, undetermined
996 parentage, or court-ordered substitution, the department shall
997 place the original certificate of birth and all papers
998 pertaining thereto under seal, not to be broken except by order

999 | of a court of competent jurisdiction or as otherwise provided by
 1000 | law.

1001 | (5) FORM.--Except for certificates of foreign birth which
 1002 | are registered as provided in s. 382.017, and delayed
 1003 | certificates of birth which are registered as provided in ss.
 1004 | 382.019 and 382.0195, all original, new, or amended certificates
 1005 | of live birth shall be identical in form, regardless of the
 1006 | marital status of the parents or the fact that the registrant is
 1007 | adopted or of undetermined parentage.

1008 | (6) RULES.--The department shall adopt and enforce all
 1009 | rules necessary for carrying out the provisions of this section.

1010 | Section 17. Paragraph (b) of subsection (1) of section
 1011 | 382.016, Florida Statutes, is amended to read:

1012 | 382.016 Amendment of records.--The department, upon
 1013 | receipt of the fee prescribed in s. 382.0255; documentary
 1014 | evidence, as specified by rule, of any misstatement, error, or
 1015 | omission occurring in any birth, death, or fetal death record;
 1016 | and an affidavit setting forth the changes to be made, shall
 1017 | amend or replace the original certificate as necessary.

1018 | (1) CERTIFICATE OF LIVE BIRTH AMENDMENT.--

1019 | (b) Upon written request and receipt of an affidavit, a
 1020 | notarized voluntary acknowledgment of paternity signed by the
 1021 | mother and father acknowledging the paternity of a registrant
 1022 | born out of wedlock, or a voluntary acknowledgment of paternity
 1023 | that is witnessed by two individuals and signed under penalty of
 1024 | perjury as specified by s. 92.525(2), together with sufficient
 1025 | information to identify the original certificate of live birth,
 1026 | the department shall prepare a new birth certificate, which

1027 shall bear the same file number as the original birth
1028 certificate. The names and identifying information of the
1029 parents shall be entered as of the date of the registrant's
1030 birth. The surname of the registrant may be changed from that
1031 shown on the original birth certificate at the request of the
1032 mother and father of the registrant, or the registrant if of
1033 legal age. If the mother and father marry each other at any time
1034 after the registrant's birth, the department shall, upon the
1035 request of the mother and father or registrant if of legal age
1036 and proof of the marriage, amend the certificate with regard to
1037 the parents' marital status as though the parents were married
1038 at the time of birth. The department shall substitute the new
1039 certificate of birth for the original certificate on file. All
1040 copies of the original certificate of live birth in the custody
1041 of a local registrar or other state custodian of vital records
1042 shall be forwarded to the State Registrar. Thereafter, when a
1043 certified copy of the certificate of birth or portion thereof is
1044 issued, it shall be a copy of the new certificate of birth or
1045 portion thereof, except when a court order requires issuance of
1046 a certified copy of the original certificate of birth. Except
1047 for a birth certificate on which a father is listed pursuant to
1048 an affidavit or notarized voluntary acknowledgment of paternity
1049 signed by the mother and the father or a voluntary
1050 acknowledgment of paternity that is witnessed by two individuals
1051 and signed under penalty of perjury as specified by s.
1052 92.525(2), the department shall place the original certificate
1053 of birth and all papers pertaining thereto under seal, not to be

1054 broken except by order of a court of competent jurisdiction or
 1055 as otherwise provided by law.

1056 Section 18. Effective October 1, 2005, paragraph (d) is
 1057 added to subsection (1) of section 382.016, Florida Statutes, to
 1058 read:

1059 382.016 Amendment of records.--The department, upon
 1060 receipt of the fee prescribed in s. 382.0255; documentary
 1061 evidence, as specified by rule, of any misstatement, error, or
 1062 omission occurring in any birth, death, or fetal death record;
 1063 and an affidavit setting forth the changes to be made, shall
 1064 amend or replace the original certificate as necessary.

1065 (1) CERTIFICATE OF LIVE BIRTH AMENDMENT.--

1066 (d) For a child born in this state whose paternity is
 1067 established in another state, the department shall amend the
 1068 child's birth certificate to include the name of the father upon
 1069 receipt of:

1070 1. A certified copy of an acknowledgment of paternity,
 1071 final judgment, or judicial or administrative order from another
 1072 state that determines the child's paternity; or

1073 2. A noncertified copy of an acknowledgment of paternity,
 1074 final judgment, or judicial or administrative order from another
 1075 state that determines the child's paternity when provided with
 1076 an affidavit or written declaration from the Department of
 1077 Revenue that states the document was provided by or obtained
 1078 from another state's Title IV-D program.

1079
 1080 The department may not amend a child's birth certificate to
 1081 include the name of the child's father if paternity was

1082 established by adoption and the father would not be eligible to
 1083 adopt under the laws of this state.

1084 Section 19. Effective December 1, 2005, paragraph (e) is
 1085 added to subsection (1) of section 382.016, Florida Statutes, as
 1086 amended by this act, to read:

1087 382.016 Amendment of records.--The department, upon
 1088 receipt of the fee prescribed in s. 382.0255; documentary
 1089 evidence, as specified by rule, of any misstatement, error, or
 1090 omission occurring in any birth, death, or fetal death record;
 1091 and an affidavit setting forth the changes to be made, shall
 1092 amend or replace the original certificate as necessary.

1093 (1) CERTIFICATE OF LIVE BIRTH AMENDMENT.--

1094 (e) The Department of Revenue shall develop written
 1095 educational materials for use and distribution by the Department
 1096 of Children and Family Services, Department of Corrections,
 1097 Department of Education, Department of Health, and Department of
 1098 Juvenile Justice that describe how paternity is established and
 1099 the benefits of establishing paternity. The Department of
 1100 Children and Family Services, Department of Corrections,
 1101 Department of Education, Department of Health, and Department of
 1102 Juvenile Justice shall make the materials available to
 1103 individuals to whom services are provided and are encouraged to
 1104 provide additional education on how paternity is established and
 1105 the benefits of establishing paternity.

1106 Section 20. Section 382.357, Florida Statutes, is created
 1107 to read:

1108 382.357 Electronic filing of birth certificate
 1109 information.--The Department of Health, Department of Revenue,

1110 Florida Hospital Association, Florida Association of Court
1111 Clerks, and one or more local registrars shall study the
1112 feasibility of electronically filing original and new or amended
1113 birth certificates, documentation of paternity determinations,
1114 and adoptions with the department. The Department of Health
1115 shall submit a report to the Governor, Cabinet, President of the
1116 Senate, and Speaker of the House of Representatives by July 1,
1117 2006. The report shall include the estimated cost to develop and
1118 implement electronic filing, cost savings resulting from
1119 electronic filing, and potential funding sources for electronic
1120 filing.

1121 Section 21. Effective July 1, 2007, paragraph (c) is added
1122 to subsection (5) of section 395.003, Florida Statutes, to read:

1123 395.003 Licensure; issuance, renewal, denial,
1124 modification, suspension, and revocation.--

1125 (5)

1126 (c) A hospital that provides birthing services shall
1127 affirm in writing as part of the application for a new,
1128 provisional, or renewal license that the hospital shall comply
1129 with s. 382.013(2)(c), which includes assisting unmarried
1130 parents who request assistance in executing a voluntary
1131 acknowledgment of paternity. No fine or other sanction under s.
1132 395.1065 may be imposed on a hospital for noncompliance with s.
1133 382.013(2)(c).

1134 Section 22. Effective January 1, 2006, paragraph (p) of
1135 subsection (3) of section 409.2557, Florida Statutes, is amended
1136 to read:

1137 | 409.2557 State agency for administering child support
 1138 | enforcement program.--

1139 | (3) SPECIFIC RULEMAKING AUTHORITY.--The department has the
 1140 | authority to adopt rules pursuant to ss. 120.536(1) and 120.54
 1141 | to implement all laws administered by the department in its
 1142 | capacity as the Title IV-D agency for this state including, but
 1143 | not limited to, the following:

1144 | (p) Administrative proceedings to establish paternity or
 1145 | establish paternity and child support, orders to appear for
 1146 | genetic testing, and administrative proceedings to establish
 1147 | child support obligations; and

1148 | Section 23. Effective October 1, 2005, paragraph (a) of
 1149 | subsection (2) of section 409.2558, Florida Statutes, is amended
 1150 | to read:

1151 | 409.2558 Support distribution and disbursement.--

1152 | (2) UNDISTRIBUTABLE COLLECTIONS.--

1153 | (a) The department shall establish by rule the method for
 1154 | determining a collection or refund ~~to a noncustodial parent~~ to
 1155 | be undistributable to the final intended recipient. Before
 1156 | determining a collection or refund to be undistributable, the
 1157 | department shall make reasonable efforts to locate persons to
 1158 | whom collections or refunds are owed so that payment can be
 1159 | made. Location efforts may include disclosure through a
 1160 | searchable database of the names of obligees, obligors, and
 1161 | depository account numbers on the Internet in compliance with
 1162 | the requirements of s. 119.01(2)(a).

1163 | Section 24. Effective January 1, 2006, section 409.256,
 1164 | Florida Statutes, is created to read:

1165 409.256 Administrative proceeding to establish paternity
 1166 or paternity and child support; order to appear for genetic
 1167 testing.--

1168 (1) DEFINITIONS.--As used in this section, the term:

1169 (a) "Another state" or "other state" means a state of the
 1170 United States, the District of Columbia, Puerto Rico, the United
 1171 States Virgin Islands, or any territory or insular possession
 1172 subject to the jurisdiction of the United States. The term
 1173 includes:

1174 1. An Indian tribe.

1175 2. A foreign jurisdiction that has enacted a law or
 1176 established procedures for issuance and enforcement of support
 1177 orders which are substantially similar to the procedures under
 1178 this act, the Uniform Reciprocal Enforcement of Support Act, or
 1179 the Revised Uniform Reciprocal Enforcement of Support Act, as
 1180 determined by the Attorney General.

1181 (b) "Custodian" means a person, other than the mother or a
 1182 putative father, who has physical custody of a child or with
 1183 whom the child primarily resides. References in this section to
 1184 the obligation of a custodian to submit to genetic testing mean
 1185 that the custodian is obligated to submit the child for genetic
 1186 testing, not that the custodian must submit to genetic testing.

1187 (c) "Filed" means a document has been received and
 1188 accepted for filing at the offices of the Department of Revenue
 1189 by the clerk or an authorized deputy clerk designated by the
 1190 department.

1191 (d) "Genetic testing" means a scientific analysis of
 1192 genetic markers that is performed by a qualified technical

1193 laboratory only to exclude an individual as the parent of a
 1194 child or to show a probability of paternity.

1195 (e) "Paternity and child support proceeding" means an
 1196 administrative action commenced by the Department of Revenue to
 1197 order genetic testing, establish paternity, and establish an
 1198 administrative support order pursuant to this section.

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

1202 (g) "Putative father" means an individual who is or may be
 1203 the biological father of a child whose paternity has not been
 1204 established and whose mother was unmarried when the child was
 1205 conceived and born.

1206 (h) "Qualified technical laboratory" means a genetic-
 1207 testing laboratory that may be under contract with the
 1208 Department of Revenue, that uses tests and methods of a type
 1209 generally acknowledged as reliable by accreditation
 1210 organizations recognized by the United States Department of
 1211 Health and Human Services, and that is approved by such an
 1212 accreditation organization. The term includes a genetic-testing
 1213 laboratory used by another state, if the laboratory has
 1214 comparable qualifications.

1215 (i) "Rendered" means that a signed written order is filed
 1216 with the clerk or a deputy clerk of the Department of Revenue
 1217 and served on the respondent. The date of filing must be
 1218 indicated on the face of the order at the time of rendition.

1219 (j) "Respondent" means the person or persons served by the
 1220 Department of Revenue with a notice of proceeding pursuant to

1221 subsection (4). The term includes the putative father and may
 1222 include the mother or the custodian of the child.

1223 (k) "This state" or "the state" means the State of
 1224 Florida.

1225 (2) JURISDICTION; LOCATION OF HEARINGS; RIGHT OF ACCESS TO
 1226 THE COURTS.--

1227 (a) The Department of Revenue may commence a paternity
 1228 proceeding or a paternity and child support proceeding as
 1229 provided in subsection (4) if:

1230 1. The child's paternity has not been established.

1231 2. No one is named as the father on the child's birth
 1232 certificate or the person named as the father is the putative
 1233 father named in an affidavit or a written declaration as
 1234 provided in subparagraph 5.

1235 3. The child's mother was unmarried when the child was
 1236 conceived and born.

1237 4. The Department of Revenue is providing services under
 1238 Title IV-D.

1239 5. The child's mother or a putative father has stated in
 1240 an affidavit, or in a written declaration as provided in s.
 1241 92.525(2) that the putative father is or may be the child's
 1242 biological father. The affidavit or written declaration must set
 1243 forth the factual basis for the allegation of paternity as
 1244 provided in s. 742.12(2).

1245 (b) If the Department of Revenue receives a request from
 1246 another state to assist in the establishment of paternity, the
 1247 department may serve an order to appear for genetic testing on a
 1248 person who resides in this state and transmit the test results

1249 to the other state without commencing a paternity proceeding in
 1250 this state.

1251 (c) The Department of Revenue may use the procedures
 1252 authorized by this section against a nonresident over whom this
 1253 state may assert personal jurisdiction under chapter 48 or
 1254 chapter 88.

1255 (d) If a putative father, mother, or custodian in a Title
 1256 IV-D case voluntarily submits to genetic testing, the Department
 1257 of Revenue may schedule that individual or the child for genetic
 1258 testing without serving that individual with an order to appear
 1259 for genetic testing. A respondent or other person who is subject
 1260 to an order to appear for genetic testing may waive, in writing
 1261 or on the record at an administrative hearing, formal service of
 1262 notices or orders or waive any other rights or time periods
 1263 prescribed by this section.

1264 (e) Whenever practicable, hearings held by the Division of
 1265 Administrative Hearings pursuant to this section shall be held
 1266 in the judicial circuit where the person receiving services
 1267 under Title IV-D resides or, if the person receiving services
 1268 under Title IV-D does not reside in this state, in the judicial
 1269 circuit where the respondent resides. If the Department of
 1270 Revenue and the respondent agree, the hearing may be held in
 1271 another location. If ordered by the administrative law judge,
 1272 the hearing may be conducted telephonically or by
 1273 videoconference.

1274 (f) The Legislature does not intend to limit the
 1275 jurisdiction of the circuit courts to hear and determine issues
 1276 regarding establishment of paternity. This section is intended

1277 to provide the Department of Revenue with an alternative
 1278 procedure for establishing paternity and child support
 1279 obligations in Title IV-D cases. This section does not prohibit
 1280 a person who has standing from filing a civil action in circuit
 1281 court for a determination of paternity or of child support
 1282 obligations.

1283 (g) Section 409.2563(2)(e), (f), and (g) apply to a
 1284 proceeding under this section.

1285 (3) MULTIPLE PUTATIVE FATHERS; MULTIPLE CHILDREN.--If more
 1286 than one putative father has been named, the Department of
 1287 Revenue may proceed under this section against a single putative
 1288 father or may proceed simultaneously against more than one
 1289 putative father. If a putative father has been named as a
 1290 possible father of more than one child born to the same mother,
 1291 the department may proceed to establish the paternity of each
 1292 child in the same proceeding.

1293 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR
 1294 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC
 1295 TESTING; MANNER OF SERVICE; CONTENTS.--The Department of Revenue
 1296 shall commence a proceeding to determine paternity, or a
 1297 proceeding to determine both paternity and child support, by
 1298 serving the respondent with a notice as provided in this
 1299 section. An order to appear for genetic testing may be served at
 1300 the same time as a notice of the proceeding or may be served
 1301 separately. A copy of the affidavit or written declaration upon
 1302 which the proceeding is based shall be provided to the
 1303 respondent when notice is served. A notice or order to appear
 1304 for genetic testing shall be served by certified mail,

1305 restricted delivery, return receipt requested, or in accordance
1306 with the requirements for service of process in a civil action.
1307 Service by certified mail is completed when the certified mail
1308 is received or refused by the addressee or by an authorized
1309 agent as designated by the addressee in writing. If a person
1310 other than the addressee signs the return receipt, the
1311 department shall attempt to reach the addressee by telephone to
1312 confirm whether the notice was received, and the department
1313 shall document any telephonic communications. If someone other
1314 than the addressee signs the return receipt, the addressee does
1315 not respond to the notice, and the department is unable to
1316 confirm that the addressee has received the notice, service is
1317 not completed and the department shall attempt to have the
1318 addressee served personally. For purposes of this section, an
1319 employee or an authorized agent of the department may serve the
1320 notice or order to appear for genetic testing and execute an
1321 affidavit of service. The department may serve an order to
1322 appear for genetic testing on a custodian. The department shall
1323 provide a copy of the notice or order to appear by regular mail
1324 to the mother and custodian, if they are not respondents.

1325 (a) A notice of proceeding to establish paternity must
1326 state:

1327 1. That the department has commenced an administrative
1328 proceeding to establish whether the putative father is the
1329 biological father of the child named in the notice.

1330 2. The name and date of birth of the child and the name of
1331 the child's mother.

1332 3. That the putative father has been named in an affidavit
 1333 or written declaration that states the putative father is or may
 1334 be the child's biological father.

1335 4. That the respondent is required to submit to genetic
 1336 testing.

1337 5. That genetic testing will establish either a high
 1338 degree of probability that the putative father is the biological
 1339 father of the child or that the putative father cannot be the
 1340 biological father of the child.

1341 6. That if the results of the genetic test do not indicate
 1342 a statistical probability of paternity that equals or exceeds 99
 1343 percent, the paternity proceeding in connection with that child
 1344 shall cease unless a second or subsequent test is required.

1345 7. That if the results of the genetic test indicate a
 1346 statistical probability of paternity that equals or exceeds 99
 1347 percent, the department may:

1348 a. Issue a proposed order of paternity that the respondent
 1349 may consent to or contest at an administrative hearing; or

1350 b. Commence a proceeding, as provided in s. 409.2563, to
 1351 establish an administrative support order for the child. Notice
 1352 of the proceeding shall be provided to the respondent by regular
 1353 mail.

1354 8. That, if the genetic test results indicate a
 1355 statistical probability of paternity that equals or exceeds 99
 1356 percent and a proceeding to establish an administrative support
 1357 order is commenced, the department shall issue a proposed order
 1358 that addresses paternity and child support. The respondent may

1359 consent to or contest the proposed order at an administrative
1360 hearing.

1361 9. That if a proposed order of paternity or proposed order
1362 of both paternity and child support is not contested, the
1363 department shall adopt the proposed order and render a final
1364 order that establishes paternity and, if appropriate, an
1365 administrative support order for the child.

1366 10. That, until the proceeding is ended, the respondent
1367 shall notify the department in writing of any change in the
1368 respondent's mailing address and that the respondent shall be
1369 deemed to have received any subsequent order, notice, or other
1370 paper mailed to the most recent address provided or, if a more
1371 recent address is not provided, to the address at which the
1372 respondent was served, and that this requirement continues if
1373 the department renders a final order that establishes paternity
1374 and a support order for the child.

1375 11. That the respondent may file an action in circuit
1376 court for a determination of paternity, child support
1377 obligations, or both.

1378 12. That if the respondent files an action in circuit
1379 court and serves the department with a copy of the petition or
1380 complaint within 20 days after being served notice under this
1381 subsection, the administrative process ends without prejudice
1382 and the action must proceed in circuit court.

1383 13. That, if paternity is established, the putative father
1384 may file a petition in circuit court for a determination of
1385 matters relating to custody and rights of parental contact.

1386

1387 A notice under this paragraph must also notify the respondent of
1388 the provisions in s. 409.2563(4) (m) and (o).

1389 (b) A notice of proceeding to establish paternity and
1390 child support must state the requirements of paragraph (a),
1391 except for subparagraph (a)7., and must state the requirements
1392 of s. 409.2563(4), to the extent that the requirements of s.
1393 409.2563(4) are not already required by and do not conflict with
1394 this subsection. This section and s. 409.2563 apply to a
1395 proceeding commenced under this subsection.

1396 (c) The order to appear for genetic testing shall inform
1397 the person ordered to appear:

1398 1. That the department has commenced an administrative
1399 proceeding to establish whether the putative father is the
1400 biological father of the child.

1401 2. The name and date of birth of the child and the name of
1402 the child's mother.

1403 3. That the putative father has been named in an affidavit
1404 or written declaration that states the putative father is or may
1405 be the child's biological father.

1406 4. The date, time, and place that the person ordered to
1407 appear must appear to provide a sample for genetic testing.

1408 5. That if the person has custody of the child whose
1409 paternity is the subject of the proceeding, the person must
1410 submit the child for genetic testing.

1411 6. That when the samples are provided, the person ordered
1412 to appear shall verify his or her identity and the identity of
1413 the child, if applicable, by presenting a form of identification
1414 as prescribed by s. 117.05(5)(b)2. that bears the photograph of

1415 the person who is providing the sample or other form of
 1416 verification approved by the department.

1417 7. That if the person ordered to appear submits to genetic
 1418 testing, the department shall pay the cost of the genetic
 1419 testing and shall provide the person ordered to appear with a
 1420 copy of any test results obtained.

1421 8. That if the person ordered to appear does not appear as
 1422 ordered or refuses to submit to genetic testing without good
 1423 cause, the department may take one or more of the following
 1424 actions:

1425 a. Commence proceedings to suspend the driver's license
 1426 and motor vehicle registration of the person ordered to appear,
 1427 as provided in s. 61.13016;

1428 b. Impose an administrative fine against the person
 1429 ordered to appear in the amount of \$500; or

1430 c. File a petition in circuit court to establish paternity
 1431 and obtain a support order for the child and an order for costs
 1432 against the person ordered to appear, including costs for
 1433 genetic testing.

1434 9. That the person ordered to appear may contest the order
 1435 by filing a written request for informal review within 15 days
 1436 after the date of service of the order, with further rights to
 1437 an administrative hearing following the informal review.

1438 (5) RIGHT TO CONTEST ORDER TO APPEAR FOR GENETIC
 1439 TESTING.--

1440 (a) The person ordered to appear may contest an order to
 1441 appear for genetic testing by filing a written request for
 1442 informal review with the Department of Revenue within 15 days

1443 after the date of service of the order. The purpose of the
1444 informal review is to provide the person ordered to appear with
1445 an opportunity to discuss the proceedings and the basis of the
1446 order. At the conclusion of the informal review, the department
1447 shall notify the person ordered to appear, in writing, whether
1448 it intends to proceed with the order to appear. If the
1449 department notifies the person ordered to appear of its intent
1450 to proceed, the notice must inform the person ordered to appear
1451 of the right to contest the order at an administrative hearing.

1452 (b) Following an informal review, within 15 days after the
1453 mailing date of the Department of Revenue's notification that
1454 the department shall proceed with an order to appear for genetic
1455 testing, the person ordered to appear may file a request for an
1456 administrative hearing to contest whether the person should be
1457 required to submit to genetic testing. A request for an
1458 administrative hearing must state the specific reasons why the
1459 person ordered to appear believes he or she should not be
1460 required to submit to genetic testing as ordered. If the person
1461 ordered to appear files a timely request for a hearing, the
1462 department shall refer the hearing request to the Division of
1463 Administrative Hearings. Unless otherwise provided in this
1464 section, administrative hearings are governed by chapter 120 and
1465 the uniform rules of procedure. The administrative law judge
1466 assigned to the case shall issue an order as to whether the
1467 person must submit to genetic testing in accordance with the
1468 order to appear. The department or the person ordered to appear
1469 may seek immediate judicial review under s. 120.68 of an order

1470 issued by an administrative law judge pursuant to this
1471 paragraph.

1472 (c) If a timely request for an informal review or an
1473 administrative hearing is filed, the department may not proceed
1474 under the order to appear for genetic testing and may not impose
1475 sanctions for failure or refusal to submit to genetic testing
1476 until:

1477 1. The department has notified the person of its intent to
1478 proceed after informal review, and a timely request for hearing
1479 is not filed;

1480 2. The person ordered to appear withdraws the request for
1481 hearing or informal review; or

1482 3. The Division of Administrative Hearings issues an order
1483 that the person must submit to genetic testing, or issues an
1484 order closing the division's file, and that an order has become
1485 final.

1486 (d) If a request for an informal review or administrative
1487 hearing is not timely filed, the person ordered to appear is
1488 deemed to have waived the right to a hearing and the department
1489 may proceed under the order to appear for genetic testing.

1490 (6) SCHEDULING OF GENETIC TESTING.--

1491 (a) The Department of Revenue shall notify, in writing,
1492 the person ordered to appear of the date, time, and location of
1493 the appointment for genetic testing and of the requirement to
1494 verify his or her identity and the identity of the child, if
1495 applicable, when the samples are provided by presenting a form
1496 of identification as prescribed in s. 117.05(5)(b)2. that bears
1497 the photograph of the person who is providing the sample or

1498 other form of verification approved by the department. If the
1499 person ordered to appear is the putative father or the mother,
1500 that person shall appear and submit to genetic testing. If the
1501 person ordered to appear is a custodian, or if the putative
1502 father or the mother has custody of the child, that person must
1503 submit the child for genetic testing.

1504 (b) The department shall reschedule genetic testing:

1505 1. One time without cause if, in advance of the initial
1506 test date, the person ordered to appear requests the department
1507 to reschedule the test.

1508 2. One time if the person ordered to appear shows good
1509 cause for failure to appear for a scheduled test.

1510 3. One time upon request of a person ordered to appear
1511 against whom sanctions have been imposed as provided in
1512 subsection (7).

1513
1514 A claim of good cause for failure to appear shall be filed with
1515 the department within 10 days after the scheduled test date and
1516 must state the facts and circumstances supporting the claim. The
1517 department shall notify the person ordered to appear, in
1518 writing, whether it accepts or rejects the person's claim of
1519 good cause. There is not a separate right to a hearing on the
1520 department's decision to accept or reject the claim of good
1521 cause because the person ordered to appear may raise good cause
1522 as a defense to any proceeding initiated by the department under
1523 subsection (7).

1524 (c) A person ordered to appear may obtain a second genetic
1525 test by filing a written request for a second test with the

1526 department within 15 days after the date of mailing of the
1527 initial genetic testing results and by paying the department in
1528 advance for the full cost of the second test.

1529 (d) The department may schedule and require a subsequent
1530 genetic test if it has reason to believe the results of the
1531 preceding genetic test may not be reliable.

1532 (e) Except as provided in paragraph (c) and subsection
1533 (7), the department shall pay for the cost of genetic testing
1534 ordered under this section.

1535 (7) FAILURE OR REFUSAL TO SUBMIT TO GENETIC TESTING.--If a
1536 person who is served with an order to appear for genetic testing
1537 fails to appear without good cause or refuses to submit to
1538 testing without good cause, the department may take one or more
1539 of the following actions:

1540 (a) Commence a proceeding to suspend the driver's license
1541 and motor vehicle registration of the person ordered to appear,
1542 as provided in s. 61.13016;

1543 (b) Impose an administrative fine against the person
1544 ordered to appear in the amount of \$500; or

1545 (c) File a petition in circuit court to establish
1546 paternity, obtain a support order for the child, and seek
1547 reimbursement from the person ordered to appear for the full
1548 cost of genetic testing incurred by the department.

1549
1550 As provided in s. 322.058(2), a suspended driver's license and
1551 motor vehicle registration may be reinstated when the person
1552 ordered to appear complies with the order to appear for genetic
1553 testing. The department may collect an administrative fine

1554 imposed under this subsection by using civil remedies or other
 1555 statutory means available to the department for collecting
 1556 support.

1557 (8) GENETIC-TESTING RESULTS.--The department shall send a
 1558 copy of the genetic-testing results to the putative father, to
 1559 the mother, to the custodian, and to the other state, if
 1560 applicable. If the genetic-testing results, including second or
 1561 subsequent genetic-testing results, do not indicate a
 1562 statistical probability of paternity that equals or exceeds 99
 1563 percent, the paternity proceeding in connection with that child
 1564 shall cease.

1565 (9) PROPOSED ORDER OF PATERNITY; COMMENCEMENT OF
 1566 PROCEEDING TO ESTABLISH ADMINISTRATIVE SUPPORT ORDER; PROPOSED
 1567 ORDER OF PATERNITY AND CHILD SUPPORT.--

1568 (a) If a paternity proceeding has been commenced under
 1569 this section and the results of genetic testing indicate a
 1570 statistical probability of paternity that equals or exceeds 99
 1571 percent, the Department of Revenue may:

1572 1. Issue a proposed order of paternity as provided in
 1573 paragraph (b); or

1574 2. If appropriate, delay issuing a proposed order of
 1575 paternity and commence, by regular mail, an administrative
 1576 proceeding to establish a support order for the child pursuant
 1577 to s. 409.2563 and issue a single proposed order that addresses
 1578 paternity and child support.

1579 (b) A proposed order of paternity must:

1580 1. State proposed findings of fact and conclusions of law.

1581 2. Include a copy of the results of genetic testing.

1582 3. Include notice of the respondent's right to informal
1583 review and to contest the proposed order of paternity at an
1584 administrative hearing.

1585 (c) If a paternity and child support proceeding has been
1586 commenced under this section and the results of genetic testing
1587 indicate a statistical probability of paternity that equals or
1588 exceeds 99 percent, the Department of Revenue may issue a single
1589 proposed order that addresses paternity as provided in this
1590 section and child support as provided in s. 409.2563.

1591 (d) The Department of Revenue shall serve a proposed order
1592 issued under this section on the respondent by regular mail and
1593 shall provide a copy by regular mail to the mother or custodian
1594 if they are not respondents.

1595 (10) INFORMAL REVIEW; ADMINISTRATIVE HEARING; PRESUMPTION
1596 OF PATERNITY.--

1597 (a) Within 10 days after the date of mailing or other
1598 service of a proposed order, the respondent may contact a
1599 representative of the Department of Revenue at the address or
1600 telephone number provided to request an informal review of the
1601 proposed order. If an informal review is timely requested, the
1602 time for requesting a hearing is extended until 10 days after
1603 the department mails notice to the respondent that the informal
1604 review has been concluded.

1605 (b) Within 20 days after the mailing date of the proposed
1606 order or within 10 days after the mailing date of notice that an
1607 informal review has been concluded, whichever is later, the
1608 respondent may request an administrative hearing by filing a
1609 written request for a hearing with the Department of Revenue. A

1610 request for a hearing must state the specific objections to the
1611 proposed order, the specific objections to the genetic testing
1612 results, or both. A respondent who fails to file a timely
1613 request for a hearing is deemed to have waived the right to a
1614 hearing.

1615 (c) If the respondent files a timely request for a
1616 hearing, the Department of Revenue shall refer the hearing
1617 request to the Division of Administrative Hearings. Unless
1618 otherwise provided in this section or in s. 409.2563, chapter
1619 120 and the uniform rules of procedure govern the conduct of the
1620 proceedings.

1621 (d) The genetic-testing results shall be admitted into
1622 evidence and made a part of the hearing record. For purposes of
1623 this section, a statistical probability of paternity that equals
1624 or exceeds 99 percent creates a presumption, as defined in s.
1625 90.304, that the putative father is the biological father of the
1626 child. The presumption may be overcome only by clear and
1627 convincing evidence. The respondent or the Department of Revenue
1628 may call an expert witness to refute or support the testing
1629 procedure or results or the mathematical theory on which they
1630 are based. Verified documentation of the chain of custody of the
1631 samples tested is competent evidence to establish the chain of
1632 custody.

1633 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY AND
1634 CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL
1635 STATISTICS.--

1636 (a) If a hearing is held, the administrative law judge of
1637 the Division of Administrative Hearings shall issue a final

1638 order that adjudicates paternity or, if appropriate, paternity
1639 and child support. A final order of the administrative law judge
1640 constitutes final agency action by the Department of Revenue.
1641 The Division of Administrative Hearings shall transmit any such
1642 order to the department for filing and rendering.

1643 (b) If the respondent does not file a timely request for a
1644 hearing or consents in writing to entry of a final order without
1645 a hearing, the Department of Revenue may render a final order of
1646 paternity or a final order of paternity and child support, as
1647 appropriate.

1648 (c) The Department of Revenue shall mail a copy of the
1649 final order to the putative father, the mother, and the
1650 custodian, if any. The department shall notify the respondent of
1651 the right to seek judicial review of a final order in accordance
1652 with s. 120.68.

1653 (d) Upon rendering a final order of paternity or a final
1654 order of paternity and child support, the Department of Revenue
1655 shall notify the Division of Vital Statistics of the Department
1656 of Health that the paternity of the child has been established.

1657 (e) A final order rendered pursuant to this section has
1658 the same effect as a judgment entered by the court pursuant to
1659 chapter 742.

1660 (f) The provisions of s. 409.2563 that apply to a final
1661 administrative support order rendered under that section apply
1662 to a final order rendered under this section when a child
1663 support obligation is established.

1664 (12) RIGHT TO JUDICIAL REVIEW.--A respondent has the right
1665 to seek judicial review, in accordance with s. 120.68, of a

1666 final order rendered under subsection (11) and an order issued
 1667 under paragraph (5) (b). The Department of Revenue has the right
 1668 to seek judicial review, in accordance with s. 120.68, of a
 1669 final order issued by an administrative law judge under
 1670 subsection (11) and an order issued by an administrative law
 1671 judge under paragraph (5) (b).

1672 (13) DUTY TO PROVIDE AND MAINTAIN CURRENT MAILING
 1673 ADDRESS.--Until a proceeding that has been commenced under this
 1674 section has ended, a respondent who is served with a notice of
 1675 proceeding must inform the Department of Revenue in writing of
 1676 any change in the respondent's mailing address and is deemed to
 1677 have received any subsequent order, notice, or other paper
 1678 mailed to that address, or the address at which the respondent
 1679 was served, if the respondent has not provided a more recent
 1680 address.

1681 (14) PROCEEDINGS IN CIRCUIT COURT.--The results of genetic
 1682 testing performed pursuant to this section are admissible as
 1683 evidence to the same extent as scientific testing ordered by the
 1684 court pursuant to chapter 742.

1685 (15) GENDER NEUTRAL.--This section shall be construed
 1686 impartially, regardless of a person's gender, and applies with
 1687 equal force to the mother of a child whose paternity has not
 1688 been established and is not presumed by law.

1689 (16) REMEDIES SUPPLEMENTAL.--The remedies provided in this
 1690 section are supplemental and in addition to other remedies
 1691 available to the department for the establishment of paternity
 1692 and child support obligations.

1693 (17) RULEMAKING AUTHORITY.--The department may adopt rules
 1694 to implement this section.

1695 Section 25. Effective July 1, 2005, subsection (4) of
 1696 section 409.2561, Florida Statutes, is amended to read:

1697 409.2561 Support obligations when public assistance is
 1698 paid; assignment of rights; subrogation; medical and health
 1699 insurance information.--

1700 (4) No obligation of support under this section shall be
 1701 incurred by any person who is the recipient of supplemental
 1702 security income or temporary cash assistance ~~public assistance~~
 1703 ~~moneys~~ for the benefit of a dependent child or who is
 1704 incapacitated and financially unable to pay as determined by the
 1705 department.

1706 Section 26. Effective January 1, 2006, paragraphs (b) and
 1707 (c) of subsection (2) of section 409.2563, Florida Statutes, are
 1708 amended to read:

1709 409.2563 Administrative establishment of child support
 1710 obligations.--

1711 (2) PURPOSE AND SCOPE.--

1712 (b) The administrative procedure set forth in this section
 1713 concerns only the establishment of child support obligations.
 1714 This section does not grant jurisdiction to the department or
 1715 the Division of Administrative Hearings to hear or determine
 1716 issues of dissolution of marriage, separation, alimony or
 1717 spousal support, termination of parental rights, dependency,
 1718 disputed paternity, except for a determination of paternity as
 1719 provided in s. 409.256, award of or change of custody, or
 1720 visitation. This paragraph notwithstanding, the department and

1721 | the Division of Administrative Hearings may make findings of
 1722 | fact that are necessary for a proper determination of a
 1723 | noncustodial parent's support obligation as authorized by this
 1724 | section.

1725 | (c) If there is no support order for a child in a Title
 1726 | IV-D case whose paternity has been established or is presumed by
 1727 | law, or whose paternity is the subject of a proceeding under s.
 1728 | 409.256, the department may establish the noncustodial parent's
 1729 | child support obligation pursuant to this section, s. 61.30, and
 1730 | other relevant provisions of state law. The noncustodial
 1731 | parent's obligation determined by the department may include any
 1732 | obligation to pay retroactive support and any obligation to
 1733 | provide for health care for a child, whether through insurance
 1734 | coverage, reimbursement of expenses, or both. The department may
 1735 | proceed on behalf of:

- 1736 | 1. An applicant or recipient of public assistance, as
- 1737 | provided by ss. 409.2561 and 409.2567;
- 1738 | 2. A former recipient of public assistance, as provided by
- 1739 | s. 409.2569;
- 1740 | 3. An individual who has applied for services as provided
- 1741 | by s. 409.2567;
- 1742 | 4. Itself or the child, as provided by s. 409.2561; or
- 1743 | 5. A state or local government of another state, as
- 1744 | provided by chapter 88.

1745 | Section 27. Effective October 1, 2006, section 409.25635,
 1746 | Florida Statutes, is created to read:

1747 | 409.25635 Determination and collection of noncovered
 1748 | medical expenses.--

1749 (1) DEFINITION.--As used in this section, "noncovered
 1750 medical expenses" means uninsured medical, dental, or
 1751 prescription medication expenses that are ordered to be paid on
 1752 behalf of a child as provided in s. 61.13(1)(b) or a similar law
 1753 of another state.

1754 (2) PROCEEDING TO DETERMINE AMOUNT OWED FOR NONCOVERED
 1755 MEDICAL EXPENSES.--In a Title IV-D case, the Department of
 1756 Revenue may proceed under this section to determine the amount
 1757 owed by an obligor for noncovered medical expenses if:

1758 (a) The obligor is subject to a support order that
 1759 requires the obligor to pay all or part of a child's noncovered
 1760 medical expenses.

1761 (b) The obligee provides the department with a written
 1762 declaration under penalty of perjury that states:

1763 1. Noncovered medical expenses have been incurred on
 1764 behalf of the dependent child whom the obligor has been ordered
 1765 to support.

1766 2. The obligee has paid for noncovered medical expenses
 1767 that have been incurred on behalf of the child.

1768 3. The obligor has not paid all or part of the child's
 1769 noncovered medical expenses as ordered.

1770 4. The amount paid by the obligee for noncovered medical
 1771 expenses and the amount the obligor allegedly owes to the
 1772 obligee.

1773 (c) The obligee provides documentation in support of the
 1774 written declaration.

1775 (3) NOTICE OF PROCEEDING.--

1776 (a) To proceed under this section, the Department of
1777 Revenue shall serve a notice on the obligor that states:
1778 1. That the department has commenced a proceeding to
1779 determine the amount the obligor owes for noncovered medical
1780 expenses.
1781 2. The name of the court or other tribunal that issued the
1782 support order that requires the obligor to pay noncovered
1783 medical expenses and the date of the order.
1784 3. That the proceeding is based on the requirements of the
1785 support order, the obligee's written sworn statement, and the
1786 supporting documentation provided to the department by the
1787 obligee.
1788 4. The amount of noncovered medical expenses that the
1789 obligee alleges the obligor owes.
1790 5. If the support order was entered by a court of this
1791 state or a tribunal of another state, that the obligor may file
1792 a motion in the circuit court to contest the amount of
1793 noncovered medical expenses owed within 25 days after the date
1794 of mailing of the notice or, if the support order was entered by
1795 the department, that the obligor may file with the department a
1796 petition to contest within 25 days after the date of mailing of
1797 the notice.
1798 6. If the support order was entered by a court of this
1799 state or a tribunal of another state, that the court shall
1800 determine the amount owed by the obligor and enter judgment as
1801 appropriate if the obligor timely files a motion in the circuit
1802 court to contest the amount of noncovered medical expenses owed
1803 or, if the support order was entered by the department, the

1804 department shall determine the amount owed by the obligor and
 1805 render a final order as appropriate if the obligor timely files
 1806 with the department a petition to contest the amount of
 1807 noncovered medical expenses owed.

1808 7. If the obligor does not timely file a motion or
 1809 petition to contest the amount alleged to be owed, that the
 1810 obligor shall owe the amount alleged in the notice.

1811 8. If an amount owed is determined after a hearing or
 1812 becomes final because the obligor does not file a timely motion
 1813 or petition to contest, the department shall begin collection
 1814 action.

1815 (b) The notice shall be served on the obligor by regular
 1816 mail that is sent to the obligor's address of record according
 1817 to the clerk of the court or according to the Department of
 1818 Revenue if the support order was entered by the department or to
 1819 a more recent address if known. A copy of the obligee's written
 1820 declaration and supporting documentation must be served on the
 1821 obligor with the notice. The department shall provide the
 1822 obligee with a copy of the notice and with any subsequent notice
 1823 of hearing.

1824 (4) RIGHT TO HEARING; DETERMINATION AFTER HEARING; WAIVER
 1825 OF HEARING.--

1826 (a) Within 25 days after the date the notice required by
 1827 subsection (3) is mailed, if the support order was entered by a
 1828 court of this state or a tribunal of another state, the obligor
 1829 may file a motion in the circuit court to contest the amount of
 1830 noncovered medical expenses owed. If a timely motion is filed,
 1831 the court shall determine after a hearing whether the obligor

1832 owes the obligee the amount alleged for noncovered medical
1833 expenses and enter a judgment, as appropriate.

1834 (b) Within 25 days after the date the notice required by
1835 subsection (3) is mailed, if the support order was entered by
1836 the Department of Revenue, the obligor may file with the
1837 department a petition to contest the amount of noncovered
1838 medical expenses owed. If a timely petition is filed, the
1839 department shall determine after a hearing pursuant to chapter
1840 120 whether the obligor owes the obligee for the amount alleged
1841 for noncovered medical expenses and render a final order, as
1842 appropriate.

1843 (c) If the obligor does not timely file a motion or
1844 petition to contest, the amount owed as alleged in the notice
1845 becomes final and is legally enforceable.

1846 (5) EFFECT OF DETERMINATION BY THE DEPARTMENT OF REVENUE
1847 AND UNCONTESTED PROCEEDINGS.--The amount owed for noncovered
1848 medical expenses that is determined by the Department of Revenue
1849 as provided in paragraph (4) (b) or that becomes final as
1850 provided in paragraph (4) (c) has the same effect as a judgment
1851 entered by a court.

1852 (6) FILING WITH THE DEPOSITORY; RECORDING; MAINTENANCE OF
1853 ACCOUNTS.--When an amount owed for noncovered medical expenses
1854 is determined, the department shall file a certified copy of the
1855 final order or uncontested notice with the depository. Upon
1856 receipt of a final order or uncontested notice, the depository
1857 shall record the final order or uncontested notice in the same
1858 manner as a final judgment. The depository shall maintain

1859 necessary accounts to reflect obligations and payments for
1860 noncovered medical expenses.

1861 (7) COLLECTION ACTION; ADMINISTRATIVE REMEDIES.--Any
1862 administrative remedy available for collection of support may be
1863 used to collect noncovered medical expenses that are determined
1864 or established under this section.

1865 (8) SUPPLEMENTAL REMEDY.--This section provides a
1866 supplemental remedy for determining and enforcing noncovered
1867 medical expenses. As an alternative, the department or any other
1868 party may petition the circuit court for enforcement of
1869 noncovered medical expenses.

1870 (9) RULEMAKING AUTHORITY.--The department may adopt rules
1871 to implement this section.

1872 Section 28. Subsections (8) through (14) of section
1873 409.2564, Florida Statutes, are renumbered as subsections (7)
1874 through (13), respectively, and present subsection (7) is
1875 amended to read:

1876 409.2564 Actions for support.--

1877 ~~(7) In a judicial circuit with a work experience and job~~
1878 ~~training pilot project, if the obligor is a noncustodial parent~~
1879 ~~of a child receiving public assistance as defined in this~~
1880 ~~chapter, is unemployed or underemployed or has no income, then~~
1881 ~~the court shall order the obligor to seek employment, if the~~
1882 ~~obligor is able to engage in employment, and to immediately~~
1883 ~~notify the court upon obtaining employment, upon obtaining any~~
1884 ~~income, or upon obtaining any ownership of any asset with a~~
1885 ~~value of \$500 or more. If the obligor is still unemployed 30~~
1886 ~~days after any order for support, the court shall order the~~

1887 ~~obligor to enroll in a work experience, job placement, and job~~
 1888 ~~training program.~~

1889 Section 29. Effective January 1, 2006, subsection (4) of
 1890 section 409.2564, Florida Statutes, is amended to read:

1891 409.2564 Actions for support.--

1892 (4) Whenever the Department of Revenue has undertaken an
 1893 action for enforcement of support, the Department of Revenue may
 1894 enter into an agreement with the obligor for the entry of a
 1895 judgment determining paternity, if applicable, and for periodic
 1896 child support payments based on the child support guidelines in
 1897 s. 61.30 ~~obligor's reasonable ability to pay~~. Prior to entering

1898 into this agreement, the obligor shall be informed that a
 1899 judgment will be entered based on the agreement. The clerk of
 1900 the court shall file the agreement without the payment of any
 1901 fees or charges, and the court, upon entry of the judgment,
 1902 shall forward a copy of the judgment to the parties to the
 1903 action. To encourage out-of-court settlement and promote support
 1904 order compliance, if the obligor and the Department of Revenue
 1905 agree on entry of a support order and its terms, the guideline
 1906 amount owed for retroactive support that is permanently assigned
 1907 to the state shall be reduced by 25 percent. ~~In making a~~

1908 ~~determination of the obligor's reasonable ability to pay and~~
 1909 ~~until guidelines are established for determining child support~~
 1910 ~~award amounts, the following criteria shall be considered:~~

- 1911 ~~(a) All earnings, income, and resources of the obligor.~~
- 1912 ~~(b) The ability of the obligor to earn.~~
- 1913 ~~(c) The reasonable necessities of the obligor.~~

1914 ~~(d) The needs of the dependent child for whom support is~~
 1915 ~~sought.~~

1916 Section 30. Effective October 1, 2005, section 409.25645,
 1917 Florida Statutes, is amended to read:

1918 409.25645 Administrative orders for genetic testing.--

1919 (1) The Department of Revenue is authorized to use
 1920 administrative orders to require genetic testing in Title IV-D
 1921 cases. In such cases the department or an authorized agent may
 1922 issue an administrative order to a putative father who has not
 1923 voluntarily submitted to genetic testing, directing him to
 1924 appear for a genetic test to determine the paternity of a child,
 1925 provided that the department shall have no authority to issue
 1926 such an order in the absence of an affidavit or written
 1927 declaration as provided in s. 92.525(2) of the child's mother
 1928 stating that the putative father is or may be a parent of the
 1929 child. The administrative order shall state:

1930 (a)~~(1)~~ The type of genetic test that will be used.

1931 (b)~~(2)~~ The date, time, and place to appear for the genetic
 1932 test, except as provided in subsection (3).

1933 (c)~~(3)~~ That upon failure to appear for the genetic test,
 1934 or refusal to be tested, the department shall file a petition in
 1935 circuit court to establish paternity and child support.

1936 (2) A copy of the affidavit or written declaration which
 1937 is the basis for the issuance of the administrative order shall
 1938 be attached to the order. The administrative order is exempt
 1939 from the hearing provisions in chapter 120, because the person
 1940 to whom it is directed shall have an opportunity to object in
 1941 circuit court in the event the Department of Revenue pursues the

1942 matter by filing a petition in circuit court. The department may
 1943 serve the administrative order to appear for a genetic test by
 1944 regular mail. In any case in which more than one putative father
 1945 has been identified, the department may proceed under this
 1946 section with respect to all putative fathers. If the department
 1947 receives a request from another state Title IV-D agency to
 1948 assist in the establishment of paternity, the department may
 1949 cause an administrative order to appear for a genetic test to be
 1950 served on a putative father who resides in Florida.

1951 (3) If the putative father is incarcerated, the
 1952 correctional facility shall assist the putative father in
 1953 complying with the administrative order, whether issued under
 1954 this section or s. 409.256.

1955 (4) An administrative order for genetic testing has the
 1956 same force and effect as a court order.

1957 Section 31. Effective upon this act becoming a law,
 1958 section 409.2567, Florida Statutes, is amended to read:

1959 409.2567 Services to individuals not otherwise
 1960 eligible.--All support services provided by the department shall
 1961 be made available on behalf of all dependent children. Services
 1962 shall be provided upon acceptance of public assistance or upon
 1963 proper application filed with the department. The department
 1964 shall adopt rules to provide for the payment of a \$25
 1965 application fee from each applicant who is not a public
 1966 assistance recipient. The application fee shall be deposited in
 1967 the Child Support Enforcement Application and Program Revenue
 1968 Trust Fund within the Department of Revenue to be used for the
 1969 Child Support Enforcement Program. The obligor is responsible

1970 | for all administrative costs, as defined in s. 409.2554. The
 1971 | court shall order payment of administrative costs without
 1972 | requiring the department to have a member of the bar testify or
 1973 | submit an affidavit as to the reasonableness of the costs. An
 1974 | attorney-client relationship exists only between the department
 1975 | and the legal services providers in Title IV-D cases. The
 1976 | attorney shall advise the obligee in Title IV-D cases that the
 1977 | attorney represents the agency and not the obligee. In Title IV-
 1978 | D cases, any costs, including filing fees, recording fees,
 1979 | mediation costs, service of process fees, and other expenses
 1980 | incurred by the clerk of the circuit court, shall be assessed
 1981 | only against the nonprevailing obligor after the court makes a
 1982 | determination of the nonprevailing obligor's ability to pay such
 1983 | costs and fees. In any case where the court does not award all
 1984 | costs, the court shall state in the record its reasons for not
 1985 | awarding the costs. The Department of Revenue shall not be
 1986 | considered a party for purposes of this section; however, fees
 1987 | may be assessed against the department pursuant to s. 57.105(1).
 1988 | The department shall submit a monthly report to the Governor and
 1989 | the chairs of the Health and Human Services Fiscal Committee of
 1990 | the House of Representatives and the Ways and Means Committee of
 1991 | the Senate specifying the funds identified for collection from
 1992 | the noncustodial parents of children receiving temporary
 1993 | assistance and the amounts actually collected. The Department of
 1994 | Revenue shall seek a waiver from the Secretary of the United
 1995 | States Department of Health and Human Services to authorize the
 1996 | Department of Revenue to provide services in accordance with
 1997 | Title IV-D of the Social Security Act to individuals who are

1998 owed support without need of an application. If the waiver is
 1999 granted, the department shall adopt rules to implement the
 2000 waiver and begin providing Title IV-D services if support
 2001 payments are not being paid as ordered, except that the
 2002 individual first must be given written notice of the right to
 2003 refuse Title IV-D services and a reasonable opportunity to
 2004 refuse. The department may not provide services if services are
 2005 refused.

2006 Section 32. Effective October 1, 2005, section 409.2567,
 2007 Florida Statutes, as amended by this act, is amended to read:

2008 409.2567 Services to individuals not otherwise
 2009 eligible.--All support services provided by the department shall
 2010 be made available on behalf of all dependent children. Services
 2011 shall be provided upon acceptance of public assistance or upon
 2012 proper application filed with the department. The federally
 2013 required application fee for individuals who do not receive
 2014 public assistance is \$1, which shall be waived for all
 2015 applicants and paid by the department ~~The department shall adopt~~
 2016 ~~rules to provide for the payment of a \$25 application fee from~~
 2017 ~~each applicant who is not a public assistance recipient. The~~
 2018 ~~application fee shall be deposited in the Child Support~~
 2019 ~~Enforcement Application and Program Revenue Trust Fund within~~
 2020 ~~the Department of Revenue to be used for the Child Support~~
 2021 ~~Enforcement Program.~~ The obligor is responsible for all
 2022 administrative costs, as defined in s. 409.2554. The court shall
 2023 order payment of administrative costs without requiring the
 2024 department to have a member of the bar testify or submit an
 2025 affidavit as to the reasonableness of the costs. An attorney-

2026 client relationship exists only between the department and the
2027 legal services providers in Title IV-D cases. The attorney shall
2028 advise the obligee in Title IV-D cases that the attorney
2029 represents the agency and not the obligee. In Title IV-D cases,
2030 any costs, including filing fees, recording fees, mediation
2031 costs, service of process fees, and other expenses incurred by
2032 the clerk of the circuit court, shall be assessed only against
2033 the nonprevailing obligor after the court makes a determination
2034 of the nonprevailing obligor's ability to pay such costs and
2035 fees. In any case where the court does not award all costs, the
2036 court shall state in the record its reasons for not awarding the
2037 costs. The Department of Revenue shall not be considered a party
2038 for purposes of this section; however, fees may be assessed
2039 against the department pursuant to s. 57.105(1). The department
2040 shall submit a monthly report to the Governor and the chairs of
2041 the Health and Human Services Fiscal Committee of the House of
2042 Representatives and the Ways and Means Committee of the Senate
2043 specifying the funds identified for collection from the
2044 noncustodial parents of children receiving temporary assistance
2045 and the amounts actually collected. The Department of Revenue
2046 shall seek a waiver from the Secretary of the United States
2047 Department of Health and Human Services to authorize the
2048 Department of Revenue to provide services in accordance with
2049 Title IV-D of the Social Security Act to individuals who are
2050 owed support without need of an application. If the waiver is
2051 granted, the Department of Revenue shall adopt rules to
2052 implement the waiver and begin providing Title IV-D services if
2053 support payments are not being paid as ordered, except that the

2054 individual first must be given written notice of the right to
 2055 refuse Title IV-D services and a reasonable opportunity to
 2056 respond.

2057 Section 33. Effective July 1, 2006, section 409.2598,
 2058 Florida Statutes, is amended to read:

2059 409.2598 License suspension proceeding to enforce support
 2060 order ~~Suspension or denial of new or renewal licenses,~~
 2061 ~~registrations, certifications.--~~

2062 (1) DEFINITIONS.--As used in this section, the term:

2063 (a) "License" means a license, permit, certificate,
 2064 registration, franchise, or other form of written permission
 2065 issued by a licensing agency to an individual which authorizes
 2066 the individual to engage in an occupation, business, trade, or
 2067 profession or to engage in a recreational activity, including
 2068 hunting or fishing. Where the context permits, the term also
 2069 includes an application for a new or renewal license.

2070 (b) "Licensee" means an individual who has a license.

2071 (c) "Licensing agency" means a department, commission,
 2072 agency, district, county, municipality, or other subdivision of
 2073 state or local government which issues licenses.

2074 (2) NOTICE OF NONCOMPLIANCE AND INTENT TO SUSPEND
 2075 LICENSE.--If a support order has not been complied with for at
 2076 least 30 days, the Department of Revenue may commence a license
 2077 suspension proceeding to enforce compliance with the support
 2078 order by providing written notice to the obligor that states:

2079 (a) That the obligor is not in compliance with the support
 2080 order and whether the noncompliance is due to the obligor's

2081 nonpayment of current support, delinquencies or arrears, or the
 2082 failure to provide health care coverage or medical support.

2083 (b) The kind of license that is subject to suspension.

2084 (c) That the obligor may avoid license suspension by
 2085 complying with the support order or entering into a written
 2086 agreement with the department within 30 days after the mailing
 2087 of the notice.

2088 (d) If the obligor timely complies with the support order
 2089 or a written agreement entered into with the department, the
 2090 proceeding ends and the obligor's license is not suspended.

2091 (e) That the obligor may contest license suspension by
 2092 filing a petition in circuit court within 30 days after the
 2093 mailing of the notice of noncompliance.

2094 (f) If the obligor timely files a petition in circuit
 2095 court, that the license suspension proceeding is stayed pending
 2096 a ruling by the court.

2097
 2098 The notice shall be served on the obligor by regular mail sent
 2099 to the obligor's last address of record with the local
 2100 depository or a more recent address if known, which may include
 2101 the obligor's mailing address as reflected by the records of the
 2102 licensing agency.

2103 (3) HEARING; STAY OF PROCEEDING.--The obligor may contest
 2104 license suspension by filing a petition in circuit court within
 2105 30 days after the mailing of the notice of noncompliance and
 2106 -serving a copy of the petition on the Department of Revenue. If
 2107 the obligor timely files a petition in circuit court, the
 2108 license suspension proceeding is stayed pending a ruling by the

2109 court. The obligor may contest on the basis of a mistake of fact
 2110 concerning the obligor's compliance with the support order, the
 2111 reasonableness of a payment agreement offered by the department,
 2112 or the identity of the obligor. A timely petition to contest
 2113 must be heard by the court within 15 days after the petition is
 2114 filed. The court must enter an order ruling on the matter within
 2115 10 days after the hearing and a copy of the order must be served
 2116 on the parties.

2117 (4) COMPLIANCE; REINSTATEMENT.--

2118 (a) If the obligor complies with the support order or a
 2119 written agreement entered into with the department after a
 2120 proceeding is commenced but before the obligor's license is
 2121 suspended, the proceeding shall cease and the obligor's license
 2122 may not be suspended. If the obligor subsequently does not
 2123 comply with the support order, the department may commence a new
 2124 proceeding or proceed as provided in paragraph (c) if the
 2125 obligor enters into a written agreement and does not comply with
 2126 the agreement.

2127 (b) If the obligor complies with the support order or a
 2128 written agreement entered into with the department after the
 2129 obligor's license is suspended, the department shall provide the
 2130 obligor with a reinstatement notice and the licensing agency
 2131 shall reinstate the obligor's license at no additional charge to
 2132 the obligor.

2133 (c) If the obligor enters into a written agreement with
 2134 the department and does not comply with the agreement, the
 2135 department shall notify the licensing agency to suspend the
 2136 obligor's license unless the obligor notifies the department

2137 that the obligor can no longer comply with the written
2138 agreement. If the obligor notifies the department of the
2139 inability to comply with the written agreement, the obligor
2140 shall provide full disclosure to the department of the obligor's
2141 income, assets, and employment. If after full disclosure the
2142 written agreement cannot be renegotiated, the department or the
2143 obligor may file a petition in circuit court to determine the
2144 matter.

2145 (d) A licensing agency shall promptly reinstate the
2146 obligor's license upon receipt of a court order for
2147 reinstatement.

2148 (e) Notwithstanding any other statutory provision, a
2149 notice from the court or the department shall reinstate to the
2150 obligor all licenses established in chapters 370 and 372 that
2151 were valid at the time of suspension.

2152 (5) NOTICE TO LICENSING AGENCY; SUSPENSION.--

2153 (a) The Department of Revenue shall notify the licensing
2154 agency to suspend the obligor's license when:

2155 1. Thirty or more days have elapsed after a proceeding has
2156 been commenced and the obligor has not complied with the support
2157 order or a written agreement entered into with the department or
2158 filed a timely petition to contest license suspension in circuit
2159 court;

2160 2. The obligor enters into a written agreement with the
2161 department and does not comply with the agreement, unless the
2162 obligor notifies the department that the obligor can no longer
2163 comply with the agreement; or

2164 3. The department is ordered to do so by the circuit
 2165 court.

2166 (b) Upon notice by the department or the circuit court,
 2167 the licensing agency shall suspend the obligor's license and may
 2168 only reinstate the license upon further notice by the department
 2169 or the court.

2170 (6) ENFORCEMENT OF SUBPOENAS.--A license may be suspended
 2171 under this section to enforce compliance with a subpoena, order
 2172 to appear, order to show cause, or similar order in a child
 2173 support or paternity proceeding by using the same procedures as
 2174 those used for enforcing compliance with a support order.

2175 (7) MULTIPLE LICENSES.--The Department of Revenue may
 2176 combine a proceeding under this section with a proceeding to
 2177 suspend a driver's license under s. 61.13016. A proceeding to
 2178 suspend a license under this section may apply to one or more of
 2179 the obligor's licenses.

2180 (8) RULEMAKING AUTHORITY.--The Department of Revenue may
 2181 adopt rules to implement and enforce the requirements of this
 2182 section.

2183 ~~(2) The Title IV D agency may petition the court that~~
 2184 ~~entered the support order or the court that is enforcing the~~
 2185 ~~support order to deny or suspend the license of any obligor with~~
 2186 ~~a delinquent support obligation or who fails, after receiving~~
 2187 ~~appropriate notice, to comply with subpoenas, orders to appear,~~
 2188 ~~orders to show cause, or similar orders relating to paternity or~~
 2189 ~~support proceedings. However, a petition may not be filed until~~
 2190 ~~the Title IV D agency has exhausted all other available~~

2191 ~~remedies. The purpose of this section is to promote the public~~
 2192 ~~policy of the state as established in s. 409.2551.~~

2193 ~~(3) The Title IV-D agency shall give notice to any obligor~~
 2194 ~~who is an applicant for a new or renewal license or the holder~~
 2195 ~~of a current license when a delinquency exists in the support~~
 2196 ~~obligation or when an obligor has failed to comply with a~~
 2197 ~~subpoena, order to appear, order to show cause, or similar order~~
 2198 ~~relating to paternity or support proceeding. The notice shall~~
 2199 ~~specify that the obligor has 30 days from the date of mailing of~~
 2200 ~~the notice to pay the delinquency or to reach an agreement to~~
 2201 ~~pay the delinquency with the Title IV-D agency or comply with~~
 2202 ~~the subpoena, order to appear, order to show cause, or similar~~
 2203 ~~order. The notice shall specify that, if payment is not made or~~
 2204 ~~an agreement cannot be reached, or if the subpoena, order to~~
 2205 ~~appear, order to show cause, or similar order is not complied~~
 2206 ~~with, the application may be denied or the license may be~~
 2207 ~~suspended pursuant to a court order.~~

2208 ~~(4) If the obligor fails to pay the delinquency or enter~~
 2209 ~~into a repayment agreement with the department or comply with~~
 2210 ~~the subpoena, order to appear, order to show cause, or similar~~
 2211 ~~order within 30 days following completion of service of the~~
 2212 ~~notice, the Title IV-D agency shall send a second notice to the~~
 2213 ~~obligor stating that the obligor has 30 days to pay the~~
 2214 ~~delinquency or reach an agreement to pay the delinquency with~~
 2215 ~~the Title IV-D agency or comply with the subpoena, order to~~
 2216 ~~appear, order to show cause, or similar order. If the obligor~~
 2217 ~~fails to respond to either notice from the Title IV-D agency or~~
 2218 ~~if the obligor fails to pay the delinquency or reach an~~

2219 ~~agreement to pay the delinquency or comply with the subpoena,~~
 2220 ~~order to appear, order to show cause, or similar order after the~~
 2221 ~~second notice, the Title IV-D agency may petition the court~~
 2222 ~~which entered the support order or the court which is enforcing~~
 2223 ~~the support order to deny the application for the license or to~~
 2224 ~~suspend the license of the obligor. However, no petition may be~~
 2225 ~~filed until the Title IV-D agency has exhausted all other~~
 2226 ~~available remedies. The court may find that it would be~~
 2227 ~~inappropriate to deny a license or suspend a license if:~~

2228 ~~(a) Denial or suspension would result in irreparable harm~~
 2229 ~~to the obligor or employees of the obligor or would not~~
 2230 ~~accomplish the objective of collecting the delinquency; or~~

2231 ~~(b) The obligor demonstrates that he or she has made a~~
 2232 ~~good faith effort to reach an agreement with the Title IV-D~~
 2233 ~~agency.~~

2234
 2235 ~~The court may not deny or suspend a license if the court~~
 2236 ~~determines that an alternative remedy is available to the Title~~
 2237 ~~IV-D agency which is likely to accomplish the objective of~~
 2238 ~~collecting the delinquency or obtaining compliance with the~~
 2239 ~~subpoena, order to appear, order to show cause, or similar~~
 2240 ~~order. If the obligor fails in the defense of a petition for~~
 2241 ~~denial or suspension, the court which entered the support order~~
 2242 ~~or the court which is enforcing the support order shall enter an~~
 2243 ~~order to deny the application for the license or to suspend the~~
 2244 ~~license of the obligor. The court shall order the obligor to~~
 2245 ~~surrender the license to the Title IV-D agency, which will~~

2246 ~~return the license and a copy of the order of suspension to the~~
 2247 ~~appropriate licensing agency.~~

2248 ~~(5) If the court denies or suspends a license and the~~
 2249 ~~obligor subsequently pays the delinquency or reaches an~~
 2250 ~~agreement with the Title IV D agency to settle the delinquency~~
 2251 ~~and makes the first payment required by the agreement, or~~
 2252 ~~complies with the subpoena, order to appear, order to show~~
 2253 ~~cause, or similar order, the license shall be issued or~~
 2254 ~~reinstated upon written proof to the court that the obligor has~~
 2255 ~~complied with the terms of the court order, subpoena, order to~~
 2256 ~~appear, order to show cause, or similar order. Proof of payment~~
 2257 ~~shall consist of a certified copy of the payment record issued~~
 2258 ~~by the depository. The court shall order the appropriate~~
 2259 ~~licensing agency to issue or reinstate the license without~~
 2260 ~~additional charge to the obligor.~~

2261 ~~(6) The licensing agency shall, when directed by the~~
 2262 ~~court, suspend or deny the license of any licensee under its~~
 2263 ~~jurisdiction found to have a delinquent support obligation or~~
 2264 ~~not to be in compliance with a subpoena, order to appear, order~~
 2265 ~~to show cause, or similar order. The licensing agency shall~~
 2266 ~~issue or reinstate the license without additional charge to the~~
 2267 ~~licensee when notified by the court that the licensee has~~
 2268 ~~complied with the terms of the court order, or subpoena, order~~
 2269 ~~to appear, order to show cause, or similar order.~~

2270 ~~(7) Notice shall be served under this section by regular~~
 2271 ~~mail to the obligor at his or her last address of record with~~
 2272 ~~the local depository or a more recent address if known.~~

2273 Section 34. Effective upon this act becoming a law,
 2274 section 409.259, Florida Statutes, is amended to read:

2275 409.259 Filing fees in Title IV-D cases; electronic filing
 2276 of pleadings, returns of service, and other papers.--

2277 (1) Notwithstanding s. 28.241, each clerk of the circuit
 2278 court shall accept petitions, complaints, and motions filed by
 2279 the department in Title IV-D cases without billing the
 2280 department separately for each filing, as long as the clerk is
 2281 being reimbursed in a different manner for expenses incurred in
 2282 such filings under the cooperative agreement with the department
 2283 pursuant to ss. 61.181(1) and 61.1826(2) and (4).

2284 (2) Notwithstanding subsection (1), the department shall
 2285 continue to be entitled to the other necessary services of the
 2286 clerk of court in any proceedings under the IV-D program as
 2287 authorized under s. 409.2571.

2288 (3) The clerks of the circuit court, chief judges through
 2289 the Office of the State Courts Administrator, sheriffs, Office
 2290 of the Attorney General, and Department of Revenue shall work
 2291 cooperatively to implement electronic filing of pleadings,
 2292 returns of service, and other papers with the clerks of the
 2293 circuit court in Title IV-D cases by October 1, 2009.

2294 Section 35. Effective October 1, 2005, section 409.821,
 2295 Florida Statutes, is amended to read:

2296 409.821 Florida KidCare program public records
 2297 exemption.--Notwithstanding any other law to the contrary, any
 2298 information identifying a Florida KidCare program applicant or
 2299 enrollee, as defined in s. 409.811, held by the Agency for
 2300 Health Care Administration, the Department of Children and

2301 Family Services, the Department of Health, or the Florida
 2302 Healthy Kids Corporation is confidential and exempt from s.
 2303 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
 2304 information may be disclosed to another governmental entity only
 2305 if disclosure is necessary for the entity to perform its duties
 2306 and responsibilities under the Florida KidCare program and shall
 2307 be disclosed to the Department of Revenue for purposes of
 2308 administering the state Title IV-D program. The receiving
 2309 governmental entity must maintain the confidential and exempt
 2310 status of such information. Furthermore, such information may
 2311 not be released to any person without the written consent of the
 2312 program applicant. This exemption applies to any information
 2313 identifying a Florida KidCare program applicant or enrollee held
 2314 by the Agency for Health Care Administration, the Department of
 2315 Children and Family Services, the Department of Health, or the
 2316 Florida Healthy Kids Corporation before, on, or after the
 2317 effective date of this exemption. A violation of this section is
 2318 a misdemeanor of the second degree, punishable as provided in s.
 2319 775.082 or s. 775.083.

2320 Section 36. Effective October 1, 2005, paragraph (a) of
 2321 subsection (5) of section 414.065, Florida Statutes, is amended
 2322 to read:

2323 414.065 Noncompliance with work requirements.--

2324 (5) WORK ACTIVITY REQUIREMENTS FOR NONCUSTODIAL PARENTS.--

2325 (a) The court may order a noncustodial parent who is
 2326 delinquent in support payments, pursuant to the terms of a
 2327 support order as defined in s. 61.046, to participate in work
 2328 activities under this chapter, or as provided in s. 61.14(5)(b),

2329 | so that the parent may obtain employment and fulfill the
 2330 | obligation to provide support payments. A noncustodial parent
 2331 | who fails to satisfactorily engage in court-ordered work
 2332 | activities may be held in contempt.

2333 | Section 37. Effective July 1, 2006, subsections (1) and
 2334 | (3) of section 443.051, Florida Statutes, are amended to read:

2335 | 443.051 Benefits not alienable; exception, child support
 2336 | intercept.--

2337 | (1) DEFINITIONS.--As used in this section:

2338 | (a) "Unemployment compensation" means any compensation
 2339 | payable under state law, including amounts payable pursuant to
 2340 | an agreement under any federal law providing for compensation,
 2341 | assistance, or allowances for unemployment.

2342 | (b) "Support obligations" includes only those obligations
 2343 | that are being enforced under a plan described in s. 454 of the
 2344 | Social Security Act which has been approved by the Secretary of
 2345 | Health and Human Services under Part D of Title IV of the Social
 2346 | Security Act. Support obligations include any legally required
 2347 | payments to reduce delinquencies, arrearages, or retroactive
 2348 | support.

2349 | (c) "Support order" means a judgment, decree, or order,
 2350 | whether temporary or final, issued by a court of competent
 2351 | jurisdiction or administrative agency for the support and
 2352 | maintenance of a child that provides for monetary support,
 2353 | health care, arrearages, or past support. When the child support
 2354 | obligation is being enforced by the Department of Revenue, the
 2355 | term "support order" also means a judgment, decree, or order,
 2356 | whether temporary or final, issued by a court of competent

2357 jurisdiction for the support and maintenance of a child and the
2358 spouse or former spouse of the obligor with whom the child is
2359 living that provides for monetary support, health care,
2360 arrearages, or past support.

2361 (3) EXCEPTION, SUPPORT INTERCEPT.--

2362 (a) ~~Each individual filing a new claim for unemployment~~
2363 ~~compensation must disclose at the time of filing the claim~~
2364 ~~whether she or he owes support obligations that are being~~
2365 ~~enforced by the Department of Revenue. If an applicant discloses~~
2366 ~~that she or he owes support obligations and she or he is~~
2367 ~~determined to be eligible for unemployment compensation~~
2368 ~~benefits, the Agency for Workforce Innovation shall notify the~~
2369 ~~Department of Revenue if the department is enforcing the support~~
2370 ~~obligation. The Department of Revenue shall, at least biweekly,~~
2371 ~~provide the Agency for Workforce Innovation with a magnetic tape~~
2372 ~~or other electronic data file disclosing the individuals who owe~~
2373 ~~support obligations and the amount of any legally required~~
2374 ~~deductions.~~

2375 (b) For support obligations established on or after July
2376 1, 2006, and for support obligations established before July 1,
2377 2006, when the support order does not address the withholding of
2378 unemployment compensation, the Agency for Workforce Innovation
2379 shall deduct and withhold 40 percent of the unemployment
2380 compensation otherwise payable to an individual disclosed under
2381 paragraph (a). If delinquencies, arrearages, or retroactive
2382 support are owed and repayment has not been ordered, the unpaid
2383 amounts are included in the support obligation and are subject
2384 to withholding. If the amount deducted exceeds the support

2385 obligation, the Department of Revenue shall promptly refund the
2386 amount of the excess deduction to the obligor. For support
2387 obligations in effect before July 1, 2006, if the support order
2388 addresses the withholding of unemployment compensation, the
2389 Agency for Workforce Innovation shall deduct and withhold the
2390 amount ordered by the court or administrative agency that issued
2391 the support order as disclosed by the Department of Revenue. The
2392 ~~Agency for Workforce Innovation shall deduct and withhold from~~
2393 ~~any unemployment compensation otherwise payable to an individual~~
2394 ~~disclosed under paragraph (a) who owes support obligations:~~
2395 1. ~~The amount determined under an agreement submitted to~~
2396 ~~the Agency for Workforce Innovation under s. 454(19)(B)(i) of~~
2397 ~~the Social Security Act by the Department of Revenue;~~
2398 2. ~~The amount required to be deducted and withheld from~~
2399 ~~unemployment compensation through legal process as defined in s.~~
2400 ~~459 of the Social Security Act; or~~
2401 3. ~~The amount otherwise specified by the individual to the~~
2402 ~~Agency for Workforce Innovation to be deducted and withheld~~
2403 ~~under this section.~~
2404 (c) The Agency for Workforce Innovation shall pay any
2405 amount deducted and withheld under paragraph (b) to the
2406 Department of Revenue.
2407 (d) Any amount deducted and withheld under this subsection
2408 shall for all purposes be treated as if it were paid to the
2409 individual as unemployment compensation and paid by the
2410 individual to the Department of Revenue for support obligations.
2411 (e) The Department of Revenue shall reimburse the Agency
2412 for Workforce Innovation for the administrative costs incurred

2413 | by the agency under this subsection which are attributable to
 2414 | support obligations being enforced by the department.

2415 | Section 38. Effective July 1, 2006, subsection (9) of
 2416 | section 455.203, Florida Statutes, is amended to read:

2417 | 455.203 Department; powers and duties.--The department,
 2418 | for the boards under its jurisdiction, shall:

2419 | (9) Work cooperatively with the Department of Revenue to
 2420 | implement an automated method for periodically disclosing
 2421 | information relating to current licensees to the Department of
 2422 | Revenue. ~~Allow applicants for new or renewal licenses and~~
 2423 | ~~current licensees to be screened by the Title IV-D child support~~
 2424 | ~~agency pursuant to s. 409.2598 to assure compliance with a~~
 2425 | ~~support obligation.~~ The purpose of this subsection is to promote
 2426 | the public policy of this state as established in s. 409.2551.
 2427 | The department shall, when directed by the court or the
 2428 | Department of Revenue pursuant to s. 409.2598, suspend or deny
 2429 | the license of any licensee found not to be in compliance with a
 2430 | support order, subpoena, order to show cause, or written
 2431 | agreement entered into by the licensee with the Department of
 2432 | Revenue to have a delinquent support obligation, as defined in
 2433 | ~~s. 409.2554.~~ The department shall issue or reinstate the license
 2434 | without additional charge to the licensee when notified by the
 2435 | court or the Department of Revenue that the licensee has
 2436 | complied with the terms of the support ~~court~~ order. The
 2437 | department shall not be held liable for any license denial or
 2438 | suspension resulting from the discharge of its duties under this
 2439 | subsection.

2440 Section 39. Effective January 1, 2006, subsection (1) of
 2441 section 742.10, Florida Statutes, is amended to read:

2442 742.10 Establishment of paternity for children born out of
 2443 wedlock.--

2444 (1) This chapter provides the primary jurisdiction and
 2445 procedures for the determination of paternity for children born
 2446 out of wedlock. When the establishment of paternity has been
 2447 raised and determined within an adjudicatory hearing brought
 2448 under the statutes governing inheritance, or dependency under
 2449 workers' compensation or similar compensation programs, or when
 2450 an affidavit acknowledging paternity or a stipulation of
 2451 paternity is executed by both parties and filed with the clerk
 2452 of the court, or when an affidavit, a notarized voluntary
 2453 acknowledgment of paternity, or a voluntary acknowledgment of
 2454 paternity that is witnessed by two individuals and signed under
 2455 penalty of perjury as provided for in s. 382.013 or s. 382.016
 2456 is executed by both parties, or when paternity is adjudicated by
 2457 the Department of Revenue as provided in s. 409.256, such
 2458 adjudication, affidavit, or acknowledgment constitutes ~~it shall~~
 2459 ~~constitute~~ the establishment of paternity for purposes of this
 2460 chapter. If no adjudicatory proceeding was held, a notarized
 2461 voluntary acknowledgment of paternity or voluntary
 2462 acknowledgment of paternity that is witnessed by two individuals
 2463 and signed under penalty of perjury as specified by s. 92.525(2)
 2464 shall create a rebuttable presumption, as defined by s. 90.304,
 2465 of paternity and is subject to the right of any signatory to
 2466 rescind the acknowledgment within 60 days after the date the
 2467 acknowledgment was signed or the date of an administrative or

2468 | judicial proceeding relating to the child, including a
2469 | proceeding to establish a support order, in which the signatory
2470 | is a party, whichever is earlier. Both parents must provide
2471 | their social security numbers on any acknowledgment of
2472 | paternity, consent affidavit, or stipulation of paternity.
2473 | Except for affidavits under seal pursuant to ss. 382.015 and
2474 | 382.016, the Office of Vital Statistics shall provide certified
2475 | copies of affidavits to the Title IV-D agency upon request.

2476 | Section 40. Effective January 1, 2006, paragraph (a) of
2477 | subsection (2) of section 760.40, Florida Statutes, is amended
2478 | to read:

2479 | 760.40 Genetic testing; informed consent; confidentiality;
2480 | penalties; notice of use of results.--

2481 | (2) (a) Except for purposes of criminal prosecution, except
2482 | for purposes of determining paternity as provided in s. 409.256
2483 | or s. 742.12(1), and except for purposes of acquiring specimens
2484 | from persons convicted of certain offenses or as otherwise
2485 | provided in s. 943.325, DNA analysis may be performed only with
2486 | the informed consent of the person to be tested, and the results
2487 | of such DNA analysis, whether held by a public or private
2488 | entity, are the exclusive property of the person tested, are
2489 | confidential, and may not be disclosed without the consent of
2490 | the person tested. Such information held by a public entity is
2491 | exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
2492 | of the State Constitution.

2493 | Section 41. Effective October 1, 2005, subsections (1),
2494 | (2), and (6) of section 827.06, Florida Statutes, are amended to
2495 | read:

2496 827.06 Nonsupport of dependents.--

2497 (1) The Legislature finds that most noncustodial parents
2498 want to support their children and remain connected to their
2499 families. The Legislature also finds that while many
2500 noncustodial parents lack the financial resources and other
2501 skills necessary to provide that support, some ~~a small~~
2502 ~~percentage of such~~ parents willfully fail to provide support to
2503 their children even when they are aware of the obligation and
2504 have the ability to do so ~~pursuant to s. 61.30~~. The Legislature
2505 further finds that existing statutory provisions for civil
2506 enforcement of support have not proven sufficiently effective or
2507 efficient in gaining adequate support for all children.
2508 Recognizing that it is the public policy of this state that
2509 children shall be maintained primarily from the resources of
2510 their parents, thereby relieving, at least in part, the burden
2511 presently borne by the general citizenry through public
2512 assistance programs, it is the intent of the Legislature that
2513 the criminal penalties provided for in this section are to be
2514 pursued in all appropriate cases where ~~exhaustion of appropriate~~
2515 ~~civil enforcement has not resulted in payment.~~

2516 (2) Any person who, ~~after notice as specified in~~
2517 ~~subsection (6), and who has been previously adjudged in contempt~~
2518 ~~for failure to comply with a support order,~~ willfully fails to
2519 provide support which he or she has the ability to provide to a
2520 child or a spouse whom the person knows he or she is legally
2521 obligated to support commits a misdemeanor of the first degree,
2522 punishable as provided in s. 775.082 or s. 775.083. ~~In lieu of~~
2523 ~~any punishment imposed pursuant to s. 775.082 or s. 775.083, any~~

2524 ~~person who is convicted of a violation of this subsection shall~~
 2525 ~~be punished.~~

2526 ~~(a) By a fine to be paid after restitution for:~~

2527 ~~1. Not less than \$250 nor more than \$500 for a first~~
 2528 ~~conviction.~~

2529 ~~2. Not less than \$500 nor more than \$750 for a second~~
 2530 ~~conviction.~~

2531 ~~3. Not less than \$750 nor more than \$1,000 for a third~~
 2532 ~~conviction; and~~

2533 ~~(b) By imprisonment for:~~

2534 ~~1. Not less than 15 days nor more than 1 month for a first~~
 2535 ~~conviction.~~

2536 ~~2. Not less than 1 month nor more than 3 months for a~~
 2537 ~~second conviction.~~

2538 ~~3. Not less than 3 months nor more than 6 months for a~~
 2539 ~~third conviction.~~

2540 (6) It is the intent of the Legislature for the state
 2541 attorneys, the Florida Prosecuting Attorneys Association, and
 2542 the Department of Revenue to work collaboratively to identify
 2543 strategies that allow the criminal penalties provided for in
 2544 this section to be pursued in all appropriate cases, including,
 2545 but not limited to, strategies that would assist the state
 2546 attorneys in obtaining additional resources from available
 2547 federal Title IV-D funds to initiate prosecution pursuant to
 2548 this section. The Florida Prosecuting Attorneys Association and
 2549 the Department of Revenue shall submit a joint report to the
 2550 Governor, the President of the Senate, and the Speaker of the
 2551 House of Representatives by December 31, 2005, that includes

2552 identified strategies and recommendations for implementing such
2553 strategies. ~~Prior to commencing prosecution under this section,~~
2554 ~~the state attorney must notify the person responsible for~~
2555 ~~support by certified mail, return receipt requested, or by using~~
2556 ~~any other means permitted for service of process in a civil~~
2557 ~~action, that a prosecution under this section will be commenced~~
2558 ~~against him or her unless the person pays the total unpaid~~
2559 ~~support obligation or provides a satisfactory explanation as to~~
2560 ~~why he or she has not made such payments.~~

2561 Section 42. Except as otherwise proved herein, this act
2562 shall take effect July 1, 2005.