

## ENROLLED

HB 1283, Engrossed 1

2005 Legislature

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

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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

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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,

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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

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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

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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

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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

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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



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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:  
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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;

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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

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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

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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.

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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~~

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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

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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,



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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

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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

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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

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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

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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.--

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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

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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

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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~~



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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

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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

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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:

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- 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

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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

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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

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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

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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



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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.

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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

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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

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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

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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

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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

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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

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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,



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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:

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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:

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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

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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

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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

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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

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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,

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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.



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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

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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.

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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

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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

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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

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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

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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

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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



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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.

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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

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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

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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

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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.

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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

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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.--

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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.--



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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

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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

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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

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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~~

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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.~~

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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

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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

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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



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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-

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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

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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

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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

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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

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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

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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~~

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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~~



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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~~

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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.~~

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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

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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),

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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

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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

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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

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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.



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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

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

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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:

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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~~

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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

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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.