

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; adding a  
31 cross-reference; amending s. 322.142, F.S.;

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

1 means with the Department of Health; amending  
2 s. 395.003, F.S.; requiring a hospital that  
3 provides birthing services to affirm as part of  
4 its application for a new, provisional, or  
5 renewal license that the hospital will comply  
6 with assisting unmarried parents who request  
7 assistance in executing a voluntary  
8 acknowledgment of paternity; prohibiting  
9 sanctions against hospitals for noncompliance  
10 with s. 382.013(2)(c), F.S., relating to notice  
11 concerning the acknowledgement of paternity;  
12 amending s. 409.2557, F.S.; authorizing the  
13 Department of Revenue to adopt rules relating  
14 to administrative proceedings to establish  
15 paternity, paternity and child support orders,  
16 and orders to appear for genetic testing;  
17 amending s. 409.2558, F.S.; requiring the  
18 Department of Revenue to make reasonable  
19 efforts to locate persons to whom collections  
20 or refunds are owed; providing for location  
21 efforts to include disclosure through a  
22 searchable Internet database using appropriate  
23 privacy safeguards; creating s. 409.256, F.S.;  
24 defining terms relating to administrative  
25 procedures to establish paternity and support  
26 orders; authorizing the Department of Revenue  
27 to establish administrative procedures to  
28 determine paternity using the results of  
29 genetic testing; providing for notice, an  
30 opportunity for an administrative hearing, and  
31 the right to judicial review; authorizing the

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

1 assistance for the benefit of a dependent  
2 child; amending s. 409.2563, F.S.; authorizing  
3 the Department of Revenue to establish an  
4 administrative support order when paternity is  
5 determined by administrative procedures;  
6 creating s. 409.25635, F.S.; authorizing the  
7 Department of Revenue to determine in Title  
8 IV-D cases the amount owed by an obligor for  
9 noncovered medical expenses; defining the term  
10 "noncovered medical expenses"; providing for  
11 notice, an opportunity for an administrative  
12 hearing, and the right to judicial review;  
13 requiring the obligee to prepare a written  
14 declaration under penalty of perjury  
15 documenting the claim; requiring the Department  
16 of Revenue to provide specified information in  
17 the notice to proceed; authorizing the  
18 Department of Revenue to collect noncovered  
19 medical expenses by using the same remedies  
20 available for the collection of support;  
21 providing that the administrative procedure is  
22 a supplemental remedy; providing for the  
23 Department of Revenue to adopt rules; amending  
24 s. 409.2564, F.S.; requiring that the amount of  
25 retroactive support permanently assigned to the  
26 state be reduced by a specified percentage when  
27 the obligor and the department agree to a  
28 support order; amending s. 409.25645, F.S.;  
29 requiring a correctional facility to assist a  
30 putative father to comply with an  
31 administrative order for genetic testing;

1 providing that an administrative order for  
2 genetic testing has the same force and effect  
3 as a court order; amending s. 409.2567, F.S.;  
4 requiring the Department of Revenue to waive  
5 the federal application fee and pay the fee for  
6 certain applicants; providing for the  
7 Department of Revenue to seek a federal waiver  
8 from the requirement that an individual apply  
9 for Title IV-D services; providing for the  
10 department to adopt rules if a waiver is  
11 granted and begin providing Title IV-D services  
12 if support payments are not paid as ordered  
13 unless the individual elects not to receive  
14 services after notice; amending s. 409.259,  
15 F.S.; requesting certain public officials and  
16 agencies to work cooperatively to implement  
17 electronic filing of pleadings and other  
18 documents by a specified date; amending s.  
19 409.2598, F.S.; authorizing the Department of  
20 Revenue to commence a proceeding to suspend an  
21 obligor's occupational, business, trade,  
22 professional, or recreational license for  
23 noncompliance with a support order; providing  
24 for notice by regular mail and an opportunity  
25 to contest the suspension of the license in  
26 circuit court; providing grounds for contesting  
27 the proposed suspension; providing for a stay  
28 of the suspension proceedings under certain  
29 circumstances; providing for a written  
30 agreement with the Department of Revenue to  
31 avoid suspension of the license; requiring the

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



1 | according to the terms of the support order as  
2 | disclosed by the Department of Revenue;  
3 | amending s. 455.203, F.S.; deleting provisions  
4 | requiring the Department of Business and  
5 | Professional Regulation to screen license  
6 | applicants for compliance with support  
7 | obligations; amending s. 742.10, F.S.;  
8 | providing that when paternity is adjudicated by  
9 | the Department of Revenue, the adjudication  
10 | constitutes the establishment of paternity for  
11 | purposes of ch. 742, F.S.; amending s. 760.40,  
12 | F.S.; requiring that DNA testing be conducted  
13 | only with the informed consent of the person  
14 | tested, with the exception of genetic testing  
15 | in paternity cases; authorizing disclosure of  
16 | test results for genetic testing in paternity  
17 | cases; amending s. 827.06, F.S.; deleting  
18 | provisions that require exhaustion of civil  
19 | remedies and other provisions relating to the  
20 | criminal prosecution for nonsupport; providing  
21 | for the state attorneys, the Florida  
22 | Prosecuting Attorneys Association, and the  
23 | Department of Revenue to identify strategies  
24 | for pursuing criminal prosecution in  
25 | appropriate cases; requiring the collaborating  
26 | group to file a joint report to the Governor,  
27 | the President of the Senate, and the Speaker of  
28 | the House of Representatives by a specified  
29 | date; reenacting s. 61.30(8), F.S., relating to  
30 | health insurance costs in the child support  
31 | guidelines, to incorporate the amendment made

1 to s. 61.13, F.S., in a reference thereto;  
 2 amending s. 61.14, F.S.; correcting a  
 3 cross-reference; amending s. 61.30, F.S.;  
 4 correcting a cross-reference; repealing ss.  
 5 61.13(1)(e) and 409.2564(7), F.S., relating to  
 6 a judicial circuit with a work experience and  
 7 job training pilot project; providing effective  
 8 dates.

9  
 10 Be It Enacted by the Legislature of the State of Florida:

11  
 12 Section 1. Effective October 1, 2005, paragraph (b) of  
 13 subsection (1) of section 61.13, Florida Statutes, is amended  
 14 to read:

15 61.13 Custody and support of children; visitation  
 16 rights; power of court in making orders.--

17 (b) Each order for support shall contain a provision  
 18 for health care coverage for the minor child when the coverage  
 19 is reasonably available. Coverage is reasonably available if  
 20 either the obligor or obligee has access at a reasonable rate  
 21 to a group health plan. The court may require the obligor  
 22 either to provide health care coverage or to reimburse the  
 23 obligee for the cost of health care coverage for the minor  
 24 child when coverage is provided by the obligee. In either  
 25 event, the court shall apportion the cost of coverage, and any  
 26 noncovered medical, dental, and prescription medication  
 27 expenses of the child, to both parties by adding the cost to  
 28 the basic obligation determined under ~~pursuant to~~ s. 61.30(6).  
 29 The court may order that payment of uncovered medical, dental,  
 30 and prescription medication expenses of the minor child be  
 31 made directly to the obligee on a percentage basis.

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

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

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

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

15           2.a. A support order enforced under Title IV-D of the  
16 Social Security Act which requires that the obligor provide  
17 health care coverage is enforceable by the department through  
18 the use of the national medical support notice, and an  
19 amendment to the support order is not required. The department  
20 shall transfer the national medical support notice to the  
21 obligor's union or employer. The department shall notify the  
22 obligor in writing that the notice has been sent to the  
23 obligor's union or employer, and the written notification must  
24 include the obligor's rights and duties under the national  
25 medical support notice. The obligor may contest the  
26 withholding required by the national medical support notice  
27 based on a mistake of fact. To contest the withholding, the  
28 obligor must file a written notice of contest with the  
29 department within 15 business days after the date the obligor  
30 receives written notification of the national medical support  
31 notice from the department. Filing with the department is

1 complete when the notice is received by the person designated  
2 by the department in the written notification. The notice of  
3 contest must be in the form prescribed by the department. Upon  
4 the timely filing of a notice of contest, the department  
5 shall, within 5 business days, schedule an informal conference  
6 with the obligor to discuss the obligor's factual dispute. If  
7 the informal conference resolves the dispute to the obligor's  
8 satisfaction or if the obligor fails to attend the informal  
9 conference, the notice of contest is deemed withdrawn. If the  
10 informal conference does not resolve the dispute, the obligor  
11 may request an administrative hearing under chapter 120 within  
12 5 business days after the termination of the informal  
13 conference, in a form and manner prescribed by the department.  
14 However, the filing of a notice of contest by the obligor does  
15 not delay the withholding of premium payments by the union,  
16 employer, or health plan administrator. The union, employer,  
17 or health plan administrator must implement the withholding as  
18 directed by the national medical support notice unless  
19 notified by the department that the national medical support  
20 notice is terminated.

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

25         3. In a non-Title IV-D case, upon receipt of the order  
26 under ~~pursuant to~~ subparagraph 1., or upon application of the  
27 obligor under ~~pursuant to~~ the order, the union or employer  
28 shall enroll the minor child as a beneficiary in the group  
29 health plan regardless of any restrictions on the enrollment  
30 period and withhold any required premium from the obligor's  
31 income. If more than one plan is offered by the union or

1 employer, the child shall be enrolled in the group health plan  
2 in which the obligor is enrolled.

3 4.a. Upon receipt of the national medical support  
4 notice under subparagraph 2. in a Title IV-D case, the union  
5 or employer shall transfer the notice to the appropriate group  
6 health plan administrator within 20 business days after the  
7 date on the notice. The plan administrator must enroll the  
8 child as a beneficiary in the group health plan regardless of  
9 any restrictions on the enrollment period, and the union or  
10 employer must withhold any required premium from the obligor's  
11 income upon notification by the plan administrator that the  
12 child is enrolled. The child shall be enrolled in the group  
13 health plan in which the obligor is enrolled. If the group  
14 health plan in which the obligor is enrolled is not available  
15 where the child resides or if the obligor is not enrolled in  
16 group coverage, the child shall be enrolled in the lowest cost  
17 group health plan that is available where the child resides.

18 b. If health care coverage or the obligor's employment  
19 is terminated in a Title IV-D case, the union or employer that  
20 is withholding premiums for health care coverage under a  
21 national medical support notice must notify the department  
22 within 20 days after the termination and provide the obligor's  
23 last known address and the name and address of the obligor's  
24 new employer, if known.

25 5.a. The amount withheld by a union or employer in  
26 compliance with a support order may not exceed the amount  
27 allowed under s. 303(b) of the Consumer Credit Protection Act,  
28 15 U.S.C. s. 1673(b), as amended. The union or employer shall  
29 withhold the maximum allowed by the Consumer Credit Protection  
30 Act in the following order:

31 (I) Current support, as ordered.

1 (II) Premium payments for health care coverage, as  
2 ordered.

3 (III) Past due support, as ordered.

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

5 b. If the combined amount to be withheld for current  
6 support plus the premium payment for health care coverage  
7 exceed the amount allowed under the Consumer Credit Protection  
8 Act, and the health care coverage cannot be obtained unless  
9 the full amount of the premium is paid, the union or employer  
10 may not withhold the premium payment. However, the union or  
11 employer shall withhold the maximum allowed in the following  
12 order:

13 (I) Current support, as ordered.

14 (II) Past due support, as ordered.

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

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

22 ~~7.6-~~ The Department of Revenue may adopt rules to  
23 administer the child support enforcement provisions of this  
24 section ~~that which~~ affect Title IV-D cases.

25 Section 2. Effective July 1, 2006, paragraphs (b) and  
26 (f) of subsection (1) and subsection (3) of section 61.1301,  
27 Florida Statutes, are amended, and subsection (5) is added to  
28 that section, to read:

29 61.1301 Income deduction orders.--  
30  
31

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

4 (b) The income deduction order shall:

5 1. Direct a payor to deduct from all income due and  
 6 payable to an obligor the amount required by the court to meet  
 7 the obligor's support obligation including any attorney's fees  
 8 or costs owed and forward the deducted amount pursuant to the  
 9 order.

10 2. State the amount of arrearage owed, if any, and  
 11 direct a payor to withhold an additional 20 percent or more of  
 12 the periodic amount specified in the order establishing,  
 13 enforcing, or modifying the obligation, until full payment is  
 14 made of any arrearage, attorney's fees and costs owed,  
 15 provided no deduction shall be applied to attorney's fees and  
 16 costs until the full amount of any arrearage is paid;

17 3. Provide that, if a delinquency accrues after the  
 18 order establishing, modifying, or enforcing the obligation has  
 19 been entered and there is no order for repayment of the  
 20 delinquency or a preexisting arrearage, a payor shall deduct  
 21 an additional 20 percent of the current support obligation or  
 22 other amount agreed to by the parties until the delinquency  
 23 and any attorney's fees and costs are paid in full, provided  
 24 that no deduction may be applied to attorney's fees and costs  
 25 until the delinquency is paid in full;

26 ~~4.3-~~ Direct a payor not to deduct in excess of the  
 27 amounts allowed under s. 303(b) of the Consumer Credit  
 28 Protection Act, 15 U.S.C. s. 1673(b), as amended;

29 ~~5.4-~~ Direct whether a payor shall deduct all, a  
 30 specified portion, or no income which is paid in the form of a  
 31 bonus or other similar one-time payment, up to the amount of

1 arrearage reported in the income deduction notice or the  
2 remaining balance thereof, and forward the payment to the  
3 governmental depository. For purposes of this subparagraph,  
4 "bonus" means a payment in addition to an obligor's usual  
5 compensation and which is in addition to any amounts  
6 contracted for or otherwise legally due and shall not include  
7 any commission payments due an obligor;

8 ~~6.5.~~ In Title IV-D cases, direct a payor to provide to  
9 the court depository the date on which each deduction is made;

10 ~~7.6.~~ In Title IV-D cases, if an obligation to pay  
11 current support is reduced or terminated due to emancipation  
12 of a child and the obligor owes an arrearage, retroactive  
13 support, delinquency, or costs, direct the payor to continue  
14 the income deduction at the rate in effect immediately prior  
15 to emancipation until all arrearages, retroactive support,  
16 delinquencies, and costs are paid in full or until the amount  
17 of withholding is modified; and

18 ~~8.7.~~ Direct that, where ~~at such time as~~ the State  
19 Disbursement Unit becomes operational, all payments in those  
20 cases in which the obligee is receiving Title IV-D services  
21 and in those cases in which the obligee is not receiving Title  
22 IV-D services in which the initial support order was issued in  
23 this state on or after January 1, 1994, and in which the  
24 obligor's child support obligation is being paid through  
25 income deduction, be made payable to and delivered to the  
26 State Disbursement Unit. Notwithstanding any other statutory  
27 provision to the contrary, funds received by the State  
28 Disbursement Unit shall be held, administered, and disbursed  
29 by the State Disbursement Unit under ~~pursuant to the~~  
30 ~~provisions of~~ this chapter.

31



1 (f) Notice of delinquency. If a support order was  
2 entered before January 1, 1994, or the court orders the income  
3 deduction to be effective upon a delinquency as provided in  
4 paragraph (c), or a delinquency has accrued under an order  
5 entered before July 1, 2006, which established, modified, or  
6 enforced the obligation, and there is no order for repayment  
7 of the delinquency or a preexisting arrearage, the obligee or,  
8 in Title IV-D cases, the Title IV-D agency may enforce the  
9 income deduction by serving a notice of delinquency on the  
10 obligor under this subsection.

11 1. The notice of delinquency shall state:

12 a. The terms of the order establishing, enforcing, or  
13 modifying the obligation.

14 b. The period of delinquency and the total amount of  
15 the delinquency as of the date the notice is mailed.

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

17 d. The total amount of income to be deducted for each  
18 pay period until the arrearage, and all applicable fees and  
19 interest, is paid in full and shall state the total amount of  
20 income to be deducted for each pay period thereafter. The  
21 amounts deducted may not be in excess of that allowed under s.  
22 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s.  
23 1673(b), as amended.

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

26 f. That a copy of the notice of delinquency will be  
27 served on the obligor's payor or payors, together with a copy  
28 of the income deduction order or, in Title IV-D cases, the  
29 income deduction notice, unless the obligor applies to the  
30 court to contest enforcement of the income deduction. If the  
31 income deduction order being enforced was rendered by the

1 Title IV-D agency under s. 409.2563 and the obligor contests  
2 the deduction, the obligor must file a petition for an  
3 administrative hearing with the Title IV-D agency. The  
4 application or petition shall be filed within 15 days after  
5 the date the notice of delinquency was served.

6 g. That enforcement of the income deduction order may  
7 only be contested on the ground of mistake of fact regarding  
8 the amount owed pursuant to the order establishing, enforcing,  
9 or modifying the obligation, the amount of arrearages, or the  
10 identity of the obligor, the payor, or the obligee.

11 h. That the obligor is required to notify the obligee  
12 of the obligor's current address and current payors and of the  
13 address of current payors. All changes shall be reported by  
14 the obligor within 7 days. If the IV-D agency is enforcing  
15 the order, the obligor shall make these notifications to the  
16 agency instead of to the obligee.

17 2. The failure of the obligor to receive the notice of  
18 delinquency does not preclude subsequent service of the income  
19 deduction order or, in Title IV-D cases, the income deduction  
20 notice on the obligor's payor. A notice of delinquency which  
21 fails to state an arrearage does not mean that an arrearage is  
22 not owed.

23 (3)(a) It is the intent of the Legislature that this  
24 section may be used to collect arrearages in child support or  
25 in alimony payments.

26 (b) In a Title IV-D case, if an obligation to pay  
27 current support is reduced or terminated due to the  
28 emancipation of a child and the obligor owes an arrearage,  
29 retroactive support, delinquency, or costs, income deduction  
30 continues at the rate in effect immediately prior to  
31 emancipation until all arrearages, retroactive support,

1 delinquencies, and costs are paid in full or until the amount  
2 of withholding is modified. Any income-deducted amount that is  
3 in excess of the obligation to pay current support shall be  
4 credited against the arrearages, retroactive support,  
5 delinquency, and costs owed by the obligor. The department  
6 shall send notice of this requirement by regular mail to the  
7 payor and the depository operated under ~~pursuant to~~ s. 61.181,  
8 and the notice shall state the amount of the obligation to pay  
9 current support, if any, and the amount owed for arrearages,  
10 retroactive support, delinquency, and costs. For income  
11 deduction orders entered before July 1, 2004, which do not  
12 include this requirement, the department shall send by  
13 certified mail, restricted delivery, return receipt requested,  
14 to the obligor at the most recent address provided by the  
15 obligor to the tribunal that issued the order or a more recent  
16 address if known, notice of this requirement, that the obligor  
17 may contest the withholding as provided by paragraph (2)(f),  
18 and that the obligor may request the tribunal that issued the  
19 income deduction to modify the amount of the withholding. This  
20 paragraph provides an additional remedy for collection of  
21 unpaid support and applies to cases in which a support order  
22 or income deduction order was entered before, on, or after  
23 July 1, 2004.

24 (c) If a delinquency accrues after an order  
25 establishing, modifying, or enforcing a support obligation has  
26 been entered, an income deduction order entered after July 1,  
27 2006, is in effect, and there is no order for repayment of the  
28 delinquency or a preexisting arrearage, a payor who is served  
29 with an income deduction order, or in a Title IV-D case, an  
30 income deduction notice, shall deduct an additional 20 percent  
31 of the current support obligation or other amount agreed to by

1 the parties until the delinquency and any attorney's fees and  
2 costs are paid in full. No deduction may be applied to  
3 attorney's fees and costs until the delinquency is paid in  
4 full.

5 (5) No later than July 1, 2006, the Department of  
6 Revenue shall provide a payor with Internet access to income  
7 deduction and national medical support notices issued by the  
8 department on or after July 1, 2006, concerning an obligor to  
9 whom the payor pays income. The department shall provide a  
10 payor who requests Internet access with a user code and  
11 password to allow the payor to receive notices electronically  
12 and to download the information necessary to begin income  
13 deduction and health care coverage enrollment. If a  
14 participating payor does not respond to electronic notice by  
15 accessing the data posted by the department within 48 hours,  
16 the department shall mail the income deduction or medical  
17 support notice to the payor.

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

20 61.13016 Suspension of driver's licenses and motor  
21 vehicle registrations.--

22 (4) The procedures prescribed in this section and s.  
23 322.058 may be used to enforce compliance with an order to  
24 appear for genetic testing.

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

27 61.1354 Sharing of information between consumer  
28 reporting agencies and the IV-D agency.--

29 (1) Upon receipt of a request from a consumer  
30 reporting agency as defined in s. 603(f) of the Fair Credit  
31 Reporting Act, the IV-D agency or the depository in

1 non-Title-IV-D cases shall make available information relating  
2 to the amount of current and overdue support owed by an  
3 obligor. The IV-D agency or the depository in non-Title-IV-D  
4 cases shall give the obligor written notice, at least 15 days  
5 before ~~prior to~~ the release of information, of the IV-D  
6 agency's or depository's authority to release information to  
7 consumer reporting agencies relating to the amount of current  
8 and overdue support owed by the obligor. The obligor must  
9 ~~shall~~ be informed of his or her right to request a hearing  
10 with the IV-D agency or the court in non-Title-IV-D cases to  
11 contest the accuracy of the information.

12 (2) The IV-D agency shall report periodically to  
13 appropriate consumer reporting agencies, as identified by the  
14 IV-D agency, the name and social security number of any  
15 delinquent obligor and the amount of overdue support owed by  
16 the obligor, and the amount of the obligor's current support  
17 obligation when the overdue support is paid. The IV-D agency,  
18 or its designee, shall provide the obligor with written  
19 notice, at least 15 days before ~~prior to~~ the initial release  
20 of information, of the IV-D agency's authority to release the  
21 information periodically to the consumer reporting agencies.  
22 The notice shall state the amount of overdue support owed and  
23 shall inform the obligor of the right to request a hearing  
24 with the IV-D agency within 15 days after receipt of the  
25 notice to contest the accuracy of the information. After the  
26 initial notice is given, no further notice or opportunity for  
27 a hearing need be given when updated information concerning  
28 the same obligor is periodically released to the consumer  
29 reporting agencies.

30  
31

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

4           61.14 Enforcement and modification of support,  
5 maintenance, or alimony agreements or orders.--

6           (5)

7           (b) In a proceeding in circuit court to enforce a  
8 support order under this chapter, chapter 88, chapter 409, or  
9 chapter 742, or any other provision of law, if the court finds  
10 that payments due under the support order are delinquent or  
11 overdue and that the obligor is unemployed, underemployed, or  
12 has no income but is able to work or participate in job  
13 training, the court may order the obligor to:

14           1. Seek employment;

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

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

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

24  
25 An obligor who willfully fails to comply with a court order to  
26 seek work or participate in other work-related activities may  
27 be held in contempt of court. This paragraph is in furtherance  
28 of the public policy of ensuring that children are maintained  
29 from the resources of their parents to the extent possible. ~~In~~  
30 a judicial circuit with a work experience and job training  
31 pilot project, if at the time of the contempt hearing the

1 ~~obligor is unemployed or has no income, then the court shall~~  
2 ~~order the obligor to seek employment, if the obligor is able~~  
3 ~~to engage in employment, and to immediately notify the court~~  
4 ~~upon obtaining employment, upon obtaining any income, or upon~~  
5 ~~obtaining any ownership of any asset with a value of \$500 or~~  
6 ~~more. If the obligor is still unemployed 30 days after any~~  
7 ~~order for support, the court may order the obligor to enroll~~  
8 ~~in a work experience, job placement, and job training program~~  
9 ~~for noncustodial parents as established in s. 409.2565, if the~~  
10 ~~obligor is eligible for entrance into the pilot program.~~

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

13 61.14 Enforcement and modification of support,  
14 maintenance, or alimony agreements or orders.--

15 (8)

16 (a) When an employee and employer reach agreement for  
17 a lump-sum settlement under s. 440.20(11), the proceeds of the  
18 settlement may not be disbursed to the employee or for  
19 attorney's fees until a judge of compensation claims reviews  
20 the proposed disbursement and enters an order finding that the  
21 settlement provides for the appropriate recovery of any  
22 support arrearage. The employee, or the employee's attorney if  
23 the employee is represented, shall submit a written statement  
24 from the Department of Revenue as to whether the worker owes  
25 unpaid support and, if so, the amount owed. The judge of  
26 compensation claims may also require the employee to submit a  
27 similar statement from a local depository established under s.  
28 61.181. The employee shall also file a sworn statement with  
29 the judge of compensation claims that all existing support  
30 obligations have been disclosed to the judge. If the judge  
31 finds the proposed allocation of support recovery

1 insufficient, the parties may amend the allocation of support  
2 recovery within the settlement agreement to make the  
3 allocation of proceeds sufficient. The Office of Judges of  
4 Compensation Claims shall adopt procedural rules to administer  
5 this section. When reviewing and approving any lump sum  
6 ~~settlement under s. 440.20(11)(a) and (b), a judge of~~  
7 ~~compensation claims must consider whether the settlement~~  
8 ~~serves the interests of the worker and the worker's family,~~  
9 ~~including, but not limited to, whether the settlement provides~~  
10 ~~for appropriate recovery of any child support arrearage.~~

11 (b) In accordance with ~~the provisions of~~ s. 440.22,  
12 any compensation due or that may become due an employee under  
13 chapter 440 is exempt from garnishment, attachment, execution,  
14 and assignment of income, except for the purposes of enforcing  
15 child or spousal support obligations.

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

19 61.14 Enforcement and modification of support,  
20 maintenance, or alimony agreements or orders.--

21 (6)

22 (g) The local depositories shall send the department  
23 monthly by electronic means a list of all Title IV-D and  
24 non-Title IV-D support cases in which a judgment by operation  
25 of law has been recorded during the month for which the data  
26 is provided. At a minimum, the depository shall provide the  
27 names of the obligor and obligee, social security numbers of  
28 the obligor and obligee, if available, and depository number.

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

31



1           61.1814 Child Support Enforcement Application and  
2 Program Revenue Trust Fund.--

3           (2) With the exception of fees required to be  
4 deposited in the Clerk of the Court Child Support Enforcement  
5 Collection System Trust Fund under s. 61.181(2)(b) and  
6 collections determined to be undistributable or unidentifiable  
7 under s. 409.2558, the fund shall be used for the deposit of  
8 Title IV-D program income received by the department. Each  
9 type of program income received shall be accounted for  
10 separately. Program income received by the department  
11 includes, but is not limited to:

12           (a) Application fees of nonpublic assistance  
13 applicants for child support enforcement services;

14           (b) Court-ordered costs recovered from child support  
15 obligors;

16           (c) Interest on child support collections;

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

20           (e) Fines imposed under ss. 409.2564(7),  
21 409.256(7)(b), ~~409.2564(8)~~ and 409.2578.

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

25           61.1824 State Disbursement Unit.--

26           (3) The State Disbursement Unit shall perform the  
27 following functions:

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

31

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

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

5           3. Accurate identification of payment source and  
6 amount.

7           4. Furnishing any parent, upon request, timely  
8 information on the current status of support payments under an  
9 order requiring payments to be made by or to the parent,  
10 except that in cases described in paragraph (1)(b), before  
11 ~~prior to~~ the date the State Disbursement Unit becomes fully  
12 operational, the State Disbursement Unit shall not be required  
13 to convert and maintain in automated form records of payments  
14 kept under ~~pursuant to~~ s. 61.181.

15           5. Electronic disbursement of support payments to  
16 obligees. The State Disbursement Unit shall notify obligees of  
17 the options for electronic disbursement and encourage their  
18 use through promotional material.

19           (6)

20           (a) Effective October 1, 1999, ~~or such earlier date as~~  
21 ~~the State Disbursement Unit becomes operational,~~ all support  
22 payments for cases to which the requirements of this section  
23 apply shall be made payable to and delivered to the State  
24 Disbursement Unit. Notwithstanding any other statutory  
25 provision to the contrary, funds received by the State  
26 Disbursement Unit shall be held, administered, and disbursed  
27 by the State Disbursement Unit under ~~pursuant to the~~  
28 ~~provisions of~~ this chapter.

29           (b) Effective October 1, 2006, an employer who employs  
30 10 or more employees in any quarter during the preceding state  
31 fiscal year or who was subject to and paid tax to the

1 department in an amount of \$30,000 or more shall remit support  
 2 payments deducted under an income deduction order or income  
 3 deduction notice and provide associated case data to the State  
 4 Disbursement Unit by electronic means approved by the  
 5 department. The department shall adopt a rule for electronic  
 6 remittance and data transfer that, to the extent feasible, is  
 7 consistent with the rules for electronic filing and remittance  
 8 of taxes under ss. 213.755 and 443.163. A waiver granted by  
 9 the department from the requirement to file and remit  
 10 electronically under s. 213.755 or s. 443.163 constitutes a  
 11 waiver from the requirement under this paragraph.

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

15 120.80 Exceptions and special requirements;  
 16 agencies.--

17 (14) DEPARTMENT OF REVENUE.--

18 (c) Proceedings to establish paternity or paternity  
 19 and child support; orders to appear for genetic testing;  
 20 proceedings for administrative support orders.--In proceedings  
 21 to establish paternity or paternity and child support under s.  
 22 409.256, and proceedings for the establishment of  
 23 administrative support orders ~~under pursuant to~~ s. 409.2563,  
 24 final orders in cases referred by the Department of Revenue to  
 25 the Division of Administrative Hearings shall be entered by  
 26 the division's administrative law judge and transmitted to the  
 27 Department of Revenue for filing and rendering. The Department  
 28 of Revenue has the right to seek judicial review under s.  
 29 120.68 of a final order entered by an administrative law  
 30 judge. The Department of Revenue or the person ordered to  
 31 appear for genetic testing may seek immediate judicial review

1 under s. 120.68 of an order issued by an administrative law  
 2 judge under s. 409.256(5)(b). Final orders that adjudicate  
 3 paternity or paternity and child support under s. 409.256 and  
 4 administrative support orders rendered under ~~pursuant to~~ s.  
 5 409.2563 may be enforced under ~~pursuant to~~ s. 120.69 or,  
 6 alternatively, by any method prescribed by law for the  
 7 enforcement of judicial support orders, except contempt.  
 8 Hearings held by the Division of Administrative Hearings under  
 9 ss. 409.256 and 409.2563 ~~pursuant to s. 409.2563~~ shall be held  
 10 in the judicial circuit where the person receiving services  
 11 under Title IV-D resides or, if the person receiving services  
 12 under Title IV-D does not reside in this state, in the  
 13 judicial circuit where the respondent resides. If the  
 14 department and the respondent agree, the hearing may be held  
 15 in another location. If ordered by the administrative law  
 16 judge, the hearing may be conducted telephonically or by  
 17 videoconference.

18 Section 11. Effective October 1, 2006, paragraph (c)  
 19 of subsection (14) of section 120.80, Florida Statutes, as  
 20 amended by this act, is amended to read:

21 120.80 Exceptions and special requirements;  
 22 agencies.--

23 (14) DEPARTMENT OF REVENUE.--

24 (c) Proceedings to establish paternity or paternity  
 25 and child support; orders to appear for genetic testing;  
 26 proceedings for administrative support orders.--In proceedings  
 27 to establish paternity or paternity and child support under s.  
 28 409.256, and proceedings for the establishment of  
 29 administrative support orders under s. 409.2563, final orders  
 30 in cases referred by the Department of Revenue to the Division  
 31 of Administrative Hearings shall be entered by the division's

1 administrative law judge and transmitted to the Department of  
2 Revenue for filing and rendering. The Department of Revenue  
3 has the right to seek judicial review under s. 120.68 of a  
4 final order entered by an administrative law judge. The  
5 Department of Revenue or the person ordered to appear for  
6 genetic testing may seek immediate judicial review under s.  
7 120.68 of an order issued by an administrative law judge under  
8 s. 409.256(5)(b). Final orders that adjudicate paternity or  
9 paternity and child support under s. 409.256 and  
10 administrative support orders rendered under s. 409.2563 may  
11 be enforced under s. 120.69 or, alternatively, by any method  
12 prescribed by law for the enforcement of judicial support  
13 orders, except contempt. Hearings held by the Division of  
14 Administrative Hearings under ss. 409.256 and 409.2563 or  
15 s.409.25635 shall be held in the judicial circuit where the  
16 person receiving services under Title IV-D resides or, if the  
17 person receiving services under Title IV-D does not reside in  
18 this state, in the judicial circuit where the respondent  
19 resides. If the department and the respondent agree, the  
20 hearing may be held in another location. If ordered by the  
21 administrative law judge, the hearing may be conducted  
22 telephonically or by videoconference.

23 Section 12. Effective December 1, 2005, subsection (4)  
24 of section 322.142, Florida Statutes, is amended to read:

25 322.142 Color photographic or digital imaged  
26 licenses.--

27 (4) The department may maintain a film negative or  
28 print file. The department shall maintain a record of the  
29 digital image and signature of the licensees, together with  
30 other data required by the department for identification and  
31 retrieval. Reproductions from the file or digital record shall

1 be made and issued only for departmental administrative  
2 purposes; for the issuance of duplicate licenses; in response  
3 to law enforcement agency requests; to the Department of  
4 Revenue under ~~pursuant to~~ an interagency agreement to use when  
5 establishing paternity and establishing, modifying, or  
6 enforcing support obligations in Title IV-D cases ~~to~~  
7 ~~facilitate service of process in Title IV-D cases~~; or to the  
8 Department of Financial Services pursuant to an interagency  
9 agreement to facilitate the location of owners of unclaimed  
10 property, the validation of unclaimed property claims, and the  
11 identification of fraudulent or false claims, and are exempt  
12 from ~~the provisions of~~ s. 119.07(1).

13 Section 13. Effective January 1, 2006, present  
14 paragraph (e) of subsection (2) of section 382.013, Florida  
15 Statutes, is redesignated as paragraph (f), and a new  
16 paragraph (e) is added to that section, to read:

17 382.013 Birth registration.--A certificate for each  
18 live birth that occurs in this state shall be filed within 5  
19 days after such birth with the local registrar of the district  
20 in which the birth occurred and shall be registered by the  
21 local registrar if the certificate has been completed and  
22 filed in accordance with this chapter and adopted rules. The  
23 information regarding registered births shall be used for  
24 comparison with information in the state case registry, as  
25 defined in chapter 61.

26 (2) PATERNITY.--

27 (e) If the paternity of the child is determined under  
28 s. 409.256, the name of the father and the surname of the  
29 child must be entered on the certificate according to the  
30 finding and order of the Department of Revenue.

31

1           Section 14. Effective December 1, 2005, section  
2 382.015, Florida Statutes, is amended to read:

3           382.015 New certificates of live birth; duty of clerks  
4 of court and department.--The clerk of the court in which any  
5 proceeding for adoption, annulment of an adoption, affirmation  
6 of parental status, or determination of paternity is to be  
7 registered, shall within 30 days after the final disposition,  
8 forward to the department a certified copy of the court order,  
9 or a report of the proceedings upon a form to be furnished by  
10 the department, together with sufficient information to  
11 identify the original birth certificate and to enable the  
12 preparation of a new birth certificate. The clerk of the  
13 circuit court shall implement a monitoring and quality control  
14 plan to ensure that all judicial determinations of paternity  
15 are reported to the department in compliance with this  
16 section. The department shall track paternity determinations  
17 reported monthly by county, monitor compliance with the 30-day  
18 timeframe, and report the data quarterly to the clerks of the  
19 circuit court.

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

21           (a) Upon receipt of the report or certified copy of an  
22 adoption decree, together with the information necessary to  
23 identify the original certificate of live birth, and establish  
24 a new certificate, the department shall prepare and file a new  
25 birth certificate, absent objection by the court decreeing the  
26 adoption, the adoptive parents, or the adoptee if of legal  
27 age. The certificate shall bear the same file number as the  
28 original birth certificate. All names and identifying  
29 information relating to the adoptive parents entered on the  
30 new certificate shall refer to the adoptive parents, but  
31 nothing in the certificate shall refer to or designate the

1 | parents as being adoptive. All other items not affected by  
2 | adoption shall be copied as on the original certificate,  
3 | including the date of registration and filing.

4 |       (b) Upon receipt of the report or certified copy of an  
5 | annulment-of-adoption decree, together with the sufficient  
6 | information to identify the original certificate of live  
7 | birth, the department shall, if a new certificate of birth was  
8 | filed following an adoption report or decree, remove the new  
9 | certificate and restore the original certificate to its  
10 | original place in the files, and the certificate so removed  
11 | shall be sealed by the department.

12 |       (c) Upon receipt of a report or certified copy of an  
13 | adoption decree or annulment-of-adoption decree for a person  
14 | born in another state, the department shall forward the report  
15 | or decree to the state of the registrant's birth. If the  
16 | adoptee was born in Canada, the department shall send a copy  
17 | of the report or decree to the appropriate birth registration  
18 | authority in Canada.

19 |       (2) DETERMINATION OF PATERNITY.--Upon receipt of the  
20 | report or a certified copy of a final decree of determination  
21 | of paternity, together with sufficient information to identify  
22 | the original certificate of live birth, the department shall  
23 | prepare and file a new birth certificate which shall bear the  
24 | same file number as the original birth certificate. The  
25 | registrant's name shall be entered as decreed by the court.  
26 | The names and identifying information of the parents shall be  
27 | entered as of the date of the registrant's birth.

28 |       (3) AFFIRMATION OF PARENTAL STATUS.--Upon receipt of  
29 | an order of affirmation of parental status issued under  
30 | ~~pursuant to~~ s. 742.16, together with sufficient information to  
31 | identify the original certificate of live birth, the



1 department shall prepare and file a new birth certificate  
2 which shall bear the same file number as the original birth  
3 certificate. The names and identifying information of the  
4 registrant's parents entered on the new certificate shall be  
5 the commissioning couple, but the new certificate may not make  
6 reference to or designate the parents as the commissioning  
7 couple.

8 (4) SUBSTITUTION OF NEW CERTIFICATE OF BIRTH FOR  
9 ORIGINAL.--When a new certificate of birth is prepared, the  
10 department shall substitute the new certificate of birth for  
11 the original certificate on file. All copies of the original  
12 certificate of live birth in the custody of a local registrar  
13 or other state custodian of vital records shall be forwarded  
14 to the State Registrar. Thereafter, when a certified copy of  
15 the certificate of birth or portion thereof is issued, it  
16 shall be a copy of the new certificate of birth or portion  
17 thereof, except when a court order requires issuance of a  
18 certified copy of the original certificate of birth. In an  
19 adoption, change in paternity, affirmation of parental status,  
20 undetermined parentage, or court-ordered substitution, the  
21 department shall place the original certificate of birth and  
22 all papers pertaining thereto under seal, not to be broken  
23 except by order of a court of competent jurisdiction or as  
24 otherwise provided by law.

25 (5) FORM.--Except for certificates of foreign birth  
26 which are registered as provided in s. 382.017, and delayed  
27 certificates of birth which are registered as provided in ss.  
28 382.019 and 382.0195, all original, new, or amended  
29 certificates of live birth shall be identical in form,  
30 regardless of the marital status of the parents or the fact  
31 that the registrant is adopted or of undetermined parentage.

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

4           Section 15. Effective July 1, 2005, paragraph (b) of  
5 subsection (1) of section 382.016, Florida Statutes, is  
6 amended to read:

7           382.016 Amendment of records.--The department, upon  
8 receipt of the fee prescribed in s. 382.0255; documentary  
9 evidence, as specified by rule, of any misstatement, error, or  
10 omission occurring in any birth, death, or fetal death record;  
11 and an affidavit setting forth the changes to be made, shall  
12 amend or replace the original certificate as necessary.

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

14           (b) Upon written request and receipt of an affidavit,  
15 a notarized voluntary acknowledgment of paternity signed by  
16 the mother and father acknowledging the paternity of a  
17 registrant born out of wedlock, or a voluntary acknowledgment  
18 of paternity that is witnessed by two individuals and signed  
19 under penalty of perjury as specified by s. 92.525(2),  
20 together with sufficient information to identify the original  
21 certificate of live birth, the department shall prepare a new  
22 birth certificate, which shall bear the same file number as  
23 the original birth certificate. The names and identifying  
24 information of the parents shall be entered as of the date of  
25 the registrant's birth. The surname of the registrant may be  
26 changed from that shown on the original birth certificate at  
27 the request of the mother and father of the registrant, or the  
28 registrant if of legal age. If the mother and father marry  
29 each other at any time after the registrant's birth, the  
30 department shall, upon the request of the mother and father or  
31 registrant if of legal age and proof of the marriage, amend

1 the certificate with regard to the parents' marital status as  
2 though the parents were married at the time of birth. The  
3 department shall substitute the new certificate of birth for  
4 the original certificate on file. All copies of the original  
5 certificate of live birth in the custody of a local registrar  
6 or other state custodian of vital records shall be forwarded  
7 to the State Registrar. Thereafter, when a certified copy of  
8 the certificate of birth or portion thereof is issued, it  
9 shall be a copy of the new certificate of birth or portion  
10 thereof, except when a court order requires issuance of a  
11 certified copy of the original certificate of birth. Except  
12 for birth certificates on which a father is listed under an  
13 affidavit or notarized voluntary acknowledgment of paternity  
14 signed by the mother and father and except for a voluntary  
15 acknowledgment of paternity that is witnessed by two  
16 individuals and signed under penalty of perjury as specified  
17 by s. 92.525(2), the department shall place the original  
18 certificate of birth and all papers pertaining thereto under  
19 seal, not to be broken except by order of a court of competent  
20 jurisdiction or as otherwise provided by law.

21 Section 16. Effective October 1, 2005, paragraph (d)  
22 is added to subsection (1) of section 382.016, Florida  
23 Statutes, to read:

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

30 (1) CERTIFICATE OF LIVE BIRTH AMENDMENT.--  
31

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

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

8            2. A noncertified copy of an acknowledgment of  
9 paternity, final judgment, or judicial or administrative order  
10 from another state which determines the paternity of the child  
11 when provided with an affidavit or written declaration from  
12 the Department of Revenue which states that the document was  
13 provided by or obtained from the Title IV-D program of another  
14 state.

15  
16 The department may not amend the birth certificate of a child  
17 to include the name of the father of the child if paternity  
18 was established by adoption and the father would not be  
19 eligible to adopt under the law of this state.

20            Section 17. Effective December 1, 2005, paragraph (e)  
21 is added to subsection (1) of section 382.016, Florida  
22 Statutes, to read:

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

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

30            (e) The Department of Revenue shall develop written  
31 educational materials for use and distribution by the

1 Department of Children and Family Services, the Department of  
2 Corrections, the Department of Education, the Department of  
3 Health, and the Department of Juvenile Justice which describe  
4 how to establish paternity and the benefits gained by  
5 establishing paternity. Each department shall make the  
6 materials available to individuals to whom services are  
7 provided and are encouraged to provide additional education  
8 concerning how to establish paternity and the benefits gained  
9 by establishing paternity.

10 Section 18. The Department of Health, the Department  
11 of Revenue, the Florida Hospital Association, the Florida  
12 Association of Court Clerks, and one or more local registrars  
13 shall study the feasibility of filing original and new or  
14 amended birth certificates, documentation of paternity  
15 determinations, and adoptions electronically with the  
16 department. The Department of Health shall submit a report to  
17 the Governor, the Cabinet, the President of the Senate, and  
18 the Speaker of the House of Representatives by July 1, 2006.  
19 The report must include the estimated cost to develop and  
20 implement electronic filing, cost savings resulting from  
21 electronic filing, and each potential funding source.

22 Section 19. Effective July 1, 2007, paragraph (c) is  
23 added to subsection (5) of section 395.003, Florida Statutes,  
24 to read:

25 395.003 Licensure; issuance, renewal, denial,  
26 modification, suspension, and revocation.--

27 (5)

28 (c) A hospital that provides birthing services must  
29 affirm in writing as part of an application for a new,  
30 provisional, or renewal license that the hospital will comply  
31 with s. 382.013(2)(c), which includes assisting unmarried

1 parents who request assistance in executing a voluntary  
 2 acknowledgment of paternity. A fine or other sanction under s.  
 3 395.1065 may not be imposed on a hospital for noncompliance  
 4 with s. 382.013(2)(c).

5 Section 20. Effective January 1, 2006, subsection (3)  
 6 of section 409.2557, Florida Statutes, is amended to read:

7 409.2557 State agency for administering child support  
 8 enforcement program.--

9 (3) SPECIFIC RULEMAKING AUTHORITY.--The department may  
 10 ~~has the authority to~~ adopt rules under ~~pursuant to~~ ss.  
 11 120.536(1) and 120.54 to implement all laws administered by  
 12 the department in its capacity as the Title IV-D agency for  
 13 this state including, but not limited to, the following:

14 (a) Background screening of department employees and  
 15 applicants, including criminal records checks;

16 (b) Confidentiality and retention of department  
 17 records; access to records; record requests;

18 (c) Department trust funds;

19 (d) Federal funding procedures;

20 (e) Agreements with law enforcement and other state  
 21 agencies; National Crime Information Center (NCIC) access;  
 22 Parent Locator Service access;

23 (f) Written agreements entered into between the  
 24 department and support obligors in establishment, enforcement,  
 25 and modification proceedings;

26 (g) Procurement of services by the department, pilot  
 27 programs, and demonstration projects;

28 (h) Management of cases by the department involving  
 29 any documentation or procedures required by federal or state  
 30 law, including but not limited to, cooperation; review and  
 31

1 adjustment; audits; interstate actions; diligent efforts for  
2 service of process;

3 (i) Department procedures for orders for genetic  
4 testing; subpoenas to establish, enforce, or modify orders;  
5 increasing the amount of monthly obligations to secure  
6 delinquent support; suspending or denying driver's and  
7 professional licenses and certificates; fishing and hunting  
8 license suspensions; suspending vehicle and vessel  
9 registrations; screening applicants for new or renewal  
10 licenses, registrations, or certificates; income deduction;  
11 credit reporting and accessing; tax refund intercepts;  
12 passport denials; liens; financial institution data matches;  
13 expedited procedures; medical support; and all other  
14 responsibilities of the department as required by state or  
15 federal law;

16 (j) Collection and disbursement of support and alimony  
17 payments by the department as required by federal law;  
18 collection of genetic testing costs and other costs awarded by  
19 the court;

20 (k) Report information to and receive information from  
21 other agencies and entities;

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

24 (m) Privatizing location, establishment, enforcement,  
25 modification, and other functions;

26 (n) State case registry;

27 (o) State disbursement unit;

28 (p) Administrative proceedings to establish paternity  
29 or establish paternity and child support, orders to appear for  
30 genetic testing, and administrative proceedings to establish  
31 child-support obligations; and

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

3 Section 21. Effective October 1, 2005, paragraph (a)  
4 of subsection (2) of section 409.2558, Florida Statutes, is  
5 amended to read:

6 409.2558 Support distribution and disbursement.--

7 (2) UNDISTRIBUTABLE COLLECTIONS.--

8 (a) The department shall establish by rule the method  
9 for determining a collection or refund ~~to a noncustodial~~  
10 ~~parent~~ to be undistributable to the final intended recipient.  
11 The department shall make reasonable efforts to locate persons  
12 to whom collections or refunds are owed so that payment can be  
13 made before determining that a collection or refund is  
14 undistributable. Location efforts may include disclosure  
15 through a searchable database of the names of obligees,  
16 obligors, and depository account numbers on the Internet in  
17 compliance with the requirements of s. 119.01(2)(a).

18 Section 22. Effective January 1, 2006, section  
19 409.256, Florida Statutes, is created to read:

20 409.256 Administrative proceeding to establish  
21 paternity or paternity and child support; order to appear for  
22 genetic testing.--

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

24 (a) "Custodian" means a person, other than the mother  
25 or a putative father, who has physical custody of a child or  
26 with whom the child primarily resides. References in this  
27 section to the obligation of a custodian to submit to genetic  
28 testing mean that the custodian is obligated to submit the  
29 child for genetic testing, not that the custodian must submit  
30 to genetic testing.

31



1        (b) "Filed" means a document has been received and  
2 accepted for filing at the offices of the department by the  
3 clerk or an authorized deputy clerk designated by the  
4 department.

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

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

12        (e) "Paternity and child-support proceeding" means an  
13 administrative action commenced by the department to order  
14 genetic testing, establish paternity, and establish an  
15 administrative support order under this section.

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

20        (g) "Qualified technical laboratory" means a  
21 genetic-testing laboratory under contract with the department,  
22 which uses tests and methods of a type generally acknowledged  
23 as reliable by accreditation bodies designated by the United  
24 States Department of Health and Human Services and which is  
25 approved by a designated accreditation body. The term also  
26 includes a genetic-testing laboratory used by another state,  
27 if the laboratory has comparable qualifications.

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

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

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

7           (2) JURISDICTION; LOCATION OF HEARINGS; RIGHT OF  
8 ACCESS TO THE COURTS.--

9           (a) The department may commence a paternity proceeding  
10 or a paternity and child-support proceeding as provided by  
11 subsection (4) if:

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

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

17           3. The child's mother was unmarried when the child was  
18 conceived and born;

19           4. The department is providing services under Title  
20 IV-D; and

21           5. The child's mother or a putative father has stated  
22 in an affidavit or written declaration as provided by s.  
23 92.525(2) that the putative father is or may be the child's  
24 biological father. The affidavit or written declaration must  
25 set forth the factual basis for the allegation of paternity as  
26 provided by s. 742.12(2).

27           (b) If the department receives a request from another  
28 state to assist in the establishment of paternity, the  
29 department may serve an order to appear for genetic testing on  
30 a person who resides in this state and transmit the test  
31

1 results to the other state without commencing a paternity  
2 proceeding in this state.

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

6 (d) If a putative father, mother, or custodian in a  
7 Title IV-D case voluntarily submits, the department may  
8 schedule that individual or the child for genetic testing  
9 without serving that individual with an order to appear for  
10 genetic testing. A respondent, or other person who is subject  
11 to an order to appear for genetic testing, may waive, in  
12 writing or on the record at an administrative hearing, formal  
13 service of notices or orders, or waive any other rights or  
14 time periods prescribed by this section.

15 (e) Whenever practicable, hearings held by the  
16 Division of Administrative Hearings under this section shall  
17 be held in the judicial circuit where the person receiving  
18 services under Title IV-D resides or, if the person receiving  
19 services under Title IV-D does not reside in this state, in  
20 the judicial circuit where the respondent resides. If the  
21 department and the respondent agree, the hearing may be held  
22 in another location. If ordered by the administrative law  
23 judge, the hearing may be conducted telephonically or by video  
24 conference.

25 (f) The Legislature does not intend to limit the  
26 jurisdiction of the circuit courts to hear and determine  
27 issues regarding establishment of paternity. This section is  
28 intended to provide the department with an alternative  
29 procedure for establishing paternity and child-support  
30 obligations in Title IV-D cases. This section does not

31

1 prohibit a person from filing a civil action in circuit court  
2 for a determination of paternity or child-support obligations.

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

5 (3) MULTIPLE PUTATIVE FATHERS; MULTIPLE CHILDREN.--If  
6 more than one putative father has been named, the department  
7 may proceed under this section against a single putative  
8 father or may proceed simultaneously against more than one  
9 putative father. If a putative father has been named as a  
10 possible father of more than one child born to the same  
11 mother, the department may proceed to establish the paternity  
12 of each child in the same proceeding.

13 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR  
14 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC  
15 TESTING; MANNER OF SERVICE; CONTENTS.--The department shall  
16 commence a proceeding to determine paternity, or a proceeding  
17 to determine both paternity and child-support, by serving the  
18 respondent with a notice as provided in this section. An order  
19 to appear for genetic testing may be served at the same time  
20 as a notice of the proceeding or may be served separately. A  
21 copy of the affidavit or written declaration upon which the  
22 proceeding is based shall be provided to the respondent when  
23 notice is served. A notice or order to appear for genetic  
24 testing shall be served by certified mail, restricted  
25 delivery, return receipt requested, or in accordance with the  
26 requirements for service of process in a civil action. Service  
27 by certified mail is completed when the certified mail is  
28 received or refused by the addressee or by an authorized agent  
29 as designated by the addressee in writing. If a person other  
30 than the addressee signs the return receipt, the department  
31 shall attempt to reach the addressee by telephone to confirm

1 whether the notice was received, and the department shall  
2 document any telephonic communications. If someone other than  
3 the addressee signs the return receipt, the addressee does not  
4 respond to the notice, and the department is unable to confirm  
5 that the addressee has received the notice, service is not  
6 completed and the department shall attempt to have the  
7 addressee served personally. For purposes of this section, an  
8 employee or an authorized agent of the department may serve  
9 the notice or order to appear for genetic testing and execute  
10 an affidavit of service. The department may serve an order to  
11 appear for genetic testing on a custodian. The department  
12 shall provide a copy of the notice or order to appear by  
13 regular mail to the mother and custodian, if they are not  
14 respondents.

15 (a) A notice of proceeding to establish paternity must  
16 state:

17 1. That the department has commenced an administrative  
18 proceeding to establish whether the putative father is the  
19 biological father of the child named in the notice;

20 2. The name and date of birth of the child and the  
21 name of the child's mother;

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

25 4. That the respondent is required to submit to  
26 genetic testing;

27 5. That genetic testing will establish either a high  
28 degree of probability that the putative father is the  
29 biological father of the child or that the putative father  
30 cannot be the biological father of the child;  
31

1           6. That if the results of the genetic test 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 unless a second or subsequent test is required;

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

8           a. Issue a proposed order of paternity which the  
9 respondent may consent to or contest at an administrative  
10 hearing; or

11           b. Commence a proceeding, as provided by s. 409.2563,  
12 to establish an administrative support order for the child, in  
13 which notice of that proceeding will be provided to the  
14 respondent by regular mail;

15           8. That, if the genetic test results indicate a  
16 statistical probability of paternity which equals or exceeds  
17 99 percent and a proceeding to establish an administrative  
18 support order is commenced, the department will issue a  
19 proposed order that addresses paternity and child support  
20 which the respondent may consent to or contest at an  
21 administrative hearing;

22           9. That if a proposed order of paternity or proposed  
23 order of both paternity and child support is not contested,  
24 the department will adopt the proposed order and render a  
25 final order that establishes paternity and, if appropriate, an  
26 administrative support order for the child;

27           10. That, until the proceeding is ended, the  
28 respondent shall notify the department in writing of any  
29 change in the respondent's mailing address and that the  
30 respondent will be deemed to have received any subsequent  
31 order, notice, or other paper mailed to the most recent

1 address provided or, if a more recent address is not provided,  
2 to the address at which the respondent was served, and that  
3 this requirement continues if the department renders a final  
4 order that establishes paternity and a support order for the  
5 child;

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

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

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

18  
19 A notice under this paragraph must also notify the respondent  
20 of s. 409.2563(4)(m) and (o).

21 (b) A notice of proceeding to establish paternity and  
22 child support must state the matters required by paragraph  
23 (a), except for subparagraph (a)7., and must state the matters  
24 required by s. 409.2563(4), to the extent that the matters  
25 required by s. 409.2563(4) are not already required by and do  
26 not conflict with this subsection. This section and s.  
27 409.2563 apply to a proceeding commenced under this paragraph.

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

30  
31

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

4           2. The name and date of birth of the child and the  
5 name of the child's mother;

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

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

11           5. That if the person has custody of the child whose  
12 paternity is the subject of the proceeding, the person must  
13 submit the child to genetic testing;

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

20           7. That if the person ordered to appear submits to  
21 genetic testing, the department will pay the cost of the  
22 genetic testing and will provide the person ordered to appear  
23 with a copy of any test results obtained;

24           8. That if the person ordered to appear does not  
25 appear as ordered or refuses to submit to genetic testing  
26 without good cause, the department may take one or more of  
27 these actions:

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

31



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

3       c. File a petition in circuit court to establish  
4 paternity and obtain a support order for the child and an  
5 order for costs against the person ordered to appear,  
6 including costs for genetic testing; and

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

12       (5) RIGHT TO CONTEST ORDER TO APPEAR FOR GENETIC  
13 TESTING.--

14       (a) The person ordered to appear may contest an order  
15 to appear for genetic testing by filing a written request for  
16 informal review with the department within 15 days after the  
17 date of service of the order. The purposes of informal review  
18 is to provide the person ordered to appear with an opportunity  
19 to discuss the proceeding and the basis of the order. At the  
20 conclusion of the informal review, the department shall notify  
21 the person ordered to appear, in writing, whether it will  
22 proceed with the order to appear. If the department notifies  
23 the person ordered to appear of its intent to proceed, the  
24 notice must inform the person ordered to appear of the right  
25 to contest the order at an administrative hearing.

26       (b) The person ordered to appear may file a request  
27 for an administrative hearing to contest whether he or she  
28 should be required to submit to genetic testing no later than  
29 15 days after the department mails the notification that the  
30 department will proceed with an order to appear for genetic  
31 testing. A request for an administrative hearing must state

1 the specific reasons why the person ordered to appear believes  
2 he or she should not be required to submit to genetic testing  
3 as ordered. If the person ordered to appear files a timely  
4 request for a hearing, the department shall refer the hearing  
5 request to the Division of Administrative Hearings. Unless  
6 otherwise provided by this section, administrative hearings  
7 are governed by chapter 120 and the Uniform Rules of  
8 Procedure. The administrative law judge assigned to the case  
9 shall issue an order as to whether the person must submit to  
10 genetic testing in accordance with the order to appear. The  
11 department or the person ordered to appear may seek immediate  
12 judicial review under s. 120.68 of an order issued by an  
13 administrative law judge under this paragraph.

14 (c) If a timely request for an informal review or an  
15 administrative hearing is filed, the department may not  
16 proceed under the order to appear for genetic testing and may  
17 not impose sanctions for failure or refusal to submit to  
18 genetic testing until:

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

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

24 3. The Division of Administrative Hearings issues an  
25 order that the person must submit to genetic testing, or  
26 issues an order closing the division's file, and that order  
27 has become final.

28 (d) If a request for an informal review or  
29 administrative hearing is not timely filed, the person ordered  
30 to appear is deemed to have waived the right to a hearing and  
31

1 the department may proceed under the order to appear for  
2 genetic testing.

3 (6) SCHEDULING OF GENETIC TESTING.--

4 (a) The department shall notify the person ordered to  
5 appear, in writing, of the date, time, and place at which the  
6 person must appear for genetic testing, and of the requirement  
7 to bring documentation to verify his or her identity and the  
8 identity of the child, if applicable, when the samples are  
9 provided by presenting a form of identification as prescribed  
10 by s. 117.05(5)(b)2., which bears the photograph of the person  
11 who is providing the sample or other form of verification  
12 approved by the department. If the person ordered to appear is  
13 the putative father or the mother, that person must appear and  
14 submit to genetic testing. If the person ordered to appear is  
15 a custodian, or if the putative father or the mother has  
16 custody of the child, that person must submit the child for  
17 genetic testing.

18 (b) The department shall reschedule genetic testing:

19 1. One time without cause if, in advance of the  
20 initial test date, the person ordered to appear requests the  
21 department to reschedule the test;

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

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

27  
28 A claim of good cause for failure to appear must be filed with  
29 the department within 10 days after the scheduled test date  
30 and must state the facts and circumstances supporting the  
31 claim. The department shall notify the person ordered to

1 appear, in writing, whether it accepts or rejects the person's  
 2 claim of good cause. The person does not have a right to a  
 3 hearing to challenge the department's decision to accept or  
 4 reject the claim of good cause. The person ordered to appear  
 5 may raise good cause as a defense to any proceeding initiated  
 6 by the department under subsection (7).

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

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

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

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

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

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

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

1  
2 A suspended driver's license and motor vehicle registration  
3 may be reinstated when the person complies with the order to  
4 appear for genetic testing. The department may use civil  
5 remedies or other statutory means available to the department  
6 to collect any administrative fine imposed under this  
7 subsection.

8 (8) GENETIC-TESTING RESULTS.--The department shall  
9 send a copy of the genetic-testing results to the putative  
10 father, to the mother, to the custodian, and to the other  
11 state, if applicable. If the genetic-testing results,  
12 including second or subsequent genetic-testing results, do not  
13 indicate a statistical probability of paternity which equals  
14 or exceeds 99 percent, the paternity proceeding ends as to  
15 that child.

16 (9) PROPOSED ORDER OF PATERNITY; COMMENCEMENT OF  
17 PROCEEDING TO ESTABLISH ADMINISTRATIVE SUPPORT ORDER; PROPOSED  
18 ORDER OF PATERNITY AND CHILD SUPPORT.--

19 (a) If a paternity proceeding has been commenced under  
20 this section and the results of genetic testing indicate a  
21 statistical probability of paternity which equals or exceeds  
22 99 percent, the department may:

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

25 2. If appropriate, delay issuing a proposed order of  
26 paternity and commence, by regular mail, an administrative  
27 proceeding to establish a support order for the child under s.  
28 409.2563 and issue a single proposed order for paternity and  
29 child support.

30 (b) A proposed order of paternity must:  
31

1       1. State proposed findings of fact and conclusions of  
2 law;

3       2. Include a copy of the results of genetic testing;  
4 and

5       3. Include notice of the respondent's right to  
6 informal review and to contest the proposed order of paternity  
7 at an administrative hearing.

8       (c) If a paternity and child support proceeding has  
9 been commenced under this section and the results of genetic  
10 testing indicate a statistical probability of paternity which  
11 equals or exceeds 99 percent, the department may issue a  
12 single proposed order that includes paternity as provided by  
13 this section and child support as provided by s. 409.2563.

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

18       (10) INFORMAL REVIEW; ADMINISTRATIVE HEARING;  
19 PRESUMPTION OF PATERNITY.--

20       (a) The respondent may contact a department  
21 representative at the address or telephone number provided no  
22 later than 10 days after the date of mailing or other service  
23 of a proposed order in order to request an informal review of  
24 the proposed order. If an informal review is timely requested,  
25 the time for requesting a hearing is extended until 10 days  
26 after the department mails notice to the respondent that the  
27 informal review has been concluded.

28       (b) Within 20 days after the mailing date of the  
29 proposed order, or within 10 days after the mailing date of  
30 notice that an informal review has been concluded, whichever  
31 is later, the respondent may request an administrative

1 hearing. The respondent may request a hearing by filing a  
2 written request for a hearing with the department. A request  
3 for a hearing must state the specific objections to the  
4 proposed order, the specific objections to the genetic testing  
5 results, or both. A respondent who fails to file a timely  
6 request for a hearing is deemed to have waived the right to a  
7 hearing.

8 (c) If the respondent files a timely request for a  
9 hearing, the department shall refer the hearing request to the  
10 Division of Administrative Hearings. Unless otherwise provided  
11 by this section or by s. 409.2563, the conduct of the  
12 administrative hearing is governed by chapter 120 and the  
13 Uniform Rules of Procedure.

14 (d) The genetic-testing results shall be admitted into  
15 evidence and made a part of the hearing record. For purposes  
16 of this section, a statistical probability of paternity which  
17 equals or exceeds 99 percent creates a presumption that the  
18 putative father is the biological father of the child. The  
19 presumption may be overcome only by clear and convincing  
20 evidence. The respondent or the department may call an expert  
21 witness to refute or support the testing procedure or results,  
22 or the mathematical theory on which they are based. Verified  
23 documentation of the chain of custody of the samples tested is  
24 competent evidence to establish the chain of custody.

25 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY  
26 AND CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL  
27 STATISTICS.--

28 (a) If a hearing is held, the administrative law judge  
29 shall issue a final order that adjudicates paternity or, if  
30 appropriate, paternity and child support. A final order of the  
31 administrative law judge constitutes final agency action by

1 the department. The Division of Administrative Hearings shall  
2 transmit the order to the department for filing and rendering.

3 (b) If the respondent does not file a timely request  
4 for a hearing or consents in writing to the entry of a final  
5 order without a hearing, the department may render a final  
6 order of paternity or a final order of paternity and child  
7 support, as appropriate.

8 (c) The department shall mail a copy of the final  
9 order to the putative father, the mother, and the custodian,  
10 if any. The department shall notify the respondent of the  
11 right to seek judicial review of a final order according to s.  
12 120.68.

13 (d) Upon rendering a final order of paternity or a  
14 final order of paternity and child support, the department  
15 shall notify the Office of Vital Statistics that the paternity  
16 of the child has been established.

17 (e) A final order rendered under this section has the  
18 same effect as a judgment entered by the court under chapter  
19 742.

20 (f) The provisions of s. 409.2563 which apply to a  
21 final administrative support order rendered under that section  
22 apply to a final order rendered under this section when a  
23 child support obligation is established.

24 (12) RIGHT TO JUDICIAL REVIEW.--A respondent has the  
25 right to seek judicial review, according to s. 120.68, of a  
26 final order rendered under subsection (11) and an order issued  
27 under paragraph (5)(b). The department has the right to seek  
28 judicial review, according to s. 120.68, of a final order  
29 issued by an administrative law judge under subsection (11)  
30 and an order issued by an administrative law judge under  
31 paragraph (5)(b).



1           (13) DUTY TO PROVIDE AND MAINTAIN CURRENT MAILING  
 2 ADDRESS.--Until a proceeding that has been commenced under  
 3 this section has ended, a respondent who is served with a  
 4 notice of proceeding must inform the department, in writing,  
 5 of any change in the respondent's mailing address and is  
 6 deemed to have received any subsequent order, notice, or other  
 7 paper mailed to that address, or the address at which the  
 8 respondent was served, if the respondent has not provided a  
 9 more recent address.

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

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

18           (16) REMEDIES SUPPLEMENTAL.--The remedies provided by  
 19 this section are supplemental and in addition to other  
 20 remedies available to the department for establishing  
 21 paternity and child support obligations.

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

24           Section 23. Effective July 1, 2005, subsection (4) of  
 25 section 409.2561, Florida Statutes, is amended to read:

26           409.2561 Support obligations when public assistance is  
 27 paid; assignment of rights; subrogation; medical and health  
 28 insurance information.--

29           (4) No obligation of support under this section shall  
 30 be incurred by any person who is the recipient of supplemental  
 31 security income or temporary cash assistance ~~public assistance~~

1 ~~moneys~~ for the benefit of a dependent child or who is  
 2 incapacitated and financially unable to pay as determined by  
 3 the department.

4 Section 24. Effective January 1, 2006, paragraphs (b)  
 5 and (c) of subsection (2) of section 409.2563, Florida  
 6 Statutes, are amended to read:

7 409.2563 Administrative establishment of child support  
 8 obligations.--

9 (2) PURPOSE AND SCOPE.--

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

23 (c) If there is no support order for a child in a  
 24 Title IV-D case whose paternity has been established or is  
 25 presumed by law, or whose paternity is the subject of a  
 26 proceeding under s. 409.256, the department may establish the  
 27 noncustodial parent's child support obligation under ~~pursuant~~  
 28 ~~to~~ this section, s. 61.30, and other relevant provisions of  
 29 state law. The noncustodial parent's obligation determined by  
 30 the department may include any obligation to pay retroactive  
 31 support and any obligation to provide for health care for a

- 1 child, whether through insurance coverage, reimbursement of  
 2 expenses, or both. The department may proceed on behalf of:
- 3 1. An applicant or recipient of public assistance, as  
 4 provided by ss. 409.2561 and 409.2567;
  - 5 2. A former recipient of public assistance, as  
 6 provided by s. 409.2569;
  - 7 3. An individual who has applied for services as  
 8 provided by s. 409.2567;
  - 9 4. Itself or the child, as provided by s. 409.2561; or
  - 10 5. A state or local government of another state, as  
 11 provided by chapter 88.

12 Section 25. Effective October 1, 2006, section  
 13 409.25635, Florida Statutes, is created to read:

14 409.25635 Determination and collection of noncovered  
 15 medical expenses.--

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

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

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

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

30  
 31

1           1. Noncovered medical expenses have been incurred on  
2 behalf of the dependent child whom the obligor has been  
3 ordered to support;  
4           2. The obligee has paid for noncovered medical  
5 expenses that have been incurred on behalf of the child;  
6           3. The obligor has not paid all or part of the child's  
7 noncovered medical expenses as ordered; and  
8           4. The amount paid by the obligee for noncovered  
9 medical expenses and the amount the obligor allegedly owes to  
10 the obligee; and  
11           (c) The obligee provides documentation in support of  
12 the written declaration.  
13           (3) NOTICE OF PROCEEDING.--  
14           (a) To proceed under this section the department shall  
15 serve a notice on the obligor which states:  
16           1. That the department has commenced a proceeding to  
17 determine the amount the obligor owes for noncovered medical  
18 expenses;  
19           2. The name of the court or other tribunal that issued  
20 the support order that requires the obligor to pay noncovered  
21 medical expenses and the date of the order;  
22           3. That the proceeding is based on the requirements of  
23 the support order, the obligee's written sworn statement, and  
24 the supporting documentation provided to the department by the  
25 obligee;  
26           4. The amount of noncovered medical expenses that the  
27 obligee alleges the obligor owes;  
28           5. That the obligor may file a motion in the circuit  
29 court to contest the amount of noncovered medical expenses  
30 owed within 25 days after the date of mailing of the notice,  
31 if the support order was entered by a court of this state or a

1 tribunal of another state. If the support order was entered by  
2 the department, the obligor may file with the department a  
3 petition to contest the amount owed within 25 days after the  
4 date of mailing of the notice;

5 6. That the court will determine the amount owed by  
6 the obligor and enter judgment, as appropriate, if the obligor  
7 timely files a motion in the circuit court to contest the  
8 amount of noncovered medical expenses owed and if the support  
9 order was entered by a court of this state or a tribunal of  
10 another state. If the support order was entered by the  
11 department, the department will determine the amount owed by  
12 the obligor and render a final order as appropriate if the  
13 obligor timely files with the department a petition to contest  
14 the amount of noncovered medical expenses owed;

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

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

22 (b) The notice shall be served on the obligor by  
23 regular mail sent to the obligor's address of record with the  
24 clerk of court, or with the department if the support order  
25 was entered by the department, or a more recent address if  
26 known. A copy of the obligee's written declaration and  
27 supporting documentation must be served on the obligor with  
28 the notice. The department shall provide the obligee with a  
29 copy of the notice and with any subsequent notice of hearing.

30 (4) RIGHT TO HEARING; DETERMINATION AFTER HEARING;  
31 WAIVER OF HEARING.--

1       (a) The obligor may file a motion in the circuit court  
2 within 25 days after the date the notice required by  
3 subsection (3) is mailed to contest the amount of noncovered  
4 medical expenses owed if the support order was entered by a  
5 court of this state or a tribunal of another state. If a  
6 timely motion is filed, the court shall conduct a hearing to  
7 determine if the obligor owes the obligee the amount alleged  
8 for noncovered medical expenses and enter judgment as  
9 appropriate.

10       (b) If the support order was entered by the  
11 department, the obligor may file with the department a  
12 petition to contest the amount of noncovered medical expenses  
13 owed no later than 25 days after the date the notice required  
14 by subsection (3) is mailed. If a timely petition is filed,  
15 the department shall conduct a hearing under chapter 120 to  
16 determine if the obligor owes the obligee for the amount  
17 alleged for noncovered medical expenses and render a final  
18 order as appropriate.

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

22       (5) EFFECT OF DETERMINATION BY THE DEPARTMENT AND  
23 UNCONTESTED PROCEEDINGS.--The amount owed for noncovered  
24 medical expenses which is determined by the department as  
25 provided by paragraph (4)(b) or which becomes final as  
26 provided by paragraph (4)(c) has the same effect as a judgment  
27 entered by a court.

28       (6) FILING WITH THE DEPOSITORY; RECORDING; MAINTENANCE  
29 OF ACCOUNTS.--When an amount owed for noncovered medical  
30 expenses is determined, the department shall file a certified  
31 copy of the final order or uncontested notice with the

1 depository. Upon receipt of a final order or uncontested  
 2 notice, the depository shall record the final order or  
 3 uncontested notice in the same manner as a final judgment. The  
 4 depository shall maintain necessary accounts to reflect  
 5 obligations and payments for noncovered medical expenses.

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

10 (8) SUPPLEMENTAL REMEDY.--This section provides a  
 11 supplemental remedy for determining and collecting noncovered  
 12 medical expenses. As an alternative, the department or any  
 13 other party may petition the circuit court for enforcement of  
 14 an obligation to pay noncovered medical expenses.

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

17 Section 26. Effective January 1, 2006, subsection (4)  
 18 of section 409.2564, Florida Statutes, is amended to read:

19 409.2564 Actions for support.--

20 (4) Whenever the department has undertaken an action  
 21 for enforcement of support, the department may enter into an  
 22 agreement with the obligor for the entry of a judgment  
 23 determining paternity, if applicable, and for periodic child  
 24 support payments based on the support guidelines in s. 61.30  
 25 ~~obligor's reasonable ability to pay. Before~~ Prior to entering  
 26 into this agreement, the obligor shall be informed that a  
 27 judgment will be entered based on the agreement. The clerk of  
 28 the court shall file the agreement without the payment of any  
 29 fees or charges, and the court, upon entry of the judgment,  
 30 shall forward a copy of the judgment to the parties to the  
 31 action. To encourage settlements without litigation and to

1 promote support order compliance, if the obligor and the  
 2 department agree on entry of a support order and its terms,  
 3 the guideline amount owed for retroactive support which is  
 4 permanently assigned to the state shall be reduced by 25  
 5 percent. ~~In making a determination of the obligor's reasonable~~  
 6 ~~ability to pay and until guidelines are established for~~  
 7 ~~determining child support award amounts, the following~~  
 8 ~~criteria shall be considered:~~

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

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

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

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

15       Section 27. Effective October 1, 2005, section  
 16 409.25645, Florida Statutes, is amended to read:

17       409.25645 Administrative orders for genetic testing.--

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

30       (a)(1) The type of genetic test that will be used.  
 31



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

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

7           (2) A copy of the affidavit or written declaration  
8 which is the basis for the issuance of the administrative  
9 order shall be attached to the order. The administrative  
10 order is exempt from the hearing provisions in chapter 120,  
11 because the person to whom it is directed shall have an  
12 opportunity to object in circuit court in the event the  
13 department pursues the matter by filing a petition in circuit  
14 court. The department may serve the administrative order to  
15 appear for a genetic test by regular mail. In any case in  
16 which more than one putative father has been identified, the  
17 department may proceed under this section with respect to all  
18 putative fathers. If the department receives a request from  
19 another state Title IV-D agency to assist in the establishment  
20 of paternity, the department may cause an administrative order  
21 to appear for a genetic test to be served on a putative father  
22 who resides in Florida.

23           (3) If the putative father is incarcerated, the  
24 correctional facility shall assist the putative father to  
25 comply with the administrative order, whether issued under  
26 this section or s. 409.256.

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

29           Section 28. Effective October 1, 2005, section  
30 409.2567, Florida Statutes, is amended to read:

31

1           409.2567 Services to individuals not otherwise  
2 eligible.--All support services provided by the department  
3 shall be made available on behalf of all dependent children.  
4 Services shall be provided upon acceptance of public  
5 assistance or upon proper application filed with the  
6 department. The federally required application fee for  
7 individuals who do not receive public assistance is \$1, which  
8 shall be waived for all applicants and paid by the department.  
9 ~~The department shall adopt rules to provide for the payment of~~  
10 ~~a \$25 application fee from each applicant who is not a public~~  
11 ~~assistance recipient. The application fee shall be deposited~~  
12 ~~in the Child Support Enforcement Application and Program~~  
13 ~~Revenue Trust Fund within the Department of Revenue to be used~~  
14 ~~for the Child Support Enforcement Program.~~ The obligor is  
15 responsible for all administrative costs, as defined in s.  
16 409.2554. The court shall order payment of administrative  
17 costs without requiring the department to have a member of the  
18 bar testify or submit an affidavit as to the reasonableness of  
19 the costs. An attorney-client relationship exists only between  
20 the department and the legal services providers in Title IV-D  
21 cases. The attorney shall advise the obligee in Title IV-D  
22 cases that the attorney represents the agency and not the  
23 obligee. In Title IV-D cases, any costs, including filing  
24 fees, recording fees, mediation costs, service of process  
25 fees, and other expenses incurred by the clerk of the circuit  
26 court, shall be assessed only against the nonprevailing  
27 obligor after the court makes a determination of the  
28 nonprevailing obligor's ability to pay the such costs and  
29 fees. In any case where the court does not award all costs,  
30 the court shall state in the record its reasons for not  
31 awarding the costs. The Department of Revenue is ~~shall~~ not be

1 considered a party for purposes of this section; however, fees  
2 may be assessed against the department under ~~pursuant to~~ s.  
3 57.105(1). The department shall submit a monthly report to the  
4 Governor and the chairs of the Health and Human Services  
5 Fiscal Committee of the House of Representatives and the Ways  
6 and Means Committee of the Senate specifying the funds  
7 identified for collection from the noncustodial parents of  
8 children receiving temporary assistance and the amounts  
9 actually collected. The department shall seek a waiver from  
10 the United States Secretary of Health and Human Services to  
11 authorize the department to provide services to individuals  
12 who are owed support in accordance with Title IV-D of the  
13 Social Security Act, without need of an application. If the  
14 waiver is granted, the department shall adopt rules to  
15 implement the waiver and begin providing Title IV-D services  
16 to those who are owed support but are not receiving support  
17 payments as ordered. However, the department must first give  
18 written notice to an individual who is owed support of his or  
19 her right to refuse Title IV-D services and a reasonable time  
20 to refuse. The department may not provide services if services  
21 are refused.

22 Section 29. Section 409.259, Florida Statutes, is  
23 amended to read:

24 409.259 Filing fees in Title IV-D cases; electronic  
25 filing of pleadings and other papers.--

26 (1) Notwithstanding s. 28.241, each clerk of the  
27 circuit court shall accept petitions, complaints, and motions  
28 filed by the department in Title IV-D cases without billing  
29 the department separately for each filing, as long as the  
30 clerk is being reimbursed in a different manner for expenses  
31 incurred in such filings under the cooperative agreement with

1 the department under ~~pursuant to~~ ss. 61.181(1) and 61.1826(2)  
2 and (4).

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

7 (3) The clerks of the circuit court, chief judges  
8 through the Office of the State Courts Administrator,  
9 sheriffs, the Office of the Attorney General, and the  
10 Department of Revenue shall work cooperatively to implement  
11 electronic filing of pleadings, returns of service, and other  
12 papers with the clerks of the circuit court in Title IV-D  
13 cases by October 1, 2009.

14 Section 30. Effective July 1, 2006, section 409.2598,  
15 Florida Statutes, is amended to read:

16 409.2598 License-suspension proceeding to enforce a  
17 support order ~~Suspension or denial of new or renewal licenses;~~  
18 ~~registrations; certifications.--~~

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

20 (a) "License" means a license, permit, certificate,  
21 registration, franchise, or other form of written permission  
22 issued by a licensing agency to an individual which authorizes  
23 the individual to engage in an occupation, business, trade, or  
24 profession or to engage in a recreational activity, including  
25 hunting or fishing. Where the context permits, the term also  
26 includes an application for a new or renewal license.

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

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

31

1       (2) If an obligor has not complied with the order for  
2 at least 30 days, the department may commence a  
3 license-suspension proceeding to enforce compliance with a  
4 support order by providing written notice to an obligor which  
5 states:

6           (a) That the obligor is not in compliance with the  
7 support order and specifies that the noncompliance is due to  
8 the obligor's nonpayment of current support, delinquencies, or  
9 arrears, or the failure to provide health care coverage or  
10 medical support;

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

12           (c) That the obligor may avoid suspension of the  
13 license by complying with the support order or entering into a  
14 written agreement with the department no later than 30 days  
15 after the notice was mailed;

16           (d) That the license-suspension proceeding will cease  
17 and the license will not be suspended if the obligor timely  
18 complies with the support order or a written agreement entered  
19 into with the department;

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

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

26  
27 The notice shall be served on the obligor by regular mail sent  
28 to the obligor's last address of record on file with the local  
29 depository or a more recent address, if known, which may  
30 include the obligor's mailing address as reflected by the  
31 records of the licensing agency.

1       (3) The obligor may contest license suspension by  
2 filing a petition in circuit court within 30 days after the  
3 notice of noncompliance has been mailed and by serving a copy  
4 of the petition on the department. If the obligor timely files  
5 a petition in circuit court, the license-suspension proceeding  
6 is stayed pending a ruling by the court. The obligor may  
7 contest the license suspension on the basis of a mistake of  
8 fact concerning the obligor's compliance with the support  
9 order, the reasonableness of a payment agreement offered by  
10 the department, or the identity of the obligor. A petition to  
11 contest the license suspension must be heard by the court  
12 within 15 days after the petition is filed. The court must  
13 enter an order ruling on the matter within 10 days after the  
14 hearing and a copy of the order must be served on the parties.

15       (4)(a) If the obligor complies with the support order  
16 or with the written agreement entered into with the department  
17 after a proceeding is commenced but before the obligor's  
18 license is suspended, the proceeding shall end and the license  
19 may not be suspended. If the obligor at a later date fails to  
20 comply with the support order or agreement, the department may  
21 commence a new proceeding or proceed as provided in paragraph  
22 (c).

23       (b) If the obligor complies with the support order or  
24 a written agreement entered into with the department after the  
25 obligor's license is suspended, the department must provide  
26 the obligor with a reinstatement notice and the agency that  
27 issued the license must reinstate the license at no additional  
28 charge to the obligor.

29       (c) If the obligor enters into a written agreement  
30 with the department and later does not comply with it, the  
31 department shall notify the agency issuing the license to

1 suspend the license unless the obligor notifies the department  
2 that the obligor cannot comply with the written agreement. If  
3 the obligor notifies the department of the inability to comply  
4 with the written agreement, the obligor shall provide full  
5 disclosure to the department of the obligor's income, assets,  
6 and employment. If after full disclosure the written agreement  
7 cannot be renegotiated, the department or the obligor may file  
8 a petition in circuit court to determine the matter.

9 (d) The agency issuing the license shall promptly  
10 reinstate the license of the obligor after receiving a court  
11 order for reinstating the license.

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

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

18 1. Thirty or more days have elapsed after a proceeding  
19 has been commenced and the obligor has not complied with the  
20 support order or a written agreement entered into with the  
21 department or filed a timely petition to contest license  
22 suspension in circuit court;

23 2. The obligor enters into a written agreement with  
24 the department and does not comply with it, unless the obligor  
25 notifies the department that the obligor can no longer comply  
26 with the written agreement; or

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

28 (b) Upon notice by the department or the circuit  
29 court, the agency issuing the license shall suspend the  
30 license of the obligor and may reinstate the license only  
31 after receiving notice from the department or the court.

1       (6) A license may be suspended under this section to  
2 enforce compliance with a subpoena, order to appear, order to  
3 show cause, or similar order in a child support or paternity  
4 proceeding by using the same procedures for enforcing  
5 compliance with a support order.

6       (7) The department may combine a proceeding under this  
7 section with a proceeding to suspend a driver's license under  
8 s. 61.13016. A proceeding to suspend a license under this  
9 section may apply to one or more of the licenses issued to the  
10 obligor.

11       (8) The department may adopt rules to administer and  
12 enforce the requirements of this section.

13       ~~(2) The Title IV D agency may petition the court that~~  
14 ~~entered the support order or the court that is enforcing the~~  
15 ~~support order to deny or suspend the license of any obligor~~  
16 ~~with a delinquent support obligation or who fails, after~~  
17 ~~receiving appropriate notice, to comply with subpoenas, orders~~  
18 ~~to appear, orders to show cause, or similar orders relating to~~  
19 ~~paternity or support proceedings. However, a petition may not~~  
20 ~~be filed until the Title IV D agency has exhausted all other~~  
21 ~~available remedies. The purpose of this section is to promote~~  
22 ~~the public policy of the state as established in s. 409.2551.~~

23       ~~(3) The Title IV D agency shall give notice to any~~  
24 ~~obligor who is an applicant for a new or renewal license or~~  
25 ~~the holder of a current license when a delinquency exists in~~  
26 ~~the support obligation or when an obligor has failed to comply~~  
27 ~~with a subpoena, order to appear, order to show cause, or~~  
28 ~~similar order relating to paternity or support proceeding. The~~  
29 ~~notice shall specify that the obligor has 30 days from the~~  
30 ~~date of mailing of the notice to pay the delinquency or to~~  
31 ~~reach an agreement to pay the delinquency with the Title IV D~~



1 ~~agency or comply with the subpoena, order to appear, order to~~  
2 ~~show cause, or similar order. The notice shall specify that,~~  
3 ~~if payment is not made or an agreement cannot be reached, or~~  
4 ~~if the subpoena, order to appear, order to show cause, or~~  
5 ~~similar order is not complied with, the application may be~~  
6 ~~denied or the license may be suspended pursuant to a court~~  
7 ~~order.~~

8 ~~(4) If the obligor fails to pay the delinquency or~~  
9 ~~enter into a repayment agreement with the department or comply~~  
10 ~~with the subpoena, order to appear, order to show cause, or~~  
11 ~~similar order within 30 days following completion of service~~  
12 ~~of the notice, the Title IV D agency shall send a second~~  
13 ~~notice to the obligor stating that the obligor has 30 days to~~  
14 ~~pay the delinquency or reach an agreement to pay the~~  
15 ~~delinquency with the Title IV D agency or comply with the~~  
16 ~~subpoena, order to appear, order to show cause, or similar~~  
17 ~~order. If the obligor fails to respond to either notice from~~  
18 ~~the Title IV D agency or if the obligor fails to pay the~~  
19 ~~delinquency or reach an agreement to pay the delinquency or~~  
20 ~~comply with the subpoena, order to appear, order to show~~  
21 ~~cause, or similar order after the second notice, the Title~~  
22 ~~IV D agency may petition the court which entered the support~~  
23 ~~order or the court which is enforcing the support order to~~  
24 ~~deny the application for the license or to suspend the license~~  
25 ~~of the obligor. However, no petition may be filed until the~~  
26 ~~Title IV D agency has exhausted all other available remedies.~~  
27 ~~The court may find that it would be inappropriate to deny a~~  
28 ~~license or suspend a license if:~~

29 ~~(a) Denial or suspension would result in irreparable~~  
30 ~~harm to the obligor or employees of the obligor or would not~~  
31 ~~accomplish the objective of collecting the delinquency; or~~

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

4  
5 ~~The court may not deny or suspend a license if the court~~  
6 ~~determines that an alternative remedy is available to the~~  
7 ~~Title IV D agency which is likely to accomplish the objective~~  
8 ~~of collecting the delinquency or obtaining compliance with the~~  
9 ~~subpoena, order to appear, order to show cause, or similar~~  
10 ~~order. If the obligor fails in the defense of a petition for~~  
11 ~~denial or suspension, the court which entered the support~~  
12 ~~order or the court which is enforcing the support order shall~~  
13 ~~enter an order to deny the application for the license or to~~  
14 ~~suspend the license of the obligor. The court shall order the~~  
15 ~~obligor to surrender the license to the Title IV D agency,~~  
16 ~~which will return the license and a copy of the order of~~  
17 ~~suspension to the appropriate licensing agency.~~

18           ~~(5) If the court denies or suspends a license and the~~  
19 ~~obligor subsequently pays the delinquency or reaches an~~  
20 ~~agreement with the Title IV D agency to settle the delinquency~~  
21 ~~and makes the first payment required by the agreement, or~~  
22 ~~complies with the subpoena, order to appear, order to show~~  
23 ~~cause, or similar order, the license shall be issued or~~  
24 ~~reinstated upon written proof to the court that the obligor~~  
25 ~~has complied with the terms of the court order, subpoena,~~  
26 ~~order to appear, order to show cause, or similar order. Proof~~  
27 ~~of payment shall consist of a certified copy of the payment~~  
28 ~~record issued by the depository. The court shall order the~~  
29 ~~appropriate licensing agency to issue or reinstate the license~~  
30 ~~without additional charge to the obligor.~~

31

1           ~~(6) The licensing agency shall, when directed by the~~  
2 ~~court, suspend or deny the license of any licensee under its~~  
3 ~~jurisdiction found to have a delinquent support obligation or~~  
4 ~~not to be in compliance with a subpoena, order to appear,~~  
5 ~~order to show cause, or similar order. The licensing agency~~  
6 ~~shall issue or reinstate the license without additional charge~~  
7 ~~to the licensee when notified by the court that the licensee~~  
8 ~~has complied with the terms of the court order, or subpoena,~~  
9 ~~order to appear, order to show cause, or similar order.~~

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

14           Section 31. Effective October 1, 2005, section  
15 409.821, Florida Statutes, is amended to read:

16           409.821 Florida Kidcare program public records  
17 exemption.--Notwithstanding any other law to the contrary, any  
18 information identifying a Florida Kidcare program applicant or  
19 enrollee, as defined in s. 409.811, held by the Agency for  
20 Health Care Administration, the Department of Children and  
21 Family Services, the Department of Health, or the Florida  
22 Healthy Kids Corporation is confidential and exempt from s.  
23 119.07(1) and s. 24(a), Art. I of the State Constitution. The  
24 ~~Such~~ information may be disclosed to another governmental  
25 entity only if disclosure is necessary for the entity to  
26 perform its duties and responsibilities under the Florida  
27 Kidcare program and shall be disclosed to the Department of  
28 Revenue for purposes of administering the state's Title IV-D  
29 program. The receiving governmental entity must maintain the  
30 confidential and exempt status of such information.  
31 Furthermore, such information may not be released to any

1 person without the written consent of the program applicant.  
2 This exemption applies to any information identifying a  
3 Florida Kidcare program applicant or enrollee held by the  
4 Agency for Health Care Administration, the Department of  
5 Children and Family Services, the Department of Health, or the  
6 Florida Healthy Kids Corporation before, on, or after the  
7 effective date of this exemption. A violation of this section  
8 is a misdemeanor of the second degree, punishable as provided  
9 in s. 775.082 or s. 775.083.

10 Section 32. Effective October 1, 2005, paragraph (a)  
11 of subsection (5) of section 414.065, Florida Statutes, is  
12 amended to read:

13 414.065 Noncompliance with work requirements.--

14 (5) WORK ACTIVITY REQUIREMENTS FOR NONCUSTODIAL  
15 PARENTS.--

16 (a) The court may order a noncustodial parent who is  
17 delinquent in support payments under the terms of a support  
18 order, ~~as defined in s. 61.046~~, to participate in work  
19 activities under this chapter, or as provided by s.  
20 61.14(5)(b), so that the parent may obtain employment and  
21 fulfill the obligation to provide support payments. A  
22 noncustodial parent who fails to satisfactorily engage in  
23 court-ordered work activities may be held in contempt.

24 Section 33. Effective July 1, 2006, subsection (1) and  
25 paragraphs (a) and (b) of subsection (3) of section 443.051,  
26 Florida Statutes, are amended to read:

27 443.051 Benefits not alienable; exception, child  
28 support intercept.--

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

30 (a) "Unemployment compensation" means any compensation  
31 payable under state law, including amounts payable under

1 ~~pursuant to~~ an agreement under any federal law providing for  
 2 compensation, assistance, or allowances for unemployment.

3 (b) "Support obligations" includes only those  
 4 obligations that are being enforced under a plan described in  
 5 s. 454 of the Social Security Act which has been approved by  
 6 the Secretary of Health and Human Services under Part D of  
 7 Title IV of the Social Security Act. Support obligations  
 8 include any legally required payments to reduce delinquencies,  
 9 arrearages, or retroactive support.

10 (c) "Support order" means a judgment, decree, or  
 11 order, whether temporary or final, issued by a court of  
 12 competent jurisdiction or administrative agency for the  
 13 support and maintenance of a child which provides for monetary  
 14 support, health care, arrearages, or past support. When the  
 15 child support obligation is being enforced by the Department  
 16 of Revenue, the term "support order" also means a judgment,  
 17 decree, or order, whether temporary or final, issued by a  
 18 court of competent jurisdiction for the support and  
 19 maintenance of a child and the spouse or former spouse of the  
 20 obligor with whom the child is living which provides for  
 21 monetary support, health care, arrearages, or past support.

22 (3) EXCEPTION, SUPPORT INTERCEPT.--

23 (a) ~~Each individual filing a new claim for~~  
 24 ~~unemployment compensation must disclose at the time of filing~~  
 25 ~~the claim whether she or he owes support obligations that are~~  
 26 ~~being enforced by the Department of Revenue. If an applicant~~  
 27 ~~discloses that she or he owes support obligations and she or~~  
 28 ~~he is determined to be eligible for unemployment compensation~~  
 29 ~~benefits, the Agency for Workforce Innovation shall notify the~~  
 30 ~~Department of Revenue if the department is enforcing the~~  
 31 ~~support obligation.~~ The Department of Revenue shall, at least

1 biweekly, provide the Agency for Workforce Innovation with a  
2 magnetic tape or other electronic data file disclosing the  
3 individuals who owe support obligations and the amount of any  
4 legally required deductions.

5 (b) For support obligations established on or after  
6 July 1, 2006, and for support obligations established before  
7 July 1, 2006, when the support order does not address the  
8 withholding of unemployment compensation, the Agency for  
9 Workforce Innovation shall deduct and withhold 40 percent of  
10 the unemployment compensation otherwise payable to an  
11 individual disclosed under paragraph (a). If delinquencies,  
12 arrears, or retroactive support are owed and repayment has  
13 not been ordered, the unpaid amounts are included in the  
14 support obligation and are subject to withholding. If the  
15 amount deducted exceeds the support obligation, the Department  
16 of Revenue shall promptly refund the amount of the excess  
17 deduction to the obligor. For support obligations in effect  
18 before July 1, 2006, if the support order addresses the  
19 withholding of unemployment compensation, the Agency for  
20 Workforce Innovation shall deduct and withhold the amount  
21 ordered by the court or administrative agency that issued the  
22 support order as disclosed by the Department of Revenue. The  
23 ~~Agency for Workforce Innovation shall deduct and withhold from~~  
24 ~~any unemployment compensation otherwise payable to an~~  
25 ~~individual disclosed under paragraph (a) who owes support~~  
26 ~~obligations;~~

27 ~~1. The amount determined under an agreement submitted~~  
28 ~~to the Agency for Workforce Innovation under s. 454(19)(B)(i)~~  
29 ~~of the Social Security Act by the Department of Revenue;~~  
30  
31

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

4           ~~3. The amount otherwise specified by the individual to~~  
5 ~~the Agency for Workforce Innovation to be deducted and~~  
6 ~~withheld under this section.~~

7           Section 34. Effective July 1, 2006, subsection (9) of  
8 section 455.203, Florida Statutes, is amended to read:

9           455.203 Department; powers and duties.--The  
10 department, for the boards under its jurisdiction, shall:

11           (9) Work cooperatively with the Department of Revenue  
12 to implement an automated method for periodically disclosing  
13 current licensees to the Department of Revenue. Allow  
14 ~~applicants for new or renewal licenses and current licensees~~  
15 ~~to be screened by the Title IV D child support agency pursuant~~  
16 ~~to s. 409.2598 to assure compliance with a support obligation.~~

17 The purpose of this subsection is to promote the public policy  
18 of this state as established in s. 409.2551. The department  
19 shall, when directed by the court or the Department of Revenue  
20 under s. 409.2598, suspend or deny the license of any licensee  
21 found not to be in compliance with a support order, subpoena,  
22 order to show cause, or written agreement entered into by the  
23 licensee with the Department of Revenue to have a delinquent  
24 ~~support obligation, as defined in s. 409.2554.~~ The department  
25 shall issue or reinstate the license without additional charge  
26 to the licensee when notified by the court or the Department  
27 of Revenue that the licensee has complied with the terms of  
28 the support ~~court~~ order. The department shall not be held  
29 liable for any license denial or suspension resulting from the  
30 discharge of its duties under this subsection.

31

1           Section 35. Effective January 1, 2006, subsection (1)  
2 of section 742.10, Florida Statutes, is amended to read:

3           742.10 Establishment of paternity for children born  
4 out of wedlock.--

5           (1) This chapter provides the primary jurisdiction and  
6 procedures for the determination of paternity for children  
7 born out of wedlock. When the establishment of paternity has  
8 been raised and determined within an adjudicatory hearing  
9 brought under the statutes governing inheritance, or  
10 dependency under workers' compensation or similar compensation  
11 programs, or when an affidavit acknowledging paternity or a  
12 stipulation of paternity is executed by both parties and filed  
13 with the clerk of the court, or when an affidavit, a notarized  
14 voluntary acknowledgment of paternity, or a voluntary  
15 acknowledgment of paternity that is witnessed by two  
16 individuals and signed under penalty of perjury as provided  
17 for in s. 382.013 or s. 382.016 is executed by both parties,  
18 or when paternity is adjudicated by the Department of Revenue  
19 as provided by s. 409.256, the adjudication, affidavit, or  
20 acknowledgment constitutes it shall constitute the  
21 establishment of paternity for purposes of this chapter. If no  
22 adjudicatory proceeding was held, a notarized voluntary  
23 acknowledgment of paternity or voluntary acknowledgment of  
24 paternity that is witnessed by two individuals and signed  
25 under penalty of perjury as specified by s. 92.525(2) creates  
26 ~~shall create~~ a rebuttable presumption, as defined by s.  
27 90.304, of paternity and is subject to the right of any  
28 signatory to rescind the acknowledgment within 60 days after  
29 the date the acknowledgment was signed or the date of an  
30 administrative or judicial proceeding relating to the child,  
31 including a proceeding to establish a support order, in which



1 the signatory is a party, whichever is earlier. Both parents  
2 must provide their social security numbers on any  
3 acknowledgment of paternity, consent affidavit, or stipulation  
4 of paternity. Except for affidavits under seal ~~under pursuant~~  
5 ~~to~~ ss. 382.015 and 382.016, the Office of Vital Statistics  
6 shall provide certified copies of affidavits to the Title IV-D  
7 agency upon request.

8 Section 36. Effective January 1, 2006, paragraph (a)  
9 of subsection (2) of section 760.40, Florida Statutes, is  
10 amended to read:

11 760.40 Genetic testing; informed consent;  
12 confidentiality; penalties; notice of use of results.--

13 (2)(a) Except for purposes of criminal prosecution,  
14 except for purposes of determining paternity as provided in s.  
15 409.256 or s. 742.12(1), and except for purposes of acquiring  
16 specimens from persons convicted of certain offenses or as  
17 otherwise provided in s. 943.325, DNA analysis may be  
18 performed only with the informed consent of the person to be  
19 tested, and the results of such DNA analysis, whether held by  
20 a public or private entity, are the exclusive property of the  
21 person tested, are confidential, and may not be disclosed  
22 without the consent of the person tested. Such information  
23 held by a public entity is exempt from the provisions of s.  
24 119.07(1) and s. 24(a), Art. I of the State Constitution.

25 Section 37. Effective October 1, 2005, subsections  
26 (1), (2), and (6) of section 827.06, Florida Statutes, are  
27 amended to read:

28 827.06 Nonsupport of dependents.--

29 (1) The Legislature finds that most noncustodial  
30 parents want to support their children and remain connected to  
31 their families. The Legislature also finds that while many

1 noncustodial parents lack the financial resources and other  
2 skills necessary to provide that support, some ~~a small~~  
3 ~~percentage of such~~ parents willfully fail to provide support  
4 to their children even when they are aware of the obligation  
5 and have the ability to do so ~~pursuant to s. 61.30~~. The  
6 Legislature further finds that existing statutory provisions  
7 for civil enforcement of support have not proven sufficiently  
8 effective or efficient in gaining adequate support for all  
9 children. Recognizing that it is the public policy of this  
10 state that children shall be maintained primarily from the  
11 resources of their parents, thereby relieving, at least in  
12 part, the burden presently borne by the general citizenry  
13 through public assistance programs, it is the intent of the  
14 Legislature that the criminal penalties provided for in this  
15 section are to be pursued in all appropriate cases where  
16 ~~exhaustion of appropriate~~ civil enforcement has not resulted  
17 in payment.

18 (2) Any person who, ~~after notice as specified in~~  
19 ~~subsection (6), and who has been previously adjudged in~~  
20 ~~contempt for failure to comply with a support order,~~ willfully  
21 fails to provide support which he or she has the ability to  
22 provide to a child or a spouse whom the person knows he or she  
23 is legally obligated to support commits a misdemeanor of the  
24 first degree, punishable as provided in s. 775.082 or s.  
25 775.083. ~~In lieu of any punishment imposed pursuant to s.~~  
26 ~~775.082 or s. 775.083, any person who is convicted of a~~  
27 ~~violation of this subsection shall be punished:~~

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

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

31

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

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

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

6           ~~1. Not less than 15 days nor more than 1 month for a~~  
7 ~~first conviction.~~

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

10           ~~3. Not less than 3 months nor more than 6 months for a~~  
11 ~~third conviction.~~

12           (6) It is the intent of the Legislature for the state  
13 attorneys, the Florida Prosecuting Attorneys Association, and  
14 the Department of Revenue to work collaboratively to identify  
15 strategies that will allow the criminal penalties provided for  
16 in this section to be pursued in all appropriate cases,  
17 including, but not limited to, strategies that would assist  
18 the state attorneys in obtaining additional resources from  
19 available federal Title IV-D funds to initiate prosecution  
20 under this section. The Florida Prosecuting Attorneys  
21 Association and the Department of Revenue shall submit a joint  
22 report to the Governor, the President of the Senate, and the  
23 Speaker of the House of Representatives no later than December  
24 31, 2005. Prior to commencing prosecution under this section,  
25 the state attorney must notify the person responsible for  
26 support by certified mail, return receipt requested, or by  
27 using any other means permitted for service of process in a  
28 civil action, that a prosecution under this section will be  
29 commenced against him or her unless the person pays the total  
30 unpaid support obligation or provides a satisfactory  
31 explanation as to why he or she has not made such payments.

1           Section 38. For the purpose of incorporating the  
2 amendment made by this act to section 61.13, Florida Statutes,  
3 in references thereto, subsection (8) of section 61.30,  
4 Florida Statutes, is reenacted to read:

5           61.30 Child support guidelines; retroactive child  
6 support.--

7           (8) Health insurance costs resulting from coverage  
8 ordered pursuant to s. 61.13(1)(b), and any noncovered  
9 medical, dental, and prescription medication expenses of the  
10 child, shall be added to the basic obligation unless these  
11 expenses have been ordered to be separately paid on a  
12 percentage basis. After the health insurance costs are added  
13 to the basic obligation, any moneys prepaid by the  
14 noncustodial parent for health-related costs for the child or  
15 children of this action shall be deducted from that  
16 noncustodial parent's child support obligation for that child  
17 or those children.

18           Section 39. Effective October 1, 2005, paragraph (b)  
19 of subsection (1) of section 61.14, Florida Statutes, is  
20 amended to read:

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

23           (1)

24           (b) For each support order reviewed by the department  
25 as required by s. 409.2564(11) ~~s. 409.2564(12)~~, if the amount  
26 of the child support award under the order differs by at least  
27 10 percent but not less than \$25 from the amount that would be  
28 awarded under s. 61.30, the department shall seek to have the  
29 order modified and any modification shall be made without a  
30 requirement for proof or showing of a change in circumstances.

31

1           Section 40. Effective October 1, 2005, paragraph (c)  
2 of subsection (1) of section 61.30, Florida Statutes, is  
3 amended to read:

4           61.30 Child support guidelines; retroactive child  
5 support.--

6           (1)

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

14           Section 41. Effective October 1, 2005, paragraph (e)  
15 of subsection (1) of section 61.13, Florida Statutes, is  
16 repealed.

17           Section 42. Effective October 1, 2005, subsection (7)  
18 of section 409.2564, Florida Statutes, is repealed.

19           Section 43. Except as otherwise expressly provided in  
20 this act, this act shall take effect upon becoming a law.

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