



418908

LEGISLATIVE ACTION

Senate

House

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Floor: 3/AD/2R

04/21/2010 05:30 PM

Senator Storms moved the following:

Senate Amendment (with title amendment)

Delete lines 1031 - 1107

and insert:

(l) That either parent, or caregiver ~~caretaker~~ relative if applicable, may file at any time a civil action in a circuit court having jurisdiction and proper venue to determine parental support obligations, if any, and that a support order issued by a circuit court supersedes an administrative support order rendered by the department;

(m) That, neither the department nor the Division of Administrative Hearings has jurisdiction to award or change child custody or rights of parental contact or time-sharing, and



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14 these issues may ~~only~~ be addressed only in circuit court.

15 1. The parent from whom support is being sought may request
16 in writing that the department proceed in circuit court to
17 determine his or her support obligations.

18 2. The parent from whom support is being sought may state
19 in writing to the department his or her intention to address
20 issues concerning custody or rights to parental contact in
21 circuit court.

22 3. If the parent from whom support is being sought submits
23 the request authorized in subparagraph 1., or the statement
24 authorized in subparagraph 2. to the department within 20 days
25 after the receipt of the initial notice, the department shall
26 file a petition in circuit court for the determination of the
27 parent's child support obligations, and shall send to the parent
28 from whom support is being sought a copy of its petition, a
29 notice of commencement of action, and a request for waiver of
30 service of process as provided in the Florida Rules of Civil
31 Procedure.

32 4. If, within 10 days after receipt of the department's
33 petition and waiver of service, the parent from whom support is
34 being sought signs and returns the waiver of service form to the
35 department, the department shall terminate the administrative
36 proceeding without prejudice and proceed in circuit court.

37 5. In any circuit court action filed by the department
38 pursuant to this paragraph or filed by a parent from whom
39 support is being sought or other person pursuant to paragraph
40 (l) or paragraph (n), the department shall be a party only with
41 respect to those issues of support allowed and reimbursable
42 under Title IV-D of the Social Security Act. It is the



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43 responsibility of the parent from whom support is being sought
44 or other person to take the necessary steps to present other
45 issues for the court to consider.

46 (n) That if the parent from whom support is being sought
47 files an action in circuit court and serves the department with
48 a copy of the petition within 20 days after being served notice
49 under this subsection, the administrative process ends without
50 prejudice and the action must proceed in circuit court;

51 (o) Information provided by the Office of State Courts
52 Administrator concerning the availability and location of self-
53 help programs for those who wish to file an action in circuit
54 court but who cannot afford an attorney.

55
56 The department may serve the notice of proceeding to establish
57 administrative support order by certified mail, restricted
58 delivery, return receipt requested. Alternatively, the
59 department may serve the notice by any means permitted for
60 service of process in a civil action. For purposes of this
61 section, an authorized employee of the department may serve the
62 notice and execute an affidavit of service. Service by certified
63 mail is completed when the certified mail is received or refused
64 by the addressee or by an authorized agent as designated by the
65 addressee in writing. If a person other than the addressee signs
66 the return receipt, the department shall attempt to reach the
67 addressee by telephone to confirm whether the notice was
68 received, and the department shall document any telephonic
69 communications. If someone other than the addressee signs the
70 return receipt, the addressee does not respond to the notice,
71 and the department is unable to confirm that the addressee has



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72 received the notice, service is not completed and the department
73 shall attempt to have the addressee served personally. The
74 department shall provide the parent from whom support is not
75 being sought or the caregiver ~~earetaker~~ relative with a copy of
76 the notice by regular mail to the last known address of the
77 parent from whom support is not being sought or caregiver
78 ~~earetaker~~.

79

80 ===== T I T L E A M E N D M E N T =====

81 And the title is amended as follows:

82

83 Delete lines 33 - 37.