

By Senator Campbell

32-1122A-05

1 A bill to be entitled
2 An act relating to child support; amending s.
3 61.13, F.S.; providing for a civil penalty,
4 costs, and attorney's fees against an employer,
5 union, or plan administrator for failing to
6 enroll a child in health care coverage;
7 providing for enforcement by the Department of
8 Revenue; amending s. 61.1301, F.S.; requiring
9 the repayment of a support delinquency through
10 an additional income deduction; requiring an
11 obligor contesting an income deduction order
12 rendered by the Title IV-D agency to file the
13 petition with the Title IV-D agency; requiring
14 the Department of Revenue to provide payors
15 with Internet access to income deduction and
16 national medical support notices issued on or
17 after a specified date; amending s. 61.13016,
18 F.S.; providing for suspension of a driver's
19 license to enforce compliance with an order to
20 appear for genetic testing; amending s.
21 61.1354, F.S.; requiring the Department of
22 Revenue to report to consumer reporting
23 agencies the amount of overdue support owed by
24 an obligor and the amount of the obligor's
25 support obligation when the overdue support is
26 paid; amending s. 61.14, F.S.; authorizing a
27 circuit court to order an obligor to seek
28 employment, engage in employment activities,
29 and to inform the court and the Department of
30 Revenue of the employment activities; providing
31 that an obligor may be in contempt of court for

1 failing to comply with work-related activities;
2 providing for recovery of support arrearages
3 from workers' compensation lump-sum
4 settlements; requiring the Office of Judges of
5 Compensation Claims to adopt procedural rules;
6 requiring local depositories to provide the
7 Department of Revenue with certain information
8 each month using electronic means; amending s.
9 61.1814, F.S.; providing that certain specified
10 fines be deposited in the Child Support
11 Enforcement Application and Program Revenue
12 Trust Fund; amending s. 61.1824, F.S.;
13 requiring the State Disbursement Unit, to the
14 extent feasible, to provide for electronic
15 disbursement of support payments to obligees;
16 requiring certain employers to electronically
17 remit support payments to the State
18 Disbursement Unit by a specified date;
19 authorizing the department to issue waivers;
20 amending s. 120.80, F.S.; providing for entry
21 of final orders by the Division of
22 Administrative Hearings in proceedings to
23 establish paternity or paternity and child
24 support; providing for the right to immediate
25 judicial review to contest an administrative
26 order for genetic testing; providing for
27 judicial enforcement of agency final orders;
28 providing for venue of administrative hearings
29 in paternity proceedings and determinations of
30 noncovered medical expenses; amending s.
31 322.142, F.S.; authorizing the Department of

1 Revenue to obtain digital photographs and
2 signatures from the Department of Highway
3 Safety and Motor Vehicles for use in
4 establishing paternity and establishing,
5 modifying, or enforcing support obligations;
6 amending s. 382.013, F.S.; requiring the
7 Department of Health to amend a child's birth
8 certificate when paternity is established by
9 the Department of Revenue; amending s. 382.015,
10 F.S.; requiring the clerk of the circuit court
11 to ensure that all judicial determinations of
12 paternity are reported to the Department of
13 Health; requiring the Department of Health to
14 monitor compliance and report data to the
15 clerks of the circuit court; amending s.
16 382.016, F.S.; providing for the Department of
17 Health not to seal birth certificates and
18 related papers when a father is listed under an
19 acknowledgment of paternity; requiring the
20 Department of Health to amend the birth
21 certificate of a child born in this state but
22 whose paternity is established in another
23 state; providing for an exception; requiring
24 the Department of Revenue and other specified
25 organizations to study the feasibility and
26 report on the filing of birth certificates and
27 other documents by electronic means with the
28 Department of Health; amending s. 395.003,
29 F.S.; requiring a hospital that provides
30 birthing services to affirm as part of its
31 application for a new, provisional, or renewal

1 license that the hospital will comply with
2 assisting unmarried parents who request
3 assistance in executing a voluntary
4 acknowledgment of paternity; amending s.
5 409.2557, F.S.; authorizing the Department of
6 Revenue to adopt rules relating to
7 administrative proceedings to establish
8 paternity, paternity and child support orders,
9 and orders to appear for genetic testing;
10 amending s. 409.2558, F.S.; requiring the
11 Department of Revenue to make reasonable
12 efforts to locate persons to whom collections
13 or refunds are owed; providing for location
14 efforts to include disclosure through a
15 searchable Internet database using appropriate
16 privacy safeguards; creating s. 409.256, F.S.;
17 defining terms relating to administrative
18 procedures to establish paternity and support
19 orders; authorizing the Department of Revenue
20 to establish administrative procedures to
21 determine paternity using the results of
22 genetic testing; providing for notice, an
23 opportunity for an administrative hearing, and
24 the right to judicial review; authorizing the
25 Department of Revenue to combine a paternity
26 proceeding with an administrative proceeding to
27 establish a child support order; providing for
28 administrative orders to order a person to
29 appear for genetic testing; providing for the
30 right to contest the order to appear; providing
31 for the scheduling of genetic testing and for

1 the rescheduling of the test for a claim of
2 good cause; providing specified sanctions for
3 failing or refusing to submit to genetic
4 testing; providing for a presumption of
5 paternity based on genetic testing results;
6 providing for admissibility of genetic testing
7 results at administrative hearings; providing
8 for administrative hearings to be conducted by
9 the Division of Administrative Hearings;
10 providing that a final order issued by an
11 administrative law judge constitutes final
12 agency action by the Department of Revenue;
13 providing that a final order establishing
14 paternity has the same effect as a judgment
15 entered by a court; requiring a respondent to
16 notify the Department of Revenue of changes of
17 address; providing that subsequent notice by
18 mail is deemed to have been received; providing
19 that the administrative procedures are a
20 supplemental remedy; authorizing the Department
21 of Revenue to adopt rules; amending s.
22 409.2561, F.S.; providing that no obligation of
23 support is incurred by a recipient of
24 supplemental security income or temporary cash
25 assistance for the benefit of a dependent
26 child; amending s. 409.2563, F.S.; authorizing
27 the Department of Revenue to establish an
28 administrative support order when paternity is
29 determined by administrative procedures;
30 creating s. 409.25635, F.S.; authorizing the
31 Department of Revenue to determine in Title

1 IV-D cases the amount owed by an obligor for
2 noncovered medical expenses; defining the term
3 "noncovered medical expenses"; providing for
4 notice, an opportunity for an administrative
5 hearing, and the right to judicial review;
6 requiring the obligee to prepare a written
7 declaration under penalty of perjury
8 documenting the claim; requiring the Department
9 of Revenue to provide specified information in
10 the notice to proceed; authorizing the
11 Department of Revenue to collect noncovered
12 medical expenses by using the same remedies
13 available for the collection of support;
14 providing that the administrative procedure is
15 a supplemental remedy; providing for the
16 Department of Revenue to adopt rules; amending
17 s. 409.2564, F.S.; requiring that the amount of
18 retroactive support permanently assigned to the
19 state be reduced by a specified percentage when
20 the obligor and the department agree to a
21 support order; amending s. 409.25645, F.S.;
22 requiring a correctional facility to assist a
23 putative father to comply with an
24 administrative order for genetic testing;
25 providing that an administrative order for
26 genetic testing has the same force and effect
27 as a court order; amending s. 409.2567, F.S.;
28 requiring the Department of Revenue to waive
29 the federal application fee and pay the fee for
30 certain applicants; providing for the
31 Department of Revenue to seek a federal waiver

1 from the requirement that an individual apply
2 for Title IV-D services; providing for the
3 department to adopt rules if a waiver is
4 granted and begin providing Title IV-D services
5 if support payments are not paid as ordered
6 unless the individual elects not to receive
7 services after notice; amending s. 409.259,
8 F.S.; requesting the Supreme Court and others
9 to work cooperatively to implement electronic
10 filing of pleadings and other documents by a
11 specified date; amending s. 409.2598, F.S.;
12 authorizing the Department of Revenue to
13 commence a proceeding to suspend an obligor's
14 occupational, business, trade, professional, or
15 recreational license for noncompliance with a
16 support order; providing for notice by regular
17 mail and an opportunity to contest the
18 suspension of the license in circuit court;
19 providing grounds for contesting the proposed
20 suspension; providing for a stay of the
21 suspension proceedings under certain
22 circumstances; providing for a written
23 agreement with the Department of Revenue to
24 avoid suspension of the license; requiring the
25 Department of Revenue to issue a reinstatement
26 notice if the obligor complies with the support
27 order; providing for the suspension of the
28 license under certain circumstances; providing
29 for reinstatement of the license of the obligor
30 after receiving a court order; authorizing the
31 use of the license-suspension proceedings to

1 enforce subpoenas, orders to appear, or similar
2 orders; providing for a combined proceeding to
3 suspend an occupational license and a driver's
4 license; authorizing the Department of Revenue
5 to adopt rules; amending s. 409.821, F.S.;
6 requiring the Agency for Health Care
7 Administration to disclose information
8 identifying Florida Kidcare applicants or
9 enrollees to the Department of Revenue for
10 purposes of administering the state's Title
11 IV-D program; amending s. 414.065, F.S.;
12 authorizing a court to order a noncustodial
13 parent who is delinquent under the terms of a
14 support order to participate in work
15 activities; amending s. 443.051, F.S.; defining
16 the terms "support obligations" and "support
17 order"; requiring the Agency for Workforce
18 Innovation to deduct and withhold a specified
19 percentage of the unemployment compensation
20 otherwise payable to an individual; providing
21 for the Department of Revenue to promptly
22 refund any excess deduction to the obligor;
23 providing that the Agency for Workforce
24 Innovation deduct and withhold support
25 according to the terms of the support order as
26 disclosed by the Department of Revenue;
27 amending s. 455.203, F.S.; deleting provisions
28 requiring the Department of Business and
29 Professional Regulation to screen license
30 applicants for compliance with support
31 obligations; amending s. 742.10, F.S.;

1 providing that when paternity is adjudicated by
2 the Department of Revenue, the adjudication
3 constitutes the establishment of paternity for
4 purposes of ch. 742, F.S.; amending s. 760.40,
5 F.S.; requiring that DNA testing be conducted
6 only with the informed consent of the person
7 tested, with the exception of genetic testing
8 in paternity cases; authorizing disclosure of
9 test results for genetic testing in paternity
10 cases; amending s. 827.06, F.S.; deleting
11 provisions that require exhaustion of civil
12 remedies and other provisions relating to the
13 criminal prosecution for nonsupport; providing
14 for the state attorneys, the Florida
15 Prosecuting Attorneys Association, and the
16 Department of Revenue to identify strategies
17 for pursuing criminal prosecution in
18 appropriate cases; requiring the collaborating
19 group to file a joint report to the Governor,
20 the President of the Senate, and the Speaker of
21 the House of Representatives by a specified
22 date; reenacting s. 61.30(8), F.S., relating to
23 health insurance costs in the child support
24 guidelines, to incorporate the amendment made
25 to s. 61.13, F.S., in a reference thereto;
26 repealing ss. 61.13(1)(e) and 409.2564(7),
27 F.S., relating to a judicial circuit with a
28 work experience and job training pilot project;
29 providing effective dates.

30
31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Effective October 1, 2005, paragraph (b) of
2 subsection (1) of section 61.13, Florida Statutes, is amended
3 to read:

4 61.13 Custody and support of children; visitation
5 rights; power of court in making orders.--

6 (b) Each order for support shall contain a provision
7 for health care coverage for the minor child when the coverage
8 is reasonably available. Coverage is reasonably available if
9 either the obligor or obligee has access at a reasonable rate
10 to a group health plan. The court may require the obligor
11 either to provide health care coverage or to reimburse the
12 obligee for the cost of health care coverage for the minor
13 child when coverage is provided by the obligee. In either
14 event, the court shall apportion the cost of coverage, and any
15 noncovered medical, dental, and prescription medication
16 expenses of the child, to both parties by adding the cost to
17 the basic obligation determined under ~~pursuant to~~ s. 61.30(6).
18 The court may order that payment of uncovered medical, dental,
19 and prescription medication expenses of the minor child be
20 made directly to the obligee on a percentage basis.

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

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

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

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

4 2.a. A support order enforced under Title IV-D of the
5 Social Security Act which requires that the obligor provide
6 health care coverage is enforceable by the department through
7 the use of the national medical support notice, and an
8 amendment to the support order is not required. The department
9 shall transfer the national medical support notice to the
10 obligor's union or employer. The department shall notify the
11 obligor in writing that the notice has been sent to the
12 obligor's union or employer, and the written notification must
13 include the obligor's rights and duties under the national
14 medical support notice. The obligor may contest the
15 withholding required by the national medical support notice
16 based on a mistake of fact. To contest the withholding, the
17 obligor must file a written notice of contest with the
18 department within 15 business days after the date the obligor
19 receives written notification of the national medical support
20 notice from the department. Filing with the department is
21 complete when the notice is received by the person designated
22 by the department in the written notification. The notice of
23 contest must be in the form prescribed by the department. Upon
24 the timely filing of a notice of contest, the department
25 shall, within 5 business days, schedule an informal conference
26 with the obligor to discuss the obligor's factual dispute. If
27 the informal conference resolves the dispute to the obligor's
28 satisfaction or if the obligor fails to attend the informal
29 conference, the notice of contest is deemed withdrawn. If the
30 informal conference does not resolve the dispute, the obligor
31 may request an administrative hearing under chapter 120 within

1 5 business days after the termination of the informal
2 conference, in a form and manner prescribed by the department.
3 However, the filing of a notice of contest by the obligor does
4 not delay the withholding of premium payments by the union,
5 employer, or health plan administrator. The union, employer,
6 or health plan administrator must implement the withholding as
7 directed by the national medical support notice unless
8 notified by the department that the national medical support
9 notice is terminated.

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

14 3. In a non-Title IV-D case, upon receipt of the order
15 under ~~pursuant to~~ subparagraph 1., or upon application of the
16 obligor under ~~pursuant to~~ the order, the union or employer
17 shall enroll the minor child as a beneficiary in the group
18 health plan regardless of any restrictions on the enrollment
19 period and withhold any required premium from the obligor's
20 income. If more than one plan is offered by the union or
21 employer, the child shall be enrolled in the group health plan
22 in which the obligor is enrolled.

23 4.a. Upon receipt of the national medical support
24 notice under subparagraph 2. in a Title IV-D case, the union
25 or employer shall transfer the notice to the appropriate group
26 health plan administrator within 20 business days after the
27 date on the notice. The plan administrator must enroll the
28 child as a beneficiary in the group health plan regardless of
29 any restrictions on the enrollment period, and the union or
30 employer must withhold any required premium from the obligor's
31 income upon notification by the plan administrator that the

1 child is enrolled. The child shall be enrolled in the group
2 health plan in which the obligor is enrolled. If the group
3 health plan in which the obligor is enrolled is not available
4 where the child resides or if the obligor is not enrolled in
5 group coverage, the child shall be enrolled in the lowest cost
6 group health plan that is available where the child resides.

7 b. If health care coverage or the obligor's employment
8 is terminated in a Title IV-D case, the union or employer that
9 is withholding premiums for health care coverage under a
10 national medical support notice must notify the department
11 within 20 days after the termination and provide the obligor's
12 last known address and the name and address of the obligor's
13 new employer, if known.

14 5.a. The amount withheld by a union or employer in
15 compliance with a support order may not exceed the amount
16 allowed under s. 303(b) of the Consumer Credit Protection Act,
17 15 U.S.C. s. 1673(b), as amended. The union or employer shall
18 withhold the maximum allowed by the Consumer Credit Protection
19 Act in the following order:

20 (I) Current support, as ordered.

21 (II) Premium payments for health care coverage, as
22 ordered.

23 (III) Past due support, as ordered.

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

25 b. If the combined amount to be withheld for current
26 support plus the premium payment for health care coverage
27 exceed the amount allowed under the Consumer Credit Protection
28 Act, and the health care coverage cannot be obtained unless
29 the full amount of the premium is paid, the union or employer
30 may not withhold the premium payment. However, the union or
31

1 employer shall withhold the maximum allowed in the following
2 order:

- 3 (I) Current support, as ordered.
4 (II) Past due support, as ordered.
5 (III) Other medical support or coverage, as ordered.

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

12 ~~7.6-~~ The Department of Revenue may adopt rules to
13 administer the child support enforcement provisions of this
14 section ~~that which~~ affect Title IV-D cases.

15 Section 2. Effective July 1, 2006, paragraphs (b) and
16 (f) of subsection (1) and subsection (3) of section 61.1301,
17 Florida Statutes, are amended, and subsection (5) is added to
18 that section, to read:

19 61.1301 Income deduction orders.--

20 (1) ISSUANCE IN CONJUNCTION WITH AN ORDER
21 ESTABLISHING, ENFORCING, OR MODIFYING AN OBLIGATION FOR
22 ALIMONY OR CHILD SUPPORT.--

23 (b) The income deduction order shall:

24 1. Direct a payor to deduct from all income due and
25 payable to an obligor the amount required by the court to meet
26 the obligor's support obligation including any attorney's fees
27 or costs owed and forward the deducted amount pursuant to the
28 order.

29 2. State the amount of arrearage owed, if any, and
30 direct a payor to withhold an additional 20 percent or more of
31 the periodic amount specified in the order establishing,

1 enforcing, or modifying the obligation, until full payment is
2 made of any arrearage, attorney's fees and costs owed,
3 provided no deduction shall be applied to attorney's fees and
4 costs until the full amount of any arrearage is paid;

5 3. Provide that, if a delinquency accrues after the
6 order establishing, modifying, or enforcing the obligation has
7 been entered and there is no order for repayment of the
8 delinquency or a preexisting arrearage, a payor shall deduct
9 an additional 20 percent of the current support obligation or
10 other amount agreed to by the parties until the delinquency
11 and any attorney's fees and costs are paid in full, provided
12 that no deduction may be applied to attorney's fees and costs
13 until the delinquency is paid in full;

14 ~~4.3-~~ Direct a payor not to deduct in excess of the
15 amounts allowed under s. 303(b) of the Consumer Credit
16 Protection Act, 15 U.S.C. s. 1673(b), as amended;

17 ~~5.4-~~ Direct whether a payor shall deduct all, a
18 specified portion, or no income which is paid in the form of a
19 bonus or other similar one-time payment, up to the amount of
20 arrearage reported in the income deduction notice or the
21 remaining balance thereof, and forward the payment to the
22 governmental depository. For purposes of this subparagraph,
23 "bonus" means a payment in addition to an obligor's usual
24 compensation and which is in addition to any amounts
25 contracted for or otherwise legally due and shall not include
26 any commission payments due an obligor;

27 ~~6.5-~~ In Title IV-D cases, direct a payor to provide to
28 the court depository the date on which each deduction is made;

29 ~~7.6-~~ In Title IV-D cases, if an obligation to pay
30 current support is reduced or terminated due to emancipation
31 of a child and the obligor owes an arrearage, retroactive

1 support, delinquency, or costs, direct the payor to continue
2 the income deduction at the rate in effect immediately prior
3 to emancipation until all arrearages, retroactive support,
4 delinquencies, and costs are paid in full or until the amount
5 of withholding is modified; and

6 ~~8.7.~~ Direct that, where ~~at such time as~~ the State
7 Disbursement Unit becomes operational, all payments in those
8 cases in which the obligee is receiving Title IV-D services
9 and in those cases in which the obligee is not receiving Title
10 IV-D services in which the initial support order was issued in
11 this state on or after January 1, 1994, and in which the
12 obligor's child support obligation is being paid through
13 income deduction, be made payable to and delivered to the
14 State Disbursement Unit. Notwithstanding any other statutory
15 provision to the contrary, funds received by the State
16 Disbursement Unit shall be held, administered, and disbursed
17 by the State Disbursement Unit under ~~pursuant to the~~
18 ~~provisions of~~ this chapter.

19 (f) Notice of delinquency. If a support order was
20 entered before January 1, 1994, or the court orders the income
21 deduction to be effective upon a delinquency as provided in
22 paragraph (c), or a delinquency has accrued under an order
23 entered before July 1, 2006, which established, modified, or
24 enforced the obligation, and there is no order for repayment
25 of the delinquency or a preexisting arrearage, the obligee or,
26 in Title IV-D cases, the Title IV-D agency may enforce the
27 income deduction by serving a notice of delinquency on the
28 obligor under this subsection.

29 1. The notice of delinquency shall state:

30 a. The terms of the order establishing, enforcing, or
31 modifying the obligation.

1 b. The period of delinquency and the total amount of
2 the delinquency as of the date the notice is mailed.

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

4 d. The total amount of income to be deducted for each
5 pay period until the arrearage, and all applicable fees and
6 interest, is paid in full and shall state the total amount of
7 income to be deducted for each pay period thereafter. The
8 amounts deducted may not be in excess of that allowed under s.
9 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s.
10 1673(b), as amended.

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

13 f. That a copy of the notice of delinquency will be
14 served on the obligor's payor or payors, together with a copy
15 of the income deduction order or, in Title IV-D cases, the
16 income deduction notice, unless the obligor applies to the
17 court to contest enforcement of the income deduction. If the
18 income deduction order being enforced was rendered by the
19 Title IV-D agency under s. 409.2563 and the obligor contests
20 the deduction, the obligor must file a petition for an
21 administrative hearing with the Title IV-D agency. The
22 application or petition shall be filed within 15 days after
23 the date the notice of delinquency was served.

24 g. That enforcement of the income deduction order may
25 only be contested on the ground of mistake of fact regarding
26 the amount owed pursuant to the order establishing, enforcing,
27 or modifying the obligation, the amount of arrearages, or the
28 identity of the obligor, the payor, or the obligee.

29 h. That the obligor is required to notify the obligee
30 of the obligor's current address and current payors and of the
31 address of current payors. All changes shall be reported by

1 | the obligor within 7 days. If the IV-D agency is enforcing
2 | the order, the obligor shall make these notifications to the
3 | agency instead of to the obligee.

4 | 2. The failure of the obligor to receive the notice of
5 | delinquency does not preclude subsequent service of the income
6 | deduction order or, in Title IV-D cases, the income deduction
7 | notice on the obligor's payor. A notice of delinquency which
8 | fails to state an arrearage does not mean that an arrearage is
9 | not owed.

10 | (3)(a) It is the intent of the Legislature that this
11 | section may be used to collect arrearages in child support or
12 | in alimony payments.

13 | (b) In a Title IV-D case, if an obligation to pay
14 | current support is reduced or terminated due to the
15 | emancipation of a child and the obligor owes an arrearage,
16 | retroactive support, delinquency, or costs, income deduction
17 | continues at the rate in effect immediately prior to
18 | emancipation until all arrearages, retroactive support,
19 | delinquencies, and costs are paid in full or until the amount
20 | of withholding is modified. Any income-deducted amount that is
21 | in excess of the obligation to pay current support shall be
22 | credited against the arrearages, retroactive support,
23 | delinquency, and costs owed by the obligor. The department
24 | shall send notice of this requirement by regular mail to the
25 | payor and the depository operated under ~~pursuant to~~ s. 61.181,
26 | and the notice shall state the amount of the obligation to pay
27 | current support, if any, and the amount owed for arrearages,
28 | retroactive support, delinquency, and costs. For income
29 | deduction orders entered before July 1, 2004, which do not
30 | include this requirement, the department shall send by
31 | certified mail, restricted delivery, return receipt requested,

1 to the obligor at the most recent address provided by the
2 obligor to the tribunal that issued the order or a more recent
3 address if known, notice of this requirement, that the obligor
4 may contest the withholding as provided by paragraph (2)(f),
5 and that the obligor may request the tribunal that issued the
6 income deduction to modify the amount of the withholding. This
7 paragraph provides an additional remedy for collection of
8 unpaid support and applies to cases in which a support order
9 or income deduction order was entered before, on, or after
10 July 1, 2004.

11 (c) If a delinquency accrues after an order
12 establishing, modifying, or enforcing a support obligation has
13 been entered, an income deduction order entered after July 1,
14 2006, is in effect, and there is no order for repayment of the
15 delinquency or a preexisting arrearage, a payor who is served
16 with an income deduction order, or in a Title IV-D case, an
17 income deduction notice, shall deduct an additional 20 percent
18 of the current support obligation or other amount agreed to by
19 the parties until the delinquency and any attorney's fees and
20 costs are paid in full. No deduction may be applied to
21 attorney's fees and costs until the delinquency is paid in
22 full.

23 (5) No later than July 1, 2006, the Department of
24 Revenue shall provide a payor with Internet access to income
25 deduction and national medical support notices issued by the
26 department on or after July 1, 2006, concerning an obligor to
27 whom the payor pays income. The department shall provide a
28 payor who requests Internet access with a user code and
29 password to allow the payor to receive notices electronically
30 and to download the information necessary to begin income
31 deduction and health care coverage enrollment. If a

1 participating payor does not respond to electronic notice by
2 accessing the data posted by the department within 48 hours,
3 the department shall mail the income deduction or medical
4 support notice to the payor.

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

7 61.13016 Suspension of driver's licenses and motor
8 vehicle registrations.--

9 (4) The procedures prescribed in this section and s.
10 322.058 may be used to enforce compliance with an order to
11 appear for genetic testing.

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

14 61.1354 Sharing of information between consumer
15 reporting agencies and the IV-D agency.--

16 (1) Upon receipt of a request from a consumer
17 reporting agency as defined in s. 603(f) of the Fair Credit
18 Reporting Act, the IV-D agency or the depository in
19 non-Title-IV-D cases shall make available information relating
20 to the amount of current and overdue support owed by an
21 obligor. The IV-D agency or the depository in non-Title-IV-D
22 cases shall give the obligor written notice, at least 15 days
23 before ~~prior to~~ the release of information, of the IV-D
24 agency's or depository's authority to release information to
25 consumer reporting agencies relating to the amount of current
26 and overdue support owed by the obligor. The obligor must
27 ~~shall~~ be informed of his or her right to request a hearing
28 with the IV-D agency or the court in non-Title-IV-D cases to
29 contest the accuracy of the information.

30 (2) The IV-D agency shall report periodically to
31 appropriate consumer reporting agencies, as identified by the

1 IV-D agency, the name and social security number of any
2 delinquent obligor and the amount of overdue support owed by
3 the obligor, and the amount of the obligator's current support
4 obligation when the overdue support is paid. The IV-D agency,
5 or its designee, shall provide the obligor with written
6 notice, at least 15 days before ~~prior to~~ the initial release
7 of information, of the IV-D agency's authority to release the
8 information periodically to the consumer reporting agencies.
9 The notice shall state the amount of overdue support owed and
10 shall inform the obligor of the right to request a hearing
11 with the IV-D agency within 15 days after receipt of the
12 notice to contest the accuracy of the information. After the
13 initial notice is given, no further notice or opportunity for
14 a hearing need be given when updated information concerning
15 the same obligor is periodically released to the consumer
16 reporting agencies.

17 Section 5. Effective October 1, 2005, paragraph (b) of
18 subsection (5) of section 61.14, Florida Statutes, is amended
19 to read:

20 61.14 Enforcement and modification of support,
21 maintenance, or alimony agreements or orders.--

22 (5)

23 (b) In a proceeding in circuit court to enforce a
24 support order under this chapter, chapter 88, chapter 409, or
25 chapter 742, or any other provision of law, if the court finds
26 that payments due under the support order are delinquent or
27 overdue and that the obligor is unemployed, underemployed, or
28 has no income but is able to work or participate in job
29 training, the court may order the obligor to:

30 1. Seek employment;
31

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

5 3. Notify the court, or the department as appropriate,
6 upon obtaining employment, income, or property; and

7 4. Participate in job training, job placement, work
8 experience, or other work programs that may be available under
9 chapter 445 or chapter 446 or from any other source.

10
11 An obligor who willfully fails to comply with a court order to
12 seek work or participate in other work-related activities may
13 be held in contempt of court. This paragraph is in furtherance
14 of the public policy of ensuring that children are maintained
15 from the resources of their parents to the extent possible. ~~In~~
16 a judicial circuit with a work experience and job training
17 pilot project, if at the time of the contempt hearing the
18 obligor is unemployed or has no income, then the court shall
19 order the obligor to seek employment, if the obligor is able
20 to engage in employment, and to immediately notify the court
21 upon obtaining employment, upon obtaining any income, or upon
22 obtaining any ownership of any asset with a value of \$500 or
23 more. If the obligor is still unemployed 30 days after any
24 order for support, the court may order the obligor to enroll
25 in a work experience, job placement, and job training program
26 for noncustodial parents as established in s. 409.2565, if the
27 obligor is eligible for entrance into the pilot program.

28 Section 6. Effective December 1, 2005, subsection (8)
29 of section 61.14, Florida Statutes, is amended to read:

30 61.14 Enforcement and modification of support,
31 maintenance, or alimony agreements or orders.--

1 (8)

2 (a) When an employee and employer reach agreement for
3 a lump-sum settlement under s. 440.20(11), the proceeds of the
4 settlement may not be disbursed to the employee or for
5 attorney's fees until a judge of compensation claims reviews
6 the proposed disbursement and enters an order finding that the
7 settlement provides for the appropriate recovery of any
8 support arrearage. The employee, or the employee's attorney if
9 the employee is represented, shall submit a written statement
10 from the Department of Revenue as to whether the worker owes
11 unpaid support and, if so, the amount owed. The judge of
12 compensation claims may also require the employee to submit a
13 similar statement from a local depository established under s.
14 61.181. The employee shall also file a sworn statement with
15 the judge of compensation claims that all existing support
16 obligations have been disclosed to the judge. If the judge
17 finds the proposed allocation of support recovery
18 insufficient, the parties may amend the allocation of proceeds
19 in the settlement agreement to make the allocation sufficient.
20 The Office of Judges of Compensation Claims shall adopt
21 procedural rules to administer this section. When reviewing
22 ~~and approving any lump sum settlement under s. 440.20(11)(a)~~
23 ~~and (b), a judge of compensation claims must consider whether~~
24 ~~the settlement serves the interests of the worker and the~~
25 ~~worker's family, including, but not limited to, whether the~~
26 ~~settlement provides for appropriate recovery of any child~~
27 ~~support arrearage.~~

28 (b) In accordance with ~~the provisions of~~ s. 440.22,
29 any compensation due or that may become due an employee under
30 chapter 440 is exempt from garnishment, attachment, execution,
31

1 and assignment of income, except for the purposes of enforcing
2 child or spousal support obligations.

3 Section 7. Effective January 1, 2006, paragraph (g) is
4 added to subsection (6) of section 61.14, Florida Statutes, to
5 read:

6 61.14 Enforcement and modification of support,
7 maintenance, or alimony agreements or orders.--

8 (6)

9 (g) The local depositories shall send the department
10 monthly by electronic means a list of all Title IV-D and
11 non-Title IV-D support cases in which a judgment by operation
12 of law has been recorded during the month for which the data
13 is provided. At a minimum, the depository shall provide the
14 names of the obligor and obligee, social security numbers of
15 the obligor and obligee, if available, and depository number.

16 Section 8. Effective January 1, 2006, subsection (2)
17 of section 61.1814, Florida Statutes, is amended to read:

18 61.1814 Child Support Enforcement Application and
19 Program Revenue Trust Fund.--

20 (2) With the exception of fees required to be
21 deposited in the Clerk of the Court Child Support Enforcement
22 Collection System Trust Fund under s. 61.181(2)(b) and
23 collections determined to be undistributable or unidentifiable
24 under s. 409.2558, the fund shall be used for the deposit of
25 Title IV-D program income received by the department. Each
26 type of program income received shall be accounted for
27 separately. Program income received by the department
28 includes, but is not limited to:

29 (a) Application fees of nonpublic assistance
30 applicants for child support enforcement services;

31

1 (b) Court-ordered costs recovered from child support
2 obligors;

3 (c) Interest on child support collections;

4 (d) The balance of fees received under s. 61.181(2)(a)
5 on non-Title IV-D cases required to be processed through the
6 State Disbursement Unit after the clerk's share is paid; and

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

9 Section 9. Paragraph (d) of subsection (3) and
10 subsection (6) of section 61.1824, Florida Statutes, are
11 amended to read:

12 61.1824 State Disbursement Unit.--

13 (3) The State Disbursement Unit shall perform the
14 following functions:

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

18 1. Receipt of payments from obligors, employers, other
19 states and jurisdictions, and other entities.

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

22 3. Accurate identification of payment source and
23 amount.

24 4. Furnishing any parent, upon request, timely
25 information on the current status of support payments under an
26 order requiring payments to be made by or to the parent,
27 except that in cases described in paragraph (1)(b), before
28 ~~prior to~~ the date the State Disbursement Unit becomes fully
29 operational, the State Disbursement Unit shall not be required
30 to convert and maintain in automated form records of payments
31 kept under ~~pursuant to~~ s. 61.181.

1 (e) Information regarding disbursement must be
2 transmitted in the following manner:

3 5. Electronic disbursement of support payments to
4 obligees. The State Disbursement Unit shall notify obligees of
5 the options for electronic disbursement and encourage their
6 use through promotional material.

7 (6)

8 (a) Effective October 1, 1999, ~~or such earlier date as~~
9 ~~the State Disbursement Unit becomes operational,~~ all support
10 payments for cases to which the requirements of this section
11 apply shall be made payable to and delivered to the State
12 Disbursement Unit. Notwithstanding any other statutory
13 provision to the contrary, funds received by the State
14 Disbursement Unit shall be held, administered, and disbursed
15 by the State Disbursement Unit under ~~pursuant to the~~
16 ~~provisions of~~ this chapter.

17 (b) Effective October 1, 2006, an employer who employs
18 10 or more employees in any quarter during the preceding state
19 fiscal year or who was subject to and paid tax to the
20 department in an amount of \$30,000 or more shall remit support
21 payments deducted under an income deduction order or income
22 deduction notice and provide associated case data to the State
23 Disbursement Unit by electronic means approved by the
24 department. The department shall adopt a rule for electronic
25 remittance and data transfer that, to the extent feasible, is
26 consistent with the rules for electronic filing and remittance
27 of taxes under ss. 213.755 and 443.163. A waiver granted by
28 the department from the requirement to file and remit
29 electronically under s. 213.755 or s. 443.163 constitutes a
30 waiver from the requirement under this paragraph.

1 Section 10. Effective January 1, 2006, paragraph (c)
2 of subsection (14) of section 120.80, Florida Statutes, is
3 amended to read:

4 120.80 Exceptions and special requirements;
5 agencies.--

6 (14) DEPARTMENT OF REVENUE.--

7 (c) Proceedings to establish paternity or paternity
8 and child support; orders to appear for genetic testing;
9 proceedings for administrative support orders.--In proceedings
10 to establish paternity or paternity and child support under s.
11 409.256, and proceedings for the establishment of
12 administrative support orders under ~~pursuant to~~ s. 409.2563,
13 final orders in cases referred by the Department of Revenue to
14 the Division of Administrative Hearings shall be entered by
15 the division's administrative law judge and transmitted to the
16 Department of Revenue for filing and rendering. The Department
17 of Revenue has the right to seek judicial review under s.
18 120.68 of a final order entered by an administrative law
19 judge. The Department of Revenue or the person ordered to
20 appear for genetic testing may seek immediate judicial review
21 under s. 120.68 of an order issued by an administrative law
22 judge under s. 409.256(5)(b). Final orders that adjudicate
23 paternity or paternity and child support under s. 409.256 and
24 administrative support orders rendered under ~~pursuant to~~ s.
25 409.2563 may be enforced under ~~pursuant to~~ s. 120.69 or,
26 alternatively, by any method prescribed by law for the
27 enforcement of judicial support orders, except contempt.
28 Hearings held by the Division of Administrative Hearings under
29 ss. 409.256 and 409.2563 ~~pursuant to s. 409.2563~~ shall be held
30 in the judicial circuit where the person receiving services
31 under Title IV-D resides or, if the person receiving services

1 | under Title IV-D does not reside in this state, in the
2 | judicial circuit where the respondent resides. If the
3 | department and the respondent agree, the hearing may be held
4 | in another location. If ordered by the administrative law
5 | judge, the hearing may be conducted telephonically or by
6 | videoconference.

7 | Section 11. Effective December 1, 2005, subsection (4)
8 | of section 322.142, Florida Statutes, is amended to read:

9 | 322.142 Color photographic or digital imaged
10 | licenses.--

11 | (4) The department may maintain a film negative or
12 | print file. The department shall maintain a record of the
13 | digital image and signature of the licensees, together with
14 | other data required by the department for identification and
15 | retrieval. Reproductions from the file or digital record shall
16 | be made and issued only for departmental administrative
17 | purposes; for the issuance of duplicate licenses; in response
18 | to law enforcement agency requests; to the Department of
19 | Revenue under ~~pursuant to~~ an interagency agreement to use when
20 | establishing paternity and establishing, modifying, or
21 | enforcing support obligations in Title IV-D cases ~~to~~
22 | ~~facilitate service of process in Title IV-D cases~~; or to the
23 | Department of Financial Services pursuant to an interagency
24 | agreement to facilitate the location of owners of unclaimed
25 | property, the validation of unclaimed property claims, and the
26 | identification of fraudulent or false claims, and are exempt
27 | from ~~the provisions of~~ s. 119.07(1).

28 | Section 12. Effective January 1, 2006, present
29 | paragraph (e) of subsection (2) of section 382.013, Florida
30 | Statutes, is redesignated as paragraph (f), and a new
31 | paragraph (e) is added to that section, to read:

1 382.013 Birth registration.--A certificate for each
2 live birth that occurs in this state shall be filed within 5
3 days after such birth with the local registrar of the district
4 in which the birth occurred and shall be registered by the
5 local registrar if the certificate has been completed and
6 filed in accordance with this chapter and adopted rules. The
7 information regarding registered births shall be used for
8 comparison with information in the state case registry, as
9 defined in chapter 61.

10 (2) PATERNITY.--

11 (e) If the paternity of the child is determined under
12 s. 409.256, the name of the father and the surname of the
13 child must be entered on the certificate according to the
14 finding and order of the Department of Revenue.

15 Section 13. Effective December 1, 2005, section
16 382.015, Florida Statutes, is amended to read:

17 382.015 New certificates of live birth; duty of clerks
18 of court and department.--The clerk of the court in which any
19 proceeding for adoption, annulment of an adoption, affirmation
20 of parental status, or determination of paternity is to be
21 registered, shall within 30 days after the final disposition,
22 forward to the department a certified copy of the court order,
23 or a report of the proceedings upon a form to be furnished by
24 the department, together with sufficient information to
25 identify the original birth certificate and to enable the
26 preparation of a new birth certificate. The clerk of the
27 circuit court shall implement a monitoring and quality control
28 plan to ensure that all judicial determinations of paternity
29 are reported to the department in compliance with this
30 section. The department shall track paternity determinations
31 reported monthly by county, monitor compliance with the 30-day

1 timeframe, and report the data quarterly to the clerks of the
2 circuit court.

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

4 (a) Upon receipt of the report or certified copy of an
5 adoption decree, together with the information necessary to
6 identify the original certificate of live birth, and establish
7 a new certificate, the department shall prepare and file a new
8 birth certificate, absent objection by the court decreeing the
9 adoption, the adoptive parents, or the adoptee if of legal
10 age. The certificate shall bear the same file number as the
11 original birth certificate. All names and identifying
12 information relating to the adoptive parents entered on the
13 new certificate shall refer to the adoptive parents, but
14 nothing in the certificate shall refer to or designate the
15 parents as being adoptive. All other items not affected by
16 adoption shall be copied as on the original certificate,
17 including the date of registration and filing.

18 (b) Upon receipt of the report or certified copy of an
19 annulment-of-adoption decree, together with the sufficient
20 information to identify the original certificate of live
21 birth, the department shall, if a new certificate of birth was
22 filed following an adoption report or decree, remove the new
23 certificate and restore the original certificate to its
24 original place in the files, and the certificate so removed
25 shall be sealed by the department.

26 (c) Upon receipt of a report or certified copy of an
27 adoption decree or annulment-of-adoption decree for a person
28 born in another state, the department shall forward the report
29 or decree to the state of the registrant's birth. If the
30 adoptee was born in Canada, the department shall send a copy
31

1 of the report or decree to the appropriate birth registration
2 authority in Canada.

3 (2) DETERMINATION OF PATERNITY.--Upon receipt of the
4 report or a certified copy of a final decree of determination
5 of paternity, together with sufficient information to identify
6 the original certificate of live birth, the department shall
7 prepare and file a new birth certificate which shall bear the
8 same file number as the original birth certificate. The
9 registrant's name shall be entered as decreed by the court.
10 The names and identifying information of the parents shall be
11 entered as of the date of the registrant's birth.

12 (3) AFFIRMATION OF PARENTAL STATUS.--Upon receipt of
13 an order of affirmation of parental status issued under
14 ~~pursuant to~~ s. 742.16, together with sufficient information to
15 identify the original certificate of live birth, the
16 department shall prepare and file a new birth certificate
17 which shall bear the same file number as the original birth
18 certificate. The names and identifying information of the
19 registrant's parents entered on the new certificate shall be
20 the commissioning couple, but the new certificate may not make
21 reference to or designate the parents as the commissioning
22 couple.

23 (4) SUBSTITUTION OF NEW CERTIFICATE OF BIRTH FOR
24 ORIGINAL.--When a new certificate of birth is prepared, the
25 department shall substitute the new certificate of birth for
26 the original certificate on file. All copies of the original
27 certificate of live birth in the custody of a local registrar
28 or other state custodian of vital records shall be forwarded
29 to the State Registrar. Thereafter, when a certified copy of
30 the certificate of birth or portion thereof is issued, it
31 shall be a copy of the new certificate of birth or portion

1 | thereof, except when a court order requires issuance of a
2 | certified copy of the original certificate of birth. In an
3 | adoption, change in paternity, affirmation of parental status,
4 | undetermined parentage, or court-ordered substitution, the
5 | department shall place the original certificate of birth and
6 | all papers pertaining thereto under seal, not to be broken
7 | except by order of a court of competent jurisdiction or as
8 | otherwise provided by law.

9 | (5) FORM.--Except for certificates of foreign birth
10 | which are registered as provided in s. 382.017, and delayed
11 | certificates of birth which are registered as provided in ss.
12 | 382.019 and 382.0195, all original, new, or amended
13 | certificates of live birth shall be identical in form,
14 | regardless of the marital status of the parents or the fact
15 | that the registrant is adopted or of undetermined parentage.

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

19 | Section 14. Effective July 1, 2005, paragraph (b) of
20 | subsection (1) of section 382.016, Florida Statutes, is
21 | amended to read:

22 | 382.016 Amendment of records.--The department, upon
23 | receipt of the fee prescribed in s. 382.0255; documentary
24 | evidence, as specified by rule, of any misstatement, error, or
25 | omission occurring in any birth, death, or fetal death record;
26 | and an affidavit setting forth the changes to be made, shall
27 | amend or replace the original certificate as necessary.

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

29 | (b) Upon written request and receipt of an affidavit,
30 | a notarized voluntary acknowledgment of paternity signed by
31 | the mother and father acknowledging the paternity of a

1 | registrant born out of wedlock, or a voluntary acknowledgment
2 | of paternity that is witnessed by two individuals and signed
3 | under penalty of perjury as specified by s. 92.525(2),
4 | together with sufficient information to identify the original
5 | certificate of live birth, the department shall prepare a new
6 | birth certificate, which shall bear the same file number as
7 | the original birth certificate. The names and identifying
8 | information of the parents shall be entered as of the date of
9 | the registrant's birth. The surname of the registrant may be
10 | changed from that shown on the original birth certificate at
11 | the request of the mother and father of the registrant, or the
12 | registrant if of legal age. If the mother and father marry
13 | each other at any time after the registrant's birth, the
14 | department shall, upon the request of the mother and father or
15 | registrant if of legal age and proof of the marriage, amend
16 | the certificate with regard to the parents' marital status as
17 | though the parents were married at the time of birth. The
18 | department shall substitute the new certificate of birth for
19 | the original certificate on file. All copies of the original
20 | certificate of live birth in the custody of a local registrar
21 | or other state custodian of vital records shall be forwarded
22 | to the State Registrar. Thereafter, when a certified copy of
23 | the certificate of birth or portion thereof is issued, it
24 | shall be a copy of the new certificate of birth or portion
25 | thereof, except when a court order requires issuance of a
26 | certified copy of the original certificate of birth. Except
27 | for birth certificates on which a father is listed under an
28 | affidavit or notarized voluntary acknowledgment of paternity
29 | signed by the mother and father and except for a voluntary
30 | acknowledgment of paternity that is witnessed by two
31 | individuals and signed under penalty of perjury as specified

1 by s. 92.525(2), the department shall place the original
2 certificate of birth and all papers pertaining thereto under
3 seal, not to be broken except by order of a court of competent
4 jurisdiction or as otherwise provided by law.

5 Section 15. Effective October 1, 2005, paragraph (d)
6 is added to subsection (1) of section 382.016, Florida
7 Statutes, to read:

8 382.016 Amendment of records.--The department, upon
9 receipt of the fee prescribed in s. 382.0255; documentary
10 evidence, as specified by rule, of any misstatement, error, or
11 omission occurring in any birth, death, or fetal death record;
12 and an affidavit setting forth the changes to be made, shall
13 amend or replace the original certificate as necessary.

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

15 (d) For a child born in this state but whose paternity
16 is established in another state, the department shall amend
17 the child's birth certificate to include the name of the
18 father upon receipt of:

19 1. A certified copy of an acknowledgment of paternity,
20 final judgment, or judicial or administrative order from
21 another state which determines the child's paternity; or

22 2. A noncertified copy of an acknowledgment of
23 paternity, final judgment, or judicial or administrative order
24 from another state which determines the paternity of the child
25 when provided with an affidavit or written declaration from
26 the Department of Revenue which states that the document was
27 provided by or obtained from the Title IV-D program of another
28 state.

29
30 The department may not amend the birth certificate of a child
31 to include the name of the father of the child if paternity

1 was established by adoption and the father would not be
2 eligible to adopt under the law of this state.

3 Section 16. The Department of Health, the Department
4 of Revenue, the Florida Hospital Association, the Florida
5 Association of Court Clerks, and one or more local registrars
6 shall study the feasibility of filing original and new or
7 amended birth certificates, documentation of paternity
8 determinations, and adoptions electronically with the
9 department. The Department of Health shall submit a report to
10 the Governor, the Cabinet, the President of the Senate, and
11 the Speaker of the House of Representatives by July 1, 2006.
12 The report must include the estimated cost to develop and
13 implement electronic filing, cost savings resulting from
14 electronic filing, and each potential funding source.

15 Section 17. Effective July 1, 2007, paragraph (c) is
16 added to subsection (5) of section 395.003, Florida Statutes,
17 to read:

18 395.003 Licensure; issuance, renewal, denial,
19 modification, suspension, and revocation.--

20 (5)

21 (c) A hospital that provides birthing services must
22 affirm in writing as part of an application for a new,
23 provisional, or renewal license that the hospital will comply
24 with s. 382.013(2)(c), which includes assisting unmarried
25 parents who request assistance in executing a voluntary
26 acknowledgment of paternity.

27 Section 18. Effective January 1, 2006, subsection (3)
28 of section 409.2557, Florida Statutes, is amended to read:

29 409.2557 State agency for administering child support
30 enforcement program.--

31

1 (3) SPECIFIC RULEMAKING AUTHORITY.--The department may
2 ~~has the authority to~~ adopt rules under ~~pursuant to~~ ss.
3 120.536(1) and 120.54 to implement all laws administered by
4 the department in its capacity as the Title IV-D agency for
5 this state including, but not limited to, the following:
6 (a) Background screening of department employees and
7 applicants, including criminal records checks;
8 (b) Confidentiality and retention of department
9 records; access to records; record requests;
10 (c) Department trust funds;
11 (d) Federal funding procedures;
12 (e) Agreements with law enforcement and other state
13 agencies; National Crime Information Center (NCIC) access;
14 Parent Locator Service access;
15 (f) Written agreements entered into between the
16 department and support obligors in establishment, enforcement,
17 and modification proceedings;
18 (g) Procurement of services by the department, pilot
19 programs, and demonstration projects;
20 (h) Management of cases by the department involving
21 any documentation or procedures required by federal or state
22 law, including but not limited to, cooperation; review and
23 adjustment; audits; interstate actions; diligent efforts for
24 service of process;
25 (i) Department procedures for orders for genetic
26 testing; subpoenas to establish, enforce, or modify orders;
27 increasing the amount of monthly obligations to secure
28 delinquent support; suspending or denying driver's and
29 professional licenses and certificates; fishing and hunting
30 license suspensions; suspending vehicle and vessel
31 registrations; screening applicants for new or renewal

1 licenses, registrations, or certificates; income deduction;
2 credit reporting and accessing; tax refund intercepts;
3 passport denials; liens; financial institution data matches;
4 expedited procedures; medical support; and all other
5 responsibilities of the department as required by state or
6 federal law;

7 (j) Collection and disbursement of support and alimony
8 payments by the department as required by federal law;

9 collection of genetic testing costs and other costs awarded by
10 the court;

11 (k) Report information to and receive information from
12 other agencies and entities;

13 (l) Provide location services, including accessing
14 from and reporting to federal and state agencies;

15 (m) Privatizing location, establishment, enforcement,
16 modification, and other functions;

17 (n) State case registry;

18 (o) State disbursement unit;

19 (p) Administrative proceedings to establish paternity
20 or establish paternity and child support, orders to appear for
21 genetic testing, and administrative proceedings to establish
22 child-support obligations; and

23 (q) All other responsibilities of the department as
24 required by state or federal law.

25 Section 19. Effective October 1, 2005, paragraph (a)
26 of subsection (2) of section 409.2558, Florida Statutes, is
27 amended to read:

28 409.2558 Support distribution and disbursement.--

29 (2) UNDISTRIBUTABLE COLLECTIONS.--

30 (a) The department shall establish by rule the method
31 for determining a collection or refund ~~to a noncustodial~~

1 ~~parent~~ to be undistributable to the final intended recipient.
2 The department shall make reasonable efforts to locate persons
3 to whom collections or refunds are owed so that payment can be
4 made before determining that a collection or refund is
5 undistributable. Location efforts may include disclosure
6 through a searchable database of the names of obligees,
7 obligors, and depository account numbers on the Internet using
8 appropriate safeguards to protect the privacy of the persons
9 named in the database.

10 Section 20. Effective January 1, 2006, section
11 409.256, Florida Statutes, is created to read:

12 409.256 Administrative proceeding to establish
13 paternity or paternity and child support; order to appear for
14 genetic testing.--

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

16 (a) "Custodian" means a person, other than the mother
17 or a putative father, who has physical custody of a child or
18 with whom the child primarily resides. References in this
19 section to the obligation of a custodian to submit to genetic
20 testing mean that the custodian is obligated to submit the
21 child for genetic testing, not that the custodian must submit
22 to genetic testing.

23 (b) "Filed" means a document has been received and
24 accepted for filing at the offices of the department by the
25 clerk or an authorized deputy clerk designated by the
26 department.

27 (c) "Genetic testing" means a scientific analysis of
28 genetic markers which is performed by a qualified technical
29 laboratory to exclude an individual as the parent of a child
30 or to show a probability of paternity.

31

1 (d) "Paternity proceeding" means an administrative
2 action commenced by the department to order genetic testing
3 and establish paternity under this section.

4 (e) "Paternity and child-support proceeding" means an
5 administrative action commenced by the department to order
6 genetic testing, establish paternity, and establish an
7 administrative support order under this section.

8 (f) "Putative father" means an individual who is or
9 may be the biological father of a child whose paternity has
10 not been established and whose mother was unmarried when the
11 child was conceived and born.

12 (g) "Qualified technical laboratory" means a
13 genetic-testing laboratory under contract with the department,
14 which uses tests and methods of a type generally acknowledged
15 as reliable by accreditation bodies designated by the United
16 States Department of Health and Human Services and which is
17 approved by a designated accreditation body. The term also
18 includes a genetic-testing laboratory used by another state,
19 if the laboratory has comparable qualifications.

20 (h) "Rendered" means that a signed, written order has
21 been filed with the clerk or a deputy clerk of the department
22 and served on the respondent. The date of filing must be on
23 the face of the order at the time of rendition.

24 (i) "Respondent" means the person or persons served by
25 the department with a notice of proceeding under subsection
26 (4), which includes the putative father and which may include
27 the mother or the custodian of the child.

28 (j) "State" or "other state" has the same meaning as
29 in s. 88.1011(19).

30 (2) JURISDICTION; LOCATION OF HEARINGS; RIGHT OF
31 ACCESS TO THE COURTS.--

1 (a) The department may commence a paternity proceeding
2 or a paternity and child-support proceeding as provided by
3 subsection (4) if:

4 1. The child's paternity has not been established;

5 2. No one is named as the father on the child's birth
6 certificate or the person named as the father is the putative
7 father named in an affidavit or written declaration as
8 provided by subparagraph 5.;

9 3. The child's mother was unmarried when the child was
10 conceived and born;

11 4. The department is providing services under Title
12 IV-D; and

13 5. The child's mother or a putative father has stated
14 in an affidavit or written declaration as provided by s.
15 92.525(2) that the putative father is or may be the child's
16 biological father. The affidavit or written declaration must
17 set forth the factual basis for the allegation of paternity as
18 provided by s. 742.12(2).

19 (b) If the department receives a request from another
20 state to assist in the establishment of paternity, the
21 department may serve an order to appear for genetic testing on
22 a person who resides in this state and transmit the test
23 results to the other state without commencing a paternity
24 proceeding in this state.

25 (c) The department may use the procedures authorized
26 by this section against a nonresident over whom this state may
27 assert personal jurisdiction under chapter 48 or chapter 88.

28 (d) If a putative father, mother, or custodian in a
29 Title IV-D case voluntarily submits, the department may
30 schedule that individual or the child for genetic testing
31 without serving that individual with an order to appear for

1 genetic testing. A respondent, or other person who is subject
2 to an order to appear for genetic testing, may waive, in
3 writing or on the record at an administrative hearing, formal
4 service of notices or orders, or waive any other rights or
5 time periods prescribed by this section.

6 (e) Whenever practicable, hearings held by the
7 Division of Administrative Hearings under this section shall
8 be held in the judicial circuit where the person receiving
9 services under Title IV-D resides or, if the person receiving
10 services under Title IV-D does not reside in this state, in
11 the judicial circuit where the respondent resides. If the
12 department and the respondent agree, the hearing may be held
13 in another location. If ordered by the administrative law
14 judge, the hearing may be conducted telephonically or by video
15 conference.

16 (f) The Legislature does not intend to limit the
17 jurisdiction of the circuit courts to hear and determine
18 issues regarding establishment of paternity. This section is
19 intended to provide the department with an alternative
20 procedure for establishing paternity and child-support
21 obligations in Title IV-D cases. This section does not
22 prohibit a person from filing a civil action in circuit court
23 for a determination of paternity or child-support obligations.

24 (g) The provisions of s. 409.2563(2)(e)-(g) apply to a
25 proceeding under this section.

26 (3) MULTIPLE PUTATIVE FATHERS; MULTIPLE CHILDREN.--If
27 more than one putative father has been named, the department
28 may proceed under this section against a single putative
29 father or may proceed simultaneously against more than one
30 putative father. If a putative father has been named as a
31 possible father of more than one child born to the same

1 mother, the department may proceed to establish the paternity
2 of each child in the same proceeding.

3 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR
4 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC
5 TESTING; MANNER OF SERVICE; CONTENTS.--The department shall
6 commence a proceeding to determine paternity, or a proceeding
7 to determine both paternity and child-support, by serving the
8 respondent with a notice as provided in this section. An order
9 to appear for genetic testing may be served at the same time
10 as a notice of the proceeding or may be served separately. A
11 copy of the affidavit or written declaration upon which the
12 proceeding is based shall be provided to the respondent when
13 notice is served. A notice or order to appear for genetic
14 testing shall be served by certified mail, restricted
15 delivery, return receipt requested, or in accordance with the
16 requirements for service of process in a civil action. Service
17 by certified mail is completed when the certified mail is
18 received or refused by the addressee or by an authorized agent
19 as designated by the addressee in writing. If a person other
20 than the addressee signs the return receipt, the department
21 shall attempt to reach the addressee by telephone to confirm
22 whether the notice was received, and the department shall
23 document any telephonic communications. If someone other than
24 the addressee signs the return receipt, the addressee does not
25 respond to the notice, and the department is unable to confirm
26 that the addressee has received the notice, service is not
27 completed and the department shall attempt to have the
28 addressee served personally. For purposes of this section, an
29 employee or an authorized agent of the department may serve
30 the notice or order to appear for genetic testing and execute
31 an affidavit of service. The department may serve an order to

1 appear for genetic testing on a custodian. The department
2 shall provide a copy of the notice or order to appear by
3 regular mail to the mother and custodian, if they are not
4 respondents.

5 (a) A notice of proceeding to establish paternity must
6 state:

7 1. That the department has commenced an administrative
8 proceeding to establish whether the putative father is the
9 biological father of the child named in the notice;

10 2. The name and date of birth of the child and the
11 name of the child's mother;

12 3. That the putative father has been named in an
13 affidavit or written declaration that states the putative
14 father is or may be the child's biological father;

15 4. That the respondent is required to submit to
16 genetic testing;

17 5. That genetic testing will establish either a high
18 degree of probability that the putative father is the
19 biological father of the child or that the putative father
20 cannot be the biological father of the child;

21 6. That if the results of the genetic test do not
22 indicate a statistical probability of paternity which equals
23 or exceeds 99 percent, the paternity proceeding ends as to
24 that child unless a second or subsequent test is required;

25 7. That if the results of the genetic test indicate a
26 statistical probability of paternity which equals or exceeds
27 99 percent, the department may:

28 a. Issue a proposed order of paternity which the
29 respondent may consent to or contest at an administrative
30 hearing; or

31

1 b. Commence a proceeding, as provided by s. 409.2563,
2 to establish an administrative support order for the child, in
3 which notice of that proceeding will be provided to the
4 respondent by regular mail;

5 8. That, if the genetic test results indicate a
6 statistical probability of paternity which equals or exceeds
7 99 percent and a proceeding to establish an administrative
8 support order is commenced, the department will issue a
9 proposed order that addresses paternity and child support
10 which the respondent may consent to or contest at an
11 administrative hearing;

12 9. That if a proposed order of paternity or proposed
13 order of both paternity and child support is not contested,
14 the department will adopt the proposed order and render a
15 final order that establishes paternity and, if appropriate, an
16 administrative support order for the child;

17 10. That, until the proceeding is ended, the
18 respondent shall notify the department in writing of any
19 change in the respondent's mailing address and that the
20 respondent will be deemed to have received any subsequent
21 order, notice, or other paper mailed to the most recent
22 address provided or, if a more recent address is not provided,
23 to the address at which the respondent was served, and that
24 this requirement continues if the department renders a final
25 order that establishes paternity and a support order for the
26 child;

27 11. That the respondent may file an action in circuit
28 court for a determination of paternity, child-support
29 obligations, or both;

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

1 complaint within 20 days after being served notice under this
2 subsection, the administrative process ends without prejudice
3 and the action must proceed in circuit court; and

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

8
9 A notice under this paragraph must also notify the respondent
10 of s. 409.2563(4)(m) and (o).

11 (b) A notice of proceeding to establish paternity and
12 child support must state the matters required by paragraph
13 (a), except for subparagraph (a)7., and must state the matters
14 required by s. 409.2563(4), to the extent that the matters
15 required by s. 409.2563(4) are not already required by and do
16 not conflict with this subsection. This section and s.
17 409.2563 apply to a proceeding commenced under this paragraph.

18 (c) The order to appear for genetic testing must
19 inform the person ordered to appear:

20 1. That the department has commenced an administrative
21 proceeding to establish whether the putative father is the
22 biological father of the child;

23 2. The name and date of birth of the child and the
24 name of the child's mother;

25 3. That the putative father has been named in an
26 affidavit or written declaration that states the putative
27 father is or may be the child's biological father;

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

30
31

1 5. That if the person has custody of the child whose
2 paternity is the subject of the proceeding, the person must
3 submit the child to genetic testing;

4 6. That when the samples are provided, the person
5 ordered to appear must verify his or her identity and the
6 identity of the child, if applicable, by presenting a form of
7 identification as prescribed by s. 117.05(5)(b)2., which bears
8 the photograph of the person who is providing the sample, or
9 other form of verification approved by the department;

10 7. That if the person ordered to appear submits to
11 genetic testing, the department will pay the cost of the
12 genetic testing and will provide the person ordered to appear
13 with a copy of any test results obtained;

14 8. That if the person ordered to appear does not
15 appear as ordered or refuses to submit to genetic testing
16 without good cause, the department may take one or more of
17 these actions:

18 a. Commence proceedings to suspend the driver's
19 license and motor vehicle registration of the person ordered
20 to appear, as provided by s. 61.13016;

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

23 c. File a petition in circuit court to establish
24 paternity and obtain a support order for the child and an
25 order for costs against the person ordered to appear,
26 including costs for genetic testing; and

27 9. That the person ordered to appear may contest the
28 order by filing a written request for informal review within
29 15 days after the date of service of the order, with further
30 rights to an administrative hearing following the informal
31 review.

1 (5) RIGHT TO CONTEST ORDER TO APPEAR FOR GENETIC
2 TESTING.--

3 (a) The person ordered to appear may contest an order
4 to appear for genetic testing by filing a written request for
5 informal review with the department within 15 days after the
6 date of service of the order. The purposes of informal review
7 is to provide the person ordered to appear with an opportunity
8 to discuss the proceeding and the basis of the order. At the
9 conclusion of the informal review, the department shall notify
10 the person ordered to appear, in writing, whether it will
11 proceed with the order to appear. If the department notifies
12 the person ordered to appear of its intent to proceed, the
13 notice must inform the person ordered to appear of the right
14 to contest the order at an administrative hearing.

15 (b) The person ordered to appear may file a request
16 for an administrative hearing to contest whether he or she
17 should be required to submit to genetic testing no later than
18 15 days after the department mails the notification that the
19 department will proceed with an order to appear for genetic
20 testing. A request for an administrative hearing must state
21 the specific reasons why the person ordered to appear believes
22 he or she should not be required to submit to genetic testing
23 as ordered. If the person ordered to appear files a timely
24 request for a hearing, the department shall refer the hearing
25 request to the Division of Administrative Hearings. Unless
26 otherwise provided by this section, administrative hearings
27 are governed by chapter 120 and the Uniform Rules of
28 Procedure. The administrative law judge assigned to the case
29 shall issue an order as to whether the person must submit to
30 genetic testing in accordance with the order to appear. The
31 department or the person ordered to appear may seek immediate

1 judicial review under s. 120.68 of an order issued by an
2 administrative law judge under this paragraph.

3 (c) If a timely request for an informal review or an
4 administrative hearing is filed, the department may not
5 proceed under the order to appear for genetic testing and may
6 not impose sanctions for failure or refusal to submit to
7 genetic testing until:

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

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

13 3. The Division of Administrative Hearings issues an
14 order that the person must submit to genetic testing, or
15 issues an order closing the division's file, and that order
16 has become final.

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

22 (6) SCHEDULING OF GENETIC TESTING.--

23 (a) The department shall notify the person ordered to
24 appear, in writing, of the date, time, and place at which the
25 person must appear for genetic testing, and of the requirement
26 to bring documentation to verify his or her identity and the
27 identity of the child, if applicable, when the samples are
28 provided by presenting a form of identification as prescribed
29 by s. 117.05(5)(b)2., which bears the photograph of the person
30 who is providing the sample or other form of verification
31 approved by the department. If the person ordered to appear is

1 the putative father or the mother, that person must appear and
2 submit to genetic testing. If the person ordered to appear is
3 a custodian, or if the putative father or the mother has
4 custody of the child, that person must submit the child for
5 genetic testing.

6 (b) The department shall reschedule genetic testing:

7 1. One time without cause if, in advance of the
8 initial test date, the person ordered to appear requests the
9 department to reschedule the test;

10 2. One time if the person ordered to appear shows good
11 cause for failure to appear for a scheduled test; or

12 3. One time upon request of a person ordered to appear
13 against whom sanctions have been imposed as provided by
14 subsection (7).

15
16 A claim of good cause for failure to appear must be filed with
17 the department within 10 days after the scheduled test date
18 and must state the facts and circumstances supporting the
19 claim. The department shall notify the person ordered to
20 appear, in writing, whether it accepts or rejects the person's
21 claim of good cause. The person does not have a right to a
22 hearing to challenge the department's decision to accept or
23 reject the claim of good cause. The person ordered to appear
24 may raise good cause as a defense to any proceeding initiated
25 by the department under subsection (7).

26 (c) A person ordered to appear may obtain a second
27 genetic test by filing a written request for a second test
28 with the department within 15 days after the date of mailing
29 of the initial genetic-testing results and by paying the
30 department in advance for the full cost of the second test.

31

1 (d) The department may schedule and require a second
2 genetic test if it has reason to believe the results of the
3 first genetic test may not be reliable.

4 (e) Except as provided by paragraph (c) and subsection
5 (7), the department shall pay for the cost of any genetic
6 testing ordered under this section.

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

12 (a) Commence a proceeding to suspend the driver's
13 license and motor vehicle registration of the person ordered
14 to appear, as provided by s. 61.13016;

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

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

21
22 A suspended driver's license and motor vehicle registration
23 may be reinstated when the person complies with the order to
24 appear for genetic testing. The department may use civil
25 remedies or other statutory means available to the department
26 to collect any administrative fine imposed under this
27 subsection.

28 (8) GENETIC-TESTING RESULTS.--The department shall
29 send a copy of the genetic-testing results to the putative
30 father, to the mother, to the custodian, and to the other
31 state, if applicable. If the genetic-testing results,

1 including second or subsequent genetic-testing results, do not
2 indicate a statistical probability of paternity which equals
3 or exceeds 99 percent, the paternity proceeding ends as to
4 that child.

5 (9) PROPOSED ORDER OF PATERNITY; COMMENCEMENT OF
6 PROCEEDING TO ESTABLISH ADMINISTRATIVE SUPPORT ORDER; PROPOSED
7 ORDER OF PATERNITY AND CHILD SUPPORT.--

8 (a) If a paternity proceeding has been commenced under
9 this section and the results of genetic testing indicate a
10 statistical probability of paternity which equals or exceeds
11 99 percent, the department may:

12 1. Issue a proposed order of paternity as provided by
13 paragraph (b); or

14 2. If appropriate, delay issuing a proposed order of
15 paternity and commence, by regular mail, an administrative
16 proceeding to establish a support order for the child under s.
17 409.2563 and issue a single proposed order for paternity and
18 child support.

19 (b) A proposed order of paternity must:

20 1. State proposed findings of fact and conclusions of
21 law;

22 2. Include a copy of the results of genetic testing;
23 and

24 3. Include notice of the respondent's right to
25 informal review and to contest the proposed order of paternity
26 at an administrative hearing.

27 (c) If a paternity and child support proceeding has
28 been commenced under this section and the results of genetic
29 testing indicate a statistical probability of paternity which
30 equals or exceeds 99 percent, the department may issue a
31

1 single proposed order that includes paternity as provided by
2 this section and child support as provided by s. 409.2563.

3 (d) The department shall serve a proposed order issued
4 under this section on the respondent by regular mail and shall
5 provide a copy by regular mail to the mother or custodian, if
6 they are not respondents.

7 (10) INFORMAL REVIEW; ADMINISTRATIVE HEARING;
8 PRESUMPTION OF PATERNITY.--

9 (a) The respondent may contact a department
10 representative at the address or telephone number provided no
11 later than 10 days after the date of mailing or other service
12 of a proposed order in order to request an informal review of
13 the proposed order. If an informal review is timely requested,
14 the time for requesting a hearing is extended until 10 days
15 after the department mails notice to the respondent that the
16 informal review has been concluded.

17 (b) Within 20 days after the mailing date of the
18 proposed order, or within 10 days after the mailing date of
19 notice that an informal review has been concluded, whichever
20 is later, the respondent may request an administrative
21 hearing. The respondent may request a hearing by filing a
22 written request for a hearing with the department. A request
23 for a hearing must state the specific objections to the
24 proposed order, the specific objections to the genetic testing
25 results, or both. A respondent who fails to file a timely
26 request for a hearing is deemed to have waived the right to a
27 hearing.

28 (c) If the respondent files a timely request for a
29 hearing, the department shall refer the hearing request to the
30 Division of Administrative Hearings. Unless otherwise provided
31 by this section or by s. 409.2563, the conduct of the

1 administrative hearing is governed by chapter 120 and the
2 Uniform Rules of Procedure.

3 (d) The genetic-testing results shall be admitted into
4 evidence and made a part of the hearing record. For purposes
5 of this section, a statistical probability of paternity which
6 equals or exceeds 99 percent creates a presumption that the
7 putative father is the biological father of the child. The
8 presumption may be overcome only by clear and convincing
9 evidence. The respondent or the department may call an expert
10 witness to refute or support the testing procedure or results,
11 or the mathematical theory on which they are based. Verified
12 documentation of the chain of custody of the samples tested is
13 competent evidence to establish the chain of custody.

14 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY
15 AND CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL
16 STATISTICS.--

17 (a) If a hearing is held, the administrative law judge
18 shall issue a final order that adjudicates paternity or, if
19 appropriate, paternity and child support. A final order of the
20 administrative law judge constitutes final agency action by
21 the department. The Division of Administrative Hearings shall
22 transmit the order to the department for filing and rendering.

23 (b) If the respondent does not file a timely request
24 for a hearing or consents in writing to the entry of a final
25 order without a hearing, the department may render a final
26 order of paternity or a final order of paternity and child
27 support, as appropriate.

28 (c) The department shall mail a copy of the final
29 order to the putative father, the mother, and the custodian,
30 if any. The department shall notify the respondent of the

31

1 right to seek judicial review of a final order according to s.
2 120.68.

3 (d) Upon rendering a final order of paternity or a
4 final order of paternity and child support, the department
5 shall notify the Office of Vital Statistics that the paternity
6 of the child has been established.

7 (e) A final order rendered under this section has the
8 same effect as a judgment entered by the court under chapter
9 742.

10 (f) The provisions of s. 409.2563 which apply to a
11 final administrative support order rendered under that section
12 apply to a final order rendered under this section when a
13 child support obligation is established.

14 (12) RIGHT TO JUDICIAL REVIEW.--A respondent has the
15 right to seek judicial review, according to s. 120.68, of a
16 final order rendered under subsection (11) and an order issued
17 under paragraph (5)(b). The department has the right to seek
18 judicial review, according to s. 120.68, of a final order
19 issued by an administrative law judge under subsection (11)
20 and an order issued by an administrative law judge under
21 paragraph (5)(b).

22 (13) DUTY TO PROVIDE AND MAINTAIN CURRENT MAILING
23 ADDRESS.--Until a proceeding that has been commenced under
24 this section has ended, a respondent who is served with a
25 notice of proceeding must inform the department, in writing,
26 of any change in the respondent's mailing address and is
27 deemed to have received any subsequent order, notice, or other
28 paper mailed to that address, or the address at which the
29 respondent was served, if the respondent has not provided a
30 more recent address.

31

1 (14) PROCEEDINGS IN CIRCUIT COURT.--The results of
2 genetic testing performed under this section are admissible as
3 evidence to the same extent as scientific testing ordered by
4 the court under chapter 742.

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

9 (16) REMEDIES SUPPLEMENTAL.--The remedies provided by
10 this section are supplemental and in addition to other
11 remedies available to the department for establishing
12 paternity and child support obligations.

13 (17) RULEMAKING AUTHORITY.--The department may adopt
14 rules to administer this section.

15 Section 21. Effective July 1, 2005, subsection (4) of
16 section 409.2561, Florida Statutes, is amended to read:

17 409.2561 Support obligations when public assistance is
18 paid; assignment of rights; subrogation; medical and health
19 insurance information.--

20 (4) No obligation of support under this section shall
21 be incurred by any person who is the recipient of supplemental
22 security income or temporary cash assistance ~~public assistance~~
23 ~~moneys~~ for the benefit of a dependent child or who is
24 incapacitated and financially unable to pay as determined by
25 the department.

26 Section 22. Effective January 1, 2006, paragraphs (b)
27 and (c) of subsection (2) of section 409.2563, Florida
28 Statutes, are amended to read:

29 409.2563 Administrative establishment of child support
30 obligations.--

31 (2) PURPOSE AND SCOPE.--

1 (b) The administrative procedure set forth in this
2 section concerns only the establishment of child support
3 obligations. This section does not grant jurisdiction to the
4 department or the Division of Administrative Hearings to hear
5 or determine issues of dissolution of marriage, separation,
6 alimony or spousal support, termination of parental rights,
7 dependency, disputed paternity except for a determination of
8 paternity as provided by s. 409.256, award of or change of
9 custody, or visitation. This paragraph notwithstanding, the
10 department and the Division of Administrative Hearings may
11 make findings of fact that are necessary for a proper
12 determination of a noncustodial parent's support obligation as
13 authorized by this section.

14 (c) If there is no support order for a child in a
15 Title IV-D case whose paternity has been established or is
16 presumed by law, or whose paternity is the subject of a
17 proceeding under s. 409.256, the department may establish the
18 noncustodial parent's child support obligation under ~~pursuant~~
19 ~~to~~ this section, s. 61.30, and other relevant provisions of
20 state law. The noncustodial parent's obligation determined by
21 the department may include any obligation to pay retroactive
22 support and any obligation to provide for health care for a
23 child, whether through insurance coverage, reimbursement of
24 expenses, or both. The department may proceed on behalf of:

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

27 2. A former recipient of public assistance, as
28 provided by s. 409.2569;

29 3. An individual who has applied for services as
30 provided by s. 409.2567;

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

1 5. A state or local government of another state, as
2 provided by chapter 88.

3 Section 23. Effective October 1, 2006, section
4 409.25635, Florida Statutes, is created to read:

5 409.25635 Determination and collection of noncovered
6 medical expenses.--

7 (1) DEFINITION.--As used in this section, the term
8 "noncovered medical expenses" means uninsured medical, dental,
9 or prescription medication expenses that are ordered to be
10 paid on behalf of a child as provided by s. 61.13(1)(b) or a
11 similar law of another state.

12 (2) PROCEEDING TO DETERMINE AMOUNT OWED FOR NONCOVERED
13 MEDICAL EXPENSES.--In a Title IV-D case, the department may
14 proceed under this section to determine the amount owed by an
15 obligor for noncovered medical expenses if:

16 (a) The obligor is subject to a support order that
17 requires the obligor to pay all or part of a child's
18 noncovered medical expenses;

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

21 1. Noncovered medical expenses have been incurred on
22 behalf of the dependent child whom the obligor has been
23 ordered to support;

24 2. The obligee has paid for noncovered medical
25 expenses that have been incurred on behalf of the child;

26 3. The obligor has not paid all or part of the child's
27 noncovered medical expenses as ordered; and

28 4. The amount paid by the obligee for noncovered
29 medical expenses and the amount the obligor allegedly owes to
30 the obligee; and

31

1 (c) The obligee provides documentation in support of
2 the written declaration.

3 (3) NOTICE OF PROCEEDING.--

4 (a) To proceed under this section the department shall
5 serve a notice on the obligor which states:

6 1. That the department has commenced a proceeding to
7 determine the amount the obligor owes for noncovered medical
8 expenses;

9 2. The name of the court or other tribunal that issued
10 the support order that requires the obligor to pay noncovered
11 medical expenses and the date of the order;

12 3. That the proceeding is based on the requirements of
13 the support order, the obligee's written sworn statement, and
14 the supporting documentation provided to the department by the
15 obligee;

16 4. The amount of noncovered medical expenses that the
17 obligee alleges the obligor owes;

18 5. That the obligor may file a motion in the circuit
19 court to contest the amount of noncovered medical expenses
20 owed within 25 days after the date of mailing of the notice,
21 if the support order was entered by a court of this state or a
22 tribunal of another state. If the support order was entered by
23 the department, the obligor may file with the department a
24 petition to contest the amount owed within 25 days after the
25 date of mailing of the notice;

26 6. That the court will determine the amount owed by
27 the obligor and enter judgment, as appropriate, if the obligor
28 timely files a motion in the circuit court to contest the
29 amount of noncovered medical expenses owed and if the support
30 order was entered by a court of this state or a tribunal of
31 another state. If the support order was entered by the

1 department, the department will determine the amount owed by
2 the obligor and render a final order as appropriate if the
3 obligor timely files with the department a petition to contest
4 the amount of noncovered medical expenses owed;

5 7. That the obligor will owe the amount alleged in the
6 notice if the obligor does not timely file a motion or
7 petition to contest the amount; and

8 8. That the department will attempt to collect the
9 amount owed if an amount owed is determined after a hearing or
10 becomes final because the obligor does not file a timely
11 motion or petition to contest the amount.

12 (b) The notice shall be served on the obligor by
13 regular mail sent to the obligor's address of record with the
14 clerk of court, or with the department if the support order
15 was entered by the department, or a more recent address if
16 known. A copy of the obligee's written declaration and
17 supporting documentation must be served on the obligor with
18 the notice. The department shall provide the obligee with a
19 copy of the notice and with any subsequent notice of hearing.

20 (4) RIGHT TO HEARING; DETERMINATION AFTER HEARING;
21 WAIVER OF HEARING.--

22 (a) The obligor may file a motion in the circuit court
23 within 25 days after the date the notice required by
24 subsection (3) is mailed to contest the amount of noncovered
25 medical expenses owed if the support order was entered by a
26 court of this state or a tribunal of another state. If a
27 timely motion is filed, the court shall conduct a hearing to
28 determine if the obligor owes the obligee the amount alleged
29 for noncovered medical expenses and enter judgment as
30 appropriate.

31

1 (b) If the support order was entered by the
2 department, the obligor may file with the department a
3 petition to contest the amount of noncovered medical expenses
4 owed no later than 25 days after the date the notice required
5 by subsection (3) is mailed. If a timely petition is filed,
6 the department shall conduct a hearing under chapter 120 to
7 determine if the obligor owes the obligee for the amount
8 alleged for noncovered medical expenses and render a final
9 order as appropriate.

10 (c) If the obligor does not timely file a motion or
11 petition to contest the amount owed, the amount owed alleged
12 in the notice becomes final and legally enforceable.

13 (5) EFFECT OF DETERMINATION BY THE DEPARTMENT AND
14 UNCONTESTED PROCEEDINGS.--The amount owed for noncovered
15 medical expenses which is determined by the department as
16 provided by paragraph (4)(b) or which becomes final as
17 provided by paragraph (4)(c) has the same effect as a judgment
18 entered by a court.

19 (6) FILING WITH THE DEPOSITORY; RECORDING; MAINTENANCE
20 OF ACCOUNTS.--When an amount owed for noncovered medical
21 expenses is determined, the department shall file a certified
22 copy of the final order or uncontested notice with the
23 depository. Upon receipt of a final order or uncontested
24 notice, the depository shall record the final order or
25 uncontested notice in the same manner as a final judgment. The
26 depository shall maintain necessary accounts to reflect
27 obligations and payments for noncovered medical expenses.

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

1 (8) SUPPLEMENTAL REMEDY.--This section provides a
2 supplemental remedy for determining and collecting noncovered
3 medical expenses. As an alternative, the department or any
4 other party may petition the circuit court for enforcement of
5 an obligation to pay noncovered medical expenses.

6 (9) RULEMAKING AUTHORITY.--The department may adopt
7 rules to administer this section.

8 Section 24. Effective January 1, 2006, subsection (4)
9 of section 409.2564, Florida Statutes, is amended to read:

10 409.2564 Actions for support.--

11 (4) Whenever the department has undertaken an action
12 for enforcement of support, the department may enter into an
13 agreement with the obligor for the entry of a judgment
14 determining paternity, if applicable, and for periodic child
15 support payments based on the support guidelines in s. 61.30
16 ~~obligor's reasonable ability to pay. Before~~ Prior to entering
17 into this agreement, the obligor shall be informed that a
18 judgment will be entered based on the agreement. The clerk of
19 the court shall file the agreement without the payment of any
20 fees or charges, and the court, upon entry of the judgment,
21 shall forward a copy of the judgment to the parties to the
22 action. To encourage settlements without litigation and to
23 promote support order compliance, if the obligor and the
24 department agree on entry of a support order and its terms,
25 the guideline amount owed for retroactive support which is
26 permanently assigned to the state shall be reduced by 25
27 percent. In making a determination of the obligor's reasonable
28 ability to pay and until guidelines are established for
29 determining child support award amounts, the following
30 criteria shall be considered:

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

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

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

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

7 Section 25. Effective October 1, 2005, section
8 409.25645, Florida Statutes, is amended to read:

9 409.25645 Administrative orders for genetic testing.--

10 (1) The department is authorized to use administrative
11 orders to require genetic testing in Title IV-D cases. In
12 these ~~such~~ cases the department or an authorized agent may
13 issue an administrative order to a putative father who has not
14 voluntarily submitted to genetic testing, directing him to
15 appear for a genetic test to determine the paternity of a
16 child, provided that the department has ~~shall have~~ no
17 authority to issue such an order in the absence of an
18 affidavit or written declaration as provided in s. 92.525(2)
19 of the child's mother stating that the putative father is or
20 may be a parent of the child. The administrative order shall
21 state:

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

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

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

29 (2) A copy of the affidavit or written declaration
30 which is the basis for the issuance of the administrative
31 order shall be attached to the order. The administrative

1 order is exempt from the hearing provisions in chapter 120,
2 because the person to whom it is directed shall have an
3 opportunity to object in circuit court in the event the
4 department pursues the matter by filing a petition in circuit
5 court. The department may serve the administrative order to
6 appear for a genetic test by regular mail. In any case in
7 which more than one putative father has been identified, the
8 department may proceed under this section with respect to all
9 putative fathers. If the department receives a request from
10 another state Title IV-D agency to assist in the establishment
11 of paternity, the department may cause an administrative order
12 to appear for a genetic test to be served on a putative father
13 who resides in Florida.

14 (3) If the putative father is incarcerated, the
15 correctional facility shall assist the putative father to
16 comply with the administrative order, whether issued under
17 this section or s. 409.256.

18 (4) An administrative order for genetic testing has
19 the same force and effect as an order of the court.

20 Section 26. Effective October 1, 2005, section
21 409.2567, Florida Statutes, is amended to read:

22 409.2567 Services to individuals not otherwise
23 eligible.--All support services provided by the department
24 shall be made available on behalf of all dependent children.
25 Services shall be provided upon acceptance of public
26 assistance or upon proper application filed with the
27 department. The federally required application fee for
28 individuals who do not receive public assistance is \$1, which
29 shall be waived for all applicants and paid by the department.
30 ~~The department shall adopt rules to provide for the payment of~~
31 ~~a \$25 application fee from each applicant who is not a public~~

1 ~~assistance recipient. The application fee shall be deposited~~
2 ~~in the Child Support Enforcement Application and Program~~
3 ~~Revenue Trust Fund within the Department of Revenue to be used~~
4 ~~for the Child Support Enforcement Program.~~ The obligor is
5 responsible for all administrative costs, as defined in s.
6 409.2554. The court shall order payment of administrative
7 costs without requiring the department to have a member of the
8 bar testify or submit an affidavit as to the reasonableness of
9 the costs. An attorney-client relationship exists only between
10 the department and the legal services providers in Title IV-D
11 cases. The attorney shall advise the obligee in Title IV-D
12 cases that the attorney represents the agency and not the
13 obligee. In Title IV-D cases, any costs, including filing
14 fees, recording fees, mediation costs, service of process
15 fees, and other expenses incurred by the clerk of the circuit
16 court, shall be assessed only against the nonprevailing
17 obligor after the court makes a determination of the
18 nonprevailing obligor's ability to pay the ~~such~~ costs and
19 fees. In any case where the court does not award all costs,
20 the court shall state in the record its reasons for not
21 awarding the costs. The Department of Revenue is ~~shall not be~~
22 considered a party for purposes of this section; however, fees
23 may be assessed against the department under ~~pursuant to~~ s.
24 57.105(1). The department shall submit a monthly report to the
25 Governor and the chairs of the Health and Human Services
26 Fiscal Committee of the House of Representatives and the Ways
27 and Means Committee of the Senate specifying the funds
28 identified for collection from the noncustodial parents of
29 children receiving temporary assistance and the amounts
30 actually collected. The department shall seek a waiver from
31 the United States Secretary of Health and Human Services to

1 authorize the department to provide services to individuals
2 who are owed support in accordance with Title IV-D of the
3 Social Security Act, without need of an application. If the
4 waiver is granted, the department shall adopt rules to
5 implement the waiver and begin providing Title IV-D services
6 to those who are owed support but are not receiving support
7 payments as ordered. However, the department must first give
8 written notice to an individual who is owed support of his or
9 her right to refuse Title IV-D services and a reasonable time
10 to respond.

11 Section 27. Section 409.259, Florida Statutes, is
12 amended to read:

13 409.259 Filing fees in Title IV-D cases; electronic
14 filing of pleadings and other papers.--

15 (1) Notwithstanding s. 28.241, each clerk of the
16 circuit court shall accept petitions, complaints, and motions
17 filed by the department in Title IV-D cases without billing
18 the department separately for each filing, as long as the
19 clerk is being reimbursed in a different manner for expenses
20 incurred in such filings under the cooperative agreement with
21 the department under ~~pursuant to~~ ss. 61.181(1) and 61.1826(2)
22 and (4).

23 (2) Notwithstanding subsection (1), the department is
24 ~~shall continue to be~~ entitled to the other necessary services
25 of the clerk of court in any proceedings under the IV-D
26 program as authorized under s. 409.2571.

27 (3) The Supreme Court, clerks of the circuit court,
28 chief judges, sheriffs, the Office of the Attorney General,
29 the Office of the State Courts Administrator, and the
30 Department of Revenue shall work cooperatively to implement
31 electronic filing of pleadings, returns of service, and other

1 papers with the clerks of the circuit court in Title IV-D
2 cases by October 1, 2009.

3 Section 28. Effective July 1, 2006, section 409.2598,
4 Florida Statutes, is amended to read:

5 409.2598 License-suspension proceeding to enforce a
6 support order ~~Suspension or denial of new or renewal licenses;~~
7 ~~registrations; certifications.--~~

8 (1) As used in this section, the term:

9 (a) "License" means a license, permit, certificate,
10 registration, franchise, or other form of written permission
11 issued by a licensing agency to an individual which authorizes
12 the individual to engage in an occupation, business, trade, or
13 profession or to engage in a recreational activity, including
14 hunting or fishing. Where the context permits, the term also
15 includes an application for a new or renewal license.

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

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

20 (2) The department may commence a license-suspension
21 proceeding to enforce compliance with a support order if an
22 obligor has not complied with the order for at least 30 days
23 by providing written notice to an obligor which states:

24 (a) That the obligor is not in compliance with the
25 support order and specifies that the noncompliance is due to
26 the obligor's nonpayment of current support, delinquencies, or
27 arrears, or the failure to provide health care coverage or
28 medical support;

29 (b) The kind of license that is subject to suspension;

30 (c) That the obligor may avoid suspension of the
31 license by complying with the support order or entering into a

1 written agreement with the department no later than 30 days
2 after the notice was mailed;

3 (d) That the license-suspension proceeding will cease
4 and the license will not be suspended if the obligor timely
5 complies with the support order or a written agreement entered
6 into with the department;

7 (e) That the obligor may contest the license
8 suspension by filing a petition in circuit court within 30
9 days after the notice of noncompliance was mailed; and

10 (f) That the license-suspension proceeding is stayed
11 pending a ruling by the court if the obligor files a timely
12 petition with the circuit court.

13
14 The notice shall be served on the obligor by regular mail sent
15 to the obligor's last address of record on file with the local
16 depository or a more recent address, if known, which may
17 include the obligor's mailing address as reflected by the
18 records of the licensing agency.

19 (3) The obligor may contest license suspension by
20 filing a petition in circuit court within 30 days after the
21 notice of noncompliance has been mailed and by serving a copy
22 of the petition on the department. If the obligor timely files
23 a petition in circuit court, the license-suspension proceeding
24 is stayed pending a ruling by the court. The obligor may
25 contest the license suspension on the basis of a mistake of
26 fact concerning the obligor's compliance with the support
27 order, the reasonableness of a payment agreement offered by
28 the department, or the identity of the obligor. A petition to
29 contest the license suspension must be heard by the court
30 within 15 days after the petition is filed. The court must

31

1 enter an order ruling on the matter within 10 days after the
2 hearing and a copy of the order must be served on the parties.

3 (4)(a) If the obligor complies with the support order
4 or with the written agreement entered into with the department
5 after a proceeding is commenced but before the obligor's
6 license is suspended, the proceeding shall end and the license
7 may not be suspended. If the obligor at a later date fails to
8 comply with the support order or agreement, the department may
9 commence a new proceeding or proceed as provided in paragraph
10 (c).

11 (b) If the obligor complies with the support order or
12 a written agreement entered into with the department after the
13 obligor's license is suspended, the department must provide
14 the obligor with a reinstatement notice and the agency that
15 issued the license must reinstate the license at no additional
16 charge to the obligor.

17 (c) If the obligor enters into a written agreement
18 with the department and later does not comply with it, the
19 department shall notify the agency issuing the license to
20 suspend the license unless the obligor notifies the department
21 that the obligor cannot comply with the written agreement. If
22 the obligor notifies the department of the inability to comply
23 with the written agreement, the obligor shall provide full
24 disclosure to the department of the obligor's income, assets,
25 and employment. If after full disclosure the written agreement
26 cannot be renegotiated, the department or the obligor may file
27 a petition in circuit court to determine the matter.

28 (d) The agency issuing the license shall promptly
29 reinstate the license of the obligor after receiving a court
30 order for reinstating the license.

31

1 (e) Notwithstanding any other law, a notice from a
2 court or the department to reinstate a license shall reinstate
3 to a licensee all licenses established in chapters 370 and 372
4 that were valid at the time of suspension.

5 (5)(a) The department shall notify the licensing
6 agency to suspend the license of an obligor when:

7 1. Thirty or more days have elapsed after a proceeding
8 has been commenced and the obligor has not complied with the
9 support order or a written agreement entered into with the
10 department or filed a timely petition to contest license
11 suspension in circuit court;

12 2. The obligor enters into a written agreement with
13 the department and does not comply with it, unless the obligor
14 notifies the department that the obligor can no longer comply
15 with the written agreement; or

16 3. Ordered to do so by the circuit court.

17 (b) Upon notice by the department or the circuit
18 court, the agency issuing the license shall suspend the
19 license of the obligor and may reinstate the license only
20 after receiving notice from the department or the court.

21 (6) A license may be suspended under this section to
22 enforce compliance with a subpoena, order to appear, order to
23 show cause, or similar order in a child support or paternity
24 proceeding by using the same procedures for enforcing
25 compliance with a support order.

26 (7) The department may combine a proceeding under this
27 section with a proceeding to suspend a driver's license under
28 s. 61.13016. A proceeding to suspend a license under this
29 section may apply to one or more of the licenses issued to the
30 obligor.

31

1 (8) The department may adopt rules to administer and
2 enforce the requirements of this section. The Title IV D
3 agency may petition the court that entered the support order
4 or the court that is enforcing the support order to deny or
5 suspend the license of any obligor with a delinquent support
6 obligation or who fails, after receiving appropriate notice,
7 to comply with subpoenas, orders to appear, orders to show
8 cause, or similar orders relating to paternity or support
9 proceedings. However, a petition may not be filed until the
10 Title IV D agency has exhausted all other available remedies.
11 The purpose of this section is to promote the public policy of
12 the state as established in s. 409.2551.

13 ~~(3) The Title IV D agency shall give notice to any~~
14 ~~obligor who is an applicant for a new or renewal license or~~
15 ~~the holder of a current license when a delinquency exists in~~
16 ~~the support obligation or when an obligor has failed to comply~~
17 ~~with a subpoena, order to appear, order to show cause, or~~
18 ~~similar order relating to paternity or support proceeding. The~~
19 ~~notice shall specify that the obligor has 30 days from the~~
20 ~~date of mailing of the notice to pay the delinquency or to~~
21 ~~reach an agreement to pay the delinquency with the Title IV D~~
22 ~~agency or comply with the subpoena, order to appear, order to~~
23 ~~show cause, or similar order. The notice shall specify that,~~
24 ~~if payment is not made or an agreement cannot be reached, or~~
25 ~~if the subpoena, order to appear, order to show cause, or~~
26 ~~similar order is not complied with, the application may be~~
27 ~~denied or the license may be suspended pursuant to a court~~
28 ~~order.~~

29 ~~(4) If the obligor fails to pay the delinquency or~~
30 ~~enter into a repayment agreement with the department or comply~~
31 ~~with the subpoena, order to appear, order to show cause, or~~

1 ~~similar order within 30 days following completion of service~~
2 ~~of the notice, the Title IV D agency shall send a second~~
3 ~~notice to the obligor stating that the obligor has 30 days to~~
4 ~~pay the delinquency or reach an agreement to pay the~~
5 ~~delinquency with the Title IV D agency or comply with the~~
6 ~~subpoena, order to appear, order to show cause, or similar~~
7 ~~order. If the obligor fails to respond to either notice from~~
8 ~~the Title IV D agency or if the obligor fails to pay the~~
9 ~~delinquency or reach an agreement to pay the delinquency or~~
10 ~~comply with the subpoena, order to appear, order to show~~
11 ~~cause, or similar order after the second notice, the Title~~
12 ~~IV D agency may petition the court which entered the support~~
13 ~~order or the court which is enforcing the support order to~~
14 ~~deny the application for the license or to suspend the license~~
15 ~~of the obligor. However, no petition may be filed until the~~
16 ~~Title IV D agency has exhausted all other available remedies.~~
17 ~~The court may find that it would be inappropriate to deny a~~
18 ~~license or suspend a license if:~~

19 ~~(a) Denial or suspension would result in irreparable~~
20 ~~harm to the obligor or employees of the obligor or would not~~
21 ~~accomplish the objective of collecting the delinquency; or~~

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

25
26 ~~The court may not deny or suspend a license if the court~~
27 ~~determines that an alternative remedy is available to the~~
28 ~~Title IV D agency which is likely to accomplish the objective~~
29 ~~of collecting the delinquency or obtaining compliance with the~~
30 ~~subpoena, order to appear, order to show cause, or similar~~
31 ~~order. If the obligor fails in the defense of a petition for~~

1 ~~denial or suspension, the court which entered the support~~
2 ~~order or the court which is enforcing the support order shall~~
3 ~~enter an order to deny the application for the license or to~~
4 ~~suspend the license of the obligor. The court shall order the~~
5 ~~obligor to surrender the license to the Title IV D agency,~~
6 ~~which will return the license and a copy of the order of~~
7 ~~suspension to the appropriate licensing agency.~~

8 ~~(5) If the court denies or suspends a license and the~~
9 ~~obligor subsequently pays the delinquency or reaches an~~
10 ~~agreement with the Title IV D agency to settle the delinquency~~
11 ~~and makes the first payment required by the agreement, or~~
12 ~~complies with the subpoena, order to appear, order to show~~
13 ~~cause, or similar order, the license shall be issued or~~
14 ~~reinstated upon written proof to the court that the obligor~~
15 ~~has complied with the terms of the court order, subpoena,~~
16 ~~order to appear, order to show cause, or similar order. Proof~~
17 ~~of payment shall consist of a certified copy of the payment~~
18 ~~record issued by the depository. The court shall order the~~
19 ~~appropriate licensing agency to issue or reinstate the license~~
20 ~~without additional charge to the obligor.~~

21 ~~(6) The licensing agency shall, when directed by the~~
22 ~~court, suspend or deny the license of any licensee under its~~
23 ~~jurisdiction found to have a delinquent support obligation or~~
24 ~~not to be in compliance with a subpoena, order to appear,~~
25 ~~order to show cause, or similar order. The licensing agency~~
26 ~~shall issue or reinstate the license without additional charge~~
27 ~~to the licensee when notified by the court that the licensee~~
28 ~~has complied with the terms of the court order, or subpoena,~~
29 ~~order to appear, order to show cause, or similar order.~~

30 ~~(7) Notice shall be served under this section by~~
31 ~~regular mail to the obligor at his or her last address of~~

1 ~~record with the local depository or a more recent address if~~
2 ~~known.~~

3 Section 29. Effective October 1, 2005, section
4 409.821, Florida Statutes, is amended to read:

5 409.821 Florida Kidcare program public records
6 exemption.--Notwithstanding any other law to the contrary, any
7 information identifying a Florida Kidcare program applicant or
8 enrollee, as defined in s. 409.811, held by the Agency for
9 Health Care Administration, the Department of Children and
10 Family Services, the Department of Health, or the Florida
11 Healthy Kids Corporation is confidential and exempt from s.
12 119.07(1) and s. 24(a), Art. I of the State Constitution. The
13 ~~Such~~ information may be disclosed to another governmental
14 entity only if disclosure is necessary for the entity to
15 perform its duties and responsibilities under the Florida
16 Kidcare program and shall be disclosed to the Department of
17 Revenue for purposes of administering the state's Title IV-D
18 program. The receiving governmental entity must maintain the
19 confidential and exempt status of such information.
20 Furthermore, such information may not be released to any
21 person without the written consent of the program applicant.
22 This exemption applies to any information identifying a
23 Florida Kidcare program applicant or enrollee held by the
24 Agency for Health Care Administration, the Department of
25 Children and Family Services, the Department of Health, or the
26 Florida Healthy Kids Corporation before, on, or after the
27 effective date of this exemption. A violation of this section
28 is a misdemeanor of the second degree, punishable as provided
29 in s. 775.082 or s. 775.083.

30
31

1 Section 30. Effective October 1, 2005, paragraph (a)
2 of subsection (5) of section 414.065, Florida Statutes, is
3 amended to read:

4 414.065 Noncompliance with work requirements.--

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

7 (a) The court may order a noncustodial parent who is
8 delinquent in support payments under the terms of a support
9 order, as defined in s. 61.046, to participate in work
10 activities under this chapter, or as provided by s.
11 61.14(5)(b), so that the parent may obtain employment and
12 fulfill the obligation to provide support payments. A
13 noncustodial parent who fails to satisfactorily engage in
14 court-ordered work activities may be held in contempt.

15 Section 31. Effective July 1, 2006, subsection (1) and
16 paragraphs (a) and (b) of subsection (3) of section 443.051,
17 Florida Statutes, are amended to read:

18 443.051 Benefits not alienable; exception, child
19 support intercept.--

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

21 (a) "Unemployment compensation" means any compensation
22 payable under state law, including amounts payable under
23 ~~pursuant to~~ an agreement under any federal law providing for
24 compensation, assistance, or allowances for unemployment.

25 (b) "Support obligations" includes only those
26 obligations that are being enforced under a plan described in
27 s. 454 of the Social Security Act which has been approved by
28 the Secretary of Health and Human Services under Part D of
29 Title IV of the Social Security Act. Support obligations
30 include any legally required payments to reduce delinquencies,
31 arrearages, or retroactive support.

1 (c) "Support order" means a judgment, decree, or
2 order, whether temporary or final, issued by a court of
3 competent jurisdiction or administrative agency for the
4 support and maintenance of a child which provides for monetary
5 support, health care, arrearages, or past support. When the
6 child support obligation is being enforced by the Department
7 of Revenue, the term "support order" also means a judgment,
8 decree, or order, whether temporary or final, issued by a
9 court of competent jurisdiction for the support and
10 maintenance of a child and the spouse or former spouse of the
11 obligor with whom the child is living which provides for
12 monetary support, health care, arrearages, or past support.

13 (3) EXCEPTION, SUPPORT INTERCEPT.--

14 (a) ~~Each individual filing a new claim for~~
15 ~~unemployment compensation must disclose at the time of filing~~
16 ~~the claim whether she or he owes support obligations that are~~
17 ~~being enforced by the Department of Revenue. If an applicant~~
18 ~~discloses that she or he owes support obligations and she or~~
19 ~~he is determined to be eligible for unemployment compensation~~
20 ~~benefits, the Agency for Workforce Innovation shall notify the~~
21 ~~Department of Revenue if the department is enforcing the~~
22 ~~support obligation. The Department of Revenue shall, at least~~
23 ~~biweekly, provide the Agency for Workforce Innovation with a~~
24 ~~magnetic tape or other electronic data file disclosing the~~
25 ~~individuals who owe support obligations and the amount of any~~
26 ~~legally required deductions.~~

27 (b) For support obligations established on or after
28 July 1, 2006, and for support obligations established before
29 July 1, 2006, when the support order does not address the
30 withholding of unemployment compensation, the Agency for
31 Workforce Innovation shall deduct and withhold 40 percent of

1 the unemployment compensation otherwise payable to an
2 individual disclosed under paragraph (a). If delinquencies,
3 arrearages, or retroactive support are owed and repayment has
4 not been ordered, the unpaid amounts are included in the
5 support obligation and are subject to withholding. If the
6 amount deducted exceeds the support obligation, the Department
7 of Revenue shall promptly refund the amount of the excess
8 deduction to the obligor. For support obligations in effect
9 before July 1, 2006, if the support order addresses the
10 withholding of unemployment compensation, the Agency for
11 Workforce Innovation shall deduct and withhold the amount
12 ordered by the court or administrative agency that issued the
13 support order as disclosed by the Department of Revenue. The
14 ~~Agency for Workforce Innovation shall deduct and withhold from~~
15 ~~any unemployment compensation otherwise payable to an~~
16 ~~individual disclosed under paragraph (a) who owes support~~
17 ~~obligations;~~

18 1. ~~The amount determined under an agreement submitted~~
19 ~~to the Agency for Workforce Innovation under s. 454(19)(B)(i)~~
20 ~~of the Social Security Act by the Department of Revenue;~~

21 2. ~~The amount required to be deducted and withheld~~
22 ~~from unemployment compensation through legal process as~~
23 ~~defined in s. 459 of the Social Security Act; or~~

24 3. ~~The amount otherwise specified by the individual to~~
25 ~~the Agency for Workforce Innovation to be deducted and~~
26 ~~withheld under this section.~~

27 Section 32. Effective July 1, 2006, subsection (9) of
28 section 455.203, Florida Statutes, is amended to read:

29 455.203 Department; powers and duties.--The
30 department, for the boards under its jurisdiction, shall:

31

1 (9) ~~Allow applicants for new or renewal licenses and~~
2 ~~current licensees to be screened by the Title IV D child~~
3 ~~support agency pursuant to s. 409.2598 to assure compliance~~
4 ~~with a support obligation.~~ The purpose of this subsection is
5 to promote the public policy of this state as established in
6 s. 409.2551. The department shall, when directed by the court,
7 suspend or deny the license of any licensee found to have a
8 delinquent support obligation, ~~as defined in s. 409.2554.~~ The
9 department shall issue or reinstate the license without
10 additional charge to the licensee when notified by the court
11 that the licensee has complied with the terms of the court
12 order. The department is ~~shall~~ not ~~be held~~ liable for any
13 license denial or suspension resulting from the discharge of
14 its duties under this subsection.

15 Section 33. Effective January 1, 2006, subsection (1)
16 of section 742.10, Florida Statutes, is amended to read:

17 742.10 Establishment of paternity for children born
18 out of wedlock.--

19 (1) This chapter provides the primary jurisdiction and
20 procedures for the determination of paternity for children
21 born out of wedlock. When the establishment of paternity has
22 been raised and determined within an adjudicatory hearing
23 brought under the statutes governing inheritance, or
24 dependency under workers' compensation or similar compensation
25 programs, or when an affidavit acknowledging paternity or a
26 stipulation of paternity is executed by both parties and filed
27 with the clerk of the court, or when an affidavit, a notarized
28 voluntary acknowledgment of paternity, or a voluntary
29 acknowledgment of paternity that is witnessed by two
30 individuals and signed under penalty of perjury as provided
31 for in s. 382.013 or s. 382.016 is executed by both parties,

1 or when paternity is adjudicated by the Department of Revenue
2 as provided by s. 409.256, the adjudication, affidavit, or
3 acknowledgment constitutes ~~it shall constitute~~ the
4 establishment of paternity for purposes of this chapter. If no
5 adjudicatory proceeding was held, a notarized voluntary
6 acknowledgment of paternity or voluntary acknowledgment of
7 paternity that is witnessed by two individuals and signed
8 under penalty of perjury as specified by s. 92.525(2) creates
9 ~~shall create~~ a rebuttable presumption, as defined by s.
10 90.304, of paternity and is subject to the right of any
11 signatory to rescind the acknowledgment within 60 days after
12 the date the acknowledgment was signed or the date of an
13 administrative or judicial proceeding relating to the child,
14 including a proceeding to establish a support order, in which
15 the signatory is a party, whichever is earlier. Both parents
16 must provide their social security numbers on any
17 acknowledgment of paternity, consent affidavit, or stipulation
18 of paternity. Except for affidavits under seal under ~~pursuant~~
19 ~~to~~ ss. 382.015 and 382.016, the Office of Vital Statistics
20 shall provide certified copies of affidavits to the Title IV-D
21 agency upon request.

22 Section 34. Effective January 1, 2006, paragraph (a)
23 of subsection (2) of section 760.40, Florida Statutes, is
24 amended to read:

25 760.40 Genetic testing; informed consent;
26 confidentiality; penalties; notice of use of results.--

27 (2)(a) Except for purposes of criminal prosecution,
28 except for purposes of determining paternity as provided in s.
29 409.256 or s. 742.12(1), and except for purposes of acquiring
30 specimens from persons convicted of certain offenses or as
31 otherwise provided in s. 943.325, DNA analysis may be

1 performed only with the informed consent of the person to be
2 tested, and the results of such DNA analysis, whether held by
3 a public or private entity, are the exclusive property of the
4 person tested, are confidential, and may not be disclosed
5 without the consent of the person tested. Such information
6 held by a public entity is exempt from the provisions of s.
7 119.07(1) and s. 24(a), Art. I of the State Constitution.

8 Section 35. Effective October 1, 2005, subsections
9 (1), (2), and (6) of section 827.06, Florida Statutes, are
10 amended to read:

11 827.06 Nonsupport of dependents.--

12 (1) The Legislature finds that most noncustodial
13 parents want to support their children and remain connected to
14 their families. The Legislature also finds that while many
15 noncustodial parents lack the financial resources and other
16 skills necessary to provide that support, some ~~a small~~
17 ~~percentage of such~~ parents willfully fail to provide support
18 to their children even when they are aware of the obligation
19 and have the ability to do so ~~pursuant to s. 61.30~~. The
20 Legislature further finds that existing statutory provisions
21 for civil enforcement of support have not proven sufficiently
22 effective or efficient in gaining adequate support for all
23 children. Recognizing that it is the public policy of this
24 state that children shall be maintained primarily from the
25 resources of their parents, thereby relieving, at least in
26 part, the burden presently borne by the general citizenry
27 through public assistance programs, it is the intent of the
28 Legislature that the criminal penalties provided for in this
29 section are to be pursued in all appropriate cases where
30 ~~exhaustion of appropriate~~ civil enforcement has not resulted
31 in payment.

1 (2) Any person who, ~~after notice as specified in~~
2 ~~subsection (6), and who has been previously adjudged in~~
3 ~~contempt for failure to comply with a support order,~~ willfully
4 fails to provide support which he or she has the ability to
5 provide to a child or a spouse whom the person knows he or she
6 is legally obligated to support commits a misdemeanor of the
7 first degree, punishable as provided in s. 775.082 or s.
8 775.083. ~~In lieu of any punishment imposed pursuant to s.~~
9 ~~775.082 or s. 775.083, any person who is convicted of a~~
10 ~~violation of this subsection shall be punished:~~
11 ~~(a) By a fine to be paid after restitution for:~~
12 1. ~~Not less than \$250 nor more than \$500 for a first~~
13 ~~conviction.~~
14 2. ~~Not less than \$500 nor more than \$750 for a second~~
15 ~~conviction.~~
16 3. ~~Not less than \$750 nor more than \$1,000 for a third~~
17 ~~conviction; and~~
18 ~~(b) By imprisonment for:~~
19 1. ~~Not less than 15 days nor more than 1 month for a~~
20 ~~first conviction.~~
21 2. ~~Not less than 1 month nor more than 3 months for a~~
22 ~~second conviction.~~
23 3. ~~Not less than 3 months nor more than 6 months for a~~
24 ~~third conviction.~~
25 (6) It is the intent of the Legislature for the state
26 attorneys, the Florida Prosecuting Attorneys Association, and
27 the Department of Revenue to work collaboratively to identify
28 strategies that will allow the criminal penalties provided for
29 in this section to be pursued in all appropriate cases,
30 including, but not limited to, strategies that would assist
31 the state attorneys in obtaining additional resources from

1 available federal Title IV-D funds to initiate prosecution
2 under this section. The Florida Prosecuting Attorneys
3 Association and the Department of Revenue shall submit a joint
4 report to the Governor, the President of the Senate, and the
5 Speaker of the House of Representatives no later than December
6 31, 2005. Prior to commencing prosecution under this section,
7 ~~the state attorney must notify the person responsible for~~
8 ~~support by certified mail, return receipt requested, or by~~
9 ~~using any other means permitted for service of process in a~~
10 ~~civil action, that a prosecution under this section will be~~
11 ~~commenced against him or her unless the person pays the total~~
12 ~~unpaid support obligation or provides a satisfactory~~
13 ~~explanation as to why he or she has not made such payments.~~

14 Section 36. For the purpose of incorporating the
15 amendment made by this act to section 61.13, Florida Statutes,
16 in references thereto, subsection (8) of section 61.30,
17 Florida Statutes, is reenacted to read:

18 61.30 Child support guidelines; retroactive child
19 support.--

20 (8) Health insurance costs resulting from coverage
21 ordered pursuant to s. 61.13(1)(b), and any noncovered
22 medical, dental, and prescription medication expenses of the
23 child, shall be added to the basic obligation unless these
24 expenses have been ordered to be separately paid on a
25 percentage basis. After the health insurance costs are added
26 to the basic obligation, any moneys prepaid by the
27 noncustodial parent for health-related costs for the child or
28 children of this action shall be deducted from that
29 noncustodial parent's child support obligation for that child
30 or those children.

31

1 Section 37. Effective October 1, 2005, paragraph (e)
2 of subsection (1) of section 61.13, Florida Statutes, is
3 repealed.

4 Section 38. Effective October 1, 2005, subsection (7)
5 of section 409.2564, Florida Statutes, is repealed.

6 Section 39. Except as otherwise expressly provided in
7 this act, this act shall take effect upon becoming a law.

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SENATE SUMMARY

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3 Requires the repayment of a support delinquency through
4 an additional income deduction. Requires an obligor
5 contesting an income deduction order rendered by the
6 Title IV-D agency to file the petition with the Title
7 IV-D agency. Requires the Department of Revenue to
8 provide payors with Internet access to income deduction
9 and national medical support notices issued on or after a
10 specified date. Provides for suspension of a driver's
11 license to enforce compliance with an order to appear for
12 genetic testing. Requires the Department of Revenue to
13 report to consumer reporting agencies the amount of
14 overdue support owed by an obligor and the amount of the
15 obligor's support obligation when the overdue support is
16 paid. Authorizes a circuit court to order an obligor to
17 seek employment, engage in employment activities, and to
18 inform the court and the Department of Revenue of the
19 employment activities. Provides that an obligor may be in
20 contempt of court for failing to comply with work-related
21 activities. Provides for recovery of support arrearages
22 from workers' compensation lump-sum settlements. Requires
23 the State Disbursement Unit, to the extent feasible, to
24 provide for electronic disbursement of support payments
25 to obligees. Requires certain employers to electronically
26 remit support payments to the State Disbursement Unit by
27 a specified date. Provides for the right to immediate
28 judicial review to contest an administrative order for
29 genetic testing. Provides for venue of administrative
30 hearings in paternity proceedings and determinations of
31 noncovered medical expenses. Authorizes the Department of
Revenue to obtain digital photographs and signatures from
the Department of Highway Safety and Motor Vehicles for
use in establishing paternity and establishing,
modifying, or enforcing support obligations. Require the
Department of Health to amend a child's birth certificate
when paternity is established by the Department of
Revenue. Requires the clerk of the circuit court to
ensure that all judicial determinations of paternity are
reported to the Department of Health. Requires the
Department of Health to amend the birth certificate of a
child born in this state but whose paternity is
established in another state. Requires the Department of
Revenue and other specified organizations to study the
feasibility and report on the filing of birth
certificates and other documents by electronic means with
the Department of Health. Requires a hospital that
provides birthing services to affirm as part of its
application for a new, provisional, or renewal license
that the hospital will comply with assisting unmarried
parents who request assistance in executing a voluntary
acknowledgment of paternity. Requires the Department of
Revenue to make reasonable efforts to locate persons to
whom collections or refunds are owed. Provides for
location efforts to include disclosure through a
searchable Internet database with appropriate privacy
safeguards. Provides for notice, an opportunity for an
administrative hearing, and the right to judicial review.
Authorizes the Department of Revenue to combine a
paternity proceeding with an administrative proceeding to

1 | establish a child support order. Provides for
2 | administrative orders to order a person to appear for
3 | genetic testing. Provides for the scheduling of genetic
4 | testing and for the rescheduling of the test for a claim
5 | of good cause. Provides specified sanctions for failing
6 | or refusing to submit to genetic testing. Provides for a
7 | presumption of paternity based on genetic testing
8 | results. Requires a respondent to notify the Department
9 | of Revenue of changes of address and that subsequent
10 | notice by mail is deemed to have been received.
11 | Authorizes the Department of Revenue to establish an
12 | administrative support order when paternity is determined
13 | by administrative procedures. Authorizes the Department
14 | of Revenue to determine in Title IV-D cases the amount
15 | owed by an obligor for noncovered medical expenses.
16 | Provides for notice, an opportunity for an administrative
17 | hearing, and the right to judicial review. Requires the
18 | obligee to prepare a written declaration under penalty of
19 | perjury documenting the claim. Authorizes the Department
20 | of Revenue to collect noncovered medical expenses by
21 | using the same remedies available for collection of
22 | support. Provides that an administrative order for
23 | genetic testing has the same force and effect as a court
24 | order. Requires the Department of Revenue to waive the
25 | federal application fee and to pay the fee for certain
26 | applicants. Requires the Department of Revenue to seek a
27 | federal waiver from the requirement that an individual
28 | must apply for Title IV-D services. Authorizes the
29 | Department of Revenue to commence a proceeding to suspend
30 | an obligor's occupational, business, trade, professional,
31 | or recreational license for noncompliance with a support
32 | order. Provides grounds for contesting the proposed
33 | suspension. Provides for a stay of the suspension
34 | proceedings under certain circumstances. Provides for a
35 | written agreement with the Department of Revenue to avoid
36 | suspension of the license. Requires the Department of
37 | Revenue to issue a reinstatement notice if the obligor
38 | complies with the support order. Authorizes using the
39 | license suspension proceedings to enforce subpoenas,
40 | orders to appear, or similar orders. Provides for a
41 | combined proceeding to suspend an occupational license
42 | and a driver's license. Provides that when paternity is
43 | adjudicated by the Department of Revenue, the
44 | adjudication constitutes the establishment of paternity.
45 | Requires that DNA testing be conducted only with the
46 | informed consent of the person tested with the exception
47 | of genetic testing in paternity cases. (See bill for
48 | details.)