

2010694er

1
2 An act relating to child support; amending s. 61.13,
3 F.S.; deleting a reference to health insurance in the
4 process for determining a parent's share of an
5 obligation to pay medical support only; providing that
6 an obligor may make child support payments directly to
7 the obligee under certain circumstances; clarifying
8 when income deduction payments are required to be paid
9 to the State Disbursement Unit; amending s. 61.30,
10 F.S.; authorizing the Department of Revenue to submit
11 to the court a written declaration signed under
12 penalty of perjury for the purpose of establishing an
13 obligation for child support; amending s. 382.013,
14 F.S.; providing that if the mother and father of a
15 child marry each other at any time after the child's
16 birth, the Department of Health shall amend the
17 certificate with regard to the parents' marital status
18 as though the parents were married at the time of
19 birth; amending s. 382.015, F.S.; requiring the Office
20 of Vital Statistics in the Department of Health to
21 prepare and file a new birth certificate that includes
22 the name of the legal father when a final judgment of
23 dissolution of marriage requires the former husband to
24 pay child support for the child; amending s. 382.016,
25 F.S.; requiring the Office of Vital Statistics to
26 amend a child's birth certificate to include the name
27 of the legal father upon receipt of a marriage license
28 that identifies the child as a child of the marriage;
29 amending s. 409.2558, F.S.; requiring the Department

2010694er

30 of Revenue to process collected funds that are
31 determined to be undistributable in a specified
32 manner; requiring the department to retain as program
33 income de minimis child support collections under \$1;
34 amending s. 409.256, F.S.; changing the term
35 "custodian" to "caregiver" and defining the role of
36 the caregiver; amending s. 409.2563, F.S.; replacing
37 "caretaker relative" with "caregiver" and defining the
38 term; authorizing the Department of Revenue to refer a
39 proceeding to the Division of Administrative Hearings
40 for an evidentiary hearing to determine the support
41 obligation; replacing the term "hearing request" with
42 "proceeding"; amending s. 409.25635, F.S.; authorizing
43 the Department of Revenue to collect noncovered
44 medical expenses in installments by issuing an income
45 deduction notice; amending s. 409.2564, F.S.; removing
46 a provision that encouraged parties to enter into a
47 settlement agreement; conforming cross-references;
48 requiring the department to review child support
49 orders in IV-D cases at least once every 3 years;
50 requiring that the department file a petition to
51 modify support if the review of a support order
52 indicates that the order should be modified; amending
53 s. 409.2567, F.S.; authorizing the Department of
54 Revenue to seek a specified waiver from the United
55 States Department of Health and Human Services if the
56 estimated increase in federal funding to the state
57 derived from the waiver would exceed any additional
58 cost to the state; amending s. 409.259, F.S.;

2010694er

59 extending the deadline for implementing electronic
60 filing of pleadings and other documents with the
61 clerks of court in Title IV-D cases until completion
62 of the Child Support Automated Management System II;
63 amending s. 409.910, F.S.; requiring the Agency for
64 Health Care Administration to obtain health insurance
65 information from insurers and provide it to the
66 Department of Revenue for use in Title IV-D child
67 support cases; requiring both agencies to enter into a
68 cooperative agreement to implement the requirement;
69 amending s. 414.095, F.S.; conforming a provision to a
70 change made by the act; amending s. 741.01, F.S.;
71 requiring an application for a marriage license to
72 allow both parties to the marriage to state under oath
73 in writing if they are the parents of a child born in
74 this state and to identify any such child they have in
75 common; reenacting ss. 61.14(1)(c) and 61.30(1)(c),
76 F.S., relating to the enforcement and modification of
77 support, maintenance, or alimony agreements or orders
78 and the child support guidelines, respectively, to
79 incorporate the amendments made to s. 409.2564, F.S.,
80 in references thereto; providing effective dates.

81
82 Be It Enacted by the Legislature of the State of Florida:

83
84 Section 1. Paragraphs (b) and (d) of subsection (1) of
85 section 61.13, Florida Statutes, are amended to read:

86 61.13 Support of children; parenting and time-sharing;
87 powers of court.—

2010694er

88 (1)

89 (b) Each order for support shall contain a provision for
90 health insurance for the minor child when health insurance is
91 reasonable in cost and accessible to the child. Health insurance
92 is presumed to be reasonable in cost if the incremental cost of
93 adding health insurance for the child or children does not
94 exceed 5 percent of the gross income, as defined in s. 61.30, of
95 the parent responsible for providing health insurance. Health
96 insurance is accessible to the child if the health insurance is
97 available to be used in the county of the child's primary
98 residence or in another county if the parent who has the most
99 time under the time-sharing plan agrees. If the time-sharing
100 plan provides for equal time-sharing, health insurance is
101 accessible to the child if the health insurance is available to
102 be used in either county where the child resides or in another
103 county if both parents agree. The court may require the obligor
104 to provide health insurance or to reimburse the obligee for the
105 cost of health insurance for the minor child when insurance is
106 provided by the obligee. The presumption of reasonable cost may
107 be rebutted by evidence of any of the factors in s.

108 61.30(11) (a). The court may deviate from what is presumed
109 reasonable in cost only upon a written finding explaining its
110 determination why ordering or not ordering the provision of
111 health insurance or the reimbursement of the obligee's cost for
112 providing health insurance for the minor child would be unjust
113 or inappropriate. In any event, the court shall apportion the
114 cost of health insurance, and any noncovered medical, dental,
115 and prescription medication expenses of the child, to both
116 parties by adding the cost to the basic obligation determined

2010694er

117 pursuant to s. 61.30(6). The court may order that payment of
118 noncovered medical, dental, and prescription medication expenses
119 of the minor child be made directly to the obligee on a
120 percentage basis. In a proceeding for medical support only, each
121 parent's share of the child's ~~health insurance~~ and noncovered
122 medical expenses shall equal the parent's percentage share of
123 the combined net income of the parents. The percentage share
124 shall be calculated by dividing each parent's net monthly income
125 by the combined monthly net income of both parents. Net income
126 is calculated as specified by s. 61.30(3) and (4).

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

130 a. The obligor fails to provide written proof to the
131 obligee within 30 days after receiving effective notice of the
132 court order that the health insurance has been obtained or that
133 application for health insurance has been made;

134 b. The obligee serves written notice of intent to enforce
135 an order for health insurance on the obligor by mail at the
136 obligor's last known address; and

137 c. The obligor fails within 15 days after the mailing of
138 the notice to provide written proof to the obligee that the
139 health insurance existed as of the date of mailing.

140 2.a. A support order enforced under Title IV-D of the
141 Social Security Act which requires that the obligor provide
142 health insurance is enforceable by the department through the
143 use of the national medical support notice, and an amendment to
144 the support order is not required. The department shall transfer
145 the national medical support notice to the obligor's union or

2010694er

146 employer. The department shall notify the obligor in writing
147 that the notice has been sent to the obligor's union or
148 employer, and the written notification must include the
149 obligor's rights and duties under the national medical support
150 notice. The obligor may contest the withholding required by the
151 national medical support notice based on a mistake of fact. To
152 contest the withholding, the obligor must file a written notice
153 of contest with the department within 15 business days after the
154 date the obligor receives written notification of the national
155 medical support notice from the department. Filing with the
156 department is complete when the notice is received by the person
157 designated by the department in the written notification. The
158 notice of contest must be in the form prescribed by the
159 department. Upon the timely filing of a notice of contest, the
160 department shall, within 5 business days, schedule an informal
161 conference with the obligor to discuss the obligor's factual
162 dispute. If the informal conference resolves the dispute to the
163 obligor's satisfaction or if the obligor fails to attend the
164 informal conference, the notice of contest is deemed withdrawn.
165 If the informal conference does not resolve the dispute, the
166 obligor may request an administrative hearing under chapter 120
167 within 5 business days after the termination of the informal
168 conference, in a form and manner prescribed by the department.
169 However, the filing of a notice of contest by the obligor does
170 not delay the withholding of premium payments by the union,
171 employer, or health plan administrator. The union, employer, or
172 health plan administrator must implement the withholding as
173 directed by the national medical support notice unless notified
174 by the department that the national medical support notice is

2010694er

175 terminated.

176 b. In a Title IV-D case, the department shall notify an
177 obligor's union or employer if the obligation to provide health
178 insurance through that union or employer is terminated.

179 3. In a non-Title IV-D case, upon receipt of the order
180 pursuant to subparagraph 1., or upon application of the obligor
181 pursuant to the order, the union or employer shall enroll the
182 minor child as a beneficiary in the group health plan regardless
183 of any restrictions on the enrollment period and withhold any
184 required premium from the obligor's income. If more than one
185 plan is offered by the union or employer, the child shall be
186 enrolled in the group health plan in which the obligor is
187 enrolled.

188 4.a. Upon receipt of the national medical support notice
189 under subparagraph 2. in a Title IV-D case, the union or
190 employer shall transfer the notice to the appropriate group
191 health plan administrator within 20 business days after the date
192 on the notice. The plan administrator must enroll the child as a
193 beneficiary in the group health plan regardless of any
194 restrictions on the enrollment period, and the union or employer
195 must withhold any required premium from the obligor's income
196 upon notification by the plan administrator that the child is
197 enrolled. The child shall be enrolled in the group health plan
198 in which the obligor is enrolled. If the group health plan in
199 which the obligor is enrolled is not available where the child
200 resides or if the obligor is not enrolled in group coverage, the
201 child shall be enrolled in the lowest cost group health plan
202 that is accessible to the child.

203 b. If health insurance or the obligor's employment is

2010694er

204 terminated in a Title IV-D case, the union or employer that is
205 withholding premiums for health insurance under a national
206 medical support notice must notify the department within 20 days
207 after the termination and provide the obligor's last known
208 address and the name and address of the obligor's new employer,
209 if known.

210 5.a. The amount withheld by a union or employer in
211 compliance with a support order may not exceed the amount
212 allowed under s. 303(b) of the Consumer Credit Protection Act,
213 15 U.S.C. s. 1673(b), as amended. The union or employer shall
214 withhold the maximum allowed by the Consumer Credit Protection
215 Act in the following order:

- 216 (I) Current support, as ordered.
- 217 (II) Premium payments for health insurance, as ordered.
- 218 (III) Past due support, as ordered.
- 219 (IV) Other medical support or insurance, as ordered.

220 b. If the combined amount to be withheld for current
221 support plus the premium payment for health insurance exceed the
222 amount allowed under the Consumer Credit Protection Act, and the
223 health insurance cannot be obtained unless the full amount of
224 the premium is paid, the union or employer may not withhold the
225 premium payment. However, the union or employer shall withhold
226 the maximum allowed in the following order:

- 227 (I) Current support, as ordered.
- 228 (II) Past due support, as ordered.
- 229 (III) Other medical support or insurance, as ordered.

230 6. An employer, union, or plan administrator who does not
231 comply with the requirements in sub-subparagraph 4.a. is subject
232 to a civil penalty not to exceed \$250 for the first violation

2010694er

233 and \$500 for subsequent violations, plus attorney's fees and
234 costs. The department may file a petition in circuit court to
235 enforce the requirements of this subparagraph.

236 7. The department may adopt rules to administer the child
237 support enforcement provisions of this section that affect Title
238 IV-D cases.

239 (d)1. All child support orders shall provide the full name
240 and date of birth of each minor child who is the subject of the
241 child support order.

242 2. If both parties request and the court finds that it is
243 in the best interest of the child, support payments need not be
244 subject to immediate income deduction. Support orders that are
245 not subject to immediate income deduction may be directed
246 through the depository under s. 61.181 or made payable directly
247 to the obligee. ~~Payments made by for all support orders that~~
248 ~~provide for~~ immediate income deduction shall be made to the
249 State Disbursement Unit. The court shall provide a copy of the
250 order to the depository.

251 3. For support orders payable directly to the obligee ~~that~~
252 ~~do not provide for immediate income deduction~~, any party, or the
253 department ~~IV-D agency~~ in a IV-D case, may subsequently file an
254 affidavit with the depository ~~State Disbursement Unit~~ alleging a
255 default in payment of child support and stating that the party
256 wishes to require that payments be made through the depository
257 ~~State Disbursement Unit~~. The party shall provide copies of the
258 affidavit to the court and to each other party. Fifteen days
259 after receipt of the affidavit, the depository ~~State~~
260 ~~Disbursement Unit~~ shall notify all parties that future payments
261 shall be paid through the depository, except that income

2010694er

262 deduction payments shall be made to the State Disbursement Unit.

263 Section 2. Effective July 1, 2010, subsection (15) of
264 section 61.30, Florida Statutes, is amended to read:

265 61.30 Child support guidelines; retroactive child support.—

266 (15) For purposes of establishing an obligation for support
267 in accordance with this section, if a person who is receiving
268 public assistance is found to be noncooperative as defined in s.
269 409.2572, the department may ~~IV-D agency is authorized to~~ submit
270 to the court an affidavit or written declaration signed under
271 penalty of perjury as specified in s. 92.525(2) attesting to the
272 income of that parent based upon information available to the
273 department ~~IV-D agency~~.

274 Section 3. Subsection (2) of section 382.013, Florida
275 Statutes, is amended to read:

276 382.013 Birth registration.—A certificate for each live
277 birth that occurs in this state shall be filed within 5 days
278 after such birth with the local registrar of the district in
279 which the birth occurred and shall be registered by the local
280 registrar if the certificate has been completed and filed in
281 accordance with this chapter and adopted rules. The information
282 regarding registered births shall be used for comparison with
283 information in the state case registry, as defined in chapter
284 61.

285 (2) PATERNITY.—

286 (a) If the mother is married at the time of birth, the name
287 of the husband shall be entered on the birth certificate as the
288 father of the child, unless paternity has been determined
289 otherwise by a court of competent jurisdiction.

290 (b) Notwithstanding paragraph (a), if the husband of the

2010694er

291 mother dies while the mother is pregnant but before the birth of
292 the child, the name of the deceased husband shall be entered on
293 the birth certificate as the father of the child, unless
294 paternity has been determined otherwise by a court of competent
295 jurisdiction.

296 (c) If the mother is not married at the time of the birth,
297 the name of the father may not be entered on the birth
298 certificate without the execution of an affidavit signed by both
299 the mother and the person to be named as the father. The
300 facility shall give notice orally or through the use of video or
301 audio equipment, and in writing, of the alternatives to, the
302 legal consequences of, and the rights, including, if one parent
303 is a minor, any rights afforded due to minority status, and
304 responsibilities that arise from signing an acknowledgment of
305 paternity, as well as information provided by the Title IV-D
306 agency established pursuant to s. 409.2557, regarding the
307 benefits of voluntary establishment of paternity. Upon request
308 of the mother and the person to be named as the father, the
309 facility shall assist in the execution of the affidavit, a
310 notarized voluntary acknowledgment of paternity, or a voluntary
311 acknowledgment of paternity that is witnessed by two individuals
312 and signed under penalty of perjury as specified by s.
313 92.525(2).

314 (d) If the paternity of the child is determined by a court
315 of competent jurisdiction as provided under s. 382.015 or there
316 is a final judgment of dissolution of marriage which requires
317 the former husband to pay child support for the child, the name
318 of the father and the surname of the child shall be entered on
319 the certificate in accordance with the finding and order of the

2010694er

320 court. If the court fails to specify a surname for the child,
321 the surname shall be entered in accordance with subsection (3).

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

326 (f) If the mother and father marry each other at any time
327 after the child's birth, upon receipt of a marriage license that
328 identifies any such child, the department shall amend the
329 certificate with regard to the parents' marital status as though
330 the parents were married at the time of birth.

331 (g) ~~(f)~~ If the father is not named on the certificate, no
332 other information about the father shall be entered on the
333 certificate.

334 Section 4. Subsection (2) of section 382.015, Florida
335 Statutes, is amended to read:

336 382.015 New certificates of live birth; duty of clerks of
337 court and department.—The clerk of the court in which any
338 proceeding for adoption, annulment of an adoption, affirmation
339 of parental status, or determination of paternity is to be
340 registered, shall within 30 days after the final disposition,
341 forward to the department a certified copy of the court order,
342 or a report of the proceedings upon a form to be furnished by
343 the department, together with sufficient information to identify
344 the original birth certificate and to enable the preparation of
345 a new birth certificate. The clerk of the court shall implement
346 a monitoring and quality control plan to ensure that all
347 judicial determinations of paternity are reported to the
348 department in compliance with this section. The department shall

2010694er

349 track paternity determinations reported monthly by county,
350 monitor compliance with the 30-day timeframe, and report the
351 data to the clerks of the court quarterly.

352 (2) DETERMINATION OF PATERNITY.—Upon receipt of the report,
353 ~~or~~ a certified copy of a final decree of determination of
354 paternity, or a certified copy of a final judgment of
355 dissolution of marriage which requires the former husband to pay
356 child support for the child, together with sufficient
357 information to identify the original certificate of live birth,
358 the department shall prepare and file a new birth certificate,
359 which shall bear the same file number as the original birth
360 certificate. The registrant's name shall be entered as decreed
361 by the court or as reflected in the final judgment or support
362 order. The names and identifying information of the parents
363 shall be entered as of the date of the registrant's birth.

364 Section 5. Paragraph (b) of subsection (1) of section
365 382.016, Florida Statutes, is amended to read:

366 382.016 Amendment of records.—The department, upon receipt
367 of the fee prescribed in s. 382.0255; documentary evidence, as
368 specified by rule, of any misstatement, error, or omission
369 occurring in any birth, death, or fetal death record; and an
370 affidavit setting forth the changes to be made, shall amend or
371 replace the original certificate as necessary.

372 (1) CERTIFICATE OF LIVE BIRTH AMENDMENT.—

373 (b) Upon written request and receipt of an affidavit, a
374 notarized voluntary acknowledgment of paternity signed by the
375 mother and father acknowledging the paternity of a registrant
376 born out of wedlock, or a voluntary acknowledgment of paternity
377 that is witnessed by two individuals and signed under penalty of

2010694er

378 perjury as specified by s. 92.525(2), together with sufficient
379 information to identify the original certificate of live birth,
380 the department shall prepare a new birth certificate, which
381 shall bear the same file number as the original birth
382 certificate. The names and identifying information of the
383 parents shall be entered as of the date of the registrant's
384 birth. The surname of the registrant may be changed from that
385 shown on the original birth certificate at the request of the
386 mother and father of the registrant, or the registrant if of
387 legal age. If the mother and father marry each other at any time
388 after the registrant's birth, the department shall, upon receipt
389 of a marriage license that identifies the registrant, or upon
390 the request of the mother and father or registrant if of legal
391 age and proof of the marriage, amend the certificate with regard
392 to the parents' marital status as though the parents were
393 married at the time of birth. The department shall substitute
394 the new certificate of birth for the original certificate on
395 file. All copies of the original certificate of live birth in
396 the custody of a local registrar or other state custodian of
397 vital records shall be forwarded to the State Registrar.
398 Thereafter, when a certified copy of the certificate of birth or
399 portion thereof is issued, it shall be a copy of the new
400 certificate of birth or portion thereof, except when a court
401 order requires issuance of a certified copy of the original
402 certificate of birth. Except for a birth certificate on which a
403 father is listed pursuant to an affidavit, a notarized voluntary
404 acknowledgment of paternity signed by the mother and father
405 acknowledging the paternity of a registrant born out of wedlock,
406 or a voluntary acknowledgment of paternity that is witnessed by

2010694er

407 two individuals and signed under penalty of perjury as specified
408 by s. 92.525(2), the department shall place the original
409 certificate of birth and all papers pertaining thereto under
410 seal, not to be broken except by order of a court of competent
411 jurisdiction or as otherwise provided by law.

412 Section 6. Effective July 1, 2010, subsection (3) of
413 section 409.2558, Florida Statutes, is amended to read:

414 409.2558 Support distribution and disbursement.—

415 (3) UNDISTRIBUTABLE COLLECTIONS.—

416 (a) The department shall establish by rule the method for
417 determining a collection or refund to be undistributable to the
418 final intended recipient. Before determining a collection or
419 refund to be undistributable, the department shall make
420 reasonable efforts to locate persons to whom collections or
421 refunds are owed so that payment can be made. Location efforts
422 may include disclosure through a searchable database of the
423 names of obligees, obligors, and depository account numbers on
424 the Internet in compliance with the requirements of s.
425 119.01(2)(a).

426 (b) Collections that are determined to be undistributable
427 shall be processed in the following order of priority:

428 1. Apply the payment to any financial liability incurred by
429 the obligor as a result of a previous payment returned to the
430 department for insufficient funds; then

431 2. Apply the payment to any financial liability incurred by
432 the obligor as a result of an overpayment to the obligor which
433 the obligor has failed to return to the department after notice;
434 then

435 3. Apply the payment to any financial liability incurred by

2010694er

436 the obligee as a result of an overpayment to the obligee which
437 the obligee has failed to return to the department after notice;
438 then

439 ~~4.1.~~ Apply the payment to any assigned arrears on the
440 obligee's case; then

441 ~~5.2.~~ Apply the payment to any administrative costs ordered
442 by the court pursuant to s. 409.2567 associated with the
443 obligee's case; then

444 ~~6.3.~~ When the obligor is subject to a valid order to
445 support another child in a case with a different obligee and the
446 obligation is being enforced by the department, the department
447 shall send by certified mail, restricted delivery, return
448 receipt requested, to the obligor at the most recent address
449 provided by the obligor to the tribunal that issued the order, a
450 notice stating the department's intention to apply the payment
451 pursuant to this subparagraph, and advising the obligor of the
452 right to contest the department's proposed action in the circuit
453 court by filing and serving a petition on the department within
454 30 days after the mailing of the notice. If the obligor does not
455 file and serve a petition within the 30 days after mailing of
456 the notice, or upon a disposition of the judicial action
457 favorable to the department, the department shall apply the
458 payment toward his or her other support obligation. If there is
459 more than one such other case, the department shall allocate the
460 remaining undistributable amount as specified by s.
461 61.1301(4)(c); then

462 ~~7.4.~~ Return the payment to the obligor; then

463 ~~8.5.~~ If the obligor cannot be located after diligent
464 efforts by the department, the federal share of the payment

2010694er

465 shall be credited to the Federal Government and the state share
466 shall be transferred to the General Revenue Fund.

467 (c) Refunds to obligors that are determined to be
468 undistributable shall be processed in the following manner:

469 1. The federal share of the refund shall be sent to the
470 Federal Government.

471 2. The state share shall be credited to the General Revenue
472 Fund.

473 (d) If a payment of less than \$1 is made by a paper check
474 on an open Title IV-D case and the payment is not cashed after
475 180 days, or if less than \$1 is owed on a closed Title IV-D
476 case, the department shall declare the payment as program
477 income, crediting the federal share of the payment to the
478 Federal Government and the state share of the payment to the
479 General Revenue Fund, without attempting to locate either party.

480 Section 7. Section 409.256, Florida Statutes, is amended to
481 read:

482 409.256 Administrative proceeding to establish paternity or
483 paternity and child support; order to appear for genetic
484 testing.—

485 (1) DEFINITIONS.—As used in this section, the term:

486 (a) "Another state" or "other state" means a state of the
487 United States, the District of Columbia, Puerto Rico, the United
488 States Virgin Islands, or any territory or insular possession
489 subject to the jurisdiction of the United States. The term
490 includes:

491 1. An Indian tribe.

492 2. A foreign jurisdiction that has enacted a law or
493 established procedures for issuance and enforcement of support

2010694er

494 orders which are substantially similar to the procedures under
495 this act, the Uniform Reciprocal Enforcement of Support Act, or
496 the Revised Uniform Reciprocal Enforcement of Support Act, as
497 determined by the Attorney General.

498 (b) "Caregiver" ~~"Custodian"~~ means a person, other than the
499 mother, father, or a putative father, who has physical custody
500 of a child or with whom the child primarily resides. References
501 in this section to the obligation of a caregiver ~~custodian~~ to
502 submit to genetic testing mean that the caregiver ~~custodian~~ is
503 obligated to submit the child for genetic testing, not that the
504 caregiver ~~custodian~~ must submit to genetic testing.

505 (c) "Filed" means a document has been received and accepted
506 for filing at the offices of the Department of Revenue by the
507 clerk or an authorized deputy clerk designated by the
508 department.

509 (d) "Genetic testing" means a scientific analysis of
510 genetic markers which ~~that~~ is performed by a qualified technical
511 laboratory only to exclude an individual as the parent of a
512 child or to show a probability of paternity.

513 (e) "Paternity and child support proceeding" means an
514 administrative action commenced by the Department of Revenue to
515 order genetic testing, establish paternity, and establish an
516 administrative support order pursuant to this section.

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

520 (g) "Putative father" means an individual who is or may be
521 the biological father of a child whose paternity has not been
522 established and whose mother was unmarried when the child was

2010694er

523 conceived and born.

524 (h) "Qualified technical laboratory" means a genetic-
525 testing laboratory that may be under contract with the
526 Department of Revenue, that uses tests and methods of a type
527 generally acknowledged as reliable by accreditation
528 organizations recognized by the United States Department of
529 Health and Human Services, and that is approved by such an
530 accreditation organization. The term includes a genetic-testing
531 laboratory used by another state, if the laboratory has
532 comparable qualifications.

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

537 (j) "Respondent" means the person or persons served by the
538 Department of Revenue with a notice of proceeding pursuant to
539 subsection (4). The term includes the putative father and may
540 include the mother or the caregiver ~~custodian~~ of the child.

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

542 (2) JURISDICTION; LOCATION OF HEARINGS; RIGHT OF ACCESS TO
543 THE COURTS.—

544 (a) The department ~~of Revenue~~ may commence a paternity
545 proceeding or a paternity and child support proceeding as
546 provided in subsection (4) if:

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

548 2. No one is named as the father on the child's birth
549 certificate or the person named as the father is the putative
550 father named in an affidavit or a written declaration as
551 provided in subparagraph 5.

2010694er

552 3. The child's mother was unmarried when the child was
553 conceived and born.

554 4. The department ~~of Revenue~~ is providing services under
555 Title IV-D.

556 5. The child's mother or a putative father has stated in an
557 affidavit, or in a written declaration as provided in s.
558 92.525(2), that the putative father is or may be the child's
559 biological father. The affidavit or written declaration must set
560 forth the factual basis for the allegation of paternity as
561 provided in s. 742.12(2).

562 (b) If the department ~~of Revenue~~ receives a request from
563 another state to assist in the establishment of paternity, the
564 department may serve an order to appear for genetic testing on a
565 person who resides in this state and transmit the test results
566 to the other state without commencing a paternity proceeding in
567 this state.

568 (c) The department ~~of Revenue~~ may use the procedures
569 authorized by this section against a nonresident over whom this
570 state may assert personal jurisdiction under chapter 48 or
571 chapter 88.

572 (d) If a putative father, mother, or caregiver ~~custodian~~ in
573 a Title IV-D case voluntarily submits to genetic testing, the
574 department ~~of Revenue~~ may schedule that individual or the child
575 for genetic testing without serving that individual with an
576 order to appear for genetic testing. A respondent or other
577 person who is subject to an order to appear for genetic testing
578 may waive, in writing or on the record at an administrative
579 hearing, formal service of notices or orders or waive any other
580 rights or time periods prescribed by this section.

2010694er

581 (e) Whenever practicable, hearings held by the Division of
582 Administrative Hearings pursuant to this section shall be held
583 in the judicial circuit where the person receiving services
584 under Title IV-D resides or, if the person receiving services
585 under Title IV-D does not reside in this state, in the judicial
586 circuit where the respondent resides. If the department ~~of~~
587 ~~Revenue~~ and the respondent agree, the hearing may be held in
588 another location. If ordered by the administrative law judge,
589 the hearing may be conducted telephonically or by
590 videoconference.

591 (f) The Legislature does not intend to limit the
592 jurisdiction of the circuit courts to hear and determine issues
593 regarding establishment of paternity. This section is intended
594 to provide the department ~~of Revenue~~ with an alternative
595 procedure for establishing paternity and child support
596 obligations in Title IV-D cases. This section does not prohibit
597 a person who has standing from filing a civil action in circuit
598 court for a determination of paternity or of child support
599 obligations.

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

602 (3) MULTIPLE PUTATIVE FATHERS; MULTIPLE CHILDREN.—If more
603 than one putative father has been named, the department ~~of~~
604 ~~Revenue~~ may proceed under this section against a single putative
605 father or may proceed simultaneously against more than one
606 putative father. If a putative father has been named as a
607 possible father of more than one child born to the same mother,
608 the department may proceed to establish the paternity of each
609 child in the same proceeding.

2010694er

610 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR
611 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC
612 TESTING; MANNER OF SERVICE; CONTENTS.—The Department of Revenue
613 shall commence a proceeding to determine paternity, or a
614 proceeding to determine both paternity and child support, by
615 serving the respondent with a notice as provided in this
616 section. An order to appear for genetic testing may be served at
617 the same time as a notice of the proceeding or may be served
618 separately. A copy of the affidavit or written declaration upon
619 which the proceeding is based shall be provided to the
620 respondent when notice is served. A notice or order to appear
621 for genetic testing shall be served by certified mail,
622 restricted delivery, return receipt requested, or in accordance
623 with the requirements for service of process in a civil action.
624 Service by certified mail is completed when the certified mail
625 is received or refused by the addressee or by an authorized
626 agent as designated by the addressee in writing. If a person
627 other than the addressee signs the return receipt, the
628 department shall attempt to reach the addressee by telephone to
629 confirm whether the notice was received, and the department
630 shall document any telephonic communications. If someone other
631 than the addressee signs the return receipt, the addressee does
632 not respond to the notice, and the department is unable to
633 confirm that the addressee has received the notice, service is
634 not completed and the department shall attempt to have the
635 addressee served personally. For purposes of this section, an
636 employee or an authorized agent of the department may serve the
637 notice or order to appear for genetic testing and execute an
638 affidavit of service. The department may serve an order to

2010694er

639 appear for genetic testing on a caregiver ~~eustodian~~. The
640 department shall provide a copy of the notice or order to appear
641 by regular mail to the mother and caregiver ~~eustodian~~, if they
642 are not respondents.

643 (a) A notice of proceeding to establish paternity must
644 state:

645 1. That the department has commenced an administrative
646 proceeding to establish whether the putative father is the
647 biological father of the child named in the notice.

648 2. The name and date of birth of the child and the name of
649 the child's mother.

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

653 4. That the respondent is required to submit to genetic
654 testing.

655 5. That genetic testing will establish either a high degree
656 of probability that the putative father is the biological father
657 of the child or that the putative father cannot be the
658 biological father of the child.

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

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

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

2010694er

668 b. Commence a proceeding, as provided in s. 409.2563, to
669 establish an administrative support order for the child. Notice
670 of the proceeding shall be provided to the respondent by regular
671 mail.

672 8. That, if the genetic test results indicate a statistical
673 probability of paternity that equals or exceeds 99 percent and a
674 proceeding to establish an administrative support order is
675 commenced, the department shall issue a proposed order that
676 addresses paternity and child support. The respondent may
677 consent to or contest the proposed order at an administrative
678 hearing.

679 9. That if a proposed order of paternity or proposed order
680 of both paternity and child support is not contested, the
681 department shall adopt the proposed order and render a final
682 order that establishes paternity and, if appropriate, an
683 administrative support order for the child.

684 10. That, until the proceeding is ended, the respondent
685 shall notify the department in writing of any change in the
686 respondent's mailing address and that the respondent shall be
687 deemed to have received any subsequent order, notice, or other
688 paper mailed to the most recent address provided or, if a more
689 recent address is not provided, to the address at which the
690 respondent was served, and that this requirement continues if
691 the department renders a final order that establishes paternity
692 and a support order for the child.

693 11. That the respondent may file an action in circuit court
694 for a determination of paternity, child support obligations, or
695 both.

696 12. That if the respondent files an action in circuit court

2010694er

697 and serves the department with a copy of the petition or
698 complaint within 20 days after being served notice under this
699 subsection, the administrative process ends without prejudice
700 and the action must proceed in circuit court.

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

704
705 A notice under this paragraph must also notify the respondent of
706 the provisions in s. 409.2563(4) (m) and (o).

707 (b) A notice of proceeding to establish paternity and child
708 support must state the requirements of paragraph (a), except for
709 subparagraph (a)7., and must state the requirements of s.
710 409.2563(4), to the extent that the requirements of s.
711 409.2563(4) are not already required by and do not conflict with
712 this subsection. This section and s. 409.2563 apply to a
713 proceeding commenced under this subsection.

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

716 1. That the department has commenced an administrative
717 proceeding to establish whether the putative father is the
718 biological father of the child.

719 2. The name and date of birth of the child and the name of
720 the child's mother.

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

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

2010694er

726 5. That if the person has custody of the child whose
727 paternity is the subject of the proceeding, the person must
728 submit the child for genetic testing.

729 6. That when the samples are provided, the person ordered
730 to appear shall verify his or her identity and the identity of
731 the child, if applicable, by presenting a form of identification
732 as prescribed by s. 117.05(5)(b)2. which ~~that~~ bears the
733 photograph of the person who is providing the sample or other
734 form of verification approved by the department.

735 7. That if the person ordered to appear submits to genetic
736 testing, the department shall pay the cost of the genetic
737 testing and shall provide the person ordered to appear with a
738 copy of any test results obtained.

739 8. That if the person ordered to appear does not appear as
740 ordered or refuses to submit to genetic testing without good
741 cause, the department may take one or more of the following
742 actions:

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

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

748 c. File a petition in circuit court to establish paternity
749 and obtain a support order for the child and an order for costs
750 against the person ordered to appear, including costs for
751 genetic testing.

752 9. That the person ordered to appear may contest the order
753 by filing a written request for informal review within 15 days
754 after the date of service of the order, with further rights to

2010694er

755 an administrative hearing following the informal review.

756 (d) If the putative father is incarcerated, the
757 correctional facility shall assist the putative father in
758 complying with an administrative order to appear for genetic
759 testing issued under this section.

760 (e) An administrative order to appear for genetic testing
761 has the same force and effect as a court order.

762 (5) RIGHT TO CONTEST ORDER TO APPEAR FOR GENETIC TESTING.—

763 (a) The person ordered to appear may contest an order to
764 appear for genetic testing by filing a written request for
765 informal review with the department ~~of Revenue~~ within 15 days
766 after the date of service of the order. The purpose of the
767 informal review is to provide the person ordered to appear with
768 an opportunity to discuss the proceedings and the basis of the
769 order. At the conclusion of the informal review, the department
770 shall notify the person ordered to appear, in writing, whether
771 it intends to proceed with the order to appear. If the
772 department notifies the person ordered to appear of its intent
773 to proceed, the notice must inform the person ordered to appear
774 of the right to contest the order at an administrative hearing.

775 (b) Following an informal review, within 15 days after the
776 mailing date of the department's ~~Department of Revenue's~~
777 notification that the department shall proceed with an order to
778 appear for genetic testing, the person ordered to appear may
779 file a request for an administrative hearing to contest whether
780 the person should be required to submit to genetic testing. A
781 request for an administrative hearing must state the specific
782 reasons why the person ordered to appear believes he or she
783 should not be required to submit to genetic testing as ordered.

2010694er

784 If the person ordered to appear files a timely request for a
785 hearing, the department shall refer the hearing request to the
786 Division of Administrative Hearings. Unless otherwise provided
787 in this section, administrative hearings are governed by chapter
788 120 and the uniform rules of procedure. The administrative law
789 judge assigned to the case shall issue an order as to whether
790 the person must submit to genetic testing in accordance with the
791 order to appear. The department or the person ordered to appear
792 may seek immediate judicial review under s. 120.68 of an order
793 issued by an administrative law judge pursuant to this
794 paragraph.

795 (c) If a timely request for an informal review or an
796 administrative hearing is filed, the department may not proceed
797 under the order to appear for genetic testing and may not impose
798 sanctions for failure or refusal to submit to genetic testing
799 until:

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

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

805 3. The Division of Administrative Hearings issues an order
806 that the person must submit to genetic testing, or issues an
807 order closing the division's file, and that an order has become
808 final.

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

2010694er

813 (6) SCHEDULING OF GENETIC TESTING.—

814 (a) The department ~~of Revenue~~ shall notify, in writing, the
815 person ordered to appear of the date, time, and location of the
816 appointment for genetic testing and of the requirement to verify
817 his or her identity and the identity of the child, if
818 applicable, when the samples are provided by presenting a form
819 of identification as prescribed in s. 117.05(5)(b)2. which ~~that~~
820 bears the photograph of the person who is providing the sample
821 or other form of verification approved by the department. If the
822 person ordered to appear is the putative father or the mother,
823 that person shall appear and submit to genetic testing. If the
824 person ordered to appear is a caregiver ~~custodian~~, or if the
825 putative father or the mother has custody of the child, that
826 person must submit the child for genetic testing.

827 (b) The department shall reschedule genetic testing:

828 1. One time without cause if, in advance of the initial
829 test date, the person ordered to appear requests the department
830 to reschedule the test.

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

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

836

837 A claim of good cause for failure to appear shall be filed with
838 the department within 10 days after the scheduled test date and
839 must state the facts and circumstances supporting the claim. The
840 department shall notify the person ordered to appear, in
841 writing, whether it accepts or rejects the person's claim of

2010694er

842 good cause. There is not a separate right to a hearing on the
843 department's decision to accept or reject the claim of good
844 cause because the person ordered to appear may raise good cause
845 as a defense to any proceeding initiated by the department under
846 subsection (7).

847 (c) A person ordered to appear may obtain a second genetic
848 test by filing a written request for a second test with the
849 department within 15 days after the date of mailing of the
850 initial genetic testing results and by paying the department in
851 advance for the full cost of the second test.

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

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

858 (7) FAILURE OR REFUSAL TO SUBMIT TO GENETIC TESTING.—If a
859 person who is served with an order to appear for genetic testing
860 fails to appear without good cause or refuses to submit to
861 testing without good cause, the department may take one or more
862 of the following actions:

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

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

868 (c) File a petition in circuit court to establish
869 paternity, obtain a support order for the child, and seek
870 reimbursement from the person ordered to appear for the full

2010694er

871 cost of genetic testing incurred by the department.

872

873 As provided in s. 322.058(2), a suspended driver's license and
874 motor vehicle registration may be reinstated when the person
875 ordered to appear complies with the order to appear for genetic
876 testing. The department may collect an administrative fine
877 imposed under this subsection by using civil remedies or other
878 statutory means available to the department for collecting
879 support.

880 (8) GENETIC-TESTING RESULTS.—The department shall send a
881 copy of the genetic-testing results to the putative father, to
882 the mother, to the caregiver ~~custodian~~, and to the other state,
883 if applicable. If the genetic-testing results, including second
884 or subsequent genetic-testing results, do not indicate a
885 statistical probability of paternity that equals or exceeds 99
886 percent, the paternity proceeding in connection with that child
887 shall cease.

888 (9) PROPOSED ORDER OF PATERNITY; COMMENCEMENT OF PROCEEDING
889 TO ESTABLISH ADMINISTRATIVE SUPPORT ORDER; PROPOSED ORDER OF
890 PATERNITY AND CHILD SUPPORT.—

891 (a) If a paternity proceeding has been commenced under this
892 section and the results of genetic testing indicate a
893 statistical probability of paternity that equals or exceeds 99
894 percent, the department ~~of Revenue~~ may:

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

897 2. If appropriate, delay issuing a proposed order of
898 paternity and commence, by regular mail, an administrative
899 proceeding to establish a support order for the child pursuant

2010694er

900 to s. 409.2563 and issue a single proposed order that addresses
901 paternity and child support.

902 (b) A proposed order of paternity must:

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

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

905 3. Include notice of the respondent's right to informal
906 review and to contest the proposed order of paternity at an
907 administrative hearing.

908 (c) If a paternity and child support proceeding has been
909 commenced under this section and the results of genetic testing
910 indicate a statistical probability of paternity that equals or
911 exceeds 99 percent, the department ~~of Revenue~~ may issue a single
912 proposed order that addresses paternity as provided in this
913 section and child support as provided in s. 409.2563.

914 (d) The department ~~of Revenue~~ shall serve a proposed order
915 issued under this section on the respondent by regular mail and
916 shall provide a copy by regular mail to the mother or caregiver
917 ~~custodian~~ if they are not respondents.

918 (10) INFORMAL REVIEW; ADMINISTRATIVE HEARING; PRESUMPTION
919 OF PATERNITY.—

920 (a) Within 10 days after the date of mailing or other
921 service of a proposed order of paternity, the respondent may
922 contact a representative of the department ~~of Revenue~~ at the
923 address or telephone number provided to request an informal
924 review of the proposed order. If an informal review is timely
925 requested, the time for requesting a hearing is extended until
926 10 days after the department mails notice to the respondent that
927 the informal review has been concluded.

928 (b) Within 20 days after the mailing date of the proposed

2010694er

929 order or within 10 days after the mailing date of notice that an
930 informal review has been concluded, whichever is later, the
931 respondent may request an administrative hearing by filing a
932 written request for a hearing with the department ~~of Revenue~~. A
933 request for a hearing must state the specific objections to the
934 proposed order, the specific objections to the genetic testing
935 results, or both. A respondent who fails to file a timely
936 request for a hearing is deemed to have waived the right to a
937 hearing.

938 (c) If the respondent files a timely request for a hearing,
939 the department ~~of Revenue~~ shall refer the hearing request to the
940 Division of Administrative Hearings. Unless otherwise provided
941 in this section or in s. 409.2563, chapter 120 and the uniform
942 rules of procedure govern the conduct of the proceedings.

943 (d) The genetic-testing results shall be admitted into
944 evidence and made a part of the hearing record. For purposes of
945 this section, a statistical probability of paternity that equals
946 or exceeds 99 percent creates a presumption, as defined in s.
947 90.304, that the putative father is the biological father of the
948 child. The presumption may be overcome only by clear and
949 convincing evidence. The respondent or the department ~~of Revenue~~
950 may call an expert witness to refute or support the testing
951 procedure or results or the mathematical theory on which they
952 are based. Verified documentation of the chain of custody of the
953 samples tested is competent evidence to establish the chain of
954 custody.

955 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY AND
956 CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL
957 STATISTICS.—

2010694er

958 (a) If a hearing is held, the administrative law judge of
959 the Division of Administrative Hearings shall issue a final
960 order that adjudicates paternity or, if appropriate, paternity
961 and child support. A final order of the administrative law judge
962 constitutes final agency action by the Department of Revenue.
963 The Division of Administrative Hearings shall transmit any such
964 order to the department for filing and rendering.

965 (b) If the respondent does not file a timely request for a
966 hearing or consents in writing to entry of a final order without
967 a hearing, the department ~~of Revenue~~ may render a final order of
968 paternity or a final order of paternity and child support, as
969 appropriate.

970 (c) The department ~~of Revenue~~ shall mail a copy of the
971 final order to the putative father, the mother, and the
972 caregiver custodian, if any. The department shall notify the
973 respondent of the right to seek judicial review of a final order
974 in accordance with s. 120.68.

975 (d) Upon rendering a final order of paternity or a final
976 order of paternity and child support, the department ~~of Revenue~~
977 shall notify the Division of Vital Statistics of the Department
978 of Health that the paternity of the child has been established.

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

982 (f) The provisions of s. 409.2563 which ~~that~~ apply to a
983 final administrative support order rendered under that section
984 apply to a final order rendered under this section when a child
985 support obligation is established.

986 (12) RIGHT TO JUDICIAL REVIEW.—A respondent has the right

2010694er

987 to seek judicial review, in accordance with s. 120.68, of a
988 final order rendered under subsection (11) and an order issued
989 under paragraph (5) (b). The department ~~of Revenue~~ has the right
990 to seek judicial review, in accordance with s. 120.68, of a
991 final order issued by an administrative law judge under
992 subsection (11) and an order issued by an administrative law
993 judge under paragraph (5) (b).

994 (13) DUTY TO PROVIDE AND MAINTAIN CURRENT MAILING ADDRESS.—
995 Until a proceeding that has been commenced under this section
996 has ended, a respondent who is served with a notice of
997 proceeding must inform the department ~~of Revenue~~ in writing of
998 any change in the respondent's mailing address and is deemed to
999 have received any subsequent order, notice, or other paper
1000 mailed to that address, or the address at which the respondent
1001 was served, if the respondent has not provided a more recent
1002 address.

1003 (14) PROCEEDINGS IN CIRCUIT COURT.—The results of genetic
1004 testing performed pursuant to this section are admissible as
1005 evidence to the same extent as scientific testing ordered by the
1006 court pursuant to chapter 742.

1007 (15) GENDER NEUTRAL.—This section shall be construed
1008 impartially, regardless of a person's gender, and applies with
1009 equal force to the mother of a child whose paternity has not
1010 been established and is not presumed by law.

1011 (16) REMEDIES SUPPLEMENTAL.—The remedies provided in this
1012 section are supplemental and in addition to other remedies
1013 available to the department for the establishment of paternity
1014 and child support obligations.

1015 (17) RULEMAKING AUTHORITY.—The department may adopt rules

2010694er

1016 to implement this section.

1017 Section 8. Paragraph (b) of subsection (1), paragraph (d)
1018 of subsection (2), subsection (4), paragraphs (a) and (b) of
1019 subsection (5), and subsections (6), (7), and (13) of section
1020 409.2563, Florida Statutes, are amended to read:

1021 409.2563 Administrative establishment of child support
1022 obligations.—

1023 (1) DEFINITIONS.—As used in this section, the term:

1024 (b) "Caregiver" means a person, other than the mother,
1025 father, or putative father, who has physical custody of the
1026 child or with whom the child primarily resides. "Caretaker
1027 relative" has the same meaning ascribed in s. 414.0252(11).

1028
1029 Other terms used in this section have the meanings ascribed in
1030 ss. 61.046 and 409.2554.

1031 (2) PURPOSE AND SCOPE.—

1032 (d) Either parent, or a caregiver ~~caretaker relative~~ if
1033 applicable, may at any time file a civil action in a circuit
1034 court having jurisdiction and proper venue to determine parental
1035 support obligations, if any. A support order issued by a circuit
1036 court prospectively supersedes an administrative support order
1037 rendered by the department.

1038 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE
1039 SUPPORT ORDER.—To commence a proceeding under this section, the
1040 department shall provide to the parent from whom support is not
1041 being sought and serve the parent from whom support is being
1042 sought with a notice of proceeding to establish administrative
1043 support order and a blank financial affidavit form. The notice
1044 must state:

2010694er

1045 (a) The names of both parents, the name of the caregiver
1046 ~~caretaker~~ relative, if any, and the name and date of birth of
1047 the child or children;

1048 (b) That the department intends to establish an
1049 administrative support order as defined in this section;

1050 (c) That both parents must submit a completed financial
1051 affidavit to the department within 20 days after receiving the
1052 notice, as provided by paragraph (13) (a);

1053 (d) That both parents, or parent and caregiver ~~caretaker~~
1054 ~~relative~~ if applicable, are required to furnish to the
1055 department information regarding their identities and locations,
1056 as provided by paragraph (13) (b);

1057 (e) That both parents, or parent and caregiver ~~caretaker~~
1058 ~~relative~~ if applicable, are required to promptly notify the
1059 department of any change in their mailing addresses to ensure
1060 receipt of all subsequent pleadings, notices, and orders, as
1061 provided by paragraph (13) (c);

1062 (f) That the department will calculate support obligations
1063 based on the child support guidelines schedule in s. 61.30 and
1064 using all available information, as provided by paragraph
1065 (5) (a), and will incorporate such obligations into a proposed
1066 administrative support order;

1067 (g) That the department will send by regular mail to both
1068 parents, or parent and caregiver ~~caretaker~~ ~~relative~~ if
1069 applicable, a copy of the proposed administrative support order,
1070 the department's child support worksheet, and any financial
1071 affidavits submitted by a parent or prepared by the department;

1072 (h) That the parent from whom support is being sought may
1073 file a request for a hearing in writing within 20 days after the

2010694er

1074 date of mailing or other service of the proposed administrative
1075 support order or will be deemed to have waived the right to
1076 request a hearing;

1077 (i) That if the parent from whom support is being sought
1078 does not file a timely request for hearing after service of the
1079 proposed administrative support order, the department will issue
1080 an administrative support order that incorporates the findings
1081 of the proposed administrative support order, and will send by
1082 regular mail a copy of the administrative support order to both
1083 parents, or parent and caregiver ~~caretaker~~ relative if
1084 applicable;

1085 (j) That after an administrative support order is rendered,
1086 the department will file a copy of the order with the clerk of
1087 the circuit court;

1088 (k) That after an administrative support order is rendered,
1089 the department may enforce the administrative support order by
1090 any lawful means;

1091 (l) That either parent, or caregiver ~~caretaker~~ relative if
1092 applicable, may file at any time a civil action in a circuit
1093 court having jurisdiction and proper venue to determine parental
1094 support obligations, if any, and that a support order issued by
1095 a circuit court supersedes an administrative support order
1096 rendered by the department;

1097 (m) That, ~~neither~~ neither the department nor the Division of
1098 Administrative Hearings has jurisdiction to award or change
1099 child custody or rights of parental contact or time-sharing, and
1100 these issues may ~~only~~ be addressed only in circuit court.

1101 1. The parent from whom support is being sought may request
1102 in writing that the department proceed in circuit court to

2010694er

1103 determine his or her support obligations.

1104 2. The parent from whom support is being sought may state
1105 in writing to the department his or her intention to address
1106 issues concerning custody or rights to parental contact in
1107 circuit court.

1108 3. If the parent from whom support is being sought submits
1109 the request authorized in subparagraph 1., or the statement
1110 authorized in subparagraph 2. to the department within 20 days
1111 after the receipt of the initial notice, the department shall
1112 file a petition in circuit court for the determination of the
1113 parent's child support obligations, and shall send to the parent
1114 from whom support is being sought a copy of its petition, a
1115 notice of commencement of action, and a request for waiver of
1116 service of process as provided in the Florida Rules of Civil
1117 Procedure.

1118 4. If, within 10 days after receipt of the department's
1119 petition and waiver of service, the parent from whom support is
1120 being sought signs and returns the waiver of service form to the
1121 department, the department shall terminate the administrative
1122 proceeding without prejudice and proceed in circuit court.

1123 5. In any circuit court action filed by the department
1124 pursuant to this paragraph or filed by a parent from whom
1125 support is being sought or other person pursuant to paragraph
1126 (l) or paragraph (n), the department shall be a party only with
1127 respect to those issues of support allowed and reimbursable
1128 under Title IV-D of the Social Security Act. It is the
1129 responsibility of the parent from whom support is being sought
1130 or other person to take the necessary steps to present other
1131 issues for the court to consider.

2010694er

1132 (n) That if the parent from whom support is being sought
1133 files an action in circuit court and serves the department with
1134 a copy of the petition within 20 days after being served notice
1135 under this subsection, the administrative process ends without
1136 prejudice and the action must proceed in circuit court;

1137 (o) Information provided by the Office of State Courts
1138 Administrator concerning the availability and location of self-
1139 help programs for those who wish to file an action in circuit
1140 court but who cannot afford an attorney.

1141
1142 The department may serve the notice of proceeding to establish
1143 administrative support order by certified mail, restricted
1144 delivery, return receipt requested. Alternatively, the
1145 department may serve the notice by any means permitted for
1146 service of process in a civil action. For purposes of this
1147 section, an authorized employee of the department may serve the
1148 notice and execute an affidavit of service. Service by certified
1149 mail is completed when the certified mail is received or refused
1150 by the addressee or by an authorized agent as designated by the
1151 addressee in writing. If a person other than the addressee signs
1152 the return receipt, the department shall attempt to reach the
1153 addressee by telephone to confirm whether the notice was
1154 received, and the department shall document any telephonic
1155 communications. If someone other than the addressee signs the
1156 return receipt, the addressee does not respond to the notice,
1157 and the department is unable to confirm that the addressee has
1158 received the notice, service is not completed and the department
1159 shall attempt to have the addressee served personally. The
1160 department shall provide the parent from whom support is not

2010694er

1161 being sought or the caregiver ~~earetaker~~ relative with a copy of
1162 the notice by regular mail to the last known address of the
1163 parent from whom support is not being sought or caregiver
1164 ~~earetaker~~.

1165 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.—

1166 (a) After serving notice upon a parent in accordance with
1167 subsection (4), the department shall calculate that parent's
1168 child support obligation under the child support guidelines
1169 schedule as provided by s. 61.30, based on any timely financial
1170 affidavits received and other information available to the
1171 department. If either parent fails to comply with the
1172 requirement to furnish a financial affidavit, the department may
1173 proceed on the basis of information available from any source,
1174 if such information is sufficiently reliable and detailed to
1175 allow calculation of guideline schedule amounts under s. 61.30.
1176 If a parent receives public assistance and fails to submit a
1177 financial affidavit, the department may submit a financial
1178 affidavit or written declaration for that parent pursuant to s.
1179 61.30(15). If there is a lack of sufficient reliable information
1180 concerning a parent's actual earnings for a current or past
1181 period, it shall be presumed for the purpose of establishing a
1182 support obligation that the parent had an earning capacity equal
1183 to the federal minimum wage during the applicable period.

1184 (b) The department shall send by regular mail to both
1185 parents, or to a parent and caregiver ~~earetaker~~ relative if
1186 applicable, copies of the proposed administrative support order,
1187 its completed child support worksheet, and any financial
1188 affidavits submitted by a parent or prepared by the department.
1189 The proposed administrative support order must contain the same

2010694er

1190 elements as required for an administrative support order under
1191 paragraph (7) (e).

1192 (6) HEARING.—If the parent from whom support is being
1193 sought files a timely request for hearing or the department
1194 determines that an evidentiary hearing is appropriate, the
1195 department shall refer the proceeding ~~hearing request~~ to the
1196 Division of Administrative Hearings. Unless otherwise provided
1197 by this section, chapter 120 and the Uniform Rules of Procedure
1198 shall govern the conduct of the proceedings. The administrative
1199 law judge shall consider all available and admissible
1200 information and any presumptions that apply as provided by
1201 paragraph (5) (a).

1202 (7) ADMINISTRATIVE SUPPORT ORDER.—

1203 (a) If a hearing is held, the administrative law judge of
1204 the Division of Administrative Hearings shall issue an
1205 administrative support order, or a final order denying an
1206 administrative support order, which constitutes final agency
1207 action by the department. The Division of Administrative
1208 Hearings shall transmit any such order to the department for
1209 filing and rendering.

1210 (b) If the parent from whom support is being sought does
1211 not file a timely request for a hearing, the parent will be
1212 deemed to have waived the right to request a hearing.

1213 (c) If the parent from whom support is being sought waives
1214 the right to a hearing, or consents in writing to the entry of
1215 an order without a hearing, the department may render an
1216 administrative support order.

1217 (d) The department shall send by regular mail a copy of the
1218 administrative support order, or the final order denying an

2010694er

1219 administrative support order, to both parents, or a parent and
1220 caregiver ~~caretaker~~ relative if applicable. The parent from whom
1221 support is being sought shall be notified of the right to seek
1222 judicial review of the administrative support order in
1223 accordance with s. 120.68.

1224 (e) An administrative support order must comply with ss.
1225 61.13(1) and 61.30. The department shall develop a standard form
1226 or forms for administrative support orders. An administrative
1227 support order must provide and state findings, if applicable,
1228 concerning:

1229 1. The full name and date of birth of the child or
1230 children;

1231 2. The name of the parent from whom support is being sought
1232 and the other parent or caregiver ~~caretaker~~ relative;

1233 3. The parent's duty and ability to provide support;

1234 4. The amount of the parent's monthly support obligation;

1235 5. Any obligation to pay retroactive support;

1236 6. The parent's obligation to provide for the health care
1237 needs of each child, whether through health insurance,
1238 contribution toward ~~towards~~ the cost of health insurance,
1239 payment or reimbursement of health care expenses for the child,
1240 or any combination thereof;

1241 7. The beginning date of any required monthly payments and
1242 health insurance;

1243 8. That all support payments ordered must be paid to the
1244 Florida State Disbursement Unit as provided by s. 61.1824;

1245 9. That the parents, or caregiver ~~caretaker~~ relative if
1246 applicable, must file with the department when the
1247 administrative support order is rendered, if they have not

2010694er

1248 already done so, and update as appropriate the information
1249 required pursuant to paragraph (13) (b);

1250 10. That both parents, or parent and caregiver ~~caretaker~~
1251 ~~relative~~ if applicable, are required to promptly notify the
1252 department of any change in their mailing addresses pursuant to
1253 paragraph (13) (c); and

1254 11. That if the parent ordered to pay support receives
1255 unemployment compensation benefits, the payor shall withhold,
1256 and transmit to the department, 40 percent of the benefits for
1257 payment of support, not to exceed the amount owed.

1258
1259 An income deduction order as provided by s. 61.1301 must be
1260 incorporated into the administrative support order or, if not
1261 incorporated into the administrative support order, the
1262 department or the Division of Administrative Hearings shall
1263 render a separate income deduction order.

1264 (13) REQUIRED DISCLOSURES; PRESUMPTIONS; NOTICE SENT TO
1265 ADDRESS OF RECORD.—In all proceedings pursuant to this section:

1266 (a) Each parent must execute and furnish to the department,
1267 no later than 20 days after receipt of the notice of proceeding
1268 to establish administrative support order, a financial affidavit
1269 in the form prescribed by the department. An updated financial
1270 affidavit must be executed and furnished to the department at
1271 the inception of each proceeding to modify an administrative
1272 support order. A caregiver is ~~caretaker~~ ~~relatives~~ are not
1273 required to furnish a financial affidavit ~~affidavits~~.

1274 (b) Each parent and caregiver, ~~caretaker~~ ~~relative~~ if
1275 applicable, shall disclose to the department, no later than 20
1276 days after receipt of the notice of proceeding to establish

2010694er

1277 administrative support order, and update as appropriate,
1278 information regarding his or her identity and location,
1279 including names he or she is known by; social security number;
1280 residential and mailing addresses; telephone numbers; driver's
1281 license numbers; and names, addresses, and telephone numbers of
1282 employers. Pursuant to the federal Personal Responsibility and
1283 Work Opportunity Reconciliation Act of 1996, each person must
1284 provide his or her social security number in accordance with
1285 this section. Disclosure of social security numbers obtained
1286 through this requirement shall be limited to the purpose of
1287 administration of the Title IV-D program for child support
1288 enforcement.

1289 (c) Each parent and caregiver ~~caretaker~~ relative, if
1290 applicable, has a continuing obligation to promptly inform the
1291 department in writing of any change in his or her mailing
1292 address to ensure receipt of all subsequent pleadings, notices,
1293 payments, statements, and orders, and receipt is presumed if
1294 sent by regular mail to the most recent address furnished by the
1295 person.

1296 Section 9. Effective October 1, 2010, subsection (7) of
1297 section 409.25635, Florida Statutes, is amended to read:

1298 409.25635 Determination and collection of noncovered
1299 medical expenses.—

1300 (7) COLLECTION ACTION; ADMINISTRATIVE REMEDIES.—Any
1301 administrative remedy available for collection of support may be
1302 used to collect noncovered medical expenses that are determined
1303 or established under this section. The department may collect
1304 noncovered medical expenses in installments by adding a periodic
1305 payment to an income deduction notice issued by the department.

2010694er

1306 Section 10. Effective November 1, 2010, subsections (4),
1307 (5), (7), (8), (9), and (11) of section 409.2564, Florida
1308 Statutes, are amended to read:

1309 409.2564 Actions for support.—

1310 (4) Whenever the Department of Revenue has undertaken an
1311 action for enforcement of support, the Department of Revenue may
1312 enter into an agreement with the obligor for the entry of a
1313 judgment determining paternity, if applicable, and for periodic
1314 child support payments based on the child support guidelines
1315 schedule in s. 61.30. Before ~~Prior to~~ entering into this
1316 agreement, the obligor shall be informed that a judgment will be
1317 entered based on the agreement. The clerk of the court shall
1318 file the agreement without the payment of any fees or charges,
1319 and the court, upon entry of the judgment, shall forward a copy
1320 of the judgment to the parties to the action. ~~To encourage out-~~
1321 ~~of-court settlement and promote support order compliance, if the~~
1322 ~~obligor and the Department of Revenue agree on entry of a~~
1323 ~~support order and its terms, the guideline amount owed for~~
1324 ~~retroactive support that is permanently assigned to the state~~
1325 ~~shall be reduced by 25 percent.~~

1326 (5) Whenever the department ~~IV-D agency~~ has undertaken an
1327 action to determine paternity, to establish an obligation of
1328 support, or to enforce or modify an obligation of support, the
1329 department ~~IV-D agency~~ shall be a party to the action only for
1330 those purposes allowed under Title IV-D of the Social Security
1331 Act. The program attorney shall be the attorney of record solely
1332 for the purposes of support enforcement as authorized under
1333 Title IV-D and may prosecute only those activities which are
1334 eligible for federal financial participation under Title IV-D.

2010694er

1335 An attorney-client relationship exists only between the
1336 department and the legal services providers in all Title IV-D
1337 cases. The attorney shall advise the obligee in Title IV-D cases
1338 that the attorney represents the agency and not the obligee.

1339 (7) The director of the department ~~Title IV-D agency~~, or
1340 the director's designee, is authorized to subpoena from any
1341 person financial and other information necessary to establish,
1342 modify, or enforce a child support order.

1343 (a) For the purpose of establishing or modifying a child
1344 support order, or enforcing a support order, the director of the
1345 department ~~this~~ or another state's Title IV-D agency, or any
1346 employee designated by the director of the department ~~this~~
1347 ~~state's Title IV-D agency~~ or authorized under another state's
1348 law, may administer oaths or affirmations, subpoena witnesses
1349 and compel their attendance, take evidence and require the
1350 production of any matter which is relevant to the support
1351 action, including the existence, description, nature, custody,
1352 condition, and location of any books, documents, or other
1353 tangible things and the identity and location of persons having
1354 knowledge of relevant facts or any other matter reasonably
1355 calculated to lead to the discovery of material evidence.

1356 (b) Subpoenas issued by the department ~~this~~ or another ~~any~~
1357 ~~other~~ state's Title IV-D agency may be challenged in accordance
1358 with s. 120.569(2)(k)1. While a subpoena is being challenged,
1359 the department ~~Title IV-D agency~~ may not impose a fine as
1360 provided for under paragraph (c) until the challenge is complete
1361 and the subpoena has been found to be valid.

1362 (c) The department ~~Title IV-D agency~~ is authorized to
1363 impose a fine for failure to comply with a subpoena. Failure to

2010694er

1364 comply with the subpoena, or to challenge the subpoena as
1365 provided in paragraph (b), within 15 days after service of the
1366 subpoena may result in the agency taking the following actions:

1367 1. Imposition of an administrative fine of not more than
1368 \$500.

1369 2. Enforcement of the subpoena as provided in s.
1370 120.569(2)(k)2. When the subpoena is enforced pursuant to s.
1371 120.569(2)(k)2., the court may award costs and fees to the
1372 prevailing party in accordance with that section.

1373 (d) The department ~~Title IV-D agency~~ may seek to collect
1374 administrative fines imposed pursuant to paragraph (c) by filing
1375 a petition in the circuit court of the judicial circuit in which
1376 the person against whom the fine was imposed resides. All fines
1377 collected pursuant to this subsection shall be deposited into
1378 the Child Support Enforcement Application and Program Revenue
1379 Trust Fund.

1380 (8) In cases in which support is subject to an assignment
1381 as provided under 45 C.F.R. s. 301.1, the department ~~Title IV-D~~
1382 ~~agency~~ shall, upon providing notice to the obligor and obligee,
1383 direct the obligor or other payor to change the payee to the
1384 appropriate depository.

1385 (9) (a) For the purpose of securing delinquent support, the
1386 department ~~Title IV-D agency~~ may increase the amount of the
1387 monthly support obligation to include amounts for delinquencies,
1388 subject to such conditions or limitations as set forth in
1389 paragraph (b).

1390 (b) In support obligations not subject to income deduction,
1391 the department ~~Title IV-D agency~~ shall notify the obligor of his
1392 or her delinquency and of the department's intent to require an

2010694er

1393 additional 20 percent of the monthly obligation amount to allow
1394 for collection of the delinquency unless, within 20 days, the
1395 obligor:

1396 1. Pays the delinquency in full; or

1397 2. Files a petition with the circuit court to contest the
1398 delinquency action.

1399 (11) (a) The Department of Revenue ~~Title IV-D agency~~ shall
1400 review child support orders in IV-D cases at least once every 3
1401 years when requested ~~upon request~~ by either party, or when
1402 support rights are assigned ~~the agency in cases where there is~~
1403 ~~an assignment of support~~ to the state under s. 414.095(7), and
1404 may seek modification ~~adjustment~~ of the order if appropriate
1405 under the child support guidelines ~~schedule established~~ in s.
1406 61.30. Not less than once every 3 years the department ~~IV-D~~
1407 ~~agency~~ shall provide notice to the parties subject to the order
1408 informing them of their right to request a review and, if
1409 appropriate, a modification ~~an adjustment~~ of the child support
1410 order. The ~~Said~~ notice requirement may be met by including
1411 appropriate language in the initial support order or any
1412 subsequent orders.

1413 (b) If the department's review of a support order entered
1414 by the circuit court indicates that the order should be
1415 modified, the department, through counsel, shall file a petition
1416 to modify the order with the court. Along with the petition, the
1417 department shall file a child support guideline worksheet, any
1418 financial affidavits or written declarations, pursuant to s.
1419 61.30(15), received from the parties or completed by the
1420 department as part of the support order review, a proposed
1421 modified order that includes findings as to the source and

2010694er

1422 amount of income, and a notice that informs the parties of the
1423 requirement to file an objection or a request for hearing with
1424 the court if the party wants a court hearing on the petition to
1425 modify. A copy of the petition, proposed order, and other
1426 documents shall be served by regular mail on a party who
1427 requested the support order review. A party that did not request
1428 the support order review shall be served personally in any
1429 manner authorized under chapter 48.

1430 (c) To obtain a court hearing on a petition to modify a
1431 support order, a party who is served by regular mail must file
1432 an objection to the proposed order or a request for hearing with
1433 the court within 30 days after the date on which the petition,
1434 proposed order, and other documents were mailed. If a party is
1435 served personally, to obtain a court hearing on a petition to
1436 modify the party must file an objection to the proposed order or
1437 a request for hearing with the court within 30 days after the
1438 date of receipt of the petition, proposed order, and other
1439 documents.

1440 (d) If a timely objection or request for hearing is not
1441 filed with the court, the court may modify the support order
1442 without a hearing in accordance with the terms of the proposed
1443 order.

1444 (e) If a support order does not provide for payment of
1445 noncovered medical expenses or require health insurance for the
1446 minor child and health insurance is accessible to the child and
1447 available at a reasonable cost, the department shall seek to
1448 have the order modified and any modification shall be made
1449 without a requirement for proof or showing of a change in
1450 circumstances.

2010694er

1451 Section 11. Subsection (5) of section 409.2567, Florida
1452 Statutes, is amended to read:

1453 409.2567 Services to individuals not otherwise eligible.—

1454 (5) The Department of Revenue may ~~shall~~ seek a waiver from
1455 the Secretary of the United States Department of Health and
1456 Human Services to authorize the Department of Revenue to provide
1457 services in accordance with Title IV-D of the Social Security
1458 Act to individuals who are owed support without need of an
1459 application. The department may seek a waiver if it determines
1460 that the estimated increase in federal funding to the state
1461 derived from the waiver would exceed any additional cost to the
1462 state if the waiver is granted. If the waiver is granted, the
1463 Department of Revenue shall adopt rules to implement the waiver
1464 and begin providing Title IV-D services if support payments are
1465 not being paid as ordered, except that the individual first must
1466 be given written notice of the right to refuse Title IV-D
1467 services and a reasonable opportunity to respond.

1468 Section 12. Subsection (3) of section 409.259, Florida
1469 Statutes, is amended to read:

1470 409.259 Filing fees in Title IV-D cases; electronic filing
1471 of pleadings, returns of service, and other papers.—

1472 (3) The clerks of the circuit court, chief judges through
1473 the Office of the State Courts Administrator, sheriffs, Office
1474 of the Attorney General, and Department of Revenue shall ~~work~~
1475 ~~cooperatively to~~ implement electronic filing of pleadings,
1476 returns of service, and other papers ~~with the clerks of the~~
1477 ~~circuit court~~ in Title IV-D cases upon completion of the Child
1478 Support Automated Management System II by October 1, 2009.

1479 Section 13. Paragraph (a) of subsection (20) of section

2010694er

1480 409.910, Florida Statutes, is amended to read:

1481 409.910 Responsibility for payments on behalf of Medicaid-
1482 eligible persons when other parties are liable.-

1483 (20) Entities providing health insurance as defined in s.
1484 624.603, health maintenance organizations and prepaid health
1485 clinics as defined in chapter 641, and, on behalf of their
1486 clients, third-party administrators and pharmacy benefits
1487 managers as defined in s. 409.901(27) shall provide such records
1488 and information as are necessary to accomplish the purpose of
1489 this section, unless such requirement results in an unreasonable
1490 burden.

1491 (a) The director of the agency and the Director of the
1492 Office of Insurance Regulation of the Financial Services
1493 Commission shall enter into a cooperative agreement for
1494 requesting and obtaining information necessary to effect the
1495 purpose and objective of this section.

1496 1. The agency shall request only that information necessary
1497 to determine whether health insurance as defined pursuant to s.
1498 624.603, or those health services provided pursuant to chapter
1499 641, could be, should be, or have been claimed and paid with
1500 respect to items of medical care and services furnished to any
1501 person eligible for services under this section.

1502 2. All information obtained pursuant to subparagraph 1. is
1503 confidential and exempt from s. 119.07(1). The agency shall
1504 provide the information obtained pursuant to subparagraph 1. to
1505 the Department of Revenue for purposes of administering the
1506 state Title IV-D program. The agency and the Department of
1507 Revenue shall enter into a cooperative agreement for purposes of
1508 implementing this requirement.

2010694er

1509 3. The cooperative agreement or rules adopted under this
1510 subsection may include financial arrangements to reimburse the
1511 reporting entities for reasonable costs or a portion thereof
1512 incurred in furnishing the requested information. Neither the
1513 cooperative agreement nor the rules shall require the automation
1514 of manual processes to provide the requested information.

1515 Section 14. Subsection (7) of section 414.095, Florida
1516 Statutes, is amended to read:

1517 414.095 Determining eligibility for temporary cash
1518 assistance.—

1519 (7) ASSIGNMENT OF RIGHTS TO SUPPORT.—As a condition of
1520 receiving temporary cash assistance, the family must assign to
1521 the Department of Revenue any rights a member of a family may
1522 have to support from any other person. This applies to any
1523 family member; however, the assigned amounts must not exceed the
1524 total amount of temporary cash assistance provided to the
1525 family. The assignment of support does not apply if the family
1526 leaves the program.

1527 Section 15. Subsection (1) of section 741.01, Florida
1528 Statutes, is amended to read:

1529 741.01 County court judge or clerk of the circuit court to
1530 issue marriage license; fee.—

1531 (1) Every marriage license shall be issued by a county
1532 court judge or clerk of the circuit court under his or her hand
1533 and seal. The county court judge or clerk of the circuit court
1534 shall issue such license, upon application for the license, if
1535 there appears to be no impediment to the marriage. An
1536 application for a marriage license must allow both parties to
1537 the marriage to state under oath in writing if they are the

2010694er

1538 parents of a child born in this state and to identify any such
1539 child they have in common by name, date of birth, place of
1540 birth, and, if available, birth certificate number. The name of
1541 any child recorded by both parties must be transmitted to the
1542 Department of Health along with the original marriage license
1543 and endorsements. The county court judge or clerk of the circuit
1544 court shall collect and receive a fee of \$2 for receiving the
1545 application for the issuance of a marriage license.

1546 Section 16. Effective November 1, 2010, for the purpose of
1547 incorporating the amendment made by this act to section
1548 409.2564, Florida Statutes, in a reference thereto, paragraph
1549 (c) of subsection (1) of section 61.14, Florida Statutes, is
1550 reenacted to read:

1551 61.14 Enforcement and modification of support, maintenance,
1552 or alimony agreements or orders.—

1553 (1)

1554 (c) For each support order reviewed by the department as
1555 required by s. 409.2564(11), if the amount of the child support
1556 award under the order differs by at least 10 percent but not
1557 less than \$25 from the amount that would be awarded under s.
1558 61.30, the department shall seek to have the order modified and
1559 any modification shall be made without a requirement for proof
1560 or showing of a change in circumstances.

1561 Section 17. Effective November 1, 2010, for the purpose of
1562 incorporating the amendment made by this act to section
1563 409.2564, Florida Statutes, in a reference thereto, paragraph
1564 (c) of subsection (1) of section 61.30, Florida Statutes, is
1565 reenacted to read:

1566 61.30 Child support guidelines; retroactive child support.—

2010694er

1567 (1)
1568 (c) For each support order reviewed by the department as
1569 required by s. 409.2564(11), if the amount of the child support
1570 award under the order differs by at least 10 percent but not
1571 less than \$25 from the amount that would be awarded under s.
1572 61.30, the department shall seek to have the order modified and
1573 any modification shall be made without a requirement for proof
1574 or showing of a change in circumstances.
1575 Section 18. Except as otherwise expressly provided in this
1576 act, this act shall take effect upon becoming a law.